

City Council Chamber, City Hall, Tuesday, August 31, 2004

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, August 31, 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, Carol Alvarado, Mark Ellis, Gordon Quan, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; Mr. Harlan Heilman, Division Chief, Claims & Subrogation Division, Legal Department; Mr. Richard Cantu, Director Mayor's Citizens Assistance Office; Ms. Marty Stein, Agenda Director, Mr. Jose Soto, Deputy Agenda Director, present. Council Member Adrian Garcia absent on city business.

At 1:54 p.m. Mayor White stated that Council would begin with presentations and invited Mr. Jamie Rootes, Vice President of the Houston Texans to the podium. Mr. Rootes appeared with two Cheer Leaders and stated that it was the Houston Texans third season in the National Football League and it was a great success; that this week started the Third Annual Texans Week and it was beginning here today; that they would wrap it up Saturday night with the taste of victory and Sunday the regular season would be opened with the San Diego Chargers in Reliant Stadium; that they projected over their three years the economic impact was about one billion dollars; that the Cowboys had come twice and left defeated twice; and they hoped their success would continue. Mayor White stated that he was so excited about Houston Texans Week and many admired the way the team was put together; and presented Mr. Rootes a Proclamation for the Houston Texans being the thirty second NFL team, commended the team and proclaimed September 5-12, 2004, as "Houston Texans Week" in Houston, Texas; and Mr. Rootes presented Mayor White with a team jersey. Council Members Galloway, Goldberg, Edwards, Wiseman, Holm, Alvarado, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Council Member Khan invited Mr. Tony Masraff and his family to the podium and stated that Mr. Masraff was founder of "Tony's Prostate Cancer Research" Foundation and last year the foundation raised \$370,000 for the Baylor College of Medicine; that September 17, 2004, there would be a fund raising gala and he hoped all Council Members would be present; and presented him a Proclamation for the organization making people more aware; for raising funds for treatment and proclaimed August 31, 2004, as "Tony's Prostate Cancer Research Day" in Houston, Texas. Council Members Galloway, Edwards, Wiseman, Alvarado, Sekula-Gibbs and Berry absent.

At 2:05 p.m. Mayor White called the meeting to order and called on Council Member Holm to lead in prayer and pledge. Council Members Galloway, Wiseman, Alvarado, Sekula-Gibbs and Berry absent.

At 2:06 p.m. the City Secretary called the roll. Council Member Garcia absent on city business. Council Members Galloway, Wiseman and Berry absent.

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

Council Member Green moved that the rules be suspended for the purpose of hearing from Ms. Flossie Lewis as the first Non-Agenda speaker, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Garcia absent on city business. Council Members Galloway and Berry absent. MOTION 2004-0944 ADOPTED.

Council Member Quan moved that the rules be suspended for the purpose of hearing from Mr. Gerald Jullian after Ms. Flossie Lewis, seconded by Council Member Khan. All voting aye. Nays none. Council Member Garcia absent on city business. Council Members Galloway and Berry absent. MOTION 2004-0945 ADOPTED.

Mr. Ralph Vasquez, 501 Tallant, Houston, Texas 77076 (713-695-8347) appeared and stated that he was present representing the Citizens Against the Memorial Park Master Plan (CAMP) that they were against removal of any fields and supported Council Member Garcia's requested addendum to the plan where he wanted to include documentation of the people using the park so in the future Council Members would consider the impact that the softball and baseball diamonds and tennis courts had on the citizens; that they wanted to thank him for looking out for the greater metropolitan area; and they had no objections to the Master Plan as written with Council Member Garcia's addendum included. Council Members Galloway, Khan, Green and Berry absent.

Council Member Alvarado moved that the rules be suspended for the purpose of hearing from Ms. Francis Farenthold after Mr. Gerald Jullian, seconded by Council Member Quan. All voting aye. Nays none. Council Member Garcia absent on city business. Council Members Galloway, Khan, Green and Berry absent. MOTION 2004-0946 ADOPTED.

Mr. Armando Bermudez, 401 James, Houston, Texas 77019 (713-228-5427) appeared and stated that he would like to release his time to Mr. Gene Goins who was supposed to speak also, but had not called in; and Mayor White stated that if there were no objections he would allow Mr. Goins to address the Council in his place. Council Members Galloway, Khan, Green and Berry absent.

Mr. Gene Goins, who was allowed to speak in place of Mr. Bermudez, appeared and stated that he was president of the near Northside Bond and they were present today speaking against the Memorial Park Master Plan as the plan did not include all the people; that he was happy the Council would be considering Council Member Garcia's addendum and before the vote he would ask that they review pages 18 through 20 and see how all were not included; and urged that they take it into consideration as they vote tomorrow. Council Members Galloway, Khan, Green and Berry absent.

Upon questions by Council Member Quan, Mr. Goins stated that if Council would review the pages he suggested they would see there was very little input from the entire community and that was what they found faulty; and Council Member Quan stated that he was at Memorial Park when it was presented and there was much input and modifications were made and that was why it took so long before it came to Council. Upon further questions by Council Member Quan, Mr. Goins stated that the door seemed to be closing against any additional sports facilities in Memorial Park and that was the one jewel so many in the city could reach; and Council Member Quan stated that he was pleased the Advisory Board had removed the deletion of those facilities from the park so they would remain; and they were looking for more such facilities in the inner city. Council Members Lawrence, Galloway and Alvarado absent.

Council Member Holm stated that a lot of time and input went into the plan and while it did not address adding more facilities the park was a treasure with a finite amount of land and it did give opportunity to every area at this time; that she hoped he would review it again as she did support it. Council Members Lawrence, Galloway, Edwards and Alvarado absent.

Mayor White stated that when he took office he did emphasize on this plan the need to make sure there was adequate input and that the need of the users be considered and he did understand his point and concerns about the future, but the Council did give strong direction to reach out for the stakeholder input and he personally reviewed all they did before Chairman Holm brought it to them; and he thanked him for appearing today. Council Members Lawrence, Galloway, Goldberg, Edwards and Alvarado absent.

Ms. Allyson Cook, 2200 Willowick #16H, Houston, Texas 77027 (713-626-8655) appeared and stated that she had been involved with parks and greenspace for several years and served on a number of boards and was involved for three years in the creation of the Memorial Park Master Plan; that Memorial Park was indeed a gem and unique among parks in this Country,

New York City Central Park had 843 acres while we were fortunate enough to have 1,500 acres; that the goal of the Master Plan had always been to take a long look at needs and recreational interest while insuring generations to come could enjoy its natural beauty while development still came all around it; that the process was long and public and they were charged by the Parks Department to create a flexible plan which could be adjusted in decades ahead to meet changing interest and they believed it was met; that the plan allowed it to remain an oasis of green while providing for as yet unknown recreational interest after those present were long gone; and urged the passage of the plan in tomorrow's meeting. Mayor White, Council Members Lawrence and Edwards absent. Mayor Pro Tem Alvarado presiding.

Upon questions by Council Member Quan, Ms. Cook stated that she thought the key was flexibility; that before the 1970s no one would have guessed that the overwhelming amount of users of the park would be joggers so how could they foresee what recreational users might be 50 years into the future; that soccer was a wonderful sport, but there might be other recreational interest and she believed every Council should have the right to look at the needs of the city at that time and change them. Mayor White absent. Mayor Pro Tem Alvarado presiding.

Council Member Holm stated that there was no amendment tomorrow, there would be an addendum put forward by Council Member Garcia asking that all who use the park be a part of the plan. Mayor White absent. Mayor Pro Tem Alvarado presiding.

Council Member Khan moved that the rules be suspended for the purpose of hearing from Mr. Rick Cheesman out of order, seconded by Council Member Quan. All voting aye. Nays none. Council Member Garcia absent on city business. Mayor White absent. Mayor Pro Tem Alvarado presiding. MOTION 2004-0947 ADOPTED.

Ms. Flossie Lewis, 6821 Driftwood, Houston, Texas 77021 (713-748-0332) appeared and stated that she was president of Foster Place Civic Club and was present to thank the Council for all 2004 brought about, but today her concern was the homeless they were their neighbors and could not get a home or healthcare; and urged that they read the book of Luke 25 - 37 verses; that she had no money but did have time and if she could go to a meeting and help she was willing. Council Member Holm absent.

Council Member Quan stated that it was a great concern to him also and they had formed a committee and hired a researcher and were doing needs assessment so they could be more effective; that he would take her name as a person to contact and did appreciate her concern. Council Member Holm absent.

Mr. Gerald Jullian, 8230 Gulfwood, Houston, Texas 77075 (713-997-4783) appeared with his wife and stated that he was present representing his brother Charles Jullian, who was an assistant chief in the Houston Fire Department and was being removed; that he was present asking that he be retained in that position; that he moved up the rank until asking to be appointed as assistant chief and that took about ten years and he got it through a lawsuit; that he held the position about nine months and now was being removed; that there had never been a Black assistant chief before and he had done an outstanding job and received a proclamation and accommodations from the last two Mayor's; and Ms. Jullian stated that she agreed. Council Members Edwards and Holm absent.

Upon questions by Council Member Goldberg, Mr. Jullian stated that he did not know why he was being removed; that he remembered the Chief saying he was a good man; that he had a personal lawsuit, but he should be retained as he did a good job. Council Member Edwards absent.

Council Member Quan stated that he remembered his brother and he filed a suit against the City because he was discriminated against on the list for district captain and it was argued in District Court and went to the Court of Appeals in New Orleans and he believed the Fifth Circuit

ruled in his favor; and Mr. Jullian stated that it was age discrimination. Council Member Quan stated that he remembered it was a big day when he got the assistant position after fighting for about ten years; and upon questions, Mr. Jullian stated that he understood the Chief had the right to decide how his command staff should be developed, but he was making the request as he did a good job and the Chief knew it. Council Member Quan stated that they were moving from nine assistant chiefs to four and a number of people would be affected; that he did appreciate all the work his brother had done and his perseverance, but at the same time appreciated the Chief's authority.

Ms. Francis Farenthold, 2929 Buffalo Speedway #1813, Houston, Texas 77098 (713-621-5608) appeared, presented information and stated that she was an attorney, but more consciously, she was present as a citizen regarding the HPD crime lab; that the pledge this morning said "for liberty and justice for all" and she was heartsick earlier when she learned there were fifteen more DNA cases and the time had come for serious investigation of the lab; that what she passed out was the lines of responsibility and to her the crime lab was analogous to a medical lab and they would not tolerate misdiagnosis or un-diagnosis which was life threatening and there was an analogous in the crime lab because through incompetence or mismanagement people's liberty and lives were threatened and she would suggest that they get the investigation of the situation and urge that it be uncontaminated by the appearance of conflict of interest which would probably mean getting a group from outside the state and the other suggestion would be to consider a resolution to hold in abeyance all death penalty executions going forward. Council Member Quan absent.

Council Member Lawrence thanked Ms. Farenthold for coming and for all the work she did.

Council Member Edwards stated that the two of them had been working on such issues a long time and the Mayor and Chief were working, but she still did not hear the anger of what they were being held responsible for; and upon questions, Ms. Farenthold stated that she felt they were too far removed and unless you made yourself a part of what was happening you were simply not aware of it and she felt it was the remoteness of people in power. Council Member Edwards stated that to her when you continuously did things like this there should be a criminal penalty assessed to the action, people came out broken, children of the families dropped out; and Ms. Farenthold stated that she would generalize if public officials could pass it on to another group of public officials they would and she was now asking this Council to step out and set an example and do something for the people in this city and in this state and then finally the legislature may take it up.

Council Member Goldberg stated that there was a lot of merit in what she said and results were right or not right and by keeping the crime lab with the Police Department he felt there was a pressure to keep retesting until the results wanted were found and it should not be that way; that he felt she was saying to make it neutral and he felt they could strive for that and there may be an opportunity to do it soon; that he felt the cost should be by the county and city and since they were building a jail together maybe they could find a way to use both county and city funds on the DNA lab and let science dictate results instead of who was controlling results. Council Members Lawrence and Edwards absent.

Mr. Rick Cheesman, 8907 N. Kitmore, Houston, Texas 77099 (281-568-6446) appeared, presented information to Council Members and stated that he had been speaking to Council Members about park vendors and one previously said it would be good to join a union so they took their advise and did, but the Friends of Herman Park still did not recognize it; that they joined the FEIU Local 100 and he had been trying to get a meeting with the Friends of Herman Park and by hearsay they made a meeting with him, but he had no knowledge of it and had not shown up and then he received the letters of which he presented copies to the Council Members today; that when other vendors were present July 13th they were asked why did they sign the new contracts without asking for help, but he was present to let them know he did try to

get their help and no one got back with him; and he was trying to get a group meeting to settle some issues. Council Members Lawrence and Edwards absent.

Upon questions by Council Member Khan, Mr. Cheeseman stated that he was one of the vendors at Hermann Park and had been there since about 1987/1988; that before when they were under the city they were able to speak with Parks Department and settle issues, but after going under the Friends of Hermann Park two and a half years ago the same issues were unsettled; that the Friends of Hermann Park also offered things in the contract that the vendors never received; that they would like to go back under the Parks Department, get a meeting with the new Parks Director and be able to discuss things that they thought would be better for the city and allow them to profit better than at this time. Council Members Lawrence and Edwards absent.

Council Member Berry stated that he understood most of what he spoke of was in the process; and upon questions, Mr. Cheeseman stated that the city told the Friends of Hermann Park to work with the vendors and the vendors were assured all would be settled and they would have a long time with them, but their contract had no long-term and nothing was in it about them being able to expand their businesses though they were still asking for more revenue; that he imagined they were living up to the terms of the contract as it was all one-sided, all for them; that the vendors were already into two extensions and they were told if they did not sign they were out so they had to sign. Council Member Edwards absent.

Upon questions by Council Member Galloway, Mr. Cheeseman stated that there were ten vendors all together and they had to sign for the reasons he just stated; that before the Friends of Hermann Park they would go every two weeks and get a permit from the city; that he felt they were intimidated to sign in order to maintain their businesses. Council Member Galloway stated that she hoped this could be looked into because so many small businesses were trying to survive and she hoped the Friends of Hermann Park would be more sensitive and allow them to at least expand so they could take in more revenue and she would try and check and see that their issues were addressed. Council Members Ellis, Green and Berry absent.

Ms. Deborah Elaine Allen, 1122 Sol, Houston, Texas 77029 (713-649-8358) had reserved time to speak but was not present when his name was called. Council Members Ellis, Green and Berry absent.

Ms. Joyce Searcy, 11019 Cora, Houston, Texas 77088 (281-216-0517) appeared, presented information to Mr. Cantu and stated that she was present to speak on selective enforcement at Bush Intercontinental Airport; that certain rules were constantly not being enforced and she highlighted them in what was presented to Mr. Cantu; that she had a meeting now with Mr. Tom Bartlett since she had put her name on the speakers list, but it should be easier to do; that problems should not go on for eight years. Mayor White, Council Members Holm, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding.

Mayor Pro Tem Alvarado stated that she knew Ms. Searcy had been before their committee in the past and that Mr. Bartlett and Ms. Elek were both present and she believed they were to meet with her as soon as she finished; and Ms. Searcy stated that was wonderful and she appreciated it. Mayor White, Council Members Holm, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding.

Ms. Inez Boatman, P. O. Box 15354, Houston, Texas (713-675-7517) appeared and stated that she was present to address Evergreen Cemetery and the desecration of graves there; that the cemetery was over 110 years old and she had an aunt buried there, but the grave was no longer to be found, she found someone had bulldozed the grave and they were burying on the easement of the gully there; that people behind the cemetery said the water now ran into their yard from the cemetery and the water ran green because they were burying aborted and stillborn babies; that others said they could find monuments but they were moved and they

could not find graves either; that her aunt now had a road over her remains and she was not the only one and she believed they were burying bodies on top of others; that she was told the city was absorbing the tax on the property, but she was not sure that was the case; that they would like to know what could be done and what was really going on. Mayor White, Council Members Holm, Ellis and Berry absent. Mayor Pro Tem Alvarado presiding.

Mayor Pro Tem Alvarado stated that she knew Ms. Boatman had been communicating with Council Member Garcia's office and if they were illegally burying bodies it would fall under the state and State Rep Jessica Farrar's office was working on it and they would certainly turn to the Legal department and find out what responsibility the City had in trying to solve it. Mayor White, Council Members Khan, Holm, Ellis and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Sekula-Gibbs stated that they were distressed to hear what she was saying, it would be inconceivable to let it occur; and upon questions, Ms. Boatman stated that it was the Evergreen Cemetery located at 900 Altic between Harrisburg and Polk; that she had not been in touch with the city's health or legal departments and they were in the process of hiring an attorney; that other funeral directors told her the cemetery should be full at 110 years old and it was operated by the Santana Funeral Home, but they did not own it; that she understood eight years ago the city gave Mr. Santana the right to lease it from them; that in the old days it was called Evergreen Cemetery Harris County Texas and it was privately owned by the Hooper family and a group of people and at this time she did not know who owned it. Council Member Sekula-Gibbs stated that she would ask Mr. Heilman if he could enlighten them about responsibilities the city had in enforcing state regulations regarding cemeteries and if that was not possible maybe the Quality of Life Committee could take it up as other cemeteries had been brought to Council's attention also; and Mr. Heilman stated that it was a matter of state regulations and from information he obtained it appeared the health Department would review the issues; that regarding it being a city cemetery they would have to review it and see if they had ownership interest and that would take time, but they could follow-up on it. Mayor White, Council Members Edwards, Khan, Holm, Ellis and Berry absent. Mayor Pro Tem Alvarado presiding.

Mr. Robert Centeno, 3402 Garrott #9, Houston, Texas 77006 (713-528-7328) appeared, presented pictures for Council to see and stated that he wanted to thank all the Council Members for their service as each worked very hard, but today he was present with two issues; that he usually went down Westheimer daily and the "X" on the picture showed where the officer was located with his radar gun and it showed he was right behind the school zone sign; that the warning sign given was hidden by the tree before that zone came up and the patrolman treated him with gross disrespect. Council Members Edwards, Khan, Ellis and Berry absent.

Mr. Steven Williams, no address (no phone) had reserved time to speak but was not present when his name was called. Council Members Edwards, Khan, Ellis and Berry absent.

Mr. Habte Haile, 5927 Fontenelle, Houston, Texas 77035 (713-723-3329) had reserved time to speak but was not present when his name was called. Council Members Edwards, Khan, Ellis and Berry absent.

Mr. Robert Segovia, 570 Kenwood, Houston, Texas 77013 (713-455-7043) had reserved time to speak but was not present when his name was called. Council Members Edwards, Khan, Ellis and Berry absent.

Mr. Howard Wooldridge, 8412 Moorcroft Dr., Dallas, Texas 75228 appeared and stated that he retired from eighteen years in law enforcement and there was an absolute failure of the nation's war on drugs and it should be handled as a public health matter; that doctors and clinics were the answer, that was where drugs should be handled and not in the streets and court rooms; that the war on drugs was not a war on drugs but instead a war on people,

especially people of color, any drug dealer arrested was simply replaced by another because there was always someone either stupid or desperate enough to become a dealer and every law enforcement professional in the state knew it; that Council needed to understand that they needed to tell their state representatives it needed to be changed and Law Enforcement Against Prohibition (LEAP) stood ready to help with professionals who could provide expert information, etc., to assist. Council Members Khan, Ellis, Green and Berry absent.

Mr. Mark Smith, P. O. Box 596, Bellaire, Texas 77402 (713-867-5998) appeared, presented information and stated that he was present to speak on transportation issues, there were a number of METRO routes set for elimination; that they had been cutting back service and they said they had a 2025 plan where they would increase bus service by 50%, but he did not know if they were cutting it in half and then increasing it by 50%; the bus getting people to Memorial Park on Saturday was subject to elimination among other routes and buses; that METRO did not listen to the transit needs of citizens and he hoped the Mayor and Council would look into it. Council Members Khan, Ellis, Green and Berry absent.

Upon questions by Council Member Lawrence, Mr. Smith stated that he rode most routes, but the 48 W Dallas was one of the most important to him. Council Members Khan, Ellis, Green and Berry absent.

Mayor White stated that Council would be hearing about this issue, one issue confronting METRO was how to deal with fuel cost and one way commonly done in transit authorities was to raise rates, but many were very transit dependent and one third of the riders had no car; that another was to identify where it cost \$10.00 to \$20.00 or more per passenger and in some situations find other alternative service or reduce some service for two and a half percent of the riders and that was equivalent to a 20% fair increase to cover that fuel cost; that he knew people were struggling with the right balance of fares and service. Council Members Goldberg, Khan, Holm, Ellis, Green 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 Goldberg, Khan, Holm, Ellis, Green and Berry absent.

Mr. Simplicio Mendoza, 6143 Willow Glen, Houston, Texas 77033 (713-734-2002) appeared and stated that he worked in the city and never had an air conditioned truck like the new people, then he had an accident; that some had two people and an air conditioner and they slept, but in his case rain or shine they were out; that in his case he got indefinite suspension, but those with a crime record they protected; that he was disqualified as a supervisor three times and the first time he applied the interviewers had marijuana; that a requirement for supervisor in Solid Waste was high school or GED and three years of service and he was there six years and five months and he was a marketing major; and he hoped the Mayor would help. Council Members Edwards, Khan, Holm, Green and Berry absent.

Upon questions by Council Member Quan, Mr. Mendoza stated that for six years and five months he worked in the Solid Waste Department and he hit a tree limb due to a mechanical malfunction of the arm on the truck and they relieved him from work; that this had two accidents and was suspended indefinitely; that he had a hearing scheduled for September 14th, but he knew by the first time that he would be guilty and he would be given no opportunity to defend himself. Council Member Quan stated that the system should provide him a fair opportunity and he would be glad to look into it, but also if he knew of illegal conduct such as employees smoking marijuana he would ask him to report it. Council Members Khan, Holm and Green absent.

Mr. Chris Cato, 7710 Boggess Road, Houston, Texas 77016 (713-633-3200) had reserved time to speak but was not present when his name was called. Council Members Khan, Holm and Green absent.

Mr. Glenn Robinson, 1605 Ferguson Way, Houston, Texas 77088 (281-447-4406) had reserved time to speak but was not present when his name was called. Council Members Khan, Holm and Green absent.

Ms. Wanda Gillis, 5959 Bonhomme Road #380, Houston, Texas (713-784-3084) had reserved time to speak but was not present when her name was called. Council Members Khan, Holm and Green absent.

Mr. Isiaka Owolabi, P. O. Box 8291, Houston, Texas 77288 (713-478-4305) had reserved time to speak but was not present when his name was called. Council Members Khan, Holm and Green absent.

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

Council Member Galloway stated that she wanted to make note as it related to President Joseph Charles that he spoke before Council in 2002 31 times about the same issue, in 2003 31 times and 30 times in 2004; and she would like him to understand that out of all those times he still seemed to be in a safe place in the City with no harm having come to him. Council Members Khan, Holm and Green absent.

Mr. William E. Beal, 4718 Boicewood, Houston, Texas 77016 (713-633-0126) appeared and stated that one of his fraternity brothers was disgraced by the secret service on a lie and continued expressing his personal opinions until his time expired. Mayor White, Council Members Khan, Holm and Green absent. Mayor Pro Tem Alvarado presiding.

Mr. Robert Horton, 3714 Bain, Houston, Texas 77026 (713-260-6144) appeared and stated that all representatives were guilty of war crimes and continued expressing his personal opinions until his time expired. Mayor White, Council Members Wiseman, Khan, Holm and Green absent. Mayor Pro Tem Alvarado presiding.

Mr. Yan Sun, 3822 North Braeswood, Houston, Texas 77025 (713-527-9383) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Wiseman, Khan, Holm and Green absent. Mayor Pro Tem Alvarado presiding.

At 3:36 p.m. City Council recessed until 9:00 a.m., Wednesday, September 1, 2004. Council Member Garcia absent on city business. Mayor White, Council Members Wiseman, Khan, Holm and Green absent. Mayor Pro Tem Alvarado presiding.

City Council Chamber, City Hall, Wednesday, September 1, 2004

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, September 1, 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 Ms. Marty Stein, Agenda Director and Mr. Jose Soto, Deputy Agenda Director present.

At 8:30 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:01 Mayor White reconvened the meeting of the City Council and stated that the first order of business was a public hearing.

## **HEARINGS**

1. **PUBLIC HEARING** - Pursuant to § 42.041(b)(14) of the Texas Human Resources Code, the City Council will conduct a public hearing to consider an ordinance readopting standards of care relating to the City Parks and Recreation Department's Youth Recreation Programs. For further information, see the draft ordinance that has been posted with this Agenda. Persons who desire to make public comments may contact the City Secretary's Office at 713-247-1840 in order to sign up to speak at the hearing. Alternatively, written comments may be delivered to the City Secretary's Office before commencement of the hearing - **9:00 A.M.** - was called.

The City Secretary stated that no one had reserved time to appear at the hearing.

Council Member Alvarado moved to close the public hearing, seconded by Council Member Khan. All voting aye. Nays none. Council Members Galloway, Goldberg, Wiseman and Berry absent. MOTION 2004-0948 ADOPTED.

- 1a. **ORDINANCE READOPTING ARTICLE XII, CHAPTER 32 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, regarding standards of care for Houston Youth Recreation Programs; containing findings and other provisions related to the subject; providing an effective date; providing for severability - was presented. All voting aye. Nays none. Council Members Galloway, Goldberg, Wiseman and Berry absent. ORDINANCE 2004-0891 ADOPTED.

## **MAYOR'S REPORT** - Reforms in the After School Achievement Program

Mayor White stated that they had a brief Mayor's Report and invited Mr. Doug Earle, Parks and Recreation and Ms. Sherea McKenzie to present the report.

Mayor White stated that there was a reorganization of the After School Program, both the oversight and the management of that program, the City County Commission on Children with a distinguished board and with Ms. McKenzie assumed oversight of their After School Programs, they moved out of the Mayor's Office basically and the operational oversight was done by Mr. Earle who was the Director of Recreation within the Parks and Recreation Department and whose prior job responsibilities included the operations of the YMCA After School Programs, the largest in the region when he was the Director for this region of the YMCA.

Ms. McKenzie stated that she was the Executive Director of the Joint City County Commission on Children, that several months ago the Mayor had contacted her office and the Chair, Mr. Jonathon Day, about the possibility of the commission providing oversight and community input with regard to the operation and the revamping of the After School Achievement Program, that she was happy to report that over the course of the summer they had made significant strides in moving that program from the Public Safety to the Parks Department, they currently had been working diligently with Legal to address some of the points in the internal study that the Mayor commissioned with regard to some deficiencies that existed in the program, that she was happy to report that the contract with the various contractors had been brought into line with City standards, there were a number of clauses and provisions that unfortunately were absent from the previous contracts and they had now been inserted and there had been significant steps taken by Legal to insure that the report requirements that other contractors had with the City were incorporated into that contract, it had been incorporated by reference into the contract and superseded any of the previous submissions that those particular contractors would have had with the City and she was happy to report that they would be followed because there were repercussions if they were not, that they should have a lot of smooth running with the current After School Program for the upcoming year, that the commission was concerned with the oversight and it was also pointed out in the internal report as a significant deficiency, that steps had been made, vis-à-vis, the contract that insured that

the staff, under the supervision of Mr. Earle, would provide the necessary oversight and get the necessary reporting in to make sure they had absolute compliance, the commission would continue to work with Mr. Earle and his staff to insure that it was done and they welcomed any input from Council with regard to anything that had to do with the operation of the After School Program.

Mr. Earle stated that he was the new Deputy Director for Recreation Operations, that in addition to the tightening of the contractual agreement they made the guidelines a lot more specific, they met with all of the providers and they understood explicitly what those guidelines were and the contract this year included penalties if they did not comply, that he did not expect non compliance however if they had it there were penalties involved, that they beefed up their staff significantly, they added two support staff as well as director level staff so they could monitor the programs every three weeks instead of every six months so it should add significantly to not only the quality of the programs, which frankly the quality of the programs from a child care standpoint had been excellent, that had not been the issue, it had been a reporting and monitoring issue, those were their concerns and they had addressed those, that each of the partners understood the importance of the program and believed they were going to have a smooth sailing ship, that in addition they had already starting planning for next year, that he came on a little bit late in the time line to make changes but their goal next year would be to start the program on the first day of school, that this year they had some of the agencies coming on today, that some of the school districts and non profits would be in a forthcoming RCA, but they planned to start as early as next Tuesday, which was a real plus in terms of service to the children, that hopefully in years to come they could start on the first day of school.

Ms. McKenzie and Mr. Earle were questioned by Members of Council and Council Member Garcia requested a report on the reorganization, who was going to be responsible for doing the site visits and monitoring the reports, what were the checks and balances going to be, and secondly there was a crime reduction component, was it still a part of it and if it was he wanted to see the measurement of the effectiveness of reducing crime around the campus in relation to the hours that the program was in operation, and if they could provide a report on the best performing schools.

REPORT FROM CITY CONTROLLER AND THE CITY ADMINISTRATION REGARDING THE CURRENT FINANCIAL STATUS OF THE CITY including but not limited to, a revenue, expenditure and encumbrance report for the General Fund, all special revenue funds and all enterprise funds, and a report on the status of bond funds

Ms. Annise Parker, City Controller, stated that it was the Monthly Financial Report for the month of July, the first month of Fiscal Year 2005, that they were just getting started and according to their estimates they were starting off with a projected shortfall of \$31 million, that the administration was projecting a shortfall of \$4.6 million and the gap between the two estimates was \$26.4 million and was about \$11 million more than the \$20 million shortfall projected in the Controller's office trends report issued in May, that their projected shortfall was attributed to differences on both the revenue and expenditure side of the ledger, that on the revenue side they projected total revenues of \$1.429 million including \$2 million in transfers from other funds, they had lowered their Property Tax projections by \$5.54 million to reflect the half penny cut in the property tax rate that was incorporated in the FY05 Budget in June, they expected to have a better idea of what the City would receive in Property Tax Revenues in September when the Harris County Appraisal District updates its projections of property values and until then they thought it was premature to move that number around, although she knew the administration had adjusted their's slightly, they differ significantly with the administration in three other revenue categories, Metro Funding, Fines and Forfeits and Transfers from other funds, that the administration projected that the City would receive \$20 million from Metro in FY05 and their estimate was \$10 million, which was what they received from Metro in FY04, in Fines and Forfeits the administration estimated the category would be almost double and their projection of \$2.3 million was based on FY04 collections, and in Transfers from other funds they

differed by \$1.5 million, they had been awaiting a formal explanation of the increases in revenue, with some clarification in those areas they might be able to bring their number closer to the administration's, they were not concerned at this point but simply wanted some written justification for the significant increases, for example if the Metro number came in it would reduce the gap by a third, a significant difference, that on the expenditure side the Police Department was projected to be \$5.4 million over budget, as Council would recall it was based on the commitment to add an additional cadet class, the retention of some of the jailers who were to be laid off, and the purchase of the so called tazers for the Police Department, that they expected to see at some point a plan for funding those additional commitments, that Council Members who were present last year would recall that they also started that year with a multi million dollar gap between the Controller and the administration, that thanks to improvements in Sales Tax revenues and departmental savings that gap was closed, they still say the economy was moving in the right direction and again the larger part of the revenue gap were items that the administration believed that they could show firm revenue coming in so they expected the gap to narrow and were not making any suggestions for changes at this point, for those Council Members who were not at the Fiscal Affairs meeting yesterday the MOFAR was slightly reduced and was a little bit thinner, they would have a full report each quarter, that there were some funds that did not change very much that took a lot of staff time to put together and they thought it would be a little easier on them and they could still provide the City Council with the information, that the report also included the first presentation on their SWAP, it followed the Controller's letter in the report, they were required to present on a quarterly basis the status and particulars of their SWAP transactions, it was the first one of those and if they had questions about it she would attempt to answer those questions, it was a fairly complicated document, but they would be presenting it on a quarterly basis at the same time they did their other quarterly reports, it was just a slightly off cycle presentation, and that concluded her report. Council Member Quan absent.

Ms. Judy Johnson, Director, Finance and Administration, stated that they had only changed one revenue estimate and that was their Property Tax revenue number, that the certified roll that they received a couple of weeks ago was a little bit less than they had predicted back at the end of June but a little bit more than they had put in the budget estimates in the first place, that the most important thing to remember was that there was approximately a 1% variance in Property Tax revenues during the Fiscal Year, that they had a some what different format in the Monthly Report and hoped they would look it over and if they saw anything that was missing and would like to see in a monthly basis they would be happy to put those back in, that their goal was to have a report that was useful to the City Council who were the primary users of the report, and that concluded her report.

Upon questions by Council Members, Ms. Parker stated that the Police budget was over by the amount that Council added back in after the budget was passed, having to do with the items she mentioned, that they were not suggesting that any expenditures be cut at this time, but since they were already showing a \$31 million revenue and expenditure gap they were watching it, but as she said most of that, she thought, could be smoothed out as they got more paperwork into the Controller's office and they would reevaluate their Property Tax number in September when the Appraisal District came out with their final numbers, that they would suggest adjustments as soon as they felt they were necessary; that they believed that public finances should be invested conservatively, variable rate instruments were not exactly cutting edge but they still carried a little more risk than fixed rate instruments so they tried to limit their exposure and had chosen 20% as a reasonable number to target and was the number that was subject to change over time as perception of that changed, that they would intend to bring it back down.

Upon questions by Mayor White, Ms. Johnson stated that they had been working very closely with Metro in finalizing the supplemental agreement that happened at this time every year, the Master Agreement was an overall agreement that allowed each year the specific details of what Metro projects would be funded by them to be finalized and that happened at the

same time every year, it was after the start of the City's fiscal year but before the start of their fiscal year, and that contract should be finalized within the next few weeks, the overall concepts had been agreed to with Metro but they did not have it in writing yet but expected to very shortly.

Council Member Ellis moved to accept the Monthly Financial Report, seconded by Council Member Khan. All voting aye. Nays none. Council Member Garcia absent. MOTION 2004-0949 ADOPTED.

Council Member Holm moved to consider Item Numbers 2, 3, 61, 63, 63a and 9 out of order, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2004-0950 ADOPTED.

The City Secretary stated that on Item No. 2 Positions 3 and 4 were reversed, that Parras should be Position 4 and Bailey should be Position 3.

2. REQUEST from Mayor for confirmation of the appointment of the following to the **TOWER PERMIT COMMISSION**, for terms expiring two years from date of confirmation:

- Position One - **MR. TODD C. LITTON**
- Position Two - **MS. BESSIE M. SWINDLE**
- Position Three - **MR. RAY BAILEY**
- Position Four - **MS. VIRGINIA PARRAS**
- Position Five - **DR. SHIN-SHEM STEVEN PEI**
- Position Six - **MS. ELAINE GASKAMP**
- Position Seven - **MR. JOHN MELCHER**

- was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2004-0951 ADOPTED.

Council Member Edwards stated that she wanted to acknowledge Ms. Bessie Swindle and asked that she come up to the podium.

Mayor White stated that there were other members in the audience who had just been appointed.

Ms. Swindle stated that she was real honored to work on the committee because she was truly concerned about her community.

Council Member Goldberg stated that he wanted to recognize all of the people who were present and asked that Ms. Elaine Gaskamp stand and be recognized.

Mayor White stated that they wanted to thank all of the new appointed members.

3. REQUEST from Fire Chief for confirmation of the appointment of **DISTRICT CHIEF DANIEL G. SNELL** for the Position of **ASSISTANT FIRE CHIEF**- was presented, and tagged by Council Members Green and Galloway.
61. MOTION by Council Member Khan/Seconded by Council Member Ellis to adopt recommendation from Director Parks & Recreation Department for approval of a Memorial Park Master Plan **DISTRICT G - HOLM - (This was Item 10 on Agenda of August 25, 2004, TAGGED BY COUNCIL MEMBER GARCIA)** - was presented.

Council Member Garcia moved to amend Item No. 61 as follows, seconded by Council Member Alvarado.

"The Memorial Park Master Plan be amended to include Addendum 1 - titled Memorial Park - 2003 Usage Estimates for all facilities, sports and other, at Memorial Park as

provided by the City of Houston Parks and Recreation Department.

Council Member Ellis asked Council Member Garcia what was the significance of the amendment, and Council Member Garcia stated right now there was no recognition of how much the fields were being used, so it was just a little snapshot of what happened in 2003, that it was his intention to do it on an annual basis, that he would leave it up to the Parks Department but thought it was important that as the development of the plan that they start that process.

A vote was call on the motion to amend Item No. 61. All voting aye. Nays none. MOTION CARRIED.

A vote was called on Item No. 61 as amended. All voting aye. Nays none. MOTION 2004-0952 ADOPTED.

Council Member Holm stated that she wanted to thank all of the stake holders who had been such a valuable part of putting the process together, that she wanted to give special recognition to the Memorial Park Conservancy who had spent hours, days and months trying to come to a really positive resolution and conclusion and a plan for one of the greatest treasures in the City of Houston,

Mayor White stated that it was a great plan and had a large undertaking for private funding, and asked that the members of the Memorial Park Conservancy stand and be recognized.

Council Member Garcia stated that he wanted to recognize Mr. Vasquez and a couple of other members who were for Memorial Park and making sure it stayed a showcase for the City, that he wanted to commend them for their work.

63. Council Member Goldberg presented the following written Motion to amend Item 63A below:

“(1) Members who wish to revoke a service conversion shall have six months from January 1, 2005 to transfer from Plan A to Plan B. Members of Plan C who have vested shall return to a pre-1999 accrual formula. No members in Plan C, current or retired, shall receive 2 years of service credit for one, for service prior to 1999.” - **(TAGGED BY COUNCIL MEMBERS SEKULA-GIBBS and LAWRENCE)** - was presented.

Council Member Goldberg moved to table Item No. 63, seconded by Council Member Khan. All voting aye. Nays none. Council Member Edwards absent. MOTION 2004-0953 ADOPTED.

Council Member Berry stated that he felt they had come a long way and wanted to say to the Municipal Employees that the thought their best interest, both as employees of the City and as taxpayers had been considered and was very proud of the product they had come to the table with.

63a. 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 - **(This was Item 42 on Agenda of August 25, 2004, TAGGED BY COUNCIL MEMBER SEKULA-GIBBS)** - was presented.

Council Member Alvarado offered the following motion to clarify Item No. 63a by adding as the last sentence of Section 19 “This section does not apply to Group C members”, seconded by Council Member Khan.

After a lengthy discussion by Members of Council a vote was called on the motion by

Council Member Alvarado to amend Item No. 63a to provide clarification. All voting aye. Nays none. Council Members Wiseman and Berry absent. MOTION 2004-0954 ADOPTED.

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

ROLL CALL VOTE:

Mayor White voting aye	Council Member Garcia voting aye
Council Member Lawrence voting aye	Council Member Alvarado voting aye
Council Member Galloway voting aye	Council Member Ellis voting aye
Council Member Goldberg voting no	Council Member Quan voting aye
Council Member Edwards voting aye	Council Member Sekula-Gibbs voting no
Council Member Wiseman voting aye	Council Member Green voting aye
Council Member Khan voting no	Council Member Berry voting aye
Council Member Holm voting aye	ORDINANCE 2004-0892 ADOPTED.

9. RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$14,916,489.17 and acceptance of work on contract with **LAUGHLIN ENVIRONMENTAL, INC (now known as LAUGHLIN-THYSSEN, INC)** to Expand Fuel Farm Capacity at George Bush Intercontinental Airport/Houston; Project No. 510, CIP A-0251 and A-0378 - 06.79% over the original contract amount - **DISTRICT B - GALLOWAY** - was presented, and tagged by Council Member Khan. (Note: Council Member Khan released his tag later in the meeting.)

**CONSENT AGENDA NUMBERS 2 through 58**

**ACCEPT WORK** - NUMBERS 9 through 17

10. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,175,727.84 and acceptance of work on contract with **SER CONSTRUCTION PARTNERS, LTD.**, for Construction of Pinemont Paving from Hollister to Hempstead, GFS N-0491-02-3 (SB9053) - 03.03% under the original contract amount **DISTRICT A – LAWRENCE** – was presented, moved by Council Member Wiseman, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2004-0955 ADOPTED.
12. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,292,257.18 and acceptance of work on contract with **CONRAD CONSTRUCTION COMPANY, INC** for Construction of Avenida de las Americas, GFS N-0691-01-3 (SB9111) - 02.20% over the original contract amount - **DISTRICT I - ALVARADO** – was presented, moved by Council Member Wiseman, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2004-0956 ADOPTED.
13. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$539,894.26 and acceptance of work on contract with **JIMERSON UNDERGROUND, INC** for Construction of Water Lines and Sanitary Sewers in Vernon Place, GFS R-2011-32-3 (4809-2) - 08.72% under the original contract amount - **DISTRICT B - GALLOWAY** – was presented, moved by Council Member Wiseman, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2004-0957 ADOPTED.
14. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,480,225.06 and acceptance of work on contract with **RELIANCE CONSTRUCTION SERVICES, L.P.**, for Construction of Water Line Replacement in North Noble Area, GFS S-0035-70-3 (WA10586) - 08.98% under the original contract amount - **DISTRICTS B - GALLOWAY and H - GARCIA** – was

presented, moved by Council Member Wiseman, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2004-0958 ADOPTED.

15. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$990,770.80 and acceptance of work on contract with **RELIANCE CONSTRUCTION SERVICES, L.P.**, for Construction of On-Call Water Main and Sanitary Sewer Extensions, GFS S-0801-P3-3 (WA10660-02) - 33.95% under the original contract amount – was presented, moved by Council Member Wiseman, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2004-0959 ADOPTED.
16. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,511,564.78 and acceptance of work on contract with **KINSEL INDUSTRIES, INC** for Construction of Northeast Water Plant Well Collection Line, GFS S-0936-06-3 (WA10605-3) - 03.40% under the original contract amount - **DISTRICT B - GALLOWAY** – was presented, moved by Council Member Wiseman, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2004-0960 ADOPTED.
17. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,912,469.94 and acceptance of work on contract with **REDDY ENGINEERS AND CONTRACTORS, INC** for Improvements at Various Ground Water Pumping Stations, GFS S-1000-RW-3 (10564) - 02.09% under the original contract amount - **DISTRICTS B - GALLOWAY; F - KHAN and G - HOLM** – was presented, moved by Council Member Wiseman, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2004-0961 ADOPTED.

#### **PURCHASING AND TABULATION OF BIDS** - NUMBERS 18 through 20

18. ORDINANCE appropriating \$44,654.00 out of City of Houston Subordinate Lien Hotel Occupancy Tax and Parking Revenue Commercial Paper Notes Series A for the Lighting Control System Upgrade at the Wortham Center for Convention & Entertainment Facilities Department - was presented. All voting aye. Nays none. ORDINANCE 2004-0893 ADOPTED.
- 18a. **STAGELIGHT, INC** for Light Control System Upgrade at the Wortham Theater Center for Convention & Entertainment Facilities Department – was presented, moved by Council Member Quan, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2004-0962 ADOPTED.
19. **CUSTOM BUILT TRAILERS** for Air Monitoring Trailer for Health & Human Services Department \$68,000.00 - Grant Fund – was presented, moved by Council Member Quan, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2004-0963 ADOPTED.
20. **ABBOTT LABORATORIES, INC** - \$41,439.50, **BECTON, DICKINSON AND COMPANY** \$92,646.90, **GEN-PROBE** - \$173,909.00 and **BIOMERIEUX, INC** - \$93,615.40 for Miscellaneous Diagnostic Test Kits for Health & Human Services Department - \$401,610.80 - General and Grant Funds – was presented, moved by Council Member Quan, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2004-0964 ADOPTED.

#### **ORDINANCES** - NUMBERS 21 through 58

21. ORDINANCE **AMENDING ARTICLE V OF CHAPTER 20 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Farmers Markets - had not been received, and the City Secretary announced it would be considered at the end of the Agenda if

received during the meeting.

23. ORDINANCE approving and authorizing special warranty deed conveying to Frank V. Gonzales a parcel of land containing 12,500 square feet (0.2870 acre), more or less, being out of Lots 525 and 526, Kenwood Place Subdivision, Thomas Norments Survey, A-601, Harris County, Texas (The Former Houston Eastex Water Supply Corporation Well Site No. 2; located at 5430 Etheline); and in consideration of Frank V. Gonzales' payment of \$15,000.50, and other consideration to the City - was presented. All voting aye. Nays none. ORDINANCE 2004-0894 ADOPTED.
24. ORDINANCE approving and authorizing the sale to **CENTERPOINT ENERGY HOUSTON ELECTRIC, LLC** of a terminable easement containing  $\pm 1,256.64$  square feet of land, located within Lake Houston, David Harris Survey, A-26; Parcel SY3-065; in consideration of the payment of \$300.00 and other consideration to the City - **DISTRICT E - WISEMAN** - was presented. All voting aye. Nays none. ORDINANCE 2004-0895 ADOPTED.
25. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a 5-foot-wide utility easement, a 10-foot-wide easement and two 5-foot-wide aerial easements containing an aggregate of 4,885 square feet of land, more or less, being located in the H. A. Robinson Survey, A-679, Harris County, Texas; vacating and abandoning said tracts of land to Hi-Lo Auto Supply, L.P., the abutting owner, in consideration of owner's dedication of a utility easement containing 897 square feet of land, more or less, and payment of \$4,423.00 and other consideration to the City - **DISTRICT D - EDWARDS** - was presented. All voting aye. Nays none. ORDINANCE 2004-0896 ADOPTED.
26. ORDINANCE consenting to the creation of **CINCO SOUTHWEST MUNICIPAL UTILITY DISTRICT NO. 1** - was presented. All voting aye. Nays none. ORDINANCE 2004-0897 ADOPTED.
27. ORDINANCE consenting to the creation of **CINCO SOUTHWEST MUNICIPAL UTILITY DISTRICT NO. 2** - was presented. All voting aye. Nays none. ORDINANCE 2004-0898 ADOPTED.
28. ORDINANCE consenting to the addition of 18.294 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 158**, for inclusion in its district - was presented. All voting aye. Nays none. ORDINANCE 2004-0899 ADOPTED.
29. ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 420** - was presented. All voting aye. Nays none. ORDINANCE 2004-0900 ADOPTED.
30. ORDINANCE consenting to the addition of 44.530 acres of land to **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 110**, for inclusion in its district - was presented. All voting aye. Nays none. ORDINANCE 2004-0901 ADOPTED.
31. ORDINANCE consenting to the addition of 7.200 acres of land to **NORTH PARK PUBLIC UTILITY DISTRICT**, for inclusion in its district - was presented. All voting aye. Nays none. ORDINANCE 2004-0902 ADOPTED.
32. ORDINANCE establishing the south side of the 1100 block of Al Gregg Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - GARCIA** - was presented. All voting aye. Nays none. ORDINANCE 2004-0903 ADOPTED.
33. ORDINANCE establishing the north side of the 700 block of Key Street within the City of

Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - GARCIA** - was presented. All voting aye. Nays none. ORDINANCE 2004-0904 ADOPTED.

34. ORDINANCE approving and authorizing Ground Lease agreement between the City of Houston and the **UNITED STATES DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION**, in connection with Visual Approach Slope Indicator Sites and Precision Approach Path Indicator Site at William P. Hobby Airport - **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. ORDINANCE 2004-0905 ADOPTED.
35. ORDINANCE approving and authorizing supplemental agreement No. 2 to Lease No. DTFA07-00-L-00920 between the City of Houston and the **UNITED STATES DEPARTMENT OF TRANSPORTATION, FEDERAL AVIATION ADMINISTRATION**, in connection with System Support Center and Contract Weather Observation Site at William P. Hobby Airport - **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. ORDINANCE 2004-0906 ADOPTED.
38. ORDINANCE approving and authorizing the submission of the budgets for Bureau of Nutritional Services, Women and Children (WIC), Tuberculosis, Title V-Part A, Associateship for Family Health Services, and Titles X & XX Programs, and Triple O Project for the 2004-2005 contracts with the **TEXAS DEPARTMENT OF HEALTH** (TDH Contract No. 7460011640-05); authorizing the Director of the Health and Human Services Department to accept related applicable contract change notices and to accept any supplemental change notices during the grant period; declaring the city's eligibility for such grants; authorizing the use of interim funding from the General Fund, not to exceed 15% of the requested level of funding for the WIC Program, and declaring intent to reimburse the General Fund from proceeds received from the Texas Department of Health for the WIC Program; authorizing the Director of the Health and Human Services Department to accept and expend such grant funds and to accept and expend subsequent awards, if any - was presented. All voting aye. Nays none. ORDINANCE 2004-0907 ADOPTED.
40. ORDINANCE approving and authorizing Texas Traffic Safety Program Grant Agreement between the City of Houston and the **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** for Occupant Protection Selective Traffic Enforcement Program (OP STEP); authorizing the Chief of the Police Department, or any designated Assistant Chief, to accept such grant funds and to act as the City's Representative in all matters pertaining to the program - was presented. All voting aye. Nays none. ORDINANCE 2004-0908 ADOPTED.
41. ORDINANCE approving and authorizing Texas Traffic Safety Program Grant Agreement between the City of Houston and the **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** for Intersection Traffic Control Selective Traffic Enforcement Program (ITC STEP); authorizing the Chief of the Police Department, or any designated Assistant Chief, to accept such grant funds and to act as the City's Representative in all matters pertaining to the program - was presented. All voting aye. Nays none. ORDINANCE 2004-0909 ADOPTED.
42. ORDINANCE approving and authorizing Texas Traffic Safety Program Grant Agreement between the City of Houston and the **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** for Holiday Driving While Intoxicated Selective Traffic Enforcement Program (DWI STEP); authorizing the Chief of the Police Department, or any designated Assistant Chief, to accept such grant funds and to act as the City's Representative in all matters pertaining to the program - was presented. All voting aye. Nays none. ORDINANCE 2004-0910 ADOPTED.

43. ORDINANCE approving and authorizing Texas Traffic Safety Program Grant Agreement between the City of Houston and the **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** for Safe Trucks Driven Safely Selective Traffic Enforcement Program (STDS STEP); authorizing the Chief of the Police Department, or any designated Assistant Chief, to accept such grant funds and to act as the City's Representative in all matters pertaining to the program - was presented. All voting aye. Nays none. ORDINANCE 2004-0911 ADOPTED.
44. ORDINANCE approving and authorizing Texas Traffic Safety Program Grant Agreement between the City of Houston and the **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** for Speed Selective Traffic Enforcement Program (SPEED STEP); authorizing the Chief of the Police Department, or any designated Assistant Chief, to accept such grant funds and to act as the City's Representative in all matters pertaining to the program - was presented. All voting aye. Nays none. ORDINANCE 2004-0912 ADOPTED.
45. ORDINANCE approving and authorizing amendment to Municipal Maintenance Agreement between the City of Houston and the **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)**, (SB9143-04) - **DISTRICT G - HOLM** - was presented. All voting aye. Nays none. ORDINANCE 2004-0913 ADOPTED.
47. ORDINANCE appropriating an additional \$150,000.00 out of Court Technology Fund to contract between the City of Houston and **DELOITTE & TOUCHE LLP** for Use in conjunction with the Integrated Case Management System for the Municipal Courts Administration Department - was pulled from the agenda by the administration and was not considered.
48. ORDINANCE approving and authorizing second amendment to contract between the City of Houston and **SUPERIOR BUILDING SERVICES, INC** for Window Cleaning Services for Houston Airport System approved and authorized by Ordinance No. 99-536 - **DISTRICTS B - GALLOWAY and E - WISEMAN** - was presented. All voting aye. Nays none. ORDINANCE 2004-0914 ADOPTED.
49. ORDINANCE approving and authorizing second amendment to contract between the City of Houston and **ALLIANCE DIESEL & GAS ENGINE REBUILDERS, INC** for Diesel Engine Machine Work Services for Various Departments approved and authorized by Ordinance No. 98-247 - was presented. All voting aye. Nays none. ORDINANCE 2004-0915 ADOPTED.
50. ORDINANCE appropriating \$609,254.85 out of Parks Consolidated Construction Fund, awarding construction contract to **TIMES CONSTRUCTION, INC** for Construction of Parks Master Plan – MacGregor Park Expansion, GFS F-504A-11-3; providing funding for engineering testing services, and contingencies relating to construction of facilities financed by Parks Consolidated Construction Fund - **DISTRICT D - EDWARDS** - was pulled from the agenda by the administration and was not considered.
51. ORDINANCE appropriating \$133,750.00 out of Water & Sewer System Consolidated Construction Fund to contract between the City and **COASTAL SECURITIES** for Financial Advisory Services; appropriating \$100,000.00 out of Street & Bridge Consolidated Construction Fund to contract with **FIRST SOUTHWEST COMPANY** for Financial Advisory Services; allocating certain other funds to the Financial Advisory contracts - \$152,500.00 - Enterprise Fund - was presented. All voting aye. Nays none. ORDINANCE 2004-0916 ADOPTED.
53. ORDINANCE appropriating \$65,000.00 out of Airports Improvement Fund and approving and authorizing amendment No. 1 to professional engineering services contract between the City of Houston and **KLOTZ ASSOCIATES, INC** in connection with Reconstruction of

Runway 4-22, Storm Drainage Improvements and Storage Maintenance Facility at Ellington Field (Project No. 606); CIP A-0470 and A-0473 - **DISTRICT E - WISEMAN** - was presented. All voting aye. Nays none. ORDINANCE 2004-0917 ADOPTED.

54. ORDINANCE appropriating \$67,044.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Construction Management and Inspection Services contract between the City and **JAYMARK ENGINEERING CORPORATION** for Rehabilitation of Two and the Replacement of One Ground Storage Tank at Three Pumping Stations, CIP S-0600-33-3 (10675-33) - **DISTRICTS C - GOLDBERG; E - WISEMAN and G - HOLM** - was presented. All voting aye. Nays none. ORDINANCE 2004-0918 ADOPTED.
55. ORDINANCE appropriating \$134,504.10 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Construction Management and Inspection Services contract between the City and **TSC ENGINEERING COMPANY** for Construction of a 1.5 MG Braeburn West Elevated Storage Tank, CIP S-0620-28-3 (WA10596-28) - **DISTRICT C - GOLDBERG** - was presented. All voting aye. Nays none. ORDINANCE 2004-0919 ADOPTED.
56. ORDINANCE appropriating \$1,662,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **R. K. WHEATON, INC** for Citywide Fire Hydrant Replacement and Height Correction, GFS S-0035-D6-3 (WA10809); providing funding for engineering, testing, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - was presented. All voting aye. Nays none. ORDINANCE 2004-0920 ADOPTED.
57. ORDINANCE awarding construction contract to **RWL CONSTRUCTION, INC** for Water, Sanitary Sewer and Storm Drainage Systems to serve Section Three of the Clarke Springs Subdivision; approving and authorizing an assignment of the construction contract to **150 CLARKE SPRINGS, LTD.**, CIP S-0800-84-3 and R-0800-84-3 (DPC-040) - **DISTRICT D - EDWARDS** - was presented. All voting aye. Nays none. ORDINANCE 2004-0921 ADOPTED.
58. ORDINANCE awarding construction contract to **METRO CITY CONSTRUCTION, L.L.P.** for Water, Sanitary Sewer and Storm Drainage Systems to serve Section Seven of the Post Oak Place Subdivision; approving and authorizing an assignment of the construction contract to the **KENDALL HOMES CORPORATION**, CIP S-0800-A6-3 and R-0800-A6-3 (DPC-045) - **DISTRICT D - EDWARDS** - was presented. All voting aye. Nays none. ORDINANCE 2004-0922 ADOPTED.

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

**MISCELLANEOUS**

4. RECOMMENDATION from Director Department of Health & Human Services for revision to the Clinical Fee Schedule for Immunization Services - was presented, moved by Council Member Khan, seconded by Council Member Garcia, and tagged by Council Members Sekula-Gibbs and Garcia.
5. RECOMMENDATION from Director Convention & Entertainment Facilities Department for approval of Supplemental Budget submitted by the Greater Houston Convention and Visitors Bureau - \$245,582.00 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. MOTION 2004-0965 ADOPTED.

6. RECOMMENDATION from Director Convention & Entertainment Facilities Department for approval of Supplemental Budget submitted by the Arts Council of Houston/Harris County \$202,872.00 - Enterprise Fund - was presented, moved by Council Member Khan, seconded by Council Member Quan, and tagged by Council Member Wiseman.
7. RECOMMENDATION from Director Library Department for approval of Change Order #11 in the amount of \$61,920.00 on contract with **JOHNSON CONTROLS, INC** for Energy Management and Maintenance Services Contract for the Library Department - CDBG Fund - **DISTRICTS B - GALLOWAY; C - GOLDBERG; H - GARCIA and I – ALVARADO** – was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. MOTION 2004-0966 ADOPTED.
8. RECOMMENDATION from Director Library Department for approval of Change Order in the amount of \$271,363.00 on contract with **MINNESOTA MINING AND MANUFACTURING COMPANY (3M)** for Materials Security Systems and Maintenance Contract for the Library Department - CDBG Fund - **DISTRICTS B - GALLOWAY; H - GARCIA and I – ALVARADO** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado.

Council Member Berry stated that he had concerns over using CDBG funds for security systems of books and libraries, that for two and a half years he had asked the Library Director to give him some metric for the number of books they lost due to theft because there was an attempt to spend \$400,000 of General Fund money a year or two ago and he was told that they were going to save \$80,000 per year and he asked how they calculated that and was told that they did not calculate that, that it was widely reported that they did not go after people who took books and did not return them, which in his opinion was theft, they did not follow up on their collections, that at some point he could not be convinced that the \$271,000 was going to save them \$1, that he could not support the item and hoped that the Mayor, as he had done in other departments, would ask people to perform on a standard so they could measure success.

After further discussion a vote was called on Item No. 8. Council Members Berry and Lawrence voting no, balance voting aye. MOTION 2004-0967 ADOPTED.

### **ACCEPT WORK**

11. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$7,269,459.30 and acceptance of work on contract with **JFT CONSTRUCTION, INC** for Construction of San Felipe Road Widening from Briargrove Drive to Fountainview Drive - Segment III (East), GFS N-0565-03-3 (N-0565-03) - 07.55% over the original contract amount - **DISTRICT G - HOLM** - was presented, and tagged by Council Member Holm.

### **ORDINANCES**

22. ORDINANCE approving and authorizing special warranty deed conveying to Ahmadali M. Virani a parcel of land containing 90,028 square feet (2.0668 acres), more or less, being out of Reserve "K" in Block 26, Clear Lake City Subdivision, Section Three, Sarah Deel League Survey, A-13, Harris County, Texas (The Former Clear Lake Library Site; located at 15800 Space Center Boulevard); and in consideration of Ahmadali M. Virani's payment of \$541,068.28, and other consideration to the City - **DISTRICT E - WISEMAN** - was presented. All voting aye. Nays none. ORDINANCE 2004-0923 ADOPTED.
36. ORDINANCE approving and authorizing amendment No. 1 to lease agreement between the City of Houston and **CONOCOPHILLIPS COMPANY** at George Bush Intercontinental Airport/Houston **DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. ORDINANCE 2004-0924 ADOPTED.

37. ORDINANCE approving and authorizing: Compromise and Settlement Agreement between the City and the **CH 11 TRUSTEE OF TAVAERO JET CENTER, INC, TEXTRON BUSINESS CREDIT**, and **WOOLSEY AVIATION, INC**; authorizing the assignment of two leases at William P. Hobby Airport ("HOU") between the City and **TAVAERO JET CENTER, INC** to **WOOSLEY AVIATION, INC d/b/a MILLION AIR** described as follows: lease authorized by Ordinance No. 03-372 passed April 16, 2003 and covering premises located at 8411 Nelms Street, Houston, Texas ("Nelms Street Lease"); and lease authorized by Ordinance No. 98-374 passed May 20, 1998 covering approximately 555,054 square feet of land and improvements located on the west side of HOU, said lease having been amended by amendment No.1 authorized by Ordinance 99-35 passed January 20, 1999 (collectively the "West Side Lease"); and authorizing amendment No. 1 to the Nelms Street Lease and amendment No. 2 to the West Side Lease - **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. ORDINANCE 2004-0925 ADOPTED.
39. ORDINANCE approving and authorizing the City of Houston to enter into contract with each of thirteen (13) non-profit organizations [**ALIEF MONTESSORI COMMUNITY SCHOOL, BREAD OF LIFE, INC., CHANCELLORS FAMILY CENTER, CHILD AND ADULT DEVELOPMENT CENTER OF HOUSTON, INC., CHINESE COMMUNITY CENTER, CITY WIDE CLUB OF CLUBS, JULIA C. HESTER HOUSE, INC., KIPP, INC., MOUNTAIN TOP LEARNING CENTER, SER-NINOS, INC., SOUTHEAST HOUSTON COMMUNITY DEVELOPMENT CORPORATION, ST. JAMES SCHOOL** and **YMCA OF THE GREATER HOUSTON AREA**] to administer an After School Achievement Program ("ASAP") - \$542,846.00 - General, Grant and Housing Special Revenue Funds - was presented, and tagged by Council Member Ellis.

Council Member Ellis stated that one of the organizations was delinquent in their property taxes, not only to the City but to HISD and the County and hoped they would take care of that matter prior to next week.

Council Member Wiseman stated that she would tag the item also, that she had asked the department to provide her with the program standards, that it was supposed to be provided to every participant in the program, and they provided her with a copy of the ordinance, eleven pages, and surely they were not handing over 11 or 12 pages to every participant, that she did want to see what it was that they were providing to those participants as a way of standards of operations.

46. ORDINANCE approving and authorizing interlocal service agreement between the City of Houston and **HARRIS COUNTY** for Laboratory Testing Services performed at the Harris County Medical Examiner's Laboratory for the Houston Police Department - \$183,340.00 - General and Grant Fund - was presented, and tagged by Council Member Edwards.
52. ORDINANCE appropriating \$1,186,700.00 out of General Improvements Consolidated Construction Fund; awarding construction contract to **MID-CONTINENTAL RESTORATION COMPANY, INC** for Sealing and Repair of exterior walls at City Hall; GFS D-0113-04-3; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the city; holding the bidder in default if it fails to meet the deadlines; providing funding for contingencies relating to construction of facilities financed by the General Improvements Consolidated Construction Fund - **DISTRICT I - ALVARADO** - was presented, and tagged by Council Member Goldberg.

**NON CONSENT AGENDA** - NUMBERS 59 and 60

**PROPERTY**

59. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Kim Icenhower of Brown & Gay Engineers, Inc., on behalf of Ocires I Limited, a Texas limited partnership [Ocires Limited, Inc. (Emilio Suberbie, president), general partner], for abandonment and sale of portions of Stafford Drive and Strickland Drive, from Rothermel Road north to their terminus, and a 10-foot wide utility easement, all within Langley Road Place Subdivision - Parcels SY5-002A, SY5-002B and SY5-002C - **APPRAISERS - DISTRICT B - GALLOWAY** - was presented.

Council Member Galloway named Mr. George Wyche and Mr. Travis Cooper as appraisers and Ms. Jasmine Quinerly as alternate appraiser and moved approval of the recommendation, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent. MOTION 2004-0968 ADOPTED.

60. **AMEND MOTION #2003-1516, 12/17/03**, which authorized abandonment and sale of ±7,442 square feet of excess, fee-owned street right of way, acquired for the Scott Street Widening Project, consisting of the remainder of Lots 1, 3 and 5, Block 3, Edmundson Addition, Parcel SY4-017, to amend Item 5 **TO APPOINT** two independent real estate appraisers and add Item 6 to appoint one alternate independent real estate appraiser - **APPRAISERS - DISTRICT I - ALVARADO** - was presented.

Council Member Alvarado named Mr. Gary Meyer and Ms. Patricia Keys as appraisers and Mr. Frank Flores as alternate appraiser and moved approval of the recommendation, seconded by Council Member Quan. All voting aye. Nays none. Council Member Wiseman absent. MOTION 2004-0969 ADOPTED.

#### **MATTERS HELD** - NUMBERS 61 through 63A

62. ORDINANCE awarding contract to **TROY CONSTRUCTION, L.L.P.**, for On-Call Drainage System Repair (Work Order Contract), GFS M-0243-01-3 (SM5050); providing funding for contingencies and engineering and testing services relating to repair of facilities financed by the Storm Water Fund - \$1,189,000.00 - Storm Water Fund - (**This was Item 39 on Agenda of August 25, 2004, TAGGED BY COUNCIL MEMBER GALLOWAY**) - was presented.

Council Member Galloway stated that she had tagged the item last week and wanted to commend Mr. Gary Norman and the personnel with Troy Construction, that they were able to meet at the site and define the problem, that Mr. Norman was really working hard and they got it all straightened out. Council Members Wiseman and Holm absent.

A vote was called on Item NO. 62. All voting aye. Nays none. Council Members Wiseman and Holm absent. ORDINANCE 2004-0926 ADOPTED.

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

Council Member Ellis stated that he wanted to recognize Mayor Pro Tem Alvarado for putting on one heck of a birthday celebration for the City of Houston, that not only was it a successful celebration but actually fun, that he and his wife both enjoyed it and it seemed that everyone there enjoyed, that he thought it was done with class and taste and understood that it was done without any City money. Council Members Wiseman and Holm absent.

Council Member Ellis stated that he wanted to address the approval of the agreement with the Municipal Pension Board, that there had been a number of employees who had come to him and said they did not know how to calculate whether they should go back from Plan A to Plan B or whether they should revoke it, that it was not easy and there were different variables for

each individual so the numbers would always be different, that he would have to assume that Plan A would always be a more lucrative plan but that was only an assumption, that he would request from the administration was to make sure that the Pension Board have individuals that would talk to each of the individual employees who had question and go through them and analyze what the different plans would pay out, that he thought it was appropriate and something that the Municipal Pension System should do, if they had to have a presentation with a group of employees it would be fine, but he thought it should be one on one with each employee and they should be able to know exactly what their plan was going to pay out, that he would encourage the pension system to accept phone calls and meetings with the employees throughout the City. Council Members Lawrence and Green absent.

Mayor White stated that if they were not able to provide that customer service they ought to immediately cancel the millions of dollars of lobbying and influence peddling that they had over the years and cease all of the trips if they could not provide decent customer service to the people who were the employees. Council Members Alvarado, Green and Berry absent.

Council Member Goldberg stated that he wanted to congratulate Mr. Abe Saavedra who now becomes the new HISD School Superintendent and especially congratulate him for this past weekend when he put a project in place called "Expectation Graduation" where people out in the community went out as teams to high school students who had not come back to school, that they went out to their homes and asked why they had not come back to school and each one of them had a different reason but thought they got at least 100 kids to come back to school, that they went out to five different high schools, that the whole team was headed up by Mrs. Andrea White and was an outstanding leader and got everybody motivated, that he thought more people should get involved so that they could handle more than 5 high schools, that they should do it once a month. Council Members Alvarado, Green and Berry absent.

Council Member Galloway stated she wanted to thank Mayor White for coming out to her area to the school on Saturday and giving a great motivating speech to the staff and all of the volunteers who were going to go out to the community to recruit the students and talk to the drop outs about returning to school, that she wanted to commend the Mayor for the early morning start. Council Members Wiseman, Alvarado and Berry absent.

Council Member Galloway stated that they had a major builder bust last week and there were some City employees who went beyond the call of duty to assist the Harris County Sheriff's Department to confiscate approximately \$100,000 worth of building material that had been stolen from a site out in the County, that she wanted to thank Mr. Buck Buchanan because at the last minute they needed some assistance with a truck, that she wanted to thank Mr. Buchanan as well as Mr. Charles Ross who made it happen, that it was at the last minute on Friday when everybody was getting off of work, as well as Mr. Duke Atkins, DRT and officer Lopez, and also Mr. Maurice Renfro, supervisor in Solid Waste, and also the Fire Department because they had to have lights, that they all did a marvelous job and worked together. Council Members Wiseman and Green absent.

Council Member Green stated that he wanted to Congratulate Reverend Bill Lawson on his retirement and Dr. Marcus B. Cosby who was taking over as the pastor of Wheeler Avenue Baptist Church. Council Member Wiseman absent.

Council Member Green stated that he wanted to thank Ms. Debra Veal in the Mayor's Office who had been phenomenal in their requests for proclamations and things of that nature. Council Member Wiseman absent.

Council Member Green stated that he wanted to thank Mr. Anthony Hall, that part of the reason he understood the pension agreement was because of Mr. Hall not only did he do good work in crafting the agreement but was very good at explaining it to him, that was why he did not have any questions or amendments. Council Member Wiseman absent.

Council Member Green stated that his tagging of Item No. 3 had nothing to do with the appointment of Chief Danny Snell to an Assistant Chief and he had called his office and let him know, that it was because he was supposed to get a follow up from someone in Chief Boriskie's office and he did a good job of explaining the process, but for some reason the person who he said was supposed to follow up with him felt it was unnecessary to do so, so he felt it was unnecessary to meet in the back of the Council Chamber and hurry up and make a decision on it today, that once he got the information he needed he would certainly ease up on the tag. Council Members Wiseman, Khan and Ellis absent.

Council Member Green stated that regarding the Municipal Courts, he wanted to apologize to the citizens who had to come to the courts and did not get the opportunity to get their cases tried, that certainly they were attempting to do a better job and were going to work very hard to make sure the court system was run as efficiently as possible, that one thing he wanted to comment on was that he had gotten a lot of calls regarding the pretrial conferences that had started at the court and many constituents had called him and said their lawyers had told them that they had to be there for the pretrial conference which was incorrect, that he wanted to direct the citizens to the City of Houston website under the Municipal Courts section wherein it stated the process that with proper documentation their lawyer could go down to the court on the pretrial conference date and the lawyer could represent them, so if there was a lawyer telling citizens that they must be at the pretrial conference it was incorrect, that he encouraged the citizens to continue calling his Council office if they had some issues with that. Council Members Wiseman, Khan and Ellis absent.

Council Member Galloway stated that she brought a CD for the Mayor that was appropriate for a Houston proud song that they could adopt and he listened to it, that she wanted to know if they needed to present the song to the City Council during pop off so they could adopt it as the Houston proud song to encourage people to come to Houston, and Mayor White stated that it was a great song and thought they needed a creative art committee to figure out what they should do with the song, that it had a lot about Houston. Council Members Wiseman, Khan, Ellis and Sekula-Gibbs absent.

Council Member Edwards stated that she also wanted to congratulate Pastor Lawson and Pastor Cosby on their new opportunities, that she wanted to thank Pastor Lawson for his work over the years and wish Pastor Cosby the best. Council Members Wiseman, Khan, Ellis and Sekula-Gibbs absent.

Council Member Edwards stated that she asked quite a while ago about the slot machines that were in convenient stores and the legality of them, that she would like to have a legal opinion because she was getting concerns from civic clubs and people in the community about the slot machines. Council Members Wiseman, Khan, Holm and Ellis absent.

Council Member Edwards stated that one of the regular constituents who attended the public session had brought up the issue of a person who had numerous fines for bandit signs and what was the process. Council Members Galloway, Wiseman, Khan, Holm and Ellis absent.

Mayor White stated that he had asked Judge Mejia and copied Council Member Green, that they had to have policies concerning the compromise of those fines and that they needed to make sure there were procedures in place to avoid form shopping that were describe that day, that he had not gotten a report from Judge Mejia on those items, but certainly that was something they needed to put on the agenda of the task force, and Council Member Edwards asked if she could get a report on that and Mayor White stated that he would ask his staff to provide a copy to Council Member Edwards. Council Members Galloway, Wiseman, Khan, Holm and Ellis absent.

Council Member Edwards stated that last night's Pop Star Project was very successful and thanked the Mayor for being present, that they were supposed to select five finalists out of all of the young ladies and the talent was so awesome and they selected 11 young ladies who were now going to be working through Music World and hopefully they would have two new Houston pop girl groups, that she wanted to congratulate Mr. Mathew Knowles and Ms. Tina Knowles and the whole Music World sanctuary, that she thought it was going to be the start of something big. Council Members Wiseman, Holm and Ellis absent.

Mayor White stated that he would ask Mr. Lapin to follow up but Mr. Knowles told him that he knew that the Grammy's were looking for other venues different from Los Angeles and New York, that he would ask the Bureau and C&E to do their own homework and scope it out. Council Members Wiseman, Holm and Ellis absent.

Council Member Edwards stated that regarding the HPD independent review that had been called for by Chief Hurtt and the District Attorney, she thought it was well and good but was still concerned as to how and who would be assigned to do the independent review and additionally she would again ask the Mayor and the City Council to address Governor Perry to call for a moratorium on the death penalty until the issue was somewhat resolved as to what evidence was valid and what evidence was not valid. Council Members Wiseman, Holm and Ellis absent.

Council Member Edwards stated that the Chocolate Bayou Festival would be held this weekend and they were really excited about the opportunities that had been built on just an idea, primarily by the community of Sunnyside, that had hundreds of volunteers, that she wanted to thank everyone in advance, she wanted to thank the Mayor and his office for their assistance, that it was going to be a good time, and encouraged everyone to come out to the festival. Council Members Wiseman, Holm and Ellis absent.

Council Member Khan stated that he would release his tag on Item No. 9. Council Members Goldberg, Wiseman, Holm and Ellis absent.

9. RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$14,916,489.17 and acceptance of work on contract with **LAUGHLIN ENVIRONMENTAL, INC (now known as LAUGHLIN-THYSSEN, INC)** to Expand Fuel Farm Capacity at George Bush Intercontinental Airport/Houston; Project No. 510, CIP A-0251 and A-0378 - 06.79% over the original contract amount - **DISTRICT B - GALLOWAY** - was again before the Council, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Members Goldberg, Wiseman, Holm and Ellis absent. MOTION 2004-0970 ADOPTED.

Council Member Lawrence stated that she too wanted to thank Council Member Alvarado for the birthday party, that a lot of work went into the party and she did a great job. Council Members Galloway, Goldberg, Wiseman, Holm, Ellis and Green absent.

Council Member Lawrence stated that Spring Branch Medical Center would have some green space that they would dedicate today, that they made a beautiful park and she invited the community to come out. Mayor White and Council Members Galloway, Goldberg, Wiseman, Holm, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Lawrence stated that a silver medal was won at the Olympics by Ms. Nia Abdallah, who lived a street over from her, that a lot of employees from the City helped make her trip to Greece possible for her parents, that Mr. Tollett got her parents an airline ticket to Greece. Mayor White and Council Members Galloway, Goldberg, Wiseman, Holm, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Lawrence stated that the Astros were only 3 games out so they should not lose heart. Mayor White and Council Members Galloway, Goldberg, Wiseman, Holm, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Lawrence stated that they should look at the Solid Waste website and hoped that all of the directors would look at the website, that Mr. Buchanan had instrumented a great website, that any question about garbage at any place in Houston was very easy to navigate on that website. Mayor White and Council Members Galloway, Goldberg, Wiseman, Holm, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Garcia stated that he too wanted to sing Council Member Alvarado praises on the birthday party, that it was a blast and everyone had a good time. Mayor White and Council Members Galloway, Goldberg, Wiseman, Holm, Green and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Garcia stated that he wanted to congratulate Larissa and Stuart on their wedding, that they got married in Las Vegas, that he wished him all the best on their new life together. Mayor White and Council Members Lawrence, Galloway, Goldberg, Wiseman, Holm, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Garcia stated that he wanted to congratulate and thank the folks involved in the implementation and initiation of the Olga Solis Endowment for Latina Studies at the University of Houston, that Ms. Solis was a firestorm of energy and enthusiasm and was a leader for the Hispanic women, encouraging their participation in the political process, that Dr. Tacho Mendiola, Commissioner Garcia and others had worked to develop the endowment and he would encourage anyone who had a check to write to write it to the endowment. Council Members Lawrence, Galloway, Goldberg, Wiseman, Holm, Green and Berry absent.

Council Member Garcia stated that on Sunday he got a call from his staff that a tree fell on her neighbors house and did a lot of damage, but the point was that neighbors came out and helped cut the tree, that Mr. Harry Jones, 82 years old was out there cranking up a chain saw and Mr. John Kolowski and his son Neal were on the roof, that he was out there also and it was neat to be working amongst neighbors to help their neighbor. Council Members Lawrence, Galloway, Goldberg, Wiseman, Holm, Green and Berry absent.

Council Member Garcia stated that major league soccer could be a part of Houston, that he wanted to thank the Mayor and Mayor Pro Tem Alvarado for recognizing the opportunity, that Mr. Ampudia, when he first met with them several weeks ago had been working diligently with the Harris County Sports Authority and Mr. Oliver Luck had been running the traps on it and there was a lot of excitement and enthusiasm throughout the City on the topic, that he would be in Mexico City next week on an invitation by the Consulate General of Mexico and would be taking that opportunity to continue to advocate for Houston for major league soccer to come to Houston, that he would encourage if any Council Member was getting phone calls on the soccer to please weigh in on why Houston should be home to a major league soccer franchise, that they had a Super Bowl crowd at Reliant Stadium for the World Cup and was the right message to send to Televisa and Group America to let them know that it was a no brainer for the City of Houston. Council Members Lawrence, Galloway, Goldberg, Wiseman, Holm, Quan and Green absent.

Council Member Alvarado stated that she wanted to thank the Mayor and her colleagues for attending the birthday party and also the Office of Special Events and Ms. Susan Christian and her staff, her Council staff and Mr. Lapin of the Mayor's office for pulling it off, that she was pleased that they were able to raise more money than the event had ever raised. Council Members Lawrence, Galloway, Wiseman, Holm, Quan and Green absent.

Council Member Alvarado stated that she appreciated the work that Council Member Garcia was doing in trying to get the soccer team to Houston and hoped he was successful. Council Members Lawrence, Galloway, Wiseman, Holm, Quan and Green absent.

Council Member Sekula-Gibbs stated that she had a question about an article in the Houston Chronicle and the response from the Director of Public Works and Engineering specifically addressing the Northeast Water Purification Plant, that it was surprising and disappointing to hear that they were having issues with going on line and it was almost an unhappy coincidence for Mr. Marcotte that the same issues that he faced in Washington with the disinfection byproducts were now popping up in Houston, that in reading the article it said there were two problems with the water plant, one was an increase in disinfection byproducts that developed when they added chlorine to the water, which they had to do, and the other was that in an attempt to remedy the heightened disinfection byproducts the company called MWH were attempting to reduce the amount of chloramines and then developed a process where the CT values, which was something like contact time, was lower, so they were not in compliance, that the summation was that they were going to have a remedy in place soon but did not say when or what, that it begs the question of what they were going to do and why was it only now after millions of dollars had been invested was it coming to their attention, that she wanted them to ask Mr. Marcotte for more details and information so they could address it and Mayor White stated that they would get that information to her and at some point they may want to have a briefing, that he shared the Council Members concerns, as did Mr. Marcotte. Council Members Lawrence, Galloway, Wiseman, Holm, Alvarado, Ellis, Quan and Green absent. (NO QUORUM PRESENT)

Council Member Khan stated that yesterday was the Annual Gulfton Youth Development Banquet and he congratulated all of the people involved, most importantly the young people involved. Council Members Lawrence, Galloway, Wiseman, Holm, Garcia, Alvarado, Quan and Green absent. (NO QUORUM PRESENT)

Council Member Khan stated that in Alief they had the Alief Montessori School in the Old Alief area which was also providing After School Programs, that the school was on both sides of a street block and they had open ditches on either side which were five foot deep and kids went back and forth between the two facilities and it was a very dangerous situation, that there were also not enough stop signs to slow traffic down, that the school zone signs were within the school property line and it was creating a dangerous situation, that they had a meeting two weeks ago with the parents and teachers and there were some serious safety concerns for those children and would request that the administration take a look at the situation, that he already talked to the Public Works Department and they were working on it. Council Members Lawrence, Galloway, Wiseman, Holm, Garcia, Alvarado, Quan and Green absent. (NO QUORUM PRESENT)

Council Member Khan stated that he voted against the pension plan agreement and hoped that he was wrong in his fears as to what the plan may still not address, that he wanted to congratulate the Mayor, the administration and Mr. Hall who made a very generous effort to resolve the problem. Council Members Lawrence, Galloway, Wiseman, Holm, Garcia, Alvarado, Quan and Green absent. (NO QUORUM PRESENT)

Council Member Berry stated that regarding Item No. 47, which was pulled, he met with a group of lawyers who worked in the Municipal Courts and there was no easy answer given the budget constraints but thought Council Member Green was doing a great job and seemed generally concerned with getting it fixed. Council Members Lawrence, Galloway, Wiseman, Holm, Garcia, Alvarado, Quan, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Council Member Berry stated that in regard to the railroad crossing situation, Channel 47 was doing another story today, that for two hours this morning on Market Street the same train that they had problems with before sat there and did not move, it was a Union Pacific train, that

kids were going under the trains and they could not have that. Council Members Lawrence, Galloway, Wiseman, Holm, Garcia, Alvarado, Quan, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Council Member Berry stated that this past Thursday he was at the Fire Department's graduation ceremony and there were 63 candidates that started and 36 that finished, that they snapped off their salute and got their badges and it was a neat thing to see those people who were going to go out and serve the public. Council Members Lawrence, Galloway, Wiseman, Holm, Garcia, Alvarado, Quan, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Mayor White stated that last week the Majority Leader Delay met at City Hall for an hour and a half and the principal focus was the issue of accountability of the rail service to the community and the Majority Leader committed to circulate among his colleagues a letter expressing some of the frustration of the community, the public and the shippers as well, that it was a letter that would be directed to the Surface Transportation Board, that they needed to have one voice as a community that they needed better service at reasonable rates by their rail carriers. Council Members Lawrence, Galloway, Edwards, Wiseman, Holm, Garcia, Alvarado, Quan, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 12:00 p.m. Council Members Lawrence, Galloway, Edwards, Wiseman, Holm, Garcia, Alvarado, Quan, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

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

MINUTES READ AND APPROVED

---

Anna Russell, City Secretary