

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

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, August 17, 2004, Mayor Bill White presiding and with Council Members Toni Lawrence, Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, M. J. Khan, Pam Holm, Adrian Garcia, Carol Alvarado, Mark Ellis, Gordon Quan and Ronald C. Green; Ms. Deborah McAbee, Division Chief, Land Use Division, Legal Department; Mr. Richard Cantu, Director Mayor's Citizens Assistance Office; Ms. Marty Stein, Agenda Director present. Council Member Shelley Sekula-Gibbs, M.D. out of the city on personal business. Council Member Michael Berry out of the city on city business.

At 1:56 p.m. Mayor Pro Tem Alvarado stated that Council would begin with presentations and called on Council Member Galloway. Council Member Galloway invited Ms. Candy Aldridge of Human Resources to the podium and Ms. Aldridge stated that Council Member Galloway was chosen as one of three honorary chairs of the CMC this year; that the Combined Municipal Campaign was the City's annual workplace giving drive and had more than 600 participating charities with last year about one-third city employees giving more than \$630,000 and almost 700 employees joining the 1% club; that the executive luncheon was this Friday and Council Members had received invitations; that Council Member Galloway was in charge of the auction and she would now turn it back over to her. Council Member Galloway stated that she was very excited to be co-chair this year and would urge all Council Members to get sponsors for the auction; and she was hoping to pass last years goal. Council Members Goldberg, Wiseman, Garcia, Ellis and Quan absent.

Council Member Edwards stated that these kind of awards she liked to revel in; that young people did work at no cost and today invited Margueritte Allan, Dhawal Sharma and Julian Sparks to the podium and presented them with Certificates of Recognition for their outstanding service as District D interns. Council Members Garcia and Ellis absent.

At 2:11 p.m. Mayor White called the meeting to order and called on Council Member Lawrence to lead in prayer and pledge. Council Member Lawrence called on Pastor Don Muko of St. Marks Luthern Church who led all in prayer and Council Member Lawrence led in the pledge of allegiance. Council Member Garcia absent.

At 2:13 p.m. the City Secretary called the roll. Council Member Sekula-Gibbs out of the city on personal business. Council Member Berry out of the city on city business. Council Member Garcia absent. Council Member Goldberg absent.

Council Members Khan and Alvarado moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Member Sekula-Gibbs out of the city on personal business. Council Member Berry out of the city on city business. Council Member Garcia absent. MOTION ADOPTED.

Council Member Galloway moved that the rules be suspended for the purpose of hearing from Mr. Raymond McCann and Mr. Otis Jordan out of order, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Sekula-Gibbs out of the city on personal business. Council Member Berry out of the city on city business. Council Members Garcia and Quan absent. MOTION 2004-0901 ADOPTED.

Council Member Edwards moved that the rules be suspended for the purpose of hearing from Mr. Charles X. White and Dr. Robert Gilmore out of order and adding Ms. Sue Schecter, Dean John Brittian and Ms. Carol Batty to the speakers list, seconded by Council Member Green. All voting aye. Nays none. Council Member Sekula-Gibbs out of the city on personal business. Council Member Berry out of the city on city business. Council Members Garcia and Quan absent. MOTION 2004-0902 ADOPTED.

Mr. Tom Bazan, P. O. Box 2786, Houston, Texas 77252 (832-673-0018) appeared and stated that he was present to speak on Agenda Item 12, a Charter referendum; that he felt it was unfair and unacceptable relative to the existing referendum presented in 2001; that the proposal excluded sales tax and that was not in the best interest of the Houston taxpayers and asked that it be sent back for reconsideration. Council Members Garcia and Quan absent.

Mr. Joshua 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 Garcia and Quan absent.

Mr. Raymond McCann, 4045 Corto, Houston, Texas 77016 (281-365-8015) had reserved time to speak but was not present when his name was called. Council Members Garcia and Quan absent.

Mr. Otis Jordan, 7663 South Glen Willow, Missouri City, Texas 77489 (281-438-4124) appeared, presented information and stated that he and those with him today were present regarding appointment of Assistant Chiefs to the Houston Fire Department; that as dedicated servants to citizens of Houston they took issue with the proposed appointments to executive level management, while acknowledging the ethnic makeup of the proposed appointments was a step in the right direction in terms of diversity and inclusiveness towards the reflection of demographic makeup of the city they took issue with some of the proposed candidates track record and lack of sensitivity towards minority issues; that recently the Houston Black Fire Fighters Association met with the Fire Department's Transition Team and one of the proposed candidates made statements they viewed as unprofessional and insensitive to the needs of minority firefighters; that they believed all candidates for Assistant Fire Chief position should possess and display a mindset and ideology that was sensitive to race relations, diversity and inclusiveness for all citizens; and urged reconsideration of appointment of some candidates and that the Mayor investigate each potential candidate's track record on race, diversity and inclusiveness; that voiding their appointment would send a message to all public servants that unprofessional conduct and lack of sensitivity toward all groups would not be tolerated by this Mayor's Administration and City Council. Council Members Garcia and Quan absent.

Upon questions by Council Member Edwards, Mr. Jordan stated that this was typical upper management behavior in the Fire Department; that they had 403 captains and 22 were Black; that word was out they were going to shut him up and that would be easy, they just needed to quit doing what they were doing; that they needed to send a message that certain behavior would not be tolerated; that a young man on a respirator last week was fired yesterday because he could not go back through the building; that he almost died and what he needed was counseling; that all they wanted was equality. Council Member Edwards stated that this had been going on for some time and it needed investigating to see if there was any validity to it and if there was then something needed to be done. Council Members Garcia and Quan absent.

Council Member Galloway stated that she understood his emotions; that she too was emotional when some young men were fired from the academy and Mayor Brown had some reinstated; that all her life she heard major problems in the Fire Department as it related to race and they were still sitting there and doing nothing; that they had the Fast Track and when you looked at that racial makeup there was no African Americans or Hispanics; and encouraged Mayor White to have someone look into it as it was getting worse and worse year by year. Council Members Garcia and Quan absent.

Council Member Lawrence thanked Mr. Jordan for coming and speaking from his heart; that she appreciated his letter and it would not be taken lightly by anyone at the Council table. Council Member Quan absent.

Council Member Green stated that they had many conversations on this and publicly he

had inquired on the same issue; that it was the same thing over and over; and while he did not make things a race issue statistics did not lie and the numbers did not reflect the City of Houston; that it was time to look at whatever needed to be done to get management to look like the City of Houston. Council Member Quan absent.

Mayor White stated that he was in the middle of it; that people needed to be treated with dignity and he, Mr. Hall and the Fire Chief were committed to doing things which promoted diversity. Council Member Quan absent.

Mr. Richard Shaw, 2506 Sutherland, Houston, Texas 77023 (713-923-9473) appeared and stated that he was present speaking on behalf of the Harris County AFLCIO Council regarding the Houston Police Department Crime Lab; that he wanted all to know they concurred with the Houston Chronicle editorial; that they knew Mayor White was looking at the possible appointment of a special master to conduct an investigation and they concurred with that and did urge him to act upon it. Council Member Quan absent.

Ms. Sue Schechter, who was previously added to the speakers list, appeared and stated that she was present supporting Council Member Edwards remarks last week regarding appointment of an independent investigator for the Houston Crime Lab; that she visited with three families who were impacted by false DNA from the crime lab and their stories were heart breaking; that she understood Mayor White was considering a special master and she would urge that it be placed on the Agenda to investigate the crime lab. Council Member Quan absent.

Council Member Garcia stated that he was chairman of a grand jury and they were dependent on the DA's to bring testimony of analyst; that he was concerned it was having a backlash on the guys in blue; that they expected the crime lab to kick in their results and he did agree they needed to step up to the plate and do what was best for the community.

Council Member Khan stated that this was an issue that they all heard of last year; and letting a criminal go free because of bad evidence was horrible, but convicting an innocent person was really something and all society should take responsibility; that it was critical that proper attention be paid and he applauded her.

Upon questions by Council Member Edwards, Ms. Schechter stated that Rep. Harold Dutton told her there was someone on death row because of false DNA and she did not think you could move forward until past cases were looked at; that no amount of money could be paid to people for years of their life being locked up falsely; and someone spent six months in jail waiting for DNA testing and while there was stabbed when he should have never even been there. Council Member Edwards stated that she was calling for a moratorium on death row executions until they had some handle on that; and upon questions, Ms. Schechter stated that she agreed with her.

Dean John Brittan, who was previously added to the speakers list, appeared and stated that he was the former dean of the Thurgood Marshal School of Law and a member of the board of the National ACLU and was present calling for an independent investigation of the Houston Police Department's crime lab; that evidence used by the lab was found to be compromised and contaminated and corrupted and the exoneration of Josiah Sutton was one example and was calling upon Council to call for an independent investigation with the master to determine the crime lab's incompetence and to recommend changes.

Council Member Edwards stated that experts around the country were offering their services to defendants in Houston free of charge and that made them look silly she thought; and upon questions, Dean Brittan stated that quality and competency of evidence in a court of justice would determine faith and liberty of an accused individual and it went to the core of fairness of the Criminal Justice System; that if the system could not count on competent

evidence it would not be respected therefore they must restore its integrity with an independent investigation. Council Members Edwards and Khan absent.

Council Member Alvarado thanked all those who came on the issue; and upon questions, Dean Brittan stated that he was not familiar with what they did in Cleveland, but was familiar with the independent investigation of the FBI crime lab after it too had flaws. Council Member Alvarado stated that the Chief was working tirelessly on the issue and hopefully would bring something forward and whatever resolution it was she hoped the Council would approve it; that you could not put a dollar on someone's life and they did need a lab respected by the community and Council needed to step up to the plate and see that there was funding for it. Council Member Khan absent.

Ms. Carol Batty, who was previously added to the speakers list, was not present when her name was called. Council Member Khan absent.

Mr. Ovide Duncantell, 2900 Woodridge #311, Houston, Texas 77087 (713-205-9999) appeared, presented information to Council Members and stated that he was present regarding the Martin Luther King Parade; that he was given opportunity to have a hearing on who should go first on the parade and he objected and logically as rules go he was supporting the ordinance and he should have had a hearing; that he was denied the hearing because his mail was not delivered to him; that the Engineering Department discovered the mail never reached him and would give him the hearing, but Legal stated he had his one bite at the apple and would not get another one; that he was asking Council for the hearing, the other organization he was competing with should not be an issue, it was a profit making organization and he did not know how they got free services; that the City could eliminate about \$17,000 from the budget by taking the other parade out of the picture or make them pay their money, they did not have a 501C3 and he did not know why he had to compete with them. Council Members Lawrence and Holm absent.

Council Member Edwards stated that they contacted the post office and found there was an error in the mail, but she was told the City's responsibility was to mail it and not for the delivery; that she encouraged Mr. Duncantell to speak with the Mayor's Office regarding the hearing. Council Members Lawrence and Holm absent.

Council Member Galloway stated that Mr. Duncantell was the first to have a parade for Martin Luther King in the City of Houston and this was a problem every year; that she did not know but maybe since he started it he should have first choice; and she hoped Mayor White would direct his Administration to give Mr. Duncantell the hearing; and Mr. Duncantell stated that his organization was the only one recognized by the King family to have a parade in his name. Council Member Lawrence absent.

Mayor White stated that all recognized his historical role and they were trying to sort through things; that his Chief of Staff, Mr. Moore was watching the proceedings and Mr. Norman with Public Works was present and he should speak with him and exchange cards; that they needed a better way of mutual planning ahead.

Mr. Mike St. Clair, 2323 South Voss Road #630, Houston, Texas 77057 (713-895-2785) appeared and stated that he represented the Professional Drivers League of Houston and was present to address the Municipal Courts changing itself into a cash register denying people civil rights such as right to jury by trial; that he represented the drivers which were the lower end driving the higher end of the city and they currently directed everyone to go to a lawyer; that often people felt they were beating tickets but they were not, the fine was punishment but it did not affect the driving record and once again that was part of the issue. Council Member Garcia absent.

Council Member Green thanked Mr. St. Clair for coming and giving another view of the

Municipal Courts; that they were trying to do changes and no one was trying to deprive anyone of their civil rights; that they wanted to make the court more efficient and would like to speak with him. Council Member Garcia absent.

Mr. Charles X. White, 8607 MLK, Houston, Texas 77047 (713-734-4370) appeared and stated that in February Mayor White received a letter from them indicating a timeline for in the Sunnyside South Park South Union area creating a master community development plan and today they were inviting him to their final product of that plan put together by developers, CDC's, etc., that today there were eleven civic clubs with him and they wanted him to come hear and see their final product in about three weeks because they had a problem with the Planning Department giving them a fair ear to their suggestion of City and community making money together. Council Members Holm, Garcia and Green absent.

Council Member Edwards stated that she hoped the Mayor would find the availability to work with the group as they had worked very hard and she felt the City should be aware and mindful of their plan; and Mayor White stated that he was looking out at those present today and recognized many who had done a lot of work and he could not wait to visit with them. Council Members Holm and Ellis absent.

Council Member Khan stated that he hoped he was invited also as maybe he could learn something; and Mr. White stated that they would invite all Council Members. Council Members Holm and Ellis absent.

Council Member Garcia stated that the idea he had for constructing a comprehensive plan for communities was something that helped the city to do a better job of planning and bringing meaningful changes to neighborhoods; that it was a good process; and he thanked he and the others for their work. Council Members Goldberg, Wiseman, Holm and Ellis absent.

Council Member Galloway stated that she commended Mr. White and his community; that they had a comprehensive plan in the Acres Home Community for about six years now and it was still in the books and sitting there; that she thought they had to get people with money to develop because the City did not have the money; that the City had to do a lot in order to meet the plans; that the infrastructure was old and it had to be the start for it to grow; and Mr. White stated that they saluted Acres Home and her comment showed there was some political and community wheel in the community and they needed the right financial partnership to move it. Council Members Goldberg, Wiseman, Khan, Holm and Ellis absent.

Dr. Robert Gilmore, 3232 Windbourne, Houston, Texas 77004 (713-741-6642) appeared and stated that he was basically in support of Mr. White, but he had been president of the Acorn Riverside Clinic and it still was not fixed and he wanted it done as soon as possible; and Mayor White stated at the end of the year. Dr. Gilmore stated that an article said there was a big gap growing between the rich and poor and today he had a letter which said the Almeda Health Care was closing and they were replacing a healthcare facility with condos. Council Members Wiseman, Holm, Garcia, Alvarado and Ellis absent.

Council Member Quan thanked Dr. Gilmore for his work in prison and stated that it was true the divide was growing and they needed to see where they could do better; that it was hard for people to have home ownership and he looked forward to calling upon him and those working with him to see how to make Houston a model city; that if Dallas and Austin could do it so could Houston. Council Members Wiseman, Ellis and Quan absent.

Council Member Edwards thanked Dr. Gilmore for coming and for his work and stated that she would like information from him on trying to make the district better as she was all for it, but she did not know what the Almeda Health Care Center was. Council Members Wiseman, Ellis and Quan 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 Wiseman, Ellis and Quan absent.

Mr. Joseph Jennings, 9100 Southwest Freeway #241, Houston, Texas 77041 (713-541-2907) appeared with members of the LaRouche Youth Movement and presented information from which they read regarding solidarity with the city of Leipzig in Saxony, the eastern sector of Germany which was Houston's International Sister City until their time expired. Council Members Galloway, Wiseman, Ellis and Quan absent.

Mr. Andre Wells, 16814 Fallen Leaf Way, Houston, Texas 77058 (281-282-9646) had reserved time to speak but was not present when his name was called. Council Members Galloway, Wiseman, Ellis and Quan absent.

Mr. Willie Harrel, 5702 Rietta, Houston, Texas 77016 (281-235-6192) had reserved time to speak but was not present when his name was called. Council Members Galloway, Wiseman, Ellis and Quan absent.

Mr. Robert Mitchell, 4118 Portsmouth, Houston, Texas 77027 (713-621-9009) appeared displayed a poster and stated that he was vice president of the West End Plaza II Civic Association and was accompanied by Mr. Karl Muench who was president and Mr. Jay Fenner a board member; that today they were present to inform the Mayor and Council of a serious threat of their deed restrictions which could set precedent for neighborhoods throughout the city and they were asking for their help to prevent it; that Twelve Oaks Hospital purchased property, demolished homes and were planning to use the lots for a major construction entrance and base of operations for a major construction project on their commercial property adjacent to their neighborhood and heavy equipment, etc., were already moved onto the property; and they were asking for Council's assistance to stop it before their neighborhood was ruined. Council Members Galloway, Wiseman, Ellis, Quan and Green absent.

Mr. Jay Fenner, 4111 Portsmouth, Houston, Texas 77027 (713-669-0300) appeared and stated that recently they learned Twelve Oaks Hospital intended to use two deed restricted lots within their neighborhood in conjunction with a construction project on hospital property outside their neighborhood; that they learned at a meeting Twelve Oaks planned to use the two lots as a gateway for an extensive demolition construction and redevelopment project on their adjacent commercial property; that tons of waste material would be hauled through their neighborhood and much construction material would be hauled through their neighborhood also; and they were asking the City to impose a permanent injunction on the project; that they had other viable options other than destroying the legal protection that maintained the residential character of their neighborhood. Mayor White, Council Members Galloway, Wiseman, Khan, Ellis and Quan absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Karl Muench, 4111 Norfolk, Houston, Texas 77027 (713-759-8779) appeared and stated that he was president of the West End Plaza II Civic Association and yesterday two representatives of Twelve Oaks Hospital and one from D E Harvey Construction were invited without his knowledge to a meeting he asked for with his District Council Member where he endured intimidation; that as a volunteer asking the City to enforce restrictions according to Section 10-551 of the Houston Code of Ordinances if the City agreed facts showed restrictions were being violated and he should not fear actions threatened; that he was asked to present a deal brokered by their Council Member to the residents allowing the use of the lots during the construction project with return guarantees from Twelve Oaks that the lots would be sold to a residential developer on completion of the project and though he could not support the deal at present he would present it for a vote in the neighborhood within six days of receiving it; that he believed a deal would set precedent on any other lot in the neighborhood and in any other community; and they were asking Council to stand with them and protect all communities. Mayor White, Council Members Galloway, Wiseman, Khan, Ellis and Quan absent. Mayor Pro

Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Holm stated that the only tool the City had of protecting their neighborhoods was enforcement of deed restrictions and it was incumbent upon the City and staff to bring out all they had to help a neighborhood which was actively protecting those deed restrictions in order for them to maintain a community strictly residential. Mayor White, Council Members Galloway, Wiseman, Ellis and Quan absent. Mayor Pro Tem Alvarado presiding.

Council Member Goldberg stated that he thought he was the Council Member he met with until he told the story of intimidation and all that; that there was no intimidation, he was the first to speak and he could have asked them to leave at any time, as a matter of fact when a compromise was presented he said it sounded great to him and he would see if he could sell it to his neighborhood and he could sell anything; that it was totally different from the way it was characterized, both sides talked and he was never told what he had to do; that the City Attorney was doing all he could and they had 15 days from a date to cease activities or be fined \$1,000 a day and when they left the meeting everyone seemed happy and Mr. Muench most of all. Mayor White, Council Members Galloway, Wiseman, Ellis and Quan absent. Mayor Pro Tem Alvarado presiding.

Council Member Holm stated that she did not want to get into any disputes, but thought anytime you compromised or made deals in violation of deed restrictions it negates and she felt they were setting precedent; that if deed restrictions were upheld then they should aggressively pursue to uphold; and Council Member Goldberg stated that he read their deed restrictions and there was a paragraph at the end which said just because there was a violation on one property it did not invalidate all other covenants and that was open to interpretation, but there was language put in there for just that situation. Council Member Holm stated that she thought they as a City first were to uphold deed restrictions, unconditionally. Mayor White, Council Members Galloway, Wiseman, Ellis and Quan absent. Mayor Pro Tem Alvarado presiding.

Mr. Wilford Scott, 2600 South Loop West #475, Houston, Texas 77054 (713-667-4900) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Galloway, Wiseman, Ellis and Quan absent. Mayor Pro Tem Alvarado presiding.

Mr. Valdimer Valdez, 6377 Chevy Chase, Houston, Texas 77057 (832-689-9688) appeared and stated that he served his country in the U. S. Marines with an honorable discharge and since worked as a security officer and was wanting to reenlist and again serve his country, but before leaving they were having a barbecue when he left and was approached by someone he did not know who wanted to know where he was and where he was going; that he showed a badge, but he heard of people showing false badges so since he was in plain clothes and he did not know if he was an officer he pushed the badge and kept going; that the gentleman was much larger and punched him in the face and he fell to the ground and blacked out; that he awoke in the back of a police car badly beaten and arrested for assault and bodily injury to an officer; that a resident of the apartments contacted the police and complained about the way the officer treated him; that he was sorry he was in the wrong, but he had a genuine concern for his safety; that he could not be reinstated in the military with a Class A misdemeanor or felony; that his court date was August 20th and he hoped Council could help him get this behind him. Mayor White, Council Members Galloway, Wiseman, Ellis and Quan absent. Mayor Pro Tem Alvarado presiding.

Council Member Garcia stated that he had an official charge he was confronted with and he would suggest hiring an attorney if he did not have one; that there was the Gulf Coast Legal Foundation if he could not afford one; that he understood where he was coming from, but there was little Council could do; that his best help would be an attorney to discuss this with the DA's office and see if there was any clarity that could help someone make a good decision; and upon questions by Council Member Garcia, Mr. Valdez stated that he did contact the Gulf coast Legal

Foundation and they do not handle criminal cases. Mayor White, Council Members Lawrence, Galloway, Wiseman, Ellis and Quan absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Khan stated that he would like to know what a citizen was to do if law enforcement was unreasonable with them; and Council Member Garcia stated generally when there was discrepancy on what occurred citizens could file complaints through Internal Affairs and you could file with the DA and FBI, but unfortunately those were not short processes, but Council as a body had no ability to drive that. Council Members Galloway, Edwards, Wiseman, Holm, Ellis and Quan absent. (NO QUORUM PRESENT)

Mr. James Carter, 14118 White Heather, Houston, Texas 77045 (713-433-1232) had reserved time to speak but was not present when his name was called. Council Members Galloway, Edwards, Wiseman, Holm, Ellis and Quan absent. (NO QUORUM PRESENT)

Mr. Yongsheng Wang, 5900 Ranchester Drive, Houston, Texas 77036 (713-539-5609) appeared and stated that recently he and others were discussing the fact that Houston had proclaimed two of China's government as honorary citizens and goodwill ambassadors, however, they were actively participating in the persecution of innocent people and directly responsible for arrest, torture, etc., of thousands of peaceful Falon Gong practitioners; and they were requesting that be rescinded as soon as possible. Council Members Galloway, Goldberg, Edwards, Wiseman, Ellis and Quan absent.

Mr. Louis Montemayor, 8122 Kingwood forest, Houston, Texas 77088 (713-305-1967) appeared and stated that he was present to speak on gentrification which was the building of new residences in low income areas thus raising property values and ousting out citizens who had lived there and it was very evident in the west end area where his grandmother lived; that gentrification was not a crime, but it was a moral crime and it was a crime that his elementary school had to be closed; and he wanted to know what Council could do to eliminate the crime. Council Members Galloway, Goldberg, Edwards, Wiseman, Ellis and Quan absent.

Council Member Garcia thanked Mr. Montemayor for coming and stated that was fireworks at this Council table; that they did not want folks misplaced and they wanted to deal with challenges of a growing city and flavor of neighborhoods, but unfortunately there was no magic wand and it was frustrating; that growth was undergoing for years and deed restrictions and prevailing lot size was some of the only tools to fight it; that his staff dedicated a lot of time to work with neighborhoods and try and get ahead of developers. Council Members Galloway, Goldberg, Wiseman and Quan absent.

Upon questions by Mayor White, Mr. Montemayor stated that his grandmother lived in the Shepherd/Washington Avenue area. Mayor White stated that every day he and Council Members and others were working on this; that people, often seniors, needed tax relief when a neighborhood was revitalized and in the next several weeks he would see Charter amendments for that; and schools would not reopen unless folks with young families were moving in and that required affordable housing and they would be starting with a few neighborhoods. Council Members Galloway, Goldberg, Wiseman and Quan absent.

Mr. Steven Williams, no address (no phone) had reserved time to speak but was not present when his name was called. Council Members Galloway, Goldberg, Wiseman and Quan absent.

Ms. Carolyn Davis, who was previously added to the speakers list, appeared and stated that she had a problem where in 2002 she fractured her back and she went to her housing association because she thought they could give tax relief but she never received a payment plan; that she just got something saying if she missed a payment they would take legal action but the way the dates fell she automatically violated; that she was off work 16 months and she

said she would pay but not now and she was told to get the money; and continued discussing her payment problem with her home owners association until her time expired. Council Members Galloway, Goldberg, Wiseman, Garcia and Quan absent.

Mayor White stated that he understood she was frustrated, but the City did not govern the homeowners association or the school board. Council Members Galloway, Goldberg, Wiseman, Garcia and Quan absent.

Council Member Edwards stated that on a point of personal privilege Dr. Gilmore brought up that the Alameda Health Care was being closed and sold to a developer, but her information was it was a private company selling, it was not a city facility; and she wanted Mr. Gilmore to know that was why she did not know what he was speaking of; and if anyone was having a problem relocating she would be happy to try and help. Council Members Lawrence, Galloway, Goldberg, Wiseman, Garcia and Quan absent. (NO QUORUM PRESENT)

Mr. Joshua Bullard, 3328 McGowen, Houston, Texas 77004 (832-741-5728) appeared, displayed an example of a sign and stated that he was present with more of Scott Woozer's abandoned signs, the individual had been prosecuted for ripping off low income families; that one problem they had was Judge Timberlake in Court 11 continued to plea bargain for a small amount of money with the individual who was a habitual offender; that it had been going on for eight years and he wanted him to be charged the maximum fine. Council Members Galloway, Wiseman, Garcia, Quan and Green absent.

Council Member Edwards stated that they dealt with abandoned signs in her district all the time and she would assume Abandoned Sign Enforcement was doing their duties and she would double check on sign enforcement; and Mr. Bullard stated that it appeared the numbers looked good for Abandoned Sign Division and others and what he was trying to explain was that it was not enforcement of an ordinance; that the numbers looked good with them pulling signs, but then Mr. Woozer would contact the sign department under the Freedom of information Act and ask when they would be going out to his area to pick up signs and then he would go put them out again because he knew they would not be coming out for a few weeks; that he did not want any more plea bargains. Council Member Edwards stated that she would call and find out why someone was habitually doing this for eight years, what was up with that and how could they stop it; and she would get back with him and let him know what was found out about it, and about Judge Timberlake allowing it. Council Members Galloway, Wiseman, Garcia, Quan and Green absent.

Council Member Goldberg stated that he saw signs in the median and called the number on the signs and an hour later every sign was down; that most people are nice about it and take the signs down, but he would like to see if the fine could be increased for habitual violators; and Mr. Bullard stated that he was in Court 11 talking to his attorney and he said they were going to Court 11 because the Judge gave the best deal; that he was like a customer there and he was not even fined the maximum. Council Members Galloway, Wiseman, Holm, Garcia, Quan and Green absent. (NO QUORUM PRESENT)

Mayor White stated that this fell in Council Member Goldberg's committee if they had habitual offender and they could define what that was; that he was writing a note to the Chief Judge concerning policies of the court; and no one had the right to know where you would be doing sign enforcement and maybe a call to Sign Enforcement would take care of that. Council Members Galloway, Wiseman, Holm, Garcia, Quan and Green absent. (NO QUORUM PRESENT)

Mr. Sterling Shepherd, 1111 Pierce, Houston, Texas 77002 (713-659-1561) appeared and stated that his purpose was to build a greater society and he had many dreams and visions of which he discussed until his time expired. Council Members Galloway, Wiseman, Holm, Garcia, Quan and Green absent. (NO QUORUM PRESENT)

Mayor White stated that he could present what he had in writing to Mr. Cantu who would pass it out. Council Members Galloway, Wiseman, Holm, Garcia, Quan and Green absent. (NO QUORUM PRESENT)

Ms. Pam Curvey, 7607 Moline, Houston, Texas 77087 (713-847-8369) appeared and stated that she had been present the last four months complaining that the water was contaminated and eating up her skin; that she was told it was alright, but it was not; that she was four months pregnant and needed help to keep her kid growing. Council Members Galloway, Wiseman, Holm, Garcia, Quan and Green absent. (NO QUORUM PRESENT)

President Joseph Charles, P. O. Box 52437, Houston, Texas 77052-4373 (713-203-7738) appeared and stated that he was the official U. S. President and continued expressing his personal opinions until his time expired. Council Members Galloway, Edwards, Wiseman, Holm, Garcia, Quan and Green absent. (NO QUORUM PRESENT)

Mr. Robert Horton, 3714 Bain, Houston, Texas 77026 (713-260-6144) appeared and stated that people were guilty even those present, the DAs were guilty but he was over all law enforcement and continued expressing his personal opinions until his time expired. Council Members Galloway, Edwards, Wiseman, Holm, Garcia, Quan and Green absent. (NO QUORUM PRESENT)

At 4:18 p.m. City Council recessed until 9:00 a.m., Wednesday, August 18, 2004. Council Member Shelley Sekula-Gibbs, M.D. out of the city on personal business. Council Member Michael Berry out of the city on city business. Council Members Galloway, Edwards, Wiseman, Holm, Garcia, Quan and Green absent. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, August 18, 2004

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, August 18, 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 and Ronald C. Green; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Mr. Arturo Michel, City Attorney and Ms. Marty Stein, Agenda Director and Mr. Jose Soto, Deputy Agenda Director present. Council Member Shelley Sekula-Gibbs, M.D. out of the city on personal business. Council Member Michael Berry out of the city on city business.

At 8:24 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:19 Mayor White reconvened the meeting of the City Council and stated that there was a Mayor's Report that had been posted, that to respect the employees in the cooperation of making more secure pensions for the employees they had agreed that they would talk about the details of that simultaneously with the Pension Board meeting so that everybody was able to disseminate the same information to the same people at the same time, that they were scheduled to meet at 10:00 a.m. and it would be respectful of their agreement with the employee representatives to have that presentation made by Mr. Hall at the same time that the Municipal Pension Board held their meeting at 10:00 a.m. Council Members Goldberg and Green absent.

MAYOR'S REPORT - Presentation of proposed Meet and Confer Agreement between the City of Houston and Houston Municipal Employees Pension System

Council Member Alvarado moved to postpone the presentation of the Mayor's Report until 10:00 a.m., seconded by Council Member Ellis. All voting aye. Nays none. Council Member Sekula-Gibbs out of the city on personal business. Council Member Berry out of the city on city

business. Council Member Goldberg absent. MOTION 2004-0903 ADOPTED.

CONSENT AGENDA NUMBERS 1 through 26

MISCELLANEOUS - NUMBERS 1 and 2

1. RECOMMENDATION from Director Affirmative Action and Contract Compliance for approval to set Affirmative Action Goal for participation of Disadvantaged Business Enterprises in DOT/FAA funded contracts from October 1, 2004 through September 30, 2005, in compliance with DBE Ordinance 99-893 and DOT/FAA mandated requirements – was presented, moved by Council Member Khan, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Sekula-Gibbs out of the city on personal business. Council Member Berry out of the city on city business. Council Member Goldberg absent. MOTION 2004-0904 ADOPTED.
2. RECOMMENDATION from Chief of Police for Extension of Injured on Duty status for Police Officer **WILLIAM CALDWELL** – was presented, moved by Council Member Khan, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Sekula-Gibbs out of the city on personal business. Council Member Berry out of the city on city business. Council Member Goldberg absent. MOTION 2004-0905 ADOPTED.

ACCEPT WORK - NUMBER 3

3. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$486,894.57 and acceptance of work on contract with **CAAN CONSTRUCTION SERVICES, INC** for Construction of Safe Sidewalk Program, GFS N-0610A-G1-3 (SB9029-1) - 03.89% over the original contract amount - **DISTRICT D - EDWARDS** – was presented, moved by Council Member Khan, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Sekula-Gibbs out of the city on personal business. Council Member Berry out of the city on city business. Council Member Goldberg absent. MOTION 2004-0906 ADOPTED.

PROPERTY - NUMBER 4

4. RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel AY3-010, AY3-014 and AY3-018, for the **LYONS AVENUE ROAD PAVING PROJECT from Zindler to Port Street**, CIP N-0719-02-2 - **DISTRICT H - GARCIA** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Sekula-Gibbs out of the city on personal business. Council Member Berry out of the city on city business. Council Member Goldberg absent. MOTION 2004-0907 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 8 through 10

8. **APPLIED BIOSYSTEMS** for One Genetic Analyzer System for Health & Human Services Department - \$87,167.00 - Grant Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Sekula-Gibbs out of the city on personal business. Council Member Berry out of the city on city business. Council Member Goldberg absent. MOTION 2004-0908 ADOPTED.
9. **ACUSHNET COMPANY** for Resale Items for Golf Course Pro Shops for Parks and Recreation Department - \$75,600.00 - Park Special Revenue Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Sekula-Gibbs out of the city on personal business. Council Member Berry out of the city on city business. Council Member Goldberg absent. MOTION 2004-0909 ADOPTED.

10. **MATECO TRUCK EQUIPMENT** for Valve Operators and a Vacuum System for the Department of Public Works & Engineering - \$68,072.00 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Sekula-Gibbs out of the city on personal business. Council Member Berry out of the city on city business. Council Member Goldberg absent. MOTION 2004-0910 ADOPTED.

ORDINANCES - NUMBERS 14-25

13. ORDINANCE approving and authorizing a Meet and Confer Agreement between the City and the **HOUSTON MUNICIPAL EMPLOYEES PENSION SYSTEM**; containing provisions relating to the subject – was not in and the City Secretary announced that if it was received during the meeting it would be considered at the end of the agenda.
14. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a storm sewer easement, a water and gas line easement and a water meter and waterline easement containing an aggregate of 16,527 square feet of land, more or less, Parcels SY2-067A, SY2-067B and SY2-067C; all three easements being located in the George Bellows League, Abstract Number 3, Harris County, Texas, vacating and abandoning Parcels SY2-067A, SY2-067B and SY2-067C to Target Corporation, abutting owner in consideration of owner's dedication of one waterline easement, two water meter easements and four fire hydrant easements containing an aggregate of 48,224 square feet of land, more or less, and payment of \$900.00 and other consideration to the City - **DISTRICT G - HOLM** – was presented. All voting aye. Nays none. Council Member Sekula-Gibbs out of the city on personal business. Council Member Berry out of the city on city business. Council Member Goldberg absent. ORDINANCE 2004-0855 ADOPTED.
15. ORDINANCE approving and authorizing special warranty deed conveying to Nghiem Pham a parcel of land containing 16,442 square feet (0.3775 acre), more or less, being Lot 16, Block 35, Meadowbrook Addition, Section D, M. A. Callahan & A. Vince Survey, A-9, Harris County, Texas (the former Fire Station No. 29; located at 8001 Barkley Street); and in consideration of Nghiem Pham's payment of \$95,000.00 and other consideration to the City - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Sekula-Gibbs out of the city on personal business. Council Member Berry out of the city on city business. Council Member Goldberg absent. ORDINANCE 2004-0856 ADOPTED.
16. ORDINANCE approving and authorizing special warranty deed conveying to Alexander Leon a parcel of land containing 19,890 square feet (0.4566 acre), more or less, being out of Block 3, Pine Terrace Subdivision, Section 2, E. B. Cogswell Survey, A-785, Harris County, Texas (the former Pine Terrace Water Plant Site; located at 1622 Afton Street); and in consideration of Alexander Leon's payment of \$97,000.00 and other consideration to the City - **DISTRICT A - LAWRENCE** – was presented. All voting aye. Nays none. Council Member Sekula-Gibbs out of the city on personal business. Council Member Berry out of the city on city business. Council Member Goldberg absent. ORDINANCE 2004-0857 ADOPTED.
20. ORDINANCE approving and authorizing amendment to sponsorship agreement between the City and **BROAD OAKS AREA CIVIC ASSOCIATION** for Garbage Collection Service for the respective civic association - 11 Months - \$66.00 - General Fund - **DISTRICT G - HOLM** – was presented. All voting aye. Nays none. Council Member Sekula-Gibbs out of the city on personal business. Council Member Berry out of the city on city business. Council Member Goldberg absent. ORDINANCE 2004-0858 ADOPTED.

23. ORDINANCE awarding construction contract to **DOLSON-SIERRA CONSTRUCTION GROUP, INC** for Construction of Water, Wastewater and Drainage Facilities to serve Phase One of the Ashford Gardens Subdivision; approving and authorizing an assignment of the contract to **PARK LAKE COMMUNITIES, LP**; CIP S-0800-95-3 and R-0800-95-3 (DPC-050) - **DISTRICT F - KHAN** – was presented. All voting aye. Nays none. Council Member Sekula-Gibbs out of the city on personal business. Council Member Berry out of the city on city business. Council Member Goldberg absent. ORDINANCE 2004-0859 ADOPTED.
24. ORDINANCE awarding construction contract to **DOLSON-SIERRA CONSTRUCTION GROUP, INC** for Water, Sanitary Sewer and Storm Drainage Systems to serve Phase Two of the Ashford Gardens Subdivision; approving and authorizing an assignment of the construction contract to **PARK LAKE COMMUNITIES, LP**; CIP S-0800-96-3 and R-0800-96-3 (DPC-051) - **DISTRICT F - KHAN** – was presented. All voting aye. Nays none. Council Member Sekula-Gibbs out of the city on personal business. Council Member Berry out of the city on city business. Council Member Goldberg absent. ORDINANCE 2004-0860 ADOPTED.
25. ORDINANCE awarding construction contract to **DOLSON-SIERRA CONSTRUCTION GROUP, INC** for Water, Sanitary Sewer and Storm Drainage Systems to serve Phase Three of the Ashford Gardens Subdivision; approving and authorizing an assignment of the construction contract to **PARK LAKE COMMUNITIES, LP**; CIP S-0800-97-3 and R-0800-97-3 (DPC-052) **DISTRICT F - KHAN** – was presented. All voting aye. Nays none. Council Member Sekula-Gibbs out of the city on personal business. Council Member Berry out of the city on city business. Council Member Goldberg absent. ORDINANCE 2004-0861 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

PROPERTY

5. RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel KY3-081, located at 1223 Brittmoore Road, owned by Ken Wind Co., Inc., a Texas corporation, Kenneth E. Wind, President, for the **IH-10 WATERLINE EASEMENTS PROJECT from Clarborough to Red Haw**, CIP S-0900-AS-2 - **DISTRICT A - LAWRENCE** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. Council Member Edwards voting no, balance voting aye. Council Member Sekula-Gibbs out of the city on personal business. Council Member Berry out of the city on city business. Council Member Goldberg absent. MOTION 2004-0911 ADOPTED.
6. RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel KY3-083, located along the west line of Clarborough Drive at Church Street, owned by Ladish Company, Wayne Larsen, Vice President, for the **IH-10 WATERLINE EASEMENTS PROJECT from Clarborough to Red Haw**, CIP S-0900-AS-2 - **DISTRICT A - LAWRENCE** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. Council Member Edwards voting no, balance voting aye. Council Member Sekula-Gibbs out of the city on personal business. Council Member Berry out of the city on city business. Council Member Goldberg absent. MOTION 2004-0912 ADOPTED.
7. RECOMMENDATION from Director Department of Public Works & Engineering to **RESCIND MOTION #2004-48, 1/14/04**, which authorized condemnation of Parcel KY3-144, located at the southwest corner of IH-10 and North Eldridge Parkway, owned by Memorial Hospital System, a Texas a non-profit corporation, for the **IH-10 WATERLINE**

EASEMENTS PROJECT from Clarborough to Red Haw, CIP S-0900-AS-2; TO AUTHORIZE purchase of said parcel **DISTRICT A - LAWRENCE** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Sekula-Gibbs out of the city on personal business. Council Member Berry out of the city on city business. Council Member Goldberg absent. MOTION 2004-0913 ADOPTED.

PURCHASING AND TABULATION OF BIDS

11. ORDINANCE appropriating \$254,070.60 out of St. George Place Redevelopment Authority TIRZ Affordable Housing Fund for Emergency Demolition and Reconstruction of Three Homes for the Housing and Community Development Department - **DISTRICTS A - LAWRENCE; B - GALLOWAY and D – EDWARDS** – was presented.

Council Member Galloway stated that she was very excited about the item, that there were seniors whose home had been in disarray for quite some time, and only had one concern on demolishing of buildings, that she did not know if they had some kind of policy or procedure in place because when they were demolishing buildings through Neighborhood Protection they said they had to send it to the State and that it took 10 days, that she had a duplex that she had been trying to get demolished for the past three years, that they approved the contract about 2 months ago and it was right by a school, that one child was dragged into the building and raped, that she thought those buildings would be demolished by the time school started and it had not, but in Item No. 11 they could get emergency funds and go ahead and demolish a residence even before they approved a contract because one of the homes had already been demolished, that she hoped they would get some continuity between Neighborhood Protection and when they did an emergency and what was noted as an emergency, that she would like to Mayor to look into that, that she hoped her colleagues supported the item because it was long overdue, and Mayor White stated that he would ask Mr. Fontaine if he could pursue it with Mr. Tinnermon and others. Council Member Goldberg absent.

Council Member Quan stated that he was pleased to see that they were moving forward on major home repair and that Item No. 11 was the beginning of the process, that he was just a little bit disturbed that they did not have an opportunity to go through committee and review it and looked at it as an emergency situation, that he hoped in the future the department would be able to come to them with a definite plan so it could come through their Neighborhood Housing and Redevelopment Committee so they could understand the full nature and scope of how the department planned to handle them in the future. Council Member Goldberg absent.

A vote was called on Item No. 11. All voting aye. Nays none. Council Member Sekula-Gibbs out of the city on personal business. Council Member Berry out of the city on city business. Council Member Goldberg absent. ORDINANCE 2004-0862 ADOPTED.

- 11a. **CDI MANAGEMENT SERVICES, INC** for Emergency Demolition and Reconstruction of three homes for Housing and Community Development Department – was presented, moved by Council Member Quan, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Sekula-Gibbs out of the city on personal business. Council Member Berry out of the city on city business. Council Member Goldberg absent. MOTION 2004-0914 ADOPTED.

ORDINANCES

12. ORDINANCE ordering a Special Election to be held on November 2, 2004, jointly with other governmental entities, for the purpose of submitting to the qualified voters of the City of Houston, Texas, various propositions for the amendment of the City Charter relating to limits on future property tax revenues and water and sewer rates, limits on all future city revenues and the conduct of performance audits of city departments by the City Controller;

containing findings and other provisions related to the foregoing subject; providing for a repealer; providing for severability – was presented, and tagged by Council Members Wiseman, Khan, Galloway and Quan. Council Member Goldberg absent.

Council Member Ellis stated that he wanted to bring to everyone's attention that the item was an amended version of what was passed out of the joint committee with Council Member Wiseman and himself last Wednesday, that it was a draft and as he had an opportunity to review it on Thursday he saw a loophole in the wording and when he met with the Mayor and Ms. Johnson on Friday they agreed so there had been some changes, specifically the changes were that the first draft version would only eliminate the O&M tax rate and as they all knew they had two tax rates that they adopted and the combined rate for this year was going to be \$.65, it was combination of their Debt Service rate and the O&M rate, and the first version only restricted the O&M rate and would allow the Debt Service rate to expand or go up higher, so they did not feel that it would be a genuine Charter amendment and so they restricted both combined tax rates, that they believed that this was a more effective Charter amendment and that it could offer some property tax relief out in the future.

Mayor White stated that he appreciated the input of many Council Members on the item and encouraged Council Members to take a look at the language of the item, that he thought that the change that was suggested from the version in committee was a further guarantee for real property tax relief.

17. ORDINANCE approving and authorizing Amendment No. 1 to Parking Operations and Management Concession agreement between the City of Houston and **NEW SOUTH PARKING-TEXAS** for the Houston Airport System; providing a maximum contract amount – was presented, and tagged by Council Member Khan.
18. ORDINANCE approving and authorizing contract between the City of Houston and **BONDRESOURCE PARTNERS, L.P.**, for Arbitrage Rebate Calculation and Consulting Services; providing a maximum contract amount - 3 Years with two one-year options - \$1,000,000.00 General and Enterprise Funds – was presented, and tagged by Council Members Khan and Garcia.
19. ORDINANCE establishing a maximum contract amount for contract between the City of Houston and **EPSTEIN BECKER GREEN WICKLIFF & HALL, P.C.** as originally approved by Ordinance No. 2004-378 - \$850,000.00 - General Fund – was presented, and tagged by Council Member Khan.
21. ORDINANCE awarding contract to **HOYT ENTERPRISES, INC dba HOYT BREATHING AIR PRODUCTS** for Inspection, Maintenance, Repairs and Testing Services on Self-contained Breathing Apparatus Units for Houston Fire Department; providing a maximum contract amount 3 Years with two one-year options - \$862,640.00 - General and Enterprise Funds – was presented. All voting aye. Nays none. Council Member Sekula-Gibbs out of the city on personal business. Council Member Berry out of the city on city business. ORDINANCE 2004-0863 ADOPTED.
22. ORDINANCE awarding contract to **CARRIER CORPORATION** for Heating, Ventilation and Air Conditioning Maintenance Services for Various Departments; providing a maximum contract amount - 3 Years with two one-year options - \$5,654,732.50 - General, Enterprise, Fleet Management, Storm Water and Building Inspection Funds – was presented. All voting aye. Nays none. Council Member Sekula-Gibbs out of the city on personal business. Council Member Berry out of the city on city business. ORDINANCE 2004-0864 ADOPTED.
26. ORDINANCE appropriating \$11,040,000.00 out of Airports Improvement Fund and appropriating \$2,025,000.00 from the Federal Aviation Administration Grant Agreement

No. 3-48-0110-03 to be received and appropriating \$6,735,000.00 from the Federal Aviation Administration Grant Agreement No. 3-48-0111-47-03 to be received and approving and authorizing amendment No. 1 to professional consulting services contract between the City of Houston and **PARSONS WATER & INFRASTRUCTURE, INC, assignee of PARSON'S INFRASTRUCTURE & TECHNOLOGY GROUP, INC,** for Security Program Consulting Services for the Houston Airport System (Project No. 612; CIP A-0486) – was presented.

Council Member Khan stated that he had some concerns about their MWBE goals, that they had a goal of 30% and were only meeting 21% so he would like to know what efforts were made by the contractor and the Department to meet the goal, that he would tag the item and request that somebody give him some information as to what efforts were taken to meet the MWBE goals. (Note: Council Member Khan released his tag later in the meeting.)

Council Member Galloway stated that she was concerned about the MWBE participation as well and requested some information before the end of the Council meeting.

NON CONSENT AGENDA - NUMBERS 27 through 29

MISCELLANEOUS

27. RECEIVE nominations for appointment to Position 5 and to the Chair of the **BOARD OF DIRECTORS OF REINVESTMENT ZONE NUMBER ONE, CITY OF HOUSTON, TEXAS (ST. GEORGE PLACE)** to fill unexpired terms ending December 31, 2004 – was presented.

Council Member Goldberg stated that he wanted to nominate Mr. Walter Goff as Chair and Mr. Carlos Alvarado for Position 5 of the Board of Directors of Reinvestment Zone Number one, City of Houston, Texas (St. George Place).

Council Member Ellis moved to close nominations for Chair and Position 5 of the Board of Directors of Reinvestment Zone Number one, City of Houston, Texas (St. George Place), seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Sekula-Gibbs out of the city on personal business. Council Member Berry out of the city on city business. MOTION 2004-0915 ADOPTED.

28. RECEIVE nominations for appointment or reappointments to Positions 4 through 7 to the **ETHICS COMMITTEE**, for two year terms to expire December 31, 2005 – was presented.

Council Member Galloway stated that she would nominate Ms. Shirley Ann Malonson for Position 4 of the Ethics Committee.

Council Member Quan stated that he would nominate Mr. Kristopher Ahn for Position 5 of the Ethics Committee.

Council Member Khan stated that he would nominate Mr. Anwar I. Qadeer for Position 6 of the Ethics Committee.

Council Member Goldberg stated that he would nominate Mr. Brian P. Cweren for Position 7 of the Ethics Committee.

Council Member Alvarado moved to close nominations for Positions 4 through 7, seconded by Council Member Khan. All voting aye. Nays none. Council Member Sekula-Gibbs out of the city on personal business. Council Member Berry out of the city on city business. MOTION 2004-0916 ADOPTED.

PROPERTY

29. RECOMMENDATION from Director Department of Public Works & Engineering for City Council to draw lots due to receiving tie bids of \$81,000.00 from **IN TOWNHOMES, LTD.** and **LI-MING CHEN** to determine the highest bidder for the sealed bid sale of Parcel S95-084, the 10,009 square foot former Fire Station No. 24 site, located at 1503 Palmer, Lots 9 and 10, Block 688, South Side Buffalo Bayou, Henry Tierwester Survey - **DISTRICT I – ALVARADO** – was presented.

Council Member Holm drew Li-Ming Chen as the successful bidder and moved approval of the recommendation, seconded by Council Member Quan. All voting aye. Nays none. Council Member Sekula-Gibbs out of the city on personal business. Council Member Berry out of the city on city business. MOTION 2004-0917 ADOPTED.

MATTERS HELD - NUMBERS 30 through 32

30. MOTION by Council Member Khan/Seconded by Council Member Alvarado to adopt recommendation from Finance & Administration Department, to award to **HALL'S LANDSCAPING AND MAINTENANCE LLP (Bids #1 and #2)** - \$388,025.18 and **BWI SCHULENBURG (Bid #14)** - \$94,948.47 for Landscape, Plants, Trees, Grass and Associated Materials for Various Departments - \$497,910.98 minus a commission fee (3% for Internet-based reverse action services) for a net award amount not to exceed \$482,973.65 - General, Enterprise and Parks Special Revenue Funds – **(This was Item 35 on Agenda of August 4, 2004, POSTPONED BY MOTION #2004-869)** – was presented.

After discussion by Council Members, Council Member Galloway stated that there were no trees in the second phase of Wayside from Ley Road to Tidwell as there were insufficient funds within the project budget for trees in a portion of the project, and Mayor White stated that they would get a response on that and that Council Member Holm's committee was looking at the Ordinance for 1% landscaping funds that was passed in 1990 as there needed to be a criteria in the construction program.

After further discussion a vote was called on Item No. 30. All voting aye. Nays none. Council Member Sekula-Gibbs out of the city on personal business. Council Member Berry out of the city on city business. MOTION 2004-0918 ADOPTED.

31. MOTION by Council Member Khan/Seconded by Council Member Alvarado to adopt recommendation from Director Department of Public Works & Engineering to purchase Parcel AY4-034, owned by 900 East First Street Associates, a California limited partnership, Ernest A. Kaplan, President/CFO, for the **SAN FELIPE STREET WIDENING PROJECT from Woodway at San Felipe**, CIP N-0565-02-3 - \$176,163.00 - **DISTRICT G – HOLM** – **(This was Item 3 on Agenda of August 11, 2004, TAGGED BY COUNCIL MEMBERS HOLM and GOLDBERG)** – was presented.

Council Member Holm stated that she tagged the item last week because of the process of purchasing the property, that she wanted some accountability and explanation, that in this case JMA failed to do the due diligence and did not take the appropriate measures for the City to acquire the property, that she wanted to applaud Mr. Krueger of Public Works because at the time it happened there was no accountability or process, but under his guidelines and the standards that he was implementing they now had that criteria in place so in the future there would be evaluation processes and all of it would be taken care of.

A vote was called on Item No. 31. All voting aye. Nays none. Council Member Sekula-Gibbs out of the city on personal business. Council Member Berry out of the city on city business. MOTION 2004-0919 ADOPTED.

32. ORDINANCE appropriating \$5,000,000.00 out of Airports Improvement Fund and approving and authorizing amendment No. 3 to Professional Program Management Services contract between the City of Houston and **KELLOGG BROWN & ROOT, INC** at William P. Hobby Airport (Project No. 417) CIP A-0141 - **DISTRICT I – ALVARADO – (This was Item 16 on Agenda of August 11, 2004, TAGGED BY COUNCIL MEMBERS ALVARADO and SEKULA-GIBBS)** – was presented.

Council Member Alvarado stated that she had an amendment to Item No. 32 and had passed out a copy to all of the Council Members, that she wanted to thank the Department of Aviation for working with her office on it, that she had concerns about the cost of the contract, which had escalated quite a bit and offered the following to amend Item No. 32, seconded by Council Member Khan.

“Amend Section 4.2.2 of the Contract to read as follows: Limit of Appropriation-Allocated Funds; Limitation of Cities Duties

4.2.2 The fees specified in Paragraph 4.1 above are Program Manager’s total compensation for its services under this Contract. Program Manager recognizes that, under the City’s Charter, the City may not obligate itself by contract to pay more money than the amount the City Council appropriates, and further recognizes that the City Council has appropriated only \$23,930,972.00 to pay for Basic Services under this Contract and \$100,000.00 to pay for Additional Services under this Contract. Unless the City Council makes further appropriations for this Contract, the City’s obligation to Program Manager under this Contract must not exceed \$24,030,972.00”

A vote was called on Council Member Alvarado written motion to amend Item No. 32. All voting aye. Nays none. Council Member Sekula-Gibbs out of the city on personal business. Council Member Berry out of the city on city business. MOTION 2004-0920 ADOPTED.

A vote was called on Item No. 32 as amended. All voting aye. Nays none. Council Member Sekula-Gibbs out of the city on personal business. Council Member Berry out of the city on city business. ORDINANCE 2004-0865 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Goldberg stated that two Sunday’s ago the Chronicle had an editorial about tollways in general and there had been a lot of complaints in the neighborhoods because when the Legislature gave the County permission to charge and build tollways there was nothing put in there about holding public hearings and apparently the Harris County Tollroad Association were not holding public hearings and a lot of neighborhoods were surprised to find that there was going to be a tollroad going through their neighborhood and the editorial basically asked that there be some sort of public hearing to get the information out, that he did not know what the City Council could do or what a committee could do but it would be nice to hold a public hearing. Council Members Galloway, Khan and Alvarado absent.

Council Member Goldberg stated that he wanted to congratulate the Houston Texans for winning the Governors Cup over the Dallas Cowboys. Council Members Lawrence, Galloway, Khan and Alvarado absent.

Council Member Goldberg stated that one of the pitchers on the United States Women’s Softball Team, Ms. Pat Austerman, pitched a one hitter with eleven strike outs and led her team to a victory over Japan, 3 to nothing, that Ms. Sheryl Swoops of the Houston Comets was on the United States Women’s Basketball Team and they won their game and were 3 and 0, and earlier this year Mayor White gave a proclamation to Mr. Termit Watkins and Mr. Watkins was the trainer of one of the Iraqi boxers and the boxer actually wanted to come and study at the University of Houston and they were trying to get him scholarship and he ended up being the

flag holder at the opening ceremony and he would fight today at 11:30 a.m. against a North Korean and Mr. Watkins was there and getting him ready for his first fight. Council Members Lawrence, Galloway, Khan and Alvarado absent.

Council Member Edwards stated that she wanted to thank the Mayor and his office and Mr. Allen Parker and a group who went out and visited with Mrs. Flossie Lewis at her home and community and working out a real plan regarding the trash in her area, that she was very pleased and excited about the opportunity to finally get some help in cleaning out the community. Council Members Galloway, Wiseman, Khan, Alvarado, Ellis and Green absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she wanted to remind her colleagues of what she saw as their responsibility regarding the DNA and Crime Lab and would like for them to send some type of notification to the Governor about their concerns. Council Members Galloway, Wiseman, Khan, Alvarado, Ellis and Green absent. (NO QUORUM PRESENT)

Council Member Edwards stated that the Chocolate Bayou Festival was coming up in September and she wanted to focus this week on the youth fractions of the festival, that they were having a You Zone which was going to be all dedicated to youth, from the Little League baseball experience, basketball camps and training and also education with their Camp Kronk community organizing that was being held now and would culminate at the festival, they were also going to have a stage that would highlight the talent of the youth of Houston, Texas, if they had any organizations they should give her office a call, they did not have to live in District D or Sunnyside they just wanted them to be young kids who were excited about the City, that they encouraged them to come out and see what was going on in Sunnyside. Council Members Galloway, Wiseman, Khan, Alvarado and Green absent.

Mayor White stated that he wanted to congratulate Council Member Edwards, that the Chronicle article on Chocolate Bayou was great, that he knew she had one of the most diligent and hard working staffs and understood that the Chief made some comments on some of the matters that she expressed interest in and some assistance that he was seeking, that it may be worthwhile for her staff to get a copy of those remarks and get that communication from HPD. Council Members Galloway, Wiseman, Khan and Green absent.

Council Member Lawrence stated that she wanted to commend the Super Neighborhood Alliance for their attempts to present and uphold deed restrictions, they had a wonderful meeting and she encouraged anyone involved in the Super Neighborhood Program to at least find out what was going on with the alliance and see when they wanted to attend, that there were six Council Members and the Mayor at their meeting and they talked one to one to the various people there on ways they could make neighborhoods function better and how their appeals to Legal, Public Works, the Planning Department, the City Council and to DRT, how all those entities could fit together better, that she wanted to commend them for their efforts and the Mayor and Council Members for addressing the problem. Mayor White and Council Members Galloway, Wiseman, Khan and Green absent. Mayor Pro Tem Alvarado presiding.

Mayor Pro Tem Alvarado stated that it was a very productive meeting and wanted to thank Council Member Garcia because it was actually hosted in his district but comprised of other districts as well. Mayor White and Council Members Galloway, Wiseman, Khan and Green absent. Mayor Pro Tem Alvarado presiding.

Council Member Garcia stated that over the weekend one of his staff members needed to get hold of a food inspector and at first they could not get any response, but she was able to get a hold of Ms. Angela Wong in the Food Poisoning Section, who happened to be working that day and she was very responsive, that she ended up not only working with her staff member to not only following up on the issue she identified but gave them some follow up on Monday, that he wanted to thank Mr. Williams for having that kind of staff who was considerate enough to

take the extra step and be responsive, that he wanted to say to 311 that they needed to have some access to emergency numbers to help citizens on the weekends or late evening hours. Council Members Goldberg, Edwards, Wiseman and Green absent.

Council Member Garcia stated that he wanted to commend the Municipal Channel, that they recently won a PSA Production Award by the Alliance for Community Media 2004 Hometown Video Festival, that they selected their Municipal Channel as a winner for doing some work, that he knew Ms. Carol Herrera had a small staff over there but they really did wonders. Council Members Goldberg, Edwards, Wiseman and Green absent.

Council Member Garcia stated that he wanted to commend the Mayor's office for the great health festival that was held at Moody Park, that he wanted to thank Mr. Ruben Vela and Mr. Richard Cantu for all of the organization and collaboration. Council Members Goldberg, Edwards, Wiseman and Green absent.

Council Member Garcia stated that LULAC Council 402 would be providing 22 scholarships to young students this evening at the University Club at 6:30 p.m., that one of the featured speakers would be Mrs. Melissa Noriega, wife of Representative Noriega who is serving his Country. Council Members Goldberg, Edwards, Wiseman and Green absent.

Council Member Garcia stated that he had an opportunity to tour on Monday the public housing facilities that HATCH was responsible for in his district with Mr. Etuk and Ms. Hester and Lieutenant Nichols, that it was a very productive meeting and they had some good dialog and shared a lot of ideas, that he thought there was great opportunity to move that effort forward to new levels and concepts, and Mayor White asked if he would share his impressions with the new Chairman, and Council Member Garcia stated that he would. Council Members Goldberg, Edwards, Wiseman, Quan and Green absent.

Council Member Garcia stated that they had a good health discussion with Metro yesterday about the new rail line and the east line with Mr. Wulf and Mr. Wilson, that he thought the meeting was very productive and effective, that he was still cautiously optimistic, that it was a good starting point and looked forward to working with those folks to help them move their rail lines forward and helping Houston become a world class City with the rail. Council Members Goldberg, Edwards, Wiseman, Quan and Green absent.

Council Member Garcia stated that he had a discussion with the Second Ward and NIC regarding the Day Labor Center in the Second Ward community with Mr. Mesa and Ms. Angela Blanchard from Neighborhood Centers and again it was another good discussion and provided a lot of clarity and really demonstrated to the citizens and residents of Second Ward that they were trying to get a handle on the issues and concerns of the Day Labor problem and what it presented to the City. Council Members Goldberg, Edwards, Wiseman and Quan absent.

Council Member Holm asked if there was a way for Public Works to really evaluate a plan and for them to have a plan to have ongoing maintenance and take care of their major thoroughfares, if they could keep their main thoroughfares, their arteries, open and flowing and in good repair that would enhance their mobility as well as protect their neighborhoods and other communities and service a whole regional plan, and Mayor White stated that her request was noted. Council Member Wiseman absent.

Mayor White stated that as they moved toward the Legislature there were any number of major thoroughfares that were eligible for TXDOT funding, that the funding was divided up based on the miles and not the usage, that there was public safety money, called DPS money, that ought to be allocated for public safety in the same manner, that they were going to make a stand. Council Members Goldberg and Wiseman absent.

Council Member Alvarado stated that she wanted to thank all of the Department Directors

and City staff that came out to the State of the District Breakfast and wanted to thank the Mayor as well, that they had over 300 civic club presidents and precinct judges that came and it was a very productive event. Council Member Wiseman absent.

Council Member Alvarado stated that she wanted to congratulate Council Member Edwards, that she was reading about her neighborhood Sunnyside, that there was a cover story about the work that they had put in led by Council Member Edwards in recapturing the history in preparation of the Chocolate Bayou Festival, that she appreciated the work that she and her staff was doing to make sure that the neighborhoods in her district capture that history, that she also wanted to commend the constituents for taking time, that it was a good story. Council Member Wiseman absent.

Council Member Alvarado stated that she had been talking with Legislators and Council Members throughout the Country from States like Texas that had a heavy minority population and one of the things that she had learned was that their pension funds were doing a poor job when it came to giving opportunities to minority financial service companies and to give them an example in 2003 their three funds, Police Officer, Firefighters and Municipal held funds in a total of \$5.1 billion and paid more than \$30 million in investment fees to firms that they were doing business with, that Hispanic participation was 0.002% and African American participation was only 0.014%, that it saddened her to know that and thought it was an issue that needed to be looked at and there needed to be some resolution to it, that she thought they could do better. Council Member Wiseman absent.

Council Member Khan stated that he wanted to thank Mr. Michael Moore and Mr. Arturo Michel, that there was some dumping going on in their district, the Alief area, some construction material being dumped on private property and it violated a lot of City ordinances, that Mr. Moore got on the situation right away and Mr. Michel visited the area himself, they were working on getting those things addressed and he really appreciated the efforts they made on that regard. Council Members Wiseman and Ellis absent.

Council Member Khan stated that they would have a townhall meeting at Alief Montessori School to address some of the concerns of the parents and students. Council Members Wiseman and Ellis absent.

Council Member Khan stated that he wanted to thank Mayor White for sending an email recognizing Council Member Green and his effort in the Municipal Court system. Council Members Wiseman and Ellis absent.

Council Member Khan stated that he appreciated Mr. Frank Mancuso, Ms. Kathy Alec and Director Velma Laws for briefing him about the contract and after talking with them he was convinced that good faith efforts were being made to address the MWBE participation and he would remove his tag on Item No. 26. Council Members Wiseman and Ellis absent.

Council Member Lawrence stated that she would be remised if she did not thank HISD for reconsidering the location of their 300 bus transportation center, that they had gotten to the preliminary plans and were going to move it into District A and in 2 or 3 days the neighborhoods of Oak Forest, Mangum Manor and some others came together and met with the HISD attorneys and architects and convinced them that they needed to go elsewhere and they agreed so she thanked them for their open mindedness. Council Members Wiseman and Ellis absent.

Council Member Galloway stated that she heard Mayor White would be participating with them on Saturday at their back to school giveaway and would be with Mr. Peter Wong, that she wanted to thank him and CARE for donating the school supplies to the students at Sanders Elementary School, which would be held at Kashmere High School on Saturday, August 21, 2004. Council Member Wiseman absent.

Council Member Galloway stated that on Saturday at the Northeast YMCA there was going to be a back to school jam rally and it was co-sponsored by BFI, that she wanted to thank everyone for their participation in seeing that the young people in District B got the adequate school supplies that they needed, that she wanted to thank Mr. Fontaine for working with her on special projects. Council Member Wiseman absent.

26. ORDINANCE appropriating \$11,040,000.00 out of Airports Improvement Fund and appropriating \$2,025,000.00 from the Federal Aviation Administration Grant Agreement No. 3-48-0110-03 to be received and appropriating \$6,735,000.00 from the Federal Aviation Administration Grant Agreement No. 3-48-0111-47-03 to be received and approving and authorizing amendment No. 1 to professional consulting services contract between the City of Houston and **PARSONS WATER & INFRASTRUCTURE, INC, assignee of PARSON'S INFRASTRUCTURE & TECHNOLOGY GROUP, INC,** for Security Program Consulting Services for the Houston Airport System (Project No. 612; CIP A-0486) – was again before Council. All voting aye. Nays none. Council Member Sekula-Gibbs out of the city on personal business. Council Member Berry out of the city on city business. Council Member Wiseman absent. ORDINANCE 2004-0866 ADOPTED.

MAYOR'S REPORT - Presentation of proposed Meet and Confer Agreement between the City of Houston and Houston Municipal Employees Pension System

Mayor White stated that they were ready for the Mayor's Report and would recognize Mr. Anthony Hall to present the report, that Mr. Hall along with Mr. Long had worked very diligently every week since May 2004 to try to make substantial progress in providing more secure pensions for city employees that were affordable, fair and that created a part of the administration's and Council's action in the budget to create the right balance between current compensation and the ability to retire with security and dignity. Council Member Wiseman absent.

Mr. Hall stated that he wanted to thank the Mayor and City Council for the opportunity to give the report and reviewed a document titled "Proposed Agreement with the Houston Municipal Employees Pension Plan, August 18, 2004". Council Member Wiseman absent.

Mayor White stated that the work that was done by the Municipal Pension Board and Mr. Hall provided for a more secure future than employees had before they began the open discussion about the pension plan and pension funding, that for people who worked hard for the City he was committed that they would have better pay and they would see the results in the tight budget they had this year where they had an employee pay increase, that they would be able to retire with dignity, contrary to what some people may have read in the press, that they needed a good pension to retire with dignity. Council Member Wiseman absent.

Mr. Hall stated that he wanted to thank the people from the Administration, the Legal Department, the actuary firm and outside Legal, that he wanted to thank them very much and was pleased to announce that the Pension System had adopted the plan. Council Member Wiseman absent.

Mr. Hall was questioned at length by Members of Council and Council Member Goldberg asked Mr. Hall, for the benefit of all of the Council Members, if he could get them the pre 2001 formulas, and Mayor White stated, that on the issue of the average retirement age or number of years in service, they would get them that assumption and the model.

Mayor White stated that while they still had a quorum they would move to Item No. 26. Council Member Wiseman absent.

13. ORDINANCE approving and authorizing a Meet and Confer Agreement between the City

and the **HOUSTON MUNICIPAL EMPLOYEES PENSION SYSTEM**; containing provisions relating to the subject – was presented, and tagged by Council Members Ellis, Quan, Lawrence, Green, Khan, Holm and Edwards. Council Members Galloway, Goldberg and Wiseman absent.

After further discussion by Council Members, Mayor White stated that some of the things they had done on the issue there was going to be no rush but would ask his colleagues, if they thought it was appropriate, to apply the appropriate peer pressure for people to get brought up to speed relatively sooner than later, and Council Member Quan stated that he had a list of items that he would send to Mr. Hall, that he would like to see the presumed rate of return on their investment, the rate on the pension obligation bonds, rate of contribution they were paying now versus this, the presumed rate of their payroll increases and what impact was it going to be on the projections, and Mr. Hall stated that they had all of that available now and would give it to the Council Member. Council Members Galloway, Wiseman and Holm absent.

There being no further business before Council, the City Council adjourned at 11:45 a.m.
Council Members Galloway, Wiseman and Holm absent.

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary