

City Council Chamber, City Hall, Tuesday, July 13, 2004

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, July 13, 2004, Mayor Bill White presiding and with Council Members Toni Lawrence, Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, M. J. Khan, Pam Holm, Adrian Garcia, Carol Alvarado, Mark Ellis, Gordon Quan, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; Ms. Jo Wiginton, Division Chief, Contract Division, City Attorney's Office; Mr. Richard Cantu, Director Mayor's Citizens Assistance Office; Mr. Roberto Medina, Citizens Assistance Office; Mr. Jose Soto, Assistant Agenda Director present.

At 1:51 p.m. Mayor White stated that Council would begin with presentations and called on Council Member Galloway. Council Member Galloway invited Dr. Kaye Stripling, Superintendent of HISD, to the podium and stated that she had worked closely with Dr. Stripling and wanted to recognize her for all her contributions, for joining HISD in 1964 as a teacher, serving as principal and becoming superintendent in 1997; and presented her a Proclamation congratulating her on her retirement, extended best wishes for a continued success and proclaimed July 13, 2004 as "Dr. Kaye Stripling Day" in Houston, Texas. Dr. Stripling stated that she was humbled to have served the City of Houston and the children; that children were one of the greatest resources; introduced all those present with her; and thanked everyone for their help and recognition. Council Members Khan and Holm and absent.

Council Members thanked Dr. Stripling for her service and wished her good luck and a happy retirement. Council Members Khan and Holm and absent.

Council Member Quan invited Ms. Joan Jarrett director of the Texas Gulf Coast Chapter of the Leukemia and Lymphoma Society to the podium and stated that she was another outstanding woman who was retiring, presented her a Proclamation commending her and recognizing her for her loyal service, extended best wishes for a long and happy retirement; and proclaimed July 13, 2004, as "Joan Jarrett Day" in Houston, Texas. Ms. Jarrett stated that it had been an honor to serve the Texas Gulf Coast Chapter and help advance survival rates; introduced those present with her and thanked the Mayor and Council for the great support of their cause. Council Member Khan absent.

Council Member Garcia invited those present with the Rusk Athletic Club to the podium and stated that they were a nonprofit organization supporting youth and education through athletic endeavors and formed in 1949; that they showcased Hispanic athletes alienated from mainstream athletic events and raised money for college scholarships; and presented a Proclamation to them congratulating and commending them for the upcoming tournament; and proclaimed July 13, 2004, as "Rusk Athletic Club Day" in Houston, Texas. Council Members Khan, Ellis, Quan and Sekula-Gibbs absent.

Council Member Garcia invited Mr. Carl Crawford to the podium and stated that he had a special presentation to a Houstonian who excelled in sports at Jeff Davis High School and was recruited by the Tampa Bay Devil Ray's right out of high school; that he was in the majors now for two years and would be representing Houston and his team at the All Star Games; introduced his family, and presented him a Proclamation congratulating and commending his outstanding accomplishments, wished him the best, continued success and proclaimed July 13, 2004 as "Carl Crawford Day" in Houston, Texas. Mr. Crawford pitched a ball to Mayor White who after catching it stated that he had the Legal Department prepare a special Major League 30 day contract for the Astros and the pitch qualified. Mr. Crawford thanked the Mayor and Council for the recognition and stated that he hoped he did well and that their team would win the game. Council Members Khan and Sekula-Gibbs absent.

Council Members thanked and congratulated Mr. Crawford and stated that they were very proud of his accomplishments. Council Members Khan and Sekula-Gibbs absent.

At 2:16 p.m. Mayor White called the meeting to order and Council Member Wiseman led all in prayer and in the pledge of allegiance. Council Member Edwards absent.

At 2:18 p.m. the City Secretary called the roll. All present.

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

Mr. David Graham, 2413 MacConda, Houston, Texas 77027 (713-435-5404) appeared, presented information and stated that he was current president of the Trees for Houston board of directors and was present to thank the Mayor and Council for initiating the planting of 4,000 trees around Minute Maid Park and the corridors leading into the downtown area; and this planting was a true team effort with Keep Houston Beautiful, Astros, TxDOT, Buffalo Bayou Partnership and Central Houston, Inc. Council Members Galloway, Wiseman, Khan and Sekula-Gibbs absent.

Mayor White stated that planting was done in record speed and it was amazing; and Mr. Graham stated that all the planting was done in four days and was \$800,000.00 well spent. Council Members Galloway, Wiseman, Khan and Sekula-Gibbs absent.

Ms. Mazel Chandler, 1919 Runnels #249, Houston, Texas 77003 (713-263-8081) appeared and stated that she was asking for Council's support; that she needed a job and the City Ordinance said any employee hurt at work should receive medical and money, Section 14-226, that she could not do her regular job as she was still injured, but would do any job which she could do. Council Members Galloway, Wiseman, Khan and Sekula-Gibbs absent.

Mayor White thanked Ms. Chandler for coming and upon questions, Ms. Chandler stated that she sent information to Human Resources but had no response. Mayor White stated that this was a time where city employees were trying to find work in other positions within the city and they were working to find placements and he did appreciate her coming. Council Members Galloway, Wiseman, Khan and Sekula-Gibbs absent.

Council Member Edwards stated that she spoke with Ms. Chandler a couple of times in her office and it had been about two years; that she was sure Human Resources had her information and she was not sure as to why she was not placed; that she had been injured and her understanding was you were to be placed when you came back; and Ms. Chandler stated that they said she did not have priority over the job because she still could not do it since she was still injured and that she had to wait for a job. Council Members Galloway, Wiseman, Khan and Sekula-Gibbs absent.

Mayor White stated that he was informed there was a position open for senior inventory management clerk; and upon questions, Ms. Chandler stated that she could not drive or bend or stoop anymore and needed a job sitting down. Mayor White asked that Mr. Rod Newman of Human Resources speak with her at this time. Council Members Galloway, Wiseman, Khan, Sekula-Gibbs and Berry absent.

Ms. Gloria Jones, 3819 Daphne, Houston, Texas 77021 (713-748-1051) appeared at the podium; and the City Secretary stated that if she was to make allegations against a Houston police officer it was policy to do so under oath; and Ms. Jones stated that she was and under oath stated that she was present on behalf of her son who was arrested by two Hispanic and two White police officers; that they beat him while handcuffed and broke his jaw in two places; that a letter was written to Internal Affairs and they said they had not received it; and she was trying to find out what really happened. Council Members Galloway, Wiseman, Khan, Sekula-Gibbs and Berry absent.

Mayor White stated that he understood something was written to Internal Affairs, but they

had no record of receiving it and Captain Jones would speak with her at this time. Council Members Galloway, Wiseman, Khan, Quan, Sekula-Gibbs and Berry absent.

Mr. Guy Felton, 8125 McGee Lane, Houston, Texas 77071 (713-988-4200) appeared and stated that he was president and owner of A. G. Welding in district C and was present asking for street repair and other city services such as water, sewage and gas; that he contacted Council Member Goldberg several times and received no response; that there was a health hazard with no street drainage and he was told it was a private street, but wanted to know the procedure to get it public. Council Members Galloway, Wiseman, Khan, Sekula-Gibbs and Berry absent.

Council Member Goldberg stated that it was a private street and there were several others in his area; that the city was prohibited from doing any service on a private street; and upon questions Ms. Wiginton stated that there were standards a street needed to become a city street and she was sure Planning would have the information or if they would contact the Legal Department they would give the information. Council Members Lawrence, Galloway, Wiseman, Garcia and Berry absent.

Mayor White stated that Mr. Gary Norman with Public Works was present and would speak with him at this time. Council Members Lawrence, Galloway, Wiseman, Garcia and Berry absent.

Ms. Lois Pickersgill, 5022 S. Willow Drive #1117, Houston, Texas 77035 (713-721-8891) had reserved time to speak but was not present when her name was called. Council Members Galloway, Wiseman 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 Galloway, Wiseman and Berry absent.

Mr. Bob Womack, 1618 Sutton, Houston, Texas 77006 (713-942-9181) appeared and stated that there were a lot of streets in the Fourth Ward that variances were being applied for and the streets were very narrow, if someone was parked you could barely get by; that he spoke with Mr. Norman and at one of the meetings and was told it was because of the heritage and it was not a historic area so he could not understand it. Council Members Galloway, Wiseman and Berry absent.

Council Member Edwards stated that part of the Fourth Ward was considered historic, there was a long history and it was about what happened there; that she did not think the area had been given the respect and preservation it should, but was kin to other historic entities like the Alamo, Williamsburg, etc., whether the street could be widened she did not know, but she would be more than happy to check and would be more than happy to talk to him about this, but she would probably be against street widening and her assistant would get information from him at this time. Council Members Galloway and Berry absent.

Mr. Andre Ford, 10603 Onslow, Houston, Texas 77016 (713-631-6371) appeared and stated that his brother was a good person, but a product of his environment; that he lived in a community where violence was an answer to conflict and his brother, Donald Eric Ford, was murdered April 18th in the Riverwood Subdivision; that there was a need for the City of Houston to coordinate a mediation program to deflect potential violent situations and that community service and job support programs would provide support needed to reduce violence in the Houston area; named agencies and centers which could develop the program with the City and continued explaining how they could curb violence without extra expenditures; and that he was willing to speak with anyone interested. Council Members Galloway, Garcia and Berry absent.

Mayor White stated that there would be a hearing on the appeal relating to the matter to be addressed tomorrow and he was advised to pass on to Council that on the hearing from the

standard of law they must confine themselves to the matter which was in the record before the original hearing examiner. Council Members Galloway, Garcia, Sekula-Gibbs and Berry absent.

Ms. Doris Hinson, 1920 Ridgecrest, Houston, Texas 77055 (713-461-4160) appeared and stated that she was president of the Ridgecrest Civic Club and that they were facing a challenge with the Long Point Auto Auction located at 8150 Long Point; that it began when he placed a sign in violation of their deed restrictions, then they found he was in violation as he was operating without a permit. Ms. Hinson discussed their concerns and the disruption of residents until her time expired. Council Members Galloway, Garcia, Sekula-Gibbs and Berry absent.

Mayor White stated that if there were no objections she would have another 20 seconds to wrap up; and Ms. Hinson further stated that they knew the matters would be handled properly and fairly and wanted to thank the Mayor and Council for listening to their concerns and Council Member Lawrence for all her work. Council Members Galloway, Garcia, Sekula-Gibbs and Berry absent.

Council Member Lawrence thanked Ms. Hinson for coming and stated that it was an item on the Agenda and urged all Council Member to read the backup. Council Members Galloway, Sekula-Gibbs and Berry absent.

Mr. Peter Sullivan, 1848 Lynnview Drive, Houston, Texas 77055 (713-973-2341) appeared and stated that the dealership, Long Point Auto, was not being used for an auto sales, they had auctions which was a big difference; that they caused a traffic jam and noise and it had become a carnival atmosphere. Council Members Galloway and Sekula-Gibbs absent.

Mr. Larry Parr, 12345 Jones Road, Houston, Texas 77077 (713-553-4396) appeared, presented information and stated that he was present on the Third Party Commercial Plan Review; that Council told him to come up with a plan and he was present with that plan which would be a pilot program limited to five companies for a one year period and he reviewed the plan and qualifications included in the information presented until his time expired. Council Members Galloway and Sekula-Gibbs absent.

Council Member Goldberg thanked Mr. Parr for coming and giving a synopsis of how to implement the plan; and upon questions, Mr. Parr stated that there were only five companies for the first year; that on the committee there should be people from Gary Bridges office, Bob Litke's office and people from the private sector and he volunteered; that there would be bumps and that was why it should be limited to five and with each company paying a \$10,000.00 franchise fee to the City of Houston it showed they were committed and it did not cost the city for an auditor; that he believed they would go out for an RFQ and the staff would be certified and it should happen right away. Council Members Galloway, Ellis and Sekula-Gibbs absent.

Mayor White stated that the taskforce report was put on the website and they had received comments, one were to have a steering committee and that would be chaired by Mr. Walsh when he got through with some of his responsibilities and he knew they would need to contract out in some form or fashion simply because of the number of people they would need doing the work and he thought the type of stakeholder group he identified would be in a good position to save that; and if someone was trying to push a particular vendor then they did not want them on the committee. Council Members Galloway, Ellis and Sekula-Gibbs absent.

Pastor Carolyn Sion, 2400 Eastex Freeway, Houston, Texas 77026 (832-876-4494) appeared, presented pictures for viewing and stated that she was from the Praise Deliverance Church in the Fifth Ward Community and was present regarding a breather placed on the churches easement which was a toxic waste hazard releasing an odor as she had never smelled before; that sometimes they could not even continue services as people were sick and throwing up; that it was in no other area but theirs and they had complained for eight years asking that it be removed; that all Public Works did was put a pill in it and then leave again; and

urged that it be removed. Council Members Galloway, Ellis and Sekula-Gibbs absent.

Mayor White stated that there were two issues, first he was told that by Friday they would have elevated the pipe, but it would not be right to have it in just one area; and stated if there were no objections he would like Mr. Norman to come up for questions. Council Members Galloway, Ellis and Sekula-Gibbs absent.

Upon questions by Mayor White, Mr. Norman stated that the sanitary sewer system was not a closed system it was open and collected sewer gases and they did have to be vented all over town otherwise the explosive vapors would accumulate and create an unsafe situation; that particular line was several miles long, a twelve foot trunk line, moving waste material to one of the treatment plants and the vents were required about every 1,000 feet; that there were other types of vents in other places around town; that work was about to start on the one Ms. Sion spoke of and it was to be raised to about thirty feet; that they felt the majority of the odor was coming from the manhole cover itself and they would make sure it was sealed off completely; that on trunk lines the size of the line determines how far apart each vent would be and some may even be closer than that 1,000 feet; that there was no practice to do something in one part of town and not the other, they followed best engineering practices across the city. Council Members Galloway, Ellis, Quan and Sekula-Gibbs absent.

Council Member Edwards stated that most of her questions were answered, but would like to be informed as to what the resolution of the problem was; and Mayor White stated that he would like Mr. Norman to inform him and Council Member Edwards when the project was completed. Council Members Galloway, Garcia, Ellis, Quan and Sekula-Gibbs absent.

Council Member Goldberg stated that they were in his part of town and they complained also; and upon questions, Mr. Norman stated that they could put in injection points where they placed chemicals in the lines and it medicated some of the odors and they could look at that long-term down the road; that they could also look at putting on a carbon filter, but for now they would do as he previously stated; and Council Member Goldberg stated that he would like them to look at ionization or adding the chemicals and he would like Public Works to get back with them; and Mr. Norman stated that they were committed to looking for a fix, but in the near-term this was the best solution. Council Members Galloway, Garcia, Ellis, Quan and Sekula-Gibbs absent.

After further discussion Mayor White stated that there may need to be policies and procedures where Council Members within the CIP could look at what the incremental cost of relocating some vents would be. Council Members Galloway, Garcia, Ellis, Quan and Sekula-Gibbs absent.

Minister Joe Angel Lopez, 9407 Westheimer #201A, Houston, Texas 77063 (713-787-6736) appeared and stated that he had three severe beatings Thursday Night until Friday a.m. in the Fifth Ward at Gregg Street where he was left for dead; and continued until his time expired. Council Members Galloway, Garcia, Ellis, Quan and Sekula-Gibbs absent.

Mr. Samuel Shahda, 6110 Hyde Park Blvd., Houston, Texas 77006 (713-521-9030) appeared and stated that he lived in the Avondale section of Montrose and he understood because of the shortfall they would not have classes for training officers; that he and his neighbors saw vans, etc., bring in prostitutes and drop them in their area and saw drugs being sold and in addition he was outraged that some had to erect fences to keep the criminal element from encroaching on their property; that the problem could not be addressed by a FAST team of seven men and more teams were needed; that they did not want higher taxes and less services. Council Members Galloway, Goldberg, Garcia, Ellis and Sekula-Gibbs absent.

Mayor White stated that they had identified a new source of funds for a new entering class and it was the Administration's goal along with the safety committee, Council Members and

police force to have a long-term plan on staffing of officers where they would have adequate coverage within the city. Council Members Galloway, Goldberg, Garcia, Ellis and Sekula-Gibbs absent.

Council Member Edwards stated that officers were aware of the problem and had done sting operations, but once they left it was back again; that the area was a concern of theirs and they were trying to get a handle on it. Council Members Galloway, Goldberg, Garcia, Ellis and Sekula-Gibbs absent.

Upon questions by Council Member Quan, Mr. Shahda stated that the storefront was there to help address the concerns; and Mr. Shahda stated that they had always been in a mixed neighborhood and the activities of the area were never a problem until the last year and a half when the element of crime entered. Council Members Galloway, Goldberg, Ellis and Sekula-Gibbs absent.

Upon questions by Council Member Garcia, Mr. Shahda stated that the FAST team was very positive to the area. Council Member Garcia stated that some of the issues did need to be addressed by a team with the ability to enforce and execute that type of legal tool to the nuisances or they continued to grow; and thanked Mr. Shahda for reporting on the issue. Council Members Galloway, Goldberg, Ellis and Sekula-Gibbs absent.

Ms. Anita Shahda, 6110 Hyde Park Blvd., Houston, Texas 77006 (713-521-9030) appeared and stated that they worked with the storefront and they were very helpful; that the FAST team was very effective but as soon as a need arose elsewhere they were moved about like checkers and as a result of the Band Aid philosophy they were seeing the crime element of prostitution and drugs; that there was a data base which said Houston was the place to go and they came; that due to the financial situation Mayor White had replaced jailers with officers and people were aware of it and taking advantage of it; that they wanted to win and they wanted the FAST team. Council Members Galloway, Goldberg, Ellis and Sekula-Gibbs absent.

Council Member Garcia thanked Ms. Shahda for reporting on the issue and stated that they were not losing the FAST team but they were not where they could be; and Mayor White stated that he heard what they were saying and knew there was a big need; that if they got too far behind they may never catch-up; and on the issue of resource allocation it needed to be deployed to serve customers better. Council Members Galloway, Goldberg, Ellis and Sekula-Gibbs absent.

Council Member Quan stated that he believed in the FAST team and there were not enough resources, but they were looking to do notices to get the whole community involved and weed out those business that were bad actors in the process and let everyone know they were serious as a city. Council Members Lawrence, Galloway, Goldberg, Ellis and Sekula-Gibbs absent.

Council Member Edwards stated that constituents said taverns gave protection to some people and at sometime someone would have to take the responsibility that if criminal activity went on your property you would be held responsible; that she did know there were such websites saying this was the place to go to buy and sell and she knew they needed solutions for the community; and Mayor White stated that maybe the City Attorney's Office could provide information on ways they could address the issue; and asked Legal to look and see what could be done. Council Members Lawrence, Galloway, Goldberg, Ellis and Sekula-Gibbs absent.

Mr. Joe Shahda, 1910 West Dallas, Houston, Texas 77019 (713-521-1237) appeared and stated that he was the president of the Hobby Belfort Community Improvement Association, a grassroots nonprofit coalition of citizens, civic leaders, retirees, managers, etc., bound together to improve the quality of life in their area and they were created because of the high crime in the area; that the Southeast Houston Police Department had taken them over the top and now were

finishing a letter of intent for the weed and seed program; that crime decreased considerably in the area, but the FAST team was under staffed. Council Members Lawrence, Galloway, Goldberg, Ellis and Sekula-Gibbs absent.

Council Member Alvarado stated that she could attest to what he said and she commended the area for coming together in fighting crime; that she encouraged him to apply for the weed and seed and she hoped programs which displayed such success would be expanded on. Council Members Galloway, Goldberg, Ellis and Sekula-Gibbs absent.

Ms. Linda Linda, (901) Bagby, Houston, Texas 77002 (713-304-2887) appeared and stated that she was a city employee and reported a complaint and now the tables turned and she was reassigned and not allowed to work her original hours; that also when you made a complaint about workplace situations and then were reassigned it made it hard for others to come forward; that the equipment she used now was not for humans to use all day; that she had been with the city six months and even took her facemask home to wash to help save money; that what she spoke up on was just something small; that there were much more serious incidents. Council Members Galloway, Goldberg, Ellis and Sekula-Gibbs absent.

Mayor White thanked Ms. Linda for bringing this to their attention and he was aware of some of the charges she had made; and Ms. Linda stated that she was fearful of her job and would appreciate someone following up with her. Council Members Galloway, Goldberg, Edwards, Holm, Alvarado, Ellis and Sekula-Gibbs absent.

Upon questions by Council Member Quan, Ms. Linda stated that she drove a cherry picker in Solid Waste and her name was really Cecelia Soloman. Council Member Quan stated that he appreciated her coming as they took such matters seriously. Council Members Galloway, Goldberg, Edwards, Holm, Alvarado, Ellis and Sekula-Gibbs absent.

Mr. Curtis Morton, 12426A Ticonderoga Road, Houston, Texas 77044 (281-459-3963) had reserved time to speak but was not present when his name was called. Council Members Galloway, Goldberg, Edwards, Holm, Alvarado, Ellis, Quan and Sekula-Gibbs absent.

Ms. Melvia Brooks, 7340 Dillon, Houston, Texas 77061 (713-649-3538) appeared and stated that she was a third grade teacher at Blackshear Elementary School; that her brother was mentally ill and she thanked Houston police officers for helping locate him in Detroit, Michigan; that she was bringing the problem of mental illness to Council because many people spoke before them weekly that were mentally ill; that mental illness destroyed families, but she was present because of the attitude of Council Members Green and Quan who went on to question a particular person who came on a regular basis and she thought they were condescending and not needed; that there was a wall of ignorance and hopefully she just took one brick down. Council Members Galloway, Goldberg, Edwards, Holm, Alvarado, Ellis and Sekula-Gibbs absent.

Council Member Khan stated that mental illness was a serious matter and everyone should take it seriously; that his chief of staff would be present in a moment and would like to speak with her because they were looking into things and maybe they could share experiences. Council Members Galloway, Goldberg, Edwards, Holm, Alvarado, Ellis, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that he needed some wisdom on something troubling him; that if someone was familiar with someone needing assistance for mental illness who may be a guardian of young children what should he do; that issue had been bothering him for a couple of weeks, it was something where if you did nothing you may feel responsible; and Ms. Brooks stated that it was hard to understand and sometimes it was funny, but people belonged to families and it was important in what you said and did. Mayor White stated that his issue was everyone was here together and had the responsibility of being good stewards and when should

someone seek professional assistance if they, as elected officials, saw other situations such as he described. Council Members Galloway, Goldberg, Edwards, Holm, Alvarado, Ellis, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mr. Orell Fitzsimmons, 315 W. 14th, Houston, Texas 77008 (713-863-9877) appeared and stated that he was with the Service Employees International Union, part of the AFLCIO, and represented many types of workers, but their complaint was the way the Friends of Hermann Park were dealing with vendors; that they just went through a supposed bargaining session to get new contracts, which basically they were forced to sign, and now the Friends were trying to change their contract with the city so they could control them and get what they wanted more easily. Council Members Galloway, Edwards, Khan, Holm, Garcia, Alvarado, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Quan, Mr. Fitzsimmons stated that the vendors signed a contract with the Friends of Hermann yesterday, but part of the problem was the way they were treated in negotiations and now they were trying to amend the contract they had to eliminate the vendors and put the positions out for bid; and most would lose their business if that happened. Council Member Quan stated that he would be happy to speak with Ms. Stoller and the Friends of Hermann Park. Council Members Lawrence, Galloway, Goldberg, Edwards, Khan, Holm, Alvarado, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Tina Dequevedo, 3732 Thistlemount, Houston, Texas 77042 (713-443-1653) appeared and stated that the contract was signed yesterday but it was not a negotiated contract, it was a take it or leave it contract; that she brought certain issues to their attention such as violations in permitting, health department regulations and city ordinance and to date none of the issue were addressed and they felt they were above it because they were fundraisers and because of their relation to Council and that was clearly stated to them; that they could never get the ear or time for anyone to hear what this arrangement had on the lives of those out there, what it meant to build a successful concession; and if this was the airport no one would be just sitting back. Council Members Lawrence, Galloway, Goldberg, Edwards, Khan, Holm, Alvarado, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that he appreciated the issue and they needed to figure out what the balance was; and thanked Ms. Dequevedo for expressing her concerns; and Ms. Dequevedo stated that they had been severely degraded and humiliated and referred to by the Friends as the animals on the outside of the zoo and she did not think they should be regarded in that manner. Council Members Lawrence, Galloway, Goldberg, Edwards, Khan, Holm, Alvarado, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Juana Cheesman, 8907 N. Kitmore, Houston, Texas 77099 (281-568-6446) appeared and stated that she was present over basically the same things; that the Friends made them sign a contract that did not protect them; that they had been there fifteen years and since they could get no help they signed it, but the Friends of Hermann wanted to take over the park and she was worried as they said at the end of next year they were out because they were going out for bids and she wanted the Mayor and Council to know what they were trying to do; that there was piles and piles of mistakes on each of the vendors and they were lies, things they never did; and for November 28th through December 28th they were having a festival and they did not want the vendors working, they would not allow it, and they had a contract. Council Members Lawrence, Galloway, Goldberg, Edwards, Khan, Holm, Garcia, Alvarado, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Juana Bohannon, 321 Wheeler Avenue #2, Alvin, Texas 77511 (281-585-3591) appeared and stated that she would like to speak in Spanish, could they understand; and Council Member Wiseman and Mayor White stated that they would understand. Ms. Bohannon

stated that she was also a vendor having the same problems; that they would not let them work in peace and made them sign the contract with out negotiations; and they also had families to support. Council Members Lawrence, Galloway, Goldberg, Edwards, Khan, Holm, Garcia, Alvarado, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White thanked Ms. Bohannon for coming and speaking on the issue. Council Members Lawrence, Galloway, Goldberg, Edwards, Khan, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Wiseman stated that it was her understanding they were having difficulties regarding operations at Hermann Park and would request an arrangement between the Parks Director and them to discuss their concerns; and Mayor White stated that they were dealing with peoples lives and he did not want to send false signals but he would speak with Mr. Moore in his office; that in most situations he had seen and been involved with some workforce continuity issues in allowing incumbents to have an opportunity was a plan; and if the Friends of Hermann Park thought they could make more money or do better services or they would let them manage or not, but he thought the issue of workforce continuity with people who did not have the public sector or experience of running larger organizations may not be familiar with it. Council Member Wiseman stated that if there were problems she would like to see if they could offer suggestions; that she did not wish to run it but would like a better understanding of the issues and problems. Council Members Lawrence, Galloway, Goldberg, Edwards, Khan, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Alvarado stated that she understood and would offer her card to her so that they may speak later. Council Members Lawrence, Galloway, Goldberg, Edwards, Khan, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Thelma Lemus, 8206 Fulton, Houston, Texas 77022 (713-692-8742) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Galloway, Goldberg, Edwards, Khan, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Francisco Paredes, 8907 N. Kitmore, Houston, Texas 77099 (281-568-6446) appeared and stated that he was present to express his disagreement also to the process the Friends of Hermann Park followed; that it was very negative, usually he could renew and now he could not; that it was not fair, it offered no security and he was requesting Council's help. Mayor White, Council Members Lawrence, Galloway, Goldberg, Edwards, Khan, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Upon questions by Mayor Pro Tem Alvarado, Mr. Paredes stated that he had nothing to leave to read, but would like to speak with her as maybe she could listen; and Mayor Pro Tem Alvarado stated that she just gave her card to a previous speaker and would be happy to. Mayor White, Council Members Lawrence, Galloway, Goldberg, Edwards, Khan, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Mary Lawler, 802 Fugate, Houston, Texas 77099 (713-864-8099) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Galloway, Edwards, Khan, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Cleola Williams, 1706 Edwards, Houston, Texas 77007 (713-225-6838) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Galloway, Edwards, Khan, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

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

Ms. Pam Curvey, 7607 Moline, Houston, Texas 77087 (713-847-8369) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Galloway, Edwards, Khan, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Lonn Vasquez, 1704 Webber, Houston, Texas 77007 (713-376-6880) appeared and stated that Council did not care about having an ice rink so he was going on; that the other day he witnessed the man hit by the train and it was not a good site; that he would suggest a police storefront downtown. Mayor White, Council Members Galloway, Edwards, Khan, Holm, Garcia, Ellis, 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 Galloway, Edwards, Khan, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

At 4:26 p.m. City Council recessed until 9:00 a.m., Wednesday, June 30, 2004. Council Member Goldberg out of the city on city business. Council Members Galloway, Edwards, Wiseman, Khan, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, July 14, 2004

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, July 14, 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 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 9:18 Mayor White reconvened the meeting of the City Council. Council Members Goldberg, Wiseman and Alvarado absent.

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 1 through 26

MISCELLANEOUS - NUMBER 3

3. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **HOUSTON PARKS BOARD**, for terms to expire January 1, 2007:

- Position 1 - **MR. DON S. ARON**, appointment
- Position 2 - **MS. ELEANOR W. TINSLEY**, reappointment
- Position 3 - **MR. TERRENCE (Terry) S. CHENG**, appointment
- Position 10 - **MR. JAMES A. ELKINS III**, reappointment

- Position 13 - **MS. YOLANDA BLACK NAVARRO**, reappointment
Position 16 - **MS. NANCY T. REYNOLDS**, reappointment

- was presented, moved by Council Member Alvarado, seconded by Council Member Khan. All voting aye. Nays none. Council Members Goldberg and Wiseman absent. MOTION 2004-0829 ADOPTED.

Mayor White asked that the members of the Houston Parks Board who were in attendance to please stand and be recognized.

ORDINANCES - NUMBERS 18 through 26

18. ORDINANCE approving and authorizing correction of Real Property description contained in an interlocal agreement between the City of Houston and **HARRIS COUNTY** for transfer of the Future Development, Operations and Maintenance of Nottingham Park from the City to Harris County - **DISTRICT G - HOLM** - was presented. All voting aye. Nays none. ORDINANCE 2004-0762 ADOPTED.
19. ORDINANCE approving and authorizing amendment No. 1 to lease agreement by and between the City of Houston and **FEDERAL EXPRESS CORPORATION** at George Bush Intercontinental Airport/Houston - Revenue - **DISTRICT B - GALLOWAY** - was pulled from the agenda by the administration and would not be considered.
25. ORDINANCE approving and authorizing first amendment to Contract No. C50772 between the City of Houston and **DRC, INC** to extend the term from January 1, 2005 to December 31, 2007, for Disaster Debris Removal Services for the Solid Waste Management Department - was presented. All voting aye. Nays none. ORDINANCE 2004-0763 ADOPTED.
26. ORDINANCE appropriating \$888,775.00 out of Airport System Subordinate Lien Revenue Bonds Series 1998B AMT (535); authorizing the purchase of land and improvements thereon out of Greenview Manor Section Two, McAuley Survey, A-577, Houston, Harris County, Texas, for a Noise Compatibility Program at Bush Intercontinental Airport, CIP A-0476-39.1, Project 617; approving purchase and sale agreements with the owners of the land (Jerry D. Narvaez and Lydia L. Narvaez) - **DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. ORDINANCE 2004-0764 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

1. REQUEST from Mayor for confirmation of the appointment of **MR. WILLIAM (JOE) TURNER** as City of Houston Parks and Recreation Director - was presented, moved by Council Member Wiseman, seconded by Council Member Alvarado. Council Member Edwards voting no, balance voting aye. MOTION 2004-0830 ADOPTED.

Mayor White congratulated Mr. Turner and invited him to the podium.

Mr. Turner stated that he wanted to thank Mayor White and the Council Members, that he appreciated the opportunity to have the position and the support that he had from the Council Members, that he was extremely excited about the opportunities they had out there and he had one favor to ask of each Council Member and that was to all work together to improve the parks and recreational opportunities and programs that they had for the citizens of Houston.

Members of Council congratulated Mr. Turner on his appointment and wished him well in

his new position. Council Member Goldberg absent.

2. REQUEST from Mayor for confirmation of the appointment of **MR. MICHAEL S. MARCOTTE, P. E.** as City of Houston Department of Public Works and Engineering Director - was presented, moved by Council Member Wiseman, seconded by Council Member Wiseman. Council Member Berry absent.

Council Member Khan requested that Mr. Marcotte let them know about his experience in Washington, D. C. and appreciated if that could be allowed at this time. Council Member Berry absent.

Mayor White invited Mr. Marcotte to the podium prior to the vote to address certain issues that had been in the press, and upon questions by Members of Council, Mr. Marcotte stated that he had spent the last seven years in the Nation's capitol, Washington, D. C., working on a very challenging urban water and wastewater system, an aging system and they had a number of successes including bringing the water system into full compliance after a period of non compliance, major improvements to the wastewater system and major improvements to the economic health of that organization, as well as the customer service, that in the last several months the issue of lead had received a great deal of public attention, it went back to a change that was made several years ago by the Army Corps of Engineers on the water treatment system that served Washington, D. C. they did not run a water plant in Washington, D. C. and they now knew, with the benefit of some hindsight, that the change in chemistry that occurred by the Corps of Engineers, apparently triggered an increase in the lead levels experienced by some of their customers, they discovered that fact definitively in 2002 and learned more about it in 2003 and of course in 2004 a great deal of public attention was focused on the issue, as a result the utility had made a change in conjunction with the Corps of Engineers in the type of treatment that was done, they had also done extensive testing and he was happy to report that one of the outcomes of the process had been to focus attention on the issue of lead in the environment, especially the other sources of lead, which were much more significant, like lead paint and lead in toys for children, the Health Department undertook a number of tests and found no correlation of any significance with the drinking water lead and children's lead levels, that lead was obviously a concern, both a serious concern to young children and to pregnant and nursing mothers and had been an experience that had involved the EPA, the Health Department and the agency that he previously served in learning about the process, that he believed they would be a case study for other cities that dealt with that issue and had learned the lesson, sometime somewhat painfully, but had learned lessons about public communications, about coordination with regulatory bodies and about the importance about monitoring for contaminants even beyond what EPA may ask to do. Council Member Berry absent.

After further questions and comments by Members of Council, a vote was taken on Item No. 2. All voting aye. Nays none. Council Members Lawrence, Galloway and Edwards absent. MOTION 2004-0831 ADOPTED.

Mayor White congratulated Mr. Marcotte on his appointment and asked if Mr. Marcotte had any comments. Council Members Lawrence, Galloway and Edwards absent.

Mr. Marcotte stated that he wanted to recognize that Mr. Vanden Bosch was his mentor and considered him a model when he worked for him a number of years ago, that he wanted to thank him and express his admiration for his commitment to the City, that he wanted to thank members of his senior staff who were present to support him as well as a number of the engineering community whom he had worked with previously in Houston, that his wife and kids were born in Houston and he was born in New Orleans and came to Houston and went to Rice University, that he had spent more time in Houston in his adult life than anywhere else and intended to make it his home and work hard every day to improve it. Council Members Lawrence, Galloway and Edwards absent.

4. RECOMMENDATION from Director Department of Public Works & Engineering to approve refunds for Water & Sewer Accounts for various customers - \$305,209.93 - Enterprise Water & Sewer Fund- was presented, moved by Council Member Alvarado, seconded by Council Member Khan. All voting aye. Nays none. Council Members Lawrence and Edwards absent. MOTION 2004-0832 ADOPTED.

DAMAGES

5. RECOMMENDATION from City Attorney for settlement of lawsuit styled **COLLEEN MAHAN**, et al vs. the City of Houston, Texas, et al; in the United States District Court for the Southern District of Texas, Houston Division, Civil Action No. H-02-1435 - \$30,000.00 - Property and Casualty Fund - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Lawrence absent. MOTION 2004-0833 ADOPTED.

ACCEPT WORK

6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,121,112.72 and acceptance of work on contract with **ALLCO, INC** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods, GFS R-0266-78-3 (4257-15) - 01.98% over the original contract amount - **DISTRICTS A - LAWRENCE; C - GOLDBERG; D - EDWARDS; E - WISEMAN and I - ALVARADO** - was presented, and tagged by Council Member Garcia. Council Members Lawrence and Edwards absent.

PROPERTY

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. John P. Vuong & Kheo Thi Nguyen, et al, Cause No. 812,878, for acquisition of Parcel AY3-020; for the **LYONS AVENUE PAVING PROJECT from Zindler St. - Port St.**, CIP/GFS N-0663-RE-1 \$49,295.00 - **DISTRICT H - GARCIA** - was presented, moved by Council Member Khan, seconded by Council Member Holm. All voting aye. Nays none. Council Member Lawrence absent. MOTION 2004-0834 ADOPTED.

PURCHASING AND TABULATION OF BIDS

8. ORDINANCE appropriating \$1,150,000.00 out of Water & Sewer System Consolidated Construction Fund for spending authority to address the Emergency Repair of 72-inch Sanitary Sewer Line at N. Braeswood and 900 S. Rice for Public Works & Engineering Department, CIP R-0019-34-3 - **DISTRICT C - GOLDBERG**- was presented. All voting aye. Nays none. Council Members Lawrence and Edwards absent. ORDINANCE 2004-0765 ADOPTED.
- 8a. **GARVER CONSTRUCTION, LTD.** for spending authority in an amount not to exceed \$1,150,000.00 for Emergency Repair of the 72-inch sanitary sewer line at 900 S. Rice and N. Braeswood for Department of Public Works & Engineering - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2004-0835 ADOPTED.
9. **TOMMIE VAUGHN MOTORS, INC (Bid Nos. 4 and 5)** for Automotive, Ford Motor Car/Light Truck Replacement Parts & Repair for Various Departments - \$6,184,016.83 minus a commission fee (3% for Internet-based reverse auction services) for a net award amount not to exceed \$5,998,496.33 - General, Enterprise and Fleet Management Funds-

was presented, moved by Council Member Khan, seconded by Council Member Holm.

After discussion by Council Members, Mayor White stated that by unanimous consent they would hear from Mr. Calvin Wells, Purchasing Agent, at this time.

Upon questions by Council Members, Mr. Wells stated that they currently had in the system now a contract amendment for reverse auction and they should be, within two weeks, coming to Council for the approval of the amendment, they had re-negotiated the contract with the auctioneer and they had agreed to a maximum of \$20,000 per transaction, that they were working very diligently to get it to Council, that they should have received a breakdown of all the internet auction items and how much savings they had realized in the general summary of the amendments that were requested to F&A, that once Council approves the amendment to the contract then that was when the new arrangement would take place, that they had some ongoing contracts with TPC that were pending but thought the Council would have done the amendment before they came to Council, they would come under the new amendment.

A vote was called on Item No. 9. All voting aye. Nays none. MOTION 2004-0836 ADOPTED.

10. **AMEND MOTION #2001-886, 8/1/01, TO EXTEND** expiration date from August 3, 2004 to August 2, 2006, and **TO INCREASE** spending authority by \$462,879.12 from \$1,157,197.80 to \$1,620,076.92, for Fire Fighter Uniforms for Various Departments, awarded to **LONE STAR UNIFORMS, INC (Bid #1)** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Garcia absent. MOTION 2004-0837 ADOPTED.

ORDINANCES

11. **ORDINANCE AMENDING CHAPTER 16 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Municipal Court Security Officers- was presented, and tagged by Council Members Ellis, Wiseman, Galloway and Sekula-Gibbs.

Council Member Khan moved to suspend the rules to consider Item No. 21 out of order, seconded by Council Member Quan, and Mayor White stated that by unanimous consent Item No. 21 would be the next item on the agenda.

21. **ORDINANCE** approving and authorizing subordination of purchase right (Toyota Center Garage) among the City of Houston, Texas, **THE HARRIS COUNTY-HOUSTON SPORTS AUTHORITY**, and **JPMORGAN CHASE BANK** for purposes of allowing the Harris County-Houston Sports Authority to obtain favorable restructuring of its parking garage debt and in consideration of payment of certain monies by the Harris County-Houston Sports Authority to the City - **DISTRICT I - ALVARADO** - was presented.

Council Member Sekula-Gibbs stated that she had a few questions about the item and was still trying to get the questions answered, basically about the reduction in the absolute interest payment and asked if someone could answer that, that she knew it stated that it went from 500 basis points to 125 basis points but the exact dollar reduction, and she also wanted a point of clarification as to what was involved in the Hot Tax.

Mayor White stated that on the second item she raised, having to do with the Hot Tax, it did not effect that except indirectly to the extent that it reduces, in addition to being a direct financial benefit to the City, the interest expense of the Sports Authority and therefore the more they reduced the expenses of the entities getting some Hot Tax then the more availability they had for it to do other things or do whatever they thought was appropriate in the future about Hot Tax, that it did not encumber the Hot Tax to the extent that it was currently, that as to her first question he would ask the City Attorney to address that.

Ms. Katey Farley, Assistant City Attorney, stated that the Sports Authority was going to prepay 5 years of the rent that was due to the City, under the ground lease they had with the Sports Authority, that was \$200,000 per year, a \$1 million payment, that because they were prepaying it they were not going to pay \$1 million, they were going to pay the present value of that amount, that one reason they could not calculate the exact number was that the present value discount factor that was going to be used was the new interest rate on the Sports Authority refinance of its loan and that interest rate would not be set until they closed the loan, that estimated closing date was August 6, 2004 so they did not know what the discount factor was going to be, but then they were going to pay the City one half of their interest savings over the life of that loan minus the present value benefit of the prepayment of the rent, that they could not calculate that number because they did not yet know what their new principal balance of the refinanced loan was going to be because of how their loan payments were made currently, they made a fixed payment with a floating interest rate so they had a variable interest amount that was paid leaving the remainder of that fixed payment as a principal reduction, they were going to make a payment on the current loan on August 1, 2004, and Mr. Michel stated that the estimate they had for the total was a \$1,500,045.

After further discussion a vote was called on Item No. 21. All voting aye. Nays none.
ORDINANCE 2004-0766 ADOPTED.

12. ORDINANCE **AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the use of Traffic Control Personnel - was presented, and tagged by Council Member Wiseman. Council Member Edwards absent.
13. ORDINANCE **AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Parking Meters; containing findings and other provisions relating to the foregoing subject; providing for severability - was presented, and tagged by Council Members Wiseman, Quan, Sekula-Gibbs, Galloway, Goldberg and Edwards.

Mayor White stated that there was an issue that he had inquired of and had a preliminary briefing would ask that, in the appropriate form, be furnished to Members of Council on issues that he, the Mayor Pro Tem and other Council Members had asked about concerning the timetable and procedures from moving from the antiquated parking meters to something that could be done with credit cards under an RFP process, that he thought they wanted to implement more user friendly parking meters for the citizens, that whether or not the administration would support moving forward on the ordinance which had been worked on with so many of the interested parties for so long, he thought that it would be appropriate to have some kind of presentation by Council Member Green and the Chief Judge and Chief Administrator and others who had been working on it, in a Mayor's Report, perhaps after the August committee meeting.

After further discussion by Council Members, Mayor White stated that Item No. 13 was tagged.

14. ORDINANCE authorizing reallocation of amounts which may be issued for authorized purposes of the City of Houston, Texas, General Obligation Commercial Paper Notes, Series D, and declaring an emergency - was presented. All voting aye. Nays none. Council Member Edwards absent. ORDINANCE 2004-0767 ADOPTED.
15. ORDINANCE relating to the alteration or relocation of one or more off-premise signs; containing findings and other provisions relating to the foregoing subject; providing for severability - was presented. All voting aye. Nays none. Council Member Edwards absent. ORDINANCE 2004-0768 ADOPTED.
16. ORDINANCE approving and authorizing an application to the **OFFICE OF THE**

GOVERNOR, CRIMINAL JUSTICE DIVISION, for assistance under the Juvenile Accountability Block Grant Program; declaring the City's eligibility for such grant; authorizing the Mayor to act as the City's representative in the application process, with the authority to approve, accept, reject, alter or terminate such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program - \$1,013,320.00 - General and Grant Funds - was presented. All voting aye. Nays none. Council Member Edwards absent. ORDINANCE 2004-0769 ADOPTED.

17. ORDINANCE approving and authorizing contracts between the City of Houston and **A-1 PERSONNEL OF HOUSTON INC, ALLTECH SYSTEMS, INC, RUSHMORE CORPORATION d/b/a ALL TEMPS 1 PERSONNEL, ALSO TEMPS, INC, APPLE ONE TEXAS, INC, AT-TECH STAFFING SERVICES, INC, BERGAILA & ASSOCIATES, INC, CRINER-DANIELS & ASSOCIATES, INC., DATALOGIC CONSULTING, INC., ELITE COMPUTER CONSULTANTS, L.P., ELITE PERSONNEL CONSULTANTS, INC d/b/a EVINS TEMPORARIES, EXECUTEAM CORPORATION, PDS TECHNICAL SERVICES, INC, POMERANTZ STAFFING SERVICES, L.L.C., and SILVER & ASSOCIATES, INC**, for Temporary Administrative/Industrial and Information Technology Staffing - \$7,000,000.00 - Central Services Revolving Fund - was presented. Council Members Goldberg and Edwards absent.

Council Member Ellis stated that one of the companies was delinquent, that it was a small amount and he would just request that they follow up and make sure that they took care of their delinquency, that it was Silver & Associates, and Mayor White stated that there would be a call made on that, that the record in the file showed no delinquency. Council Members Goldberg and Edwards absent.

A vote was called on Item No. 17. All voting aye. Nays none. Council Member Goldberg, Edwards and Holm absent. ORDINANCE 2004-0770 ADOPTED.

20. ORDINANCE approving and authorizing the Mayor to accept grant assistance from the United States Federal Aviation Administration for various projects at the City's Airports; declaring the City's eligibility for such grants, CIP A-0304, A-0263, A-0444 and A-0153 - Up to \$50,000,000.00 **DISTRICTS B - GALLOWAY; E - WISEMAN and I - ALVARADO** - was presented. All voting aye. Nays none. Council Members Goldberg, Edwards and Holm absent. ORDINANCE 2004-0771 ADOPTED.
22. ORDINANCE approving and authorizing contract between the City of Houston and **CATHOLIC CHARITIES OF THE DIOCESE OF GALVESTON-HOUSTON** providing up to \$380,000.00 in Housing Opportunities For Persons With AIDS ("HOPWA") Funds for the administration and operation of a "Short-term Rent, Mortgage and Utility Assistance and Supportive Services Project", which sum includes a limitation of additional funding in the amount of \$190,000.00 **DISTRICT D - EDWARDS** - was presented. All voting aye. Nays none. Council Members Goldberg, Edwards and Holm absent. ORDINANCE 2004-0772 ADOPTED.
23. ORDINANCE authorizing the adoption of certain amendments to the Emergency Home Repair Program ("Program") Administrative Guidelines, including changing the name of the program to the Single Family Home Repair Program; and appropriating \$2,000,000.00 out of Tax Increment Reinvestment Zone ("TIRZ") Funds to implement the program, as amended - was presented. Council Members Goldberg, Edwards and Holm absent.

Council Member Ellis stated that he had some issues with the item, that they were taking property taxes, which were basically the TIRZ taxes and putting them into a program that used to be funded by the federal government, that he had talked to Council Member Quan who had an emergency meeting last week and he assured him that it was basically put into somewhat of an escrow account and that the federal government paid them back as they spent it, and

Council Member Quan stated that as they may know monies from a petitioned TIRZ were set aside in an affordable housing fund and this came from that fund and its purpose was for affordable housing, that the money would be used to provide cash flow, as they repaired the homes they could then ask for reimbursement from HUD under the agreement that the Mayor was able to negotiate with the Secretary of Housing and Urban Development, there was a review process whereby they must be satisfied that the work was done in a workmanship manner and then they would reimburse the City, but they needed funds to get the program moving.

After further discussion by Council Members, Council Member Quan stated that at the committee meeting one concern was brought up and that was that the department had indicated that they would start the program anew and they were concerned because there were people in line who had been waiting for years for their home repair to be done and they thought it was grossly unfair if they had been waiting in line for three or four years and then suddenly have to get in line again and he would ask the department to look into that and they said they could get the list in chronological order, but he would also ask the Mayor as they implemented the program to take that into consideration, and Mayor White stated that it sounded like a reasonable request, and would ask that his office pass that along to Ms. Stiner. Council Member Wiseman absent.

After further discussion a vote was called on Item No. 23. All voting aye. Nays none. Council Member Wiseman absent. ORDINANCE 2004-0773 ADOPTED.

24. ORDINANCE awarding contract to **MERIDIAN MANAGEMENT CORPORATION** for Facility Maintenance Services for Building Services Department; providing a maximum contract amount 3 Years with two one-year options - \$14,545,320.00 - General and Enterprise Funds - was presented. All voting aye. Nays none. ORDINANCE 2004-0774 ADOPTED.

NON CONSENT AGENDA - NUMBER 27

MISCELLANEOUS

27. REVIEW of the record and make determination of the appeal filed by Mr. Travis C. Crowder on behalf of Mr. Eric Shaley of E. S. Auto Sales, Inc., 5304 North Main, of the decision of the Automotive Board to revoke his Motor Vehicle Dealer License No. 272.97 - was presented.

Council Member Garcia moved to uphold the decision of the Automotive Board, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2004-0838 ADOPTED.

MATTERS HELD - NUMBERS 28 through 33

28. MOTION by Council Member Khan/Seconded by Council Member Alvarado to adopt recommendation from Director Department of Public Works & Engineering for approval of final contract amount of \$1,454,888.00 and acceptance of work on contract with **JAY C. CONTRACTOR** for Water Main Replacement in Windsor Village Subdivision, GFS S-0035-62-3 (10579) - 14.30% under the original contract amount - **DISTRICT D - EDWARDS** - **(This was Item 2 on Agenda of July 7, 2004, TAGGED BY COUNCIL MEMBER EDWARDS)** - was presented. All voting aye. Nays none. MOTION 2004-0839 ADOPTED.
29. ORDINANCE approving and authorizing contract between the City of Houston and **VINSON & ELKINS, LLP** for Professional Legal Services - \$200,000.00 - Property and Casualty Fund - **(This was Item 18 on Agenda of July 7, 2004, TAGGED BY COUNCIL MEMBER EDWARDS)** - was presented. Council Member Edwards voting no, balance

voting aye. ORDINANCE 2004-0775 ADOPTED.

30. ORDINANCE amending Ordinance Number 2001-849 to extend the term and increase the maximum contract amount; approving and authorizing second amendment to Contract #53111 between the City of Houston and **STATE OF TEXAS DEPARTMENT OF INFORMATION RESOURCES** for Telecommunications and Internet Services Citywide - 3 Years - \$367,200.00 Central Services Revolving Fund - **(This was Item 26 on Agenda of July 7, 2004, TAGGED BY COUNCIL MEMBER ELLIS)** - was presented. All voting aye. Nays none. ORDINANCE 2004-0776 ADOPTED.
31. ORDINANCE appropriating \$242,500.00 out of General Improvements Consolidated Construction Fund and approving and authorizing professional consulting services contract between the City of Houston and **DECISION INFORMATION RESOURCES, INC** for Development of a Community Needs Assessment for Multi-Service Centers, CIP D-0111-01-2; providing funding for contingencies relating to construction of facilities financed by the General Improvements Consolidated Construction Fund - **DISTRICTS B - GALLOWAY; D - EDWARDS; F - KHAN; H - GARCIA and I - ALVARADO** - **(This was Item 40 on Agenda of July 7, 2004, POSTPONED BY MOTION #2004-828)** - was presented.

Council Member Galloway stated that she had some concerns on the item, that they were in the process of acquiring the land for the Scenic Woods Multi Purpose Center and felt that it was a waste, that she would rather have \$242,500 for some type of amenities in their multi purpose center instead of going out and getting a needs assessment. Council Member Goldberg absent.

Mayor White stated that he thought Mr. Issah Dadoush was present and if there was no objection they would ask Mr. Dadoush, by unanimous consent, to appear before the City Council and asked Mr. Dadoush to respond to the questions by Council Members. Council Member Goldberg absent.

Upon questions by Council Members, Mr. Dadoush stated that the assessment was a tool that would assist the City in managing their assets, that the Northeast Multi Service Center in the Scenic Woods area was currently in the programming phase and they had DIR working with the contractor helping with the needs assessment on that contract also, that it was a programming tool that would assist them in the design phase to know what they were putting in the community centers, that the study would not hamper the online production, the work in progress that was going on in centers that were being built currently, that it would fine tune the operations, but would not slow down the new centers, that they took that in mind as they looked at the projects that were currently under either design or under construction, the process would not hinder the schedule, that the study would take into various factors the ownership and management of the facilities and the programs that they provide in the facilities, that they were also going to look at other cities and even the County, that had multi service centers and learn, that was the reason for the study.

After further discussion by Council Members, Council Member Galloway moved to call the question and a vote was called on Item No. 31. Council Member Sekula-Gibbs voting no, balance voting aye. ORDINANCE 2004-0777 ADOPTED.

32. ORDINANCE appropriating \$350,460.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing professional engineering services contract between the City of Houston and **SPARKS-BARLOW-BARNETT, INC** for Design of Lockwood Drive Paving from Bennington to Tidwell Road; CIP N-0612-01-2 (SB9181); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT B - GALLOWAY** - **(This was Item 41 on Agenda of July 7, 2004, POSTPONED BY MOTION #2004-825)** - was presented. All

voting aye. Nays none. ORDINANCE 2004-0778 ADOPTED.

33. ORDINANCE appropriating \$385,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing professional engineering services contract between the City and **ESOR CONSULTING ENGINEERS, INC** for Neighborhood Sidewalk Program, CIP N-0646H-01-2 (SB9185); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **(This was Item 43 on Agenda of July 7, 2004, POSTPONED BY MOTION #2004-827)** - was presented. All voting aye. Nays none. ORDINANCE 2004-0779 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Holm stated that this past week before the Planning Commission there was an instance where some proposed changes to the traffic ordinance came forward and once again they did not have the process established where they were making recommendations without the stake holders and the input from a lot of people who had some serious consideration to give, that she thought they were really moving forward in the right direction. Council Members Galloway, Khan, Garcia and Green absent.

Council Member Alvarado stated that she wanted to congratulate the City for hosting a wonderful All Star Game, that she was really proud of the Astros, that they were really talking up Houston and what it meant to showcase their City once again, that she thought it was very generous of the players, that she congratulated Mayor White and his administration and also wanted to recognize Mayor Lee P. Brown because it was under his administration that a lot of these things were brought forth and when the All Star Game was awarded to Houston it was under his administration. Council Members Galloway, Garcia and Green absent.

Council Member Sekula-Gibbs stated that next Monday the Sam Houston Area Boy Scouts Council would welcome an exchange group from Chiba, Japan, which was the Sister City of Houston and it would be her pleasure to recognize them on their journey to Houston. Council Members Galloway, Garcia and Green absent.

Council Member Sekula-Gibbs stated that she wanted to invite everyone to the Houston International Jazz Festival from July 30, 2004 through August 1, 2004, that she was pleased to serve as Chair of the Mayor's Jazz Brunch at Worthum Theater on Sunday, August 1, 2004, that she was working with Mr. Bubba Thomas on the effort and it would begin with a jazz event on Friday August 30, 2004 at the Red Cat Jazz Café, and then Saturday, July 31, 2004 it would be Latin Jazz Night and there would be a festival afterwards, that the proceeds from the brunch and the festival would benefit Jazz Education Incorporated. Council Members Galloway, Garcia and Green absent.

Council Member Khan stated that they had received several calls since the new water bills had gone out, that the people were not only seeing increased water rates but were also concerned that usage thresholds had been changed also, that the threshold had been lowered to 1,000 gallons and he would request somebody to let them know if they had increased rates as well as lowered the thresholds. Council Members Galloway, Green and Berry absent.

Council Member Khan stated that he wanted to thank Ms. Montecella Flannigan, Assistant Director, Neighborhood Protection, that their office had received lots of calls in that area and she not only came through and explained the process to them and they had requested to put that full process into some kind of a summarized fashion which they could share with their constituents because a lot of people stated that they had waited months and years before anything could be done about abandoned housing and things like that so he just wanted to thank Ms. Flannigan about that. Council Members Galloway, Green and Berry absent.

Council Member Khan stated that yesterday a citizen came to public session talking about

a mental illness issue and he wanted to share some of the things his office was doing, that at their Council office they were attempting to do something to raise funds for the mentally ill population in Houston, they were putting together a benefit talent show called Battle of the Council offices, that all proceeds from ticket sales would go to mental health organizations of Houston, that to date seven Council offices had agreed to participate and they welcome others to participate also and wanted to thank Ms. Dawn Ullrich of C&E who had agreed to waive the rental fee for the general assembly room at the George R. Brown Convention Center which would be used for the talent show. Council Members Galloway, Green and Berry absent.

Council Member Khan stated that yesterday he was sued by HPOPS, that he welcomed the challenge, that he thought they needed to look at what HPOPS was doing and how they were running their pension plan and how much money was being spent on trips and things of that nature and hoped a lot of it would come out during the lawsuit. Council Members Galloway, Green and Berry absent.

Council Member Khan stated that he wanted to congratulate everyone for having a wonderful All Star Game. Council Members Galloway, Green and Berry absent.

Council Member Quan stated that on Friday the Houston Junior Chamber of Commerce would have its annual Five Outstanding Young Houstonian Award and they had five individuals who would be recognized on Friday, Mr. David Chalmet, Ms. Maria Fee, Ms. Denise Scollfield, Mr. Andrew Strong and Mr. David Mandell, that he would encourage Council Members to support these outstanding young people as they were being recognized by the Junior Chamber of Commerce. Council Members Galloway, Green and Berry absent.

Council Member Quan stated that he wanted to thank his colleagues for their support of the Single Home Repair and Reconstruction Program and Mayor White for getting the program going with the \$2 million in affordable housing funds, that he thought it was very important that they begin to address the needs of those individuals. Council Members Galloway, Green and Berry absent.

Council Member Quan stated that he supported Council Member Sekula-Gibbs with the Jazz Festival, that the owner of the Red Cat Café was a Milby graduate and he looked forward to being there. Council Members Galloway, Green and Berry absent.

Council Member Ellis stated that he wanted to congratulate a young lady who worked as an intern in his office, Ms. Pamela Klekar, the Winner of University of Houston Center for Public Policy Local Government Internship Award. Council Members Galloway, Green and Berry absent.

Council Member Ellis stated that last week he and Ms. Marty Stein met and went through the budget amendments and talked about which committees they should go to, that he did not know if it had made it the Mayor's office as of yet, that he had talked to Ms. Judy Johnson yesterday and she was ready to start rolling some of them out although some of them did not fall under F&A, they probably fell under other departments, that they would be addressing some of the budget amendments in the August Fiscal Affairs Committee meeting and he suspected every chair in every committee would address some of those budget amendments and knew that some of them were tied to a timeline, that they were going to try and move as fast as Ms. Johnson could and assumed that when Ms. Stein got back into town she would be addressing them with the Mayor and or the other chairs of the different committees, and Mayor White stated that between Council Member Ellis, Council Member Alvarado, Ms. Stein and Mr. Soto if they could just do it without any further need for action by him, he would defer to the judgment of those people and the leadership positions. Council Members Galloway, Green and Berry absent.

Council Member Ellis stated that as to Item No. 21 Council Member Sekula-Gibbs asked some good questions which kind of triggered his thinking with regard to the fact that they were picking up some of the expense of the transaction and while he thought the transaction was needed and was successful not only for the City but also for the Sports Authority, it brought up the question that there was \$100,000 worth of fees that were going to be paid by the City and \$100,000 worth of fees that were going to be paid by the Sports Authority, that he did understand the process and thought it was a good question, that they knew that the transaction was good and good for the taxpayers and so forth. Council Members Galloway, Green and Berry absent.

Council Member Ellis stated that he had served on eleven committees, that in his second term Mayor Brown appointed him to every committee except one, and in December when he was talking to Mayor White one of the things that he requested was that he wanted to be the Fiscal Affairs Chairman but did not want to be on every committee because they really could not get anything done unless they honed in and addressed those committees, that he applauded the efforts that Mayor White did with limiting the amount of committees and limiting how many committees they served on. Council Members Galloway, Green and Berry absent.

Council Member Wiseman stated that she wanted to commend the City and all of the jewels of the City that they were all so proud of for the performance of the past few days of the All Star Event. Council Members Galloway, Quan, Green and Berry absent.

Council Member Wiseman stated that with great sadness she reported the passing of one of the City's jewels, Mr. Dick Dickinson, Rooky, passed away last week, July 8, 2004, that he was a constituent of District D, that he was an intramural director and assistant athletic director for the University of Houston. Council Members Galloway, Quan, Green and Berry absent.

Council Member Edwards stated that on Thursday night Ms. Cynthia Coopers jersey was being retired by the Houston Comets, Number 14 and they were playing Detroit and she encouraged them to go out and support the Comets. Council Members Galloway, Quan, Green and Berry absent.

Council Member Edwards stated that on July 24, 2004, Walker Entertainment and CBA School of Arts, as well as the City of Houston Parks and Recreation Miller Outdoor Theater Advisory Board was doing a salute to the great star Mr. Luther Vandross, that it was a fee concert, that it was on Saturday evening at 7:00 p.m., that she wanted to thank Radio One, Majic 102, 97.9 and Fox 26 for being media outlets and helping them get the word out for the event. Council Members Galloway, Quan, Green and Berry absent.

Council Member Edwards stated that they handed out a post card regarding Chocolate Bayou Festival events, that she encouraged them to get involved in the festival, that they had on and on programs that were happening and culminating with the festival on Labor Day weekend so they invited them to come out, that they could go to their website or check with their office for more information, that they thanked the Mayor and his office for their support. Council Members Galloway, Quan, Green and Berry absent.

Mayor White stated that there was a memo from him about a week ago to the Acting Director of Public Works concerning the persistent malfunction of traffic lights on Kingwood Boulevard, there was a problem with a vendor there and the repair person had to come in from California, that he had a meeting with some people involved with Transtar and asked Mr. Gary Norman, Public Works, for a short memo regarding traffic lights and also give a copy to Council Member Wiseman. Council Members Galloway, Alvarado, Quan, Green and Berry absent.

Council Member Lawrence stated that very early on after she was elected she visited with a young man, Mr. Chris Larson, in the Spring Branch area, and he chose as his Eagle Project planting trees and building bird houses at the Spring Oaks Elementary Campus and wanted to say congratulations to him, that he finished the project and would be receiving Honorable Mention Award with Keep Houston Beautiful at the banquet and wanted to say congratulations to his parents for raising such a fine young man. Council Members Galloway, Alvarado, Quan, Green and Berry absent.

Council Member Edwards stated that she wanted to congratulate Council Member Goldberg on his marriage. Council Members Galloway, Quan, Green and Berry absent.

Council Member Garcia stated that Houston had a great time yesterday evening at the All Star Game, that he hoped they would be having a wrap up on the event. Council Members Galloway, Quan, Green and Berry absent.

Council Member Garcia stated that they would be doing the next leg of Viva La Vacuna, Don't Hesitate Vaccinate session on Saturday from 8:00 a.m. to 12:00 p.m. at the West End Health Clinic. Council Members Galloway, Quan, Green and Berry absent.

Council Member Garcia stated that apparently he was suing himself on the Police Pension matter, that he had to call the Legal Department to see if he could be served. Council Members Galloway, Quan, Green and Berry absent.

Council Member Garcia stated that he wanted to thank Mayor White for returning the ball that Mr. Carl Crawford pitched out to him at the public session yesterday, that he was going to donate the ball to Jeff Davis High School and once school started back up again he would like to invite the Mayor to participate in that. Council Members Galloway, Quan, Green and Berry absent.

Mayor White stated that he would enjoy that, that his son was just completing his Eagle Project which was collecting used tennis racquets and then through the Parks and Recreation Program getting them to the hands of young tennis players who could not afford them, that one of the reasons they had so many great basketball players in Houston was that they had great AAU Programs so they knew where the Mayor's mind was going to be, that next week they had two AAU young teams, thirteen old teams that were going to the National Tournament and both of them were going to be competitive to possibly win the tournament, that one of the participants was going to be a little red headed kid who looked like him, that they had great youth sports programs in the City and most were done through non profits, that he wanted to announce that there were no Council meetings on July 21 and 22, 2004. Council Members Galloway, Ellis, Quan, Green and Berry absent.

There being no further business before Council, the City Council adjourned at 11:43 a.m. Council Members Galloway, Ellis, Quan, Green and Berry absent.

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary