

City Council Chamber, City Hall, Wednesday, September 8, 2004

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, September 8, 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, Carol Alvarado, Mark Ellis, Gordon Quan, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Mr. Arturo Michel, City Attorney; Mr. Richard Cantu, Director Mayor's Citizens Assistance Office and Ms. Marty Stein, Agenda Director and Mr. Jose Soto, Deputy Agenda Director present. Council Member Adrian Garcia absent on city business.

At 8:26 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:20 a.m. Mayor White called the meeting to order and called on Council Member Alvarado for the prayer and pledge. Council Member Alvarado invited Reverend Bill Lawson to lead the prayer and Council Member Alvarado led everyone in the pledge. Council Member Wiseman absent.

At 9:22 a.m. the City Secretary called the roll. Council Member Garcia absent on city business. Council Member Wiseman absent.

Council Members Khan 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 Member Wiseman absent. MOTION ADOPTED.

Council Member Alvarado invited Reverend Lawson back to the podium for a presentation and stated that many of them would be joining him this coming Sunday at his retirement celebration but for those who could not make that event she had a gift on behalf of the City Council Members and the Mayor and thanked him for his leadership in the City and a happy retirement.

## **MAYOR'S REPORTS**

### **CONSENT AGENDA NUMBERS 1 through 39**

#### **MISCELLANEOUS** – NUMBER 6

6. RECOMMENDATION from Director Department of Public Works & Engineering for establishment of a connection charge in the amount of \$0.6128 per square foot for properties connecting to the 8-inch sanitary sewer line constructed by **STONEWOOD BUILDERS, LTD.** along Lillian Street east of Reinicke Street - **DISTRICT G – HOLM** – was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Garcia absent on city business. Council Member Wiseman absent. MOTION 2004-0971 ADOPTED.

#### **PURCHASING AND TABULATION OF BIDS** - NUMBERS 7 through 11

7. **AMEND MOTION #2004-380, 4/14/04, as amended by Motion #2004-876, 8/4/04, TO INCREASE** spending authority from \$588,000.00 to \$1,288,000.00, for Ultra-Low Sulfur Diesel Fuel from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for Finance & Administration Department, awarded to **VALERO MARKETING AND SUPPLY COMPANY** - \$700,000.00 - Central Service Revolving Fund – was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Garcia absent on city business. Council Member Wiseman absent. MOTION 2004-0972 ADOPTED.

8. **FIRE APPARATUS SPECIALISTS** - \$672,384.40 and **PHILPOTT FORD, LTD.** - \$33,613.40 for Aerial Ladder and Supply Delivery Truck through the Interlocal Agreement for Cooperative Purchasing with the Houston-Galveston Area Council for Fire Department - Equipment Acquisition Consolidated Fund – was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Garcia absent on city business. Council Member Wiseman absent. MOTION 2004-0973 ADOPTED.
9. **CREATIVE COMPUTER APPLICATIONS, INC** for Preventative Maintenance Agreement for Laboratory Information System for Health & Human Services Department - \$36,891.00 - General Fund – was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Garcia absent on city business. Council Member Wiseman absent. MOTION 2004-0974 ADOPTED.
10. **AMEND MOTION #2001-43, 1/17/01, as amended by #2003-1293, 11/5/03, TO EXTEND** expiration date from February 1, 2005 to January 31, 2006, for Apparel, Holsters and Handguns Contract for Police Department, awarded to **GT DISTRIBUTORS, INC** – was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Garcia absent on city business. Council Member Wiseman absent. MOTION 2004-0975 ADOPTED.
11. **AMEND MOTION #2001-1233, 11/14/01, TO EXTEND** expiration date from November 21, 2004 to November 20, 2006, for Automotive, Whelen Light Bars and Parts Contract for Various Departments, awarded to **FLEET SAFETY EQUIPMENT, INC** – was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Garcia absent on city business. Council Member Wiseman absent. MOTION 2004-0976 ADOPTED.

#### **RESOLUTIONS AND ORDINANCES** - NUMBERS 16 through 37

16. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a portion of Oxford Street, a portion of East 13 ½ Street, and portions of two 15-foot-wide alleyways containing an aggregate of 68,228 square feet of land, more or less, Parcels SY1-046A, SY1-046B, SY1-046C and SY1-046D; all four parcels of land being located in the John Austin Two League Grant, Abstract Number 1, Houston, Harris County, Texas, vacating and abandoning Parcels SY1-046A, SY1-046B, SY1-046C and SY1-046D to Houston Independent School District, abutting owner in consideration of owner's dedication of one street right of way easement, two utility easements, and a sanitary sewer easement and owner's payment of \$254,264.38 plus an amount of \$319,930.62 to be deducted from HISD's Credit Account, established by interlocal agreement plus \$400,052.00, established in favor of HISD as a Carryover Credit in Ordinance Number 2003-1104 and other consideration to the City - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. Council Member Garcia absent on city business. Council Member Wiseman absent. ORDINANCE 2004-0927 ADOPTED.
17. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of an alleyway, from Colquitt Avenue North 125 Linear Feet, more or less, containing 1,925 square feet of land, more or less, Parcel SY3-049, vacating and abandoning said parcel to 4119 Montrose Limited and to John P. Hansen, the abutting owners, in consideration of owners' dedication back to the City of said parcel as a utility easement, containing 1,925 square feet of land, more or less, Parcel VY4-008, and of owners' dedication of two rights of way, each containing 225 square feet of land, more or less, Parcels AY3-627A and AY3-627B; all four parcels being out of and/or between Block 24 of Montrose Addition and 4119 Montrose Tract Subdivision, Houston, Harris County, Texas; and owners' payment of \$12,300.00 and other consideration to the City - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member

Garcia absent on city business. Council Member Wiseman absent. ORDINANCE 2004-0928 ADOPTED.

18. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a utility easement and waterline easement containing an aggregate of 5,043 square feet of land, more or less, Parcels SY4-026A and SY4-026B; both easements being out of Restricted Reserve 'L', Section One, Baybrook Mall, Houston, Harris County, Texas, vacating and abandoning Parcels SY4-026A and SY4-026B to the May Department Stores Company, abutting owner in consideration of owners' dedication of one waterline easement, one water meter easement and one fire hydrant easement containing an aggregate of 10,784 square feet of land, more or less, and payment of \$600.00 and other consideration to the City **DISTRICT E - WISEMAN** – was presented. All voting aye. Nays none. Council Member Garcia absent on city business. Council Member Wiseman absent. ORDINANCE 2004-0929 ADOPTED.
19. ORDINANCE approving and authorizing special warranty deed retaining an easement for sanitary sewer purposes conveying to Tawfik Haj a parcel of land containing 21,237 square feet, more or less, being parts of Lots 5 and 6, Block 22, Acres Home Addition, Juan Sutton Survey, A-751, Harris County, Texas (The Former Gulf Palms Wastewater Treatment Plant Site; located at 12200 Ross Road); and in consideration of Tawfik Haj's payment of \$35,050.00, and other consideration to the City - **DISTRICT E - WISEMAN** – was presented. All voting aye. Nays none. Council Member Garcia absent on city business. Council Member Wiseman absent. ORDINANCE 2004-0930 ADOPTED.
20. ORDINANCE consenting to the creation of **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 157** – was presented. All voting aye. Nays none. Council Member Garcia absent on city business. Council Member Wiseman absent. ORDINANCE 2004-0931 ADOPTED.
21. ORDINANCE establishing the east and west sides of the 800, 900, 1000 and 1100 blocks of Arlington Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. Council Member Garcia absent on city business. Council Member Wiseman absent. ORDINANCE 2004-0932 ADOPTED.
22. ORDINANCE establishing the south side of the 700 block of East 10th ½ Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. Council Member Garcia absent on city business. Council Member Wiseman absent. ORDINANCE 2004-0933 ADOPTED.
23. ORDINANCE establishing the north and south sides of the 1100 block of Winston Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. Council Member Garcia absent on city business. Council Member Wiseman absent. ORDINANCE 2004-0934 ADOPTED.
24. ORDINANCE approving and authorizing an Occupancy Agreement between the City of Houston and **HOUSTON COMMUNITY COLLEGE SYSTEM (HCCS)** for the use of the Val Jahnke Training Facility (Academy) for the Houston Fire Department – was presented. All voting aye. Nays none. Council Member Garcia absent on city business. Council Member Wiseman absent. ORDINANCE 2004-0935 ADOPTED.
26. ORDINANCE approving and authorizing contract between the City and **HARRIS COUNTY** through its Harris County Coordinated Transportation Program for Non-Emergency Transportation Services for Disabled, Elderly, and Low Income Populations; providing a

maximum contract amount - 3 Years - \$300,000.00 - Grant Fund – was presented. All voting aye. Nays none. Council Member Garcia absent on city business. Council Member Wiseman absent. ORDINANCE 2004-0936 ADOPTED.

27. ORDINANCE amending Ordinance No. 79-2396 to establish the maximum contract amount for contract between the City of Houston and **MUNICIPAL CODE CORPORATION** for the Legal Department; allocating \$15,000.00 to contract for Fiscal Year 2005 - \$75,000.00 - General Fund – was presented. All voting aye. Nays none. Council Member Garcia absent on city business. Council Member Wiseman absent. ORDINANCE 2004-0937 ADOPTED.
28. ORDINANCE approving and authorizing contract between the City of Houston and **HOUSTON-GALVESTON AREA COUNCIL (HGAC)** for FY05 Waste Implementation Program and approving and authorizing the acceptance of grant funds from HGAC to provide support for the Household Hazardous Waste (E-Waste) Program - \$60,000.00 - Grant Fund – was presented. All voting aye. Nays none. Council Member Garcia absent on city business. Council Member Wiseman absent. ORDINANCE 2004-0938 ADOPTED.
29. ORDINANCE approving and authorizing amendment to sponsorship agreement (approved by Ordinance 98-695) with **SHERWOOD OAKS PROPERTY OWNERS ASSOCIATION (Formerly the Sherwood Oaks Committee)** for Solid Waste Collection Services - **DISTRICT A - LAWRENCE** – was presented. All voting aye. Nays none. Council Member Garcia absent on city business. Council Member Wiseman absent. ORDINANCE 2004-0939 ADOPTED.
34. ORDINANCE appropriating \$325,900.00 out of Airport System Subordinate Lien Revenue Bonds Series 1998B AMT (535); authorizing purchase of land and improvements thereon out of Greenview Manor Section Two, and out of the McAuley Survey, A-577, Houston, Harris County, Texas, for a Noise Compatibility Program at Bush Intercontinental Airport, CIP A-0476-45.1; approving purchase and sale agreements with the owners of the land (Harold Ray Peeples and Brenda Kay Peeples; and Bessie Gross) - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Garcia absent on city business. Council Member Wiseman absent. ORDINANCE 2004-0940 ADOPTED.
35. ORDINANCE appropriating \$98,700.00 out of Airport System Subordinate Lien Revenue Bonds Series 1998B AMT (535); authorizing purchase of land and improvements thereon out of Greenview Manor Section Two, Houston, Harris County, Texas, for a Noise Compatibility Program at Bush Intercontinental Airport, CIP A-0476-46.1; approving purchase and sale agreement with the owners of the land (Russell G. Whitley and Andra M. Whitley) - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Garcia absent on city business. Council Member Wiseman absent. ORDINANCE 2004-0941 ADOPTED.
36. ORDINANCE appropriating \$400,000.00 out of Airports Improvement Fund and approving and authorizing professional consulting services contract between the City of Houston and **APPLIED RESEARCH ASSOCIATES, INC** for Pavement Management Program Development at Bush Intercontinental Airport/Houston, Hobby Airport and Ellington Field, (Project No. 422), CIP A-0042, A-0063 and A-0153 - **DISTRICTS B - GALLOWAY; E - WISEMAN and I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Garcia absent on city business. Council Member Wiseman absent. ORDINANCE 2004-0942 ADOPTED.
37. ORDINANCE appropriating \$1,165,200.00 out of Airports Improvement Fund, \$600,000.00 out of Airports Improvement Fund (Temporary Funding), and \$2,913,000.00 from Federal

Aviation Administration Grant Funds, CIP A-0486; and \$67,970.00 out of Airports Improvement Fund, CIP A-0422; awarding construction contract to **STEWART-MATL, LTD.**, for Terminal E/FIS EDS Interim In-line Baggage Handling System at George Bush Intercontinental Airport/Houston (Proj. No. 612B); providing funding for contingencies and the Civic Art Program relating to construction of facilities financed by such funds - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Garcia absent on city business. Council Member Wiseman absent. ORDINANCE 2004-0943 ADOPTED.

At 9:28 a.m. Mayor White stated that they would move to the public session.

At 9:31 a.m. the City Secretary began to call the speakers. Council Member Wiseman absent.

Ms. Jeanette Rash, 2104 Lyons, Houston, Texas 77020 (713-228-8872) appeared, presented information and stated that she was present today as Council would be discussing the major freeway system in Houston and its surrounding areas and they could not do that without consideration of congestion management and the freeway towing system being worked on by the Office of Mobility; that she worked on congestion management issues many years and knew a coordinated incident management plan was important, but the one being presented was not based on principals of incident management as she knew it; that the emphasis had to be the ability of the towing company to perform by itself to remove vehicles that were potentially in unsafe locations for the public to be in; that the cost factor had to be based on the additional expense to the towing company to provide equipment and personnel that had the capability and training to stand shoulder to shoulder with police and fire, the other people on the first responder team; and the plan would do damage to the overall structure of the complex system we had in the towing industry that would allow us to remove vehicles at a reduced price such as the half price for SafeClear.. Council Members Edwards and Wiseman absent.

Council Member Ellis stated that when this started there were two main issues, to remove cars for public safety and help traffic flow and to make sure the public was not being price gouged; that he felt they addressed the first concern, but as they moved forward what would she do to help with the second; and Ms. Rash stated that they needed to train qualified people with the same training officers had; that her company trained but many did not. Council Member Ellis stated that if there were 38 companies that were supposed to be qualified and they had not trained then how were they able to meet the qualifications to bid on the contract; and upon questions, Ms. Rash stated that they had no hard numbers only guesstimates, but they were going to need 800 tows for a segment costing a wrecker service \$60,000.00 and they did not know how many they would get.

Council Member Berry stated that he agreed with what Ms. Rash said today and he was a bit concerned as to where they were in the process; that they pre-qualified 38 companies basically for fear of disqualifying anyone, that someone was arrested for auto theft and they were worried as to whether they could disqualify him and there was something wrong with the process and they were going to have to say that for the freeway it was a mobility project and not a tow project and they were going to have to be bold enough to use absolute criteria and choose the best.

Mayor White stated that he basically agreed with everything he said and they would need to work together until they got it on track.

Upon questions by Council Member Quan, Ms. Rash stated that her emphasis was they needed to look at regional planning including incident management; that she saw what was on today by looking at the intranet; that the representatives and senators question was simple and that was why should the city get money from a business that does work on a state highway, but the Attorney General had not issued an opinion as yet.

Council Member Lawrence stated that she too had many concerns for the safety of citizens; and upon questions, Ms. Rash stated that they were asked to do a RFQ and they wrote short paragraphs about their understanding of incident management and gave financial data and basically that was it to qualify; that some did not technically have a truck and were qualified; that her company was not able to participate where they were now because their emphasis was on towing and not the body shop so they were wiping her out of this; that of the 38 qualified there were some arrested felons; and Council Member Lawrence stated that they needed to go back and look at how they qualified.

Mayor White stated that some comments expressed today were concerns and there was a legitimate balance someone might seek in a prequalification process versus a scoring process on bids; that they did not want sham businesses and based on concerns direction was given to go back and look at particular aspects and revisions of criteria set; that this was not designed to raise revenue or deprive others of revenue.

Mr. Ken Ulmer, 1700 Brittmoore, Houston, Texas 77043 (713-468-5975) appeared and stated that he was in the towing and storage business in Houston and was present to speak on the major freeway towing contract proposed by the Office of Mobility as it was to be issued to the highest bidder and not the most qualified; that he had been the towing operator responsible for the Pilot Program on the Katy Freeway and under the plan the Katy Freeway would be in two segments costing \$60,000.00 each and a tow would cost \$75.00 so he must perform 1,600 tows before he paid for a driver, truck and insurance, etc., that so far they towed about 100 a month including service roads and no accidents, the proposal was no service roads but included accidents; that on freeways there were about 35,000 tows a year and dividing that into 34 segments it equaled to about 1,000 tows per segment with \$75,000.00 in total revenue and with a minimum bid of \$60,000.00 that did not call for a profit and he did not know how to make it work; and experts had said training was the most important and without it there would be failure.

Council Member Lawrence stated that she understood his concern and looked forward to the Administration coming out with a program to make his business profitable and keeping good people in the wrecker business and citizens safe.

Upon questions by Council Member Khan, Mr. Ulmer stated that he would E-mail him a way to get information from the experts he mentioned; that in a meeting he attended most thought the \$60,000.00 was for a five year period and when they found out it was a one year period they said that was not what they were bidding on, but in reality he felt they were off track anyway because nothing was based on qualifications; that some qualified had never responded to an accident scene and he believed qualifications was the only way to go; and Council Member Khan stated that he thought it should be bid only on qualifications and would like to get the information he had. Council Members Edwards and Holm absent.

Mayor White stated that he thought there were apprehensions and they had good and useful input; that there was a balance and the more transparent you tried to make issues such as what they were willing to bid it got transferred into minimum bids and the less transparent you tried to make it then there were surprises at the end, but there was no question the issue of qualifications would be extremely important and thanked Mr. Ulmer, Ms. Rash and others for their part. Council Members Edwards, Khan and Holm absent.

Ms. Yolanda Smith, 2002 Wheeler, Houston, Texas 77004 (713-526-3389) appeared with Ms. Mary Ramos and stated that the NAACP and LULAC stood before them today to discuss the serious issue of their two organizations and they were asking that Council reconsider the proposed management restructure of the Houston Fire Department; that the NAACP believed the restructuring by the Chief would seriously harm the diversity and morale of the department; that Houston did pride itself on diversity and they believed the Fire Department should reflect that, there were five specific issues of concern that both organizations had, there being no

Hispanic or Black as Deputy Chief, compared to the national standards of practice the department had over 3,400 firefighters and less Assistant Chiefs, Houston had 40% Hispanics in the City with 16% in the department and had 27% African American with 17% in the department and they needed to make sure quality control was insured and felt it hampered; that also the revamping of the promotional department was needed, people were testing and two years later they were still not getting promotions but others were getting tested and promoted. Council Members Edwards and Holm absent.

Ms. Mary Ramos, 5207 Airline, Houston, Texas 77002 (713-695-5980) appeared and stated that Latin American citizens was appealing to the Mayor and Council to reconsider the restructuring of the Houston Fire Department; that Mayor Brown established a Red Ribbon Committee to access the Houston Fire Department at the request of LULAC and they believed many of the Hispanic and African American communities issues were addressed and they were encouraged; that now they were concerned they were taking a step backwards and that the community should be a part of discussions to have a win/win situation; and LULAC and the NAACP were present to make sure the proposal by the Fire Department did not pass. Council Members Holm, Ellis and Green absent.

Council Member Khan stated that if people took test and were not promoted and then others took test later and were promoted it seemed to be unfair and it should be fair for all groups of people. Council Members Holm and Ellis absent.

Council Member Alvarado stated that they raised very good issues and many at the Council table raised the issue of diversity in the Fire Department for many years, but the issue today was not germane to what was being voted on as the vote was on one individual and not approval of the reorganization; and suggested the Fire Chief sit with both individuals and their organizations and discuss the issues. Council Members Holm and Ellis absent.

Upon questions by Council Member Edwards, Ms. Smith stated that the issue of diversity was huge when you had 403 Captains and 22 were African American and 55 were Hispanic with over 314 White there was disparity there and she thought they should work with other organizations and make sure they improved recruitment and then revamp the promotions; and Council Member Edwards stated that she agreed. Upon questions, Ms. Ramos stated that she thought they should restart the Red Ribbon Committee with community leaders and work with the Fire Department hand in hand. Council Members Lawrence, Khan, Holm and Ellis absent.

Council Member Galloway stated that they had struggled with this for many years at one time there were 200 promotions, everyone qualified and was supposed to get promoted but somehow the last one, who was Black, fell through the cracks and then he had to be retested and that was not right; and she suggested to the Chief to recruit in other areas, but on the promotion today she had questions and she did understand the community. Council Members Holm and Ellis absent.

Council Member Green stated that today they were not voting on the plan as that was a management issue they had no control over, but he would make it clear that there was a direct correlation between the person handling recruitment for the past classes and recruitment efforts and he made it clear he was suspect of him and he wanted the new Chief to have a chance to make things right but would be offering input. Council Members Holm and Ellis absent.

Mayor White thanked all for coming and stated that constructive points were made and in selection of the new Chief he wanted someone who reflected the values to the best of Houston, and said he wanted excellent emergency response, to draw on full talents of the city, and put greater emphasis on everyone for professional development; that over the last five years the largest increase in the City budget was in Fire and EMS and many he spoke with emphasized they were top heavy and to empower people down in the organization it meant some would lose their position; and sometimes people made claim to values, but they were really saying they

wanted to keep their job. Council Members Lawrence and Holm absent.

Ms. Olivia Randle, 6023 Beldart, Houston, Texas 77033 (713-733-2348) appeared, presented information to Mr. Cantu and stated that she was present asking that Item 42 be removed from the Agenda until the community could have input with the Mayor and Fire Chief and September 20, 2004, they would be having a community meeting at the Sunnyside Multi Service Center from 6:00 p.m. to 8:30 p.m. and they would request their support. Council Members Holm and Ellis absent.

Upon questions by Council Member Edwards, Ms. Randle stated that Mr. Otis Jordan had appeared many times in front of Council speaking about Fire Department positions and they thought the community needed to know more about the way the department was going; and even if the item passed today they would still like a meeting. Council Members Khan and Holm absent.

Mayor White stated that he felt communication with the community was very important; and thanked Ms. Randle for coming. Council Members Khan and Holm absent.

Mr. Richard Galvan, 505 Woodward, Houston, Texas 77009 (713-724-1900) had reserved time to speak but was not present when his name was called. Council Members Khan and Holm absent.

Mr. Jessie Wilhite, 4854 Court Road, Houston, Texas 77053 (281-437-2558) appeared and stated that he was coming to say thank you as two years ago he was terminated from the Houston Fire Department because of allegations and came before Council who heard his plea of despair and later accusations were unfounded and he was reinstated; that now he was a valor award candidate and a small business owner; that there were people champions on Council and he thanked them and urged all of them to become people champions. Council Members Khan, Holm and Ellis absent.

Council Members thanked Mr. Wilhite for sharing his experience and for his perseverance and commended and congratulated him. Council Members Wiseman, Khan and Holm absent.

Council Member Green moved that the rules be suspended for the purpose of hearing Mr. Otis Jordan after Dr. Clark, seconded by Council Member Alvarado; and Mayor White stated that by unanimous consent they would hear Mr. Jordan after Dr. Clark. Council Members Wiseman, Khan and Holm absent.

Mayor White thanked Mr. Wilhite for coming today and stated that by comments he could tell they shared the same faith and it looked like he was one of the blessed people who went through things and came out stronger instead of bitter and he thought he would be successful; and Mr. Wilhite stated that it was his privilege and honor to serve. Council Members Khan and Holm absent.

Dr. Edith Clark, 2245 Rosemont, Houston, Texas 77051 (713-731-9806) appeared and stated that she was from the Sunnyside addition and present regarding the firefighters and she wanted to make sure their Sunnyside Fire Department had representation of the City of Houston. Council Members Khan and Holm absent.

Mr. Otis Jordan, 7663 South Glen Willow, Missouri City, Texas 77489 (281-438-4124) appeared, presented information and stated that there was an article in 2000 where their past union president applauded Lester Tyra for promoting the most African American's in history; that everyone on Council knew they had a problem with promotion and going from nine to three and four was going backwards; that the department would be run by Deputy Chiefs and they were all Anglo and they wanted to be heard and wanted representation; Mr. Jordan also presented to Council information of Fire classified race and sex analysis by classification.

Council Member Lawrence absent.

Upon questions by Council Member Edwards, Mr. Jordan stated that they had six Deputy Chiefs and all Anglo, the next rank was District Chief with 101 and there were four to six Hispanic and no African American as Chief Julian was being demoted and still being paid Assistant Chief pay so why demote him and still pay him, it was not cost effective so it was not about money, it was about power and respect; that they had trouble running the department with nine to eleven people. Council Members Lawrence and Galloway absent.

Council Member Edwards moved that the rules be suspended for the purpose of hearing from Chief Boriskie, seconded by Council Member Khan; and Mayor White stated that by unanimous consent they would hear Chief Boriskie. Council Members Lawrence and Galloway absent.

Upon questions by Council Member Edwards, Chief Boriskie stated that he would be asking for volunteers to work a five day, eight hour week, to do the task of managing the Fire Department and the difference between having nine Assistant Chiefs and his proposal was to have four and instead of being singly functioned with one responsibility he wanted them to be more effective managers and manage three sections of the Fire Department, then underneath each section would be a team of firefighters just like now; that the Chiefs being demoted would go back to their previous positions and in those he kept he looked at experience and expertise; that no one in the Houston Fire Department was not qualified, but he picked the most qualified; that he would be meeting with Ms. Smith and Ms Ramos and if she would help arrange a meeting he would be glad to attend. Council Member Galloway absent.

Council Member Khan stated that it was great to reduce his management but it was difficult to accept it when it came to having the city's diversity properly reflected; and upon questions, Chief Boriskie stated that they had a 50 year old state law of civil service and they would be looking for changes to that probably through the collective bargaining contract and hopefully modifications would be made. Council Member Khan stated that they were trying to put this City as one to follow and they should have a proper representation from all segments of those qualified; and Chief Boriskie stated there were three major players in changes and that was his Administration, Local 341 and Council so he needed help with those changes. Council Member Galloway absent.

Council Member Lawrence thanked Chief Boriskie for the work he had done and stated when going to stations and speaking to firefighters they all said they were top heavy and money should go elsewhere; that he had addressed this and she thanked him for his decisions. Council Member Galloway absent.

Council Member Alvarado stated that when folks came from the community talking about the lack of diversity all agreed and when looking at hard numbers it was embarrassing, out of 403 Captains only 22 were African American and 55 Hispanic and Deputy Fire chiefs there were 4 and none being Hispanic or African American and they could do better, but by not passing today's item did nothing for that and he said they needed to change state law but there was nothing in that law that said it should not be diverse and she did not think they could hide behind state law and training, education and mentorship programs were needed and encouraged Chief Boriskie to work with that and various organizations; and upon questions, Chief Boriskie stated that recruitment would be under Rick Flannigan now, it was not the same person as before. Council Member Galloway absent.

Council Member Green stated that he and Chief Boriskie had spoken about the numbers and he thought the frustration was the firefighters had seen Chief after Chief and heard how the department was changing and what he had was a base of demoralized people who had seen themselves come in with education and qualification to be management level individuals and it meant nothing after they got in; that in looking at his staff he was not sending the message

formal education was a major part and thought he needed to be cognizant of it, he needed to know what they were seeing from the ground up; and he would do what he could to change the numbers as they did not lie and were despicable and if the firefighters felt there was no one to go to in the department than he was doomed for failure because he would not be able to accomplish his goals and encouraged open dialogue. Council Member Quan absent.

Mayor White stated that he felt the passion he did about the legacy, but about numbers not changing it would be illegal for him to fire the Captains, etc., and start over and to fire someone because someone else needed to move up; and he wanted to say that so it would not be implied that he could; that a Chief should be judged by his actions and not by a legacy of an unfair past. Council Member Quan absent.

Upon questions by Council Member Galloway, Chief Boriskie stated everyone except Assistant Chief was under civil service; that he was cutting the budget to four Assistant Chiefs; that he would not be using the eight allocated in the budget and the position today was one of those four; that he would be demoting four individuals and was bringing one; that he was close to Chief Jullian and he was a personal friend but was one of those to be demoted. Mayor White, Council Members Sekula and Green absent. Mayor Pro Tem Alvarado presiding.

After further discussion Council Member Edwards stated that state law did not say the department could not be diverse and if they were waiting for that to do the right thing it was not going to happen; that they did not want standards lowered, but they wanted to have firefighters in all categories, including women, who were prepared to take tests and be considered for promotions. Council Member Goldberg absent.

Mayor White stated that time and time again when he asked about the issue of training and professional development who they would hold up as great examples of people who had invested in themselves and believed passionately at least two, Rick Flannigan and Phil Boriskie who were here today, were held up by their members as shining examples of who firefighters should aspire to and they needed to work together as a team until they got a more twenty first century flexible management structure; and upon questions, Chief Boriskie stated that they would be asking for volunteers and then have an interview process and they would strive for diversity in both gender and ranks and he was confident there was a pool of talent. Council Member Quan absent.

Mr. Dwight Bazile, 7810 Green River, Houston, Texas 77028 (832-725-4141) appeared, presented information to Council Members and stated that he was present to address the potential bias conflict of interest and public perception with the Fire Chief; that Friday was designated dress down day at the Houston Fire Department's Logistics Headquarters and the Chief wore a Local 341 polo shirt, Local 341 was a local labor union and affiliate for the International Association of Fire Fighters (IAFF) which had a historical track record for systematically fighting to eradicate consent decrees designed to promote diversity in fire departments throughout the nation; that the labor union had blatantly displayed racist tactics specifically designed as impediments and obstruction to recruitment, promotion and efforts against diversity; that members of the Houston Black Fire Fighters Association did not have opposition to union involvement in the work place and recognized to some degree it could and had been an asset to labor movement, however, they opposed labor unions that systematically employed tactics to eradicate integration, promote racial insensitivity and instill divisiveness in the department. Council Members Goldberg, Quan and Green absent.

Upon questions by Council Member Edwards, Mr. Bazile stated unions would probably not be supportive of the collective bargaining needed to support the changes in state law. Council Members Goldberg, Ellis, Quan, 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, Ellis, Quan, Green and Berry absent.

Ms. Mawiyah Duperval, 2001 Holcombe, Houston, Texas 77030 (713-383-0298) had reserved time to speak but was not present when her name was called. Council Members Goldberg, Ellis, Quan, Green and Berry absent.

Mr. Eugene McMillion, 6503 Beekman, Houston, Texas 77021 (713-741-1437) appeared and stated that he served the city many years as a cab driver and had an accident and went to the hospital, while he was being treated he fell off a high gurney and broke his hip and ever since he had problems which had been about four years; that he had tried to get legal assistance, but felt he was sold out. Council Members Galloway, Goldberg, Alvarado, Ellis, Green and Berry absent.

Council Member Edwards stated that they spoke on the phone; and upon questions, Mr. McMillion stated that he spoke to the Attorney General's Office and they said they did not see anything wrong, but an attorney changed everything and the DA said they would look into it, but it was just being prolonged; and Council Member Edwards stated that if the DA, Attorney General, NAACP, etc., had not been able to help she was not sure how Council could. Council Members Galloway, Goldberg, Alvarado, Green and Berry absent.

Mr. Clark Martinson, 14701 St. Mary's #310, Houston, Texas 77079 (281-759-3800) appeared and stated that he was present to introduce himself as representative of the Energy Core Management District and to make sure Council was aware of the creative project the City of Houston was doing with the management districts, specifically in West Houston, that Fire Station 86 would serve the community well and in a time of reduced patrol officers he accepted the challenge in working with Northwest and Westside in more policing; that another creative method was coordination with TX DOT and the I-10 reconstruction, the project was the stimulus to create a waterline project to be owned by the City and paid for by TX DOT; and lastly, Public Works had surplus property, the Turkey Creek Lift Station, which was being creatively used as it was dedicated to Parks and it would be a new trailhead gateway park into the county's trails on Buffalo Bayou; and he hoped to be back with updates and invited Council to call anytime for information or visit their website at [www.energycorridor.org](http://www.energycorridor.org). Council Members Galloway, Goldberg, Alvarado and Green absent.

Council Member Lawrence thanked Mr. Martinson for all he did and stated that she always appreciated his suggestions and hoped they could work together again. Council Members Galloway, Goldberg, Alvarado and Green absent.

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

Ms. Diana Jackson, 502 South Acres Drive, Houston, Texas 77048 (713-733-5491) appeared and stated that she lived in the Sunnyside area and present regarding a manufactured home hardship permit being revoked by the Planning Department; that in 2003 she was notified her permit would not be reissued; that in 2000 she got information on it and it was granted in 2001, she talked with the clerk and was told to come in and get the letter and then she could go pay for the permit; that she was also told it had to be done yearly, but to keep it going she just needed to apply as long as her condition existed; that in 2002 she received the second permit and in 2003 she found resistance and they just wanted her to sell and move on; that she met in Council Member Edwards office in July and the representative from that department did not show but sent a letter stating she should not have ever received the permit in the first place and she said she spent her retirement money on it and all she had. Council Members Goldberg, Alvarado and Green absent.

Upon questions by Council Member Edwards, Ms. Jackson stated that the City was trying

to enforce a 37 year old ordinance and she said she should have been told about it; that they were only interested in her buying a modular or selling and moving on; that the department did not bother to tell her...; that she signed and was supposed to make a plan for a permanent, but was forced to do that, they knew she was in transition and she was trying to get to this Council body and let them see how the ordinance was affecting people now and the ordinance was not divulged to the people applying for the permit. Council Member Edwards stated that she understood all that but thought they had talked through it all and she agreed to what she wrote in the letter, but now she was saying she was not going to; and Ms. Jackson stated that she was not. Council Members Alvarado, Ellis and Green absent.

Mayor White stated that he wanted Council Member Edwards to know Mr. Michael Moore was following that as well. Council Members Alvarado, Ellis and Green absent.

Ms. Sandra Massie Hines, 4425 Alvin, Houston, Texas 77051 (713-731-9806) appeared and stated that she was present on behalf of the Fire Department as representation for Sunnyside; that they were hoping to get more representation and wanted Council Members to look out for them; that she was also present regarding nuclear bio terrorism, if such a disaster occurred today would they be ready; that this Saturday marked the third year of 9/11 and again the nation would prepare to remember that great loss, but even the most common citizen wanted to know how to protect themselves; that Houston was chosen to unveil the confidential nuclear bio terrorism product this Saturday, September 11, 2004, at 11:00 a.m. on the steps of City Hall with the coordinators Enviro Corporation. Council Members Edwards, Holm, Ellis, Green and Berry absent.

Mr. Robert Lemer, 13603 Apple Tree Road, Houston, Texas 77079 (713-465-2004) appeared and stated that he was chairman for Citizens of Public Accountability and author of Proposition 2, commonly known as REVCAP and chief spokesman for Proposition 2; that he researched the City's finances and operations for two decades and also the tax and expenditure limitation measures in the US and heard and read all objections to Proposition 2 and each one was totally without merit and greatly flawed in theory; that he explained why in his E-mail to Council Members; that the Cato Institute had listed attributes for a model tax and expenditure limitation and Proposition 2 fit the Cato bottle like a glove and the Cato model was used in writing the proposition; that Proposition 1 was disingenuous and had holes big enough to drive a Mack truck through, it was supposed to give significant property tax relief and nothing could be further from the truth, it put a population and inflation cap on total revenue and not on individual property. Council Members Edwards, Ellis and Green absent.

Council Member Lawrence thanked Mr. Lemer for what he did with REVCAP; and upon questions Mr. Lemer stated that an example of the effect Proposition 2 would have on enterprise funds was the water and sewer rates just enacted in July would be decreased effective July 1, 2005, back to rates of 2001 with population and inflation. Council Member Ellis absent.

Upon questions by Council Member Goldberg, Mr. Lemer stated that Proposition 2 did not specifically cap property taxes and Proposition 1 did not give individual property tax relief either. Council Member Goldberg stated that Proposition 2 did not cap it and that was a problem and under that proposition they could actually raise the taxes through the roof if they had less revenue from the enterprise funds; and Mr. Lemer stated that would be their political decision.

Upon questions by Council Member Quan, Mr. Lemer stated that the largest tax payers had seen a decrease in their property taxes and were paying less than six years ago; and he was against TIRZ in general.

Council Member Sekula-Gibbs thanked Mr. Lemer for the years of work he invested in working to educate the entire Houston population about the runaway tax situation and for bringing options to the table and it was his efforts which made her work so hard in trying to seal off the

slush fund that came to be known as the Any Lawful Purpose and allowed them to take the \$300 million out of water/sewer and redirect it to other needs, it was closed and they effectively eliminated a huge hole where the money was going and now it was directed to water/sewer and infrastructure and drainage; that certain funds were separate now and with his plan they would again be mixed up; and Mr. Lemer stated that it was obvious Council had not read his E-mail and the water and sewer was by ordinance and they could still shift money if the spirit moved them by a number of means; that Prop 2 cut out the shell game of transferring funds back and forth; that a big issue was raised on the airport fund and the problem was not if they were to create too much revenue, the fact remained the Council was still not aware the Airport Fund could be underwritten by increased property taxes, there was a special state law which would permit it and it was very important because right now Terminal E bonds were just a step above junk bonds; and Council Member Sekula-Gibbs stated that she believed the shell game was over and the money had to be committed to water and sewer. Council Members Quan and Green absent.

Council Member Ellis stated that he agreed with a lot of comments made by Council Member Sekula-Gibbs and he did applaud her for plugging the hole in the ALP fund; that he said property taxes could be used to support Aviation and that was true and as far as he knew they could be used to support the C & E Department as well, but state and federal laws were in place which regulated those enterprise funds and would not allow them back into the general fund; that every time he stood up he talked about property taxes and they could not cap the individual properties but he hoped the state legislature would address that in the next session and put a cap on it as he did believe it was necessary, but if he would go back and evaluate the restrictions placed in Proposition 1 from 1999 until today he would find the tax rate would be sixty cents point four something and that was a reduction in five cents from last year and the cumulative affect was around \$276,000,000.00 in tax relief to property owners, but what he was unaware of and would go look at was the fact of the six largest properties four were paying less than six years ago; that he did agree the property tax burden had been switched from commercial to individual property owners and that needed to be addressed, but he believed Proposition 1 offered relief; and upon questions, Mr. Lemer stated that regarding the Terminal E bonds the City of Houston owed the debt and it was secured by revenues at Continental and Continental had a Triple C also so they dropped the City's Triple C and it was a debt of the City of Houston and if it was not then they better take it off their financial statements. Council Member Edwards absent.

Council Member Ellis stated that he thought Terminal E was Continental bonds issued, Terminal E was owned by Continental; and Mayor White stated that he did not think it was recourse to the general obligation of the City of Houston; and Council Member Ellis stated that to Mr. Lemer there was a difference in what he was saying; and Mr. Lemer stated the debt was recorded on their books; and he was willing to join Mayor White in serious debates on the Propositions if he would. Council Member Edwards absent.

Upon questions by Mayor White, Mr. Lemer stated that as he understood it the Terminal E debt was a debt of the City of Houston secured by revenues from Continental, but he did not say it had recourse to the general credit of the City of Houston; and earlier he stated that a vast number of property holders this year were up against a 10% cap.

Council Member Galloway moved to suspend the rules and remain in session until 1:00 p.m., seconded by Council Member Ellis. Council Member Garcia absent on city business. MOTION 2004-0977 ADOPTED.

Council Member Khan stated that he did not think Proposition 1 would be on the table without Mr. Lemer's efforts of REVCAP and Proposition 2; and upon questions, Mr. Lemer stated that Prop 1 sounded good but his analysis thus far showed it was nothing more than smoke and mirrors and accomplished very little if anything and was a sole desperation to kill Prop 2, Prop 1 would not hurt but it would not help either. Council Member Khan stated that he

wanted to say this year he and Council Members Ellis and Berry and so many other Council Members were part of suggesting a half percent rollback and he felt proud they did it and he hoped Mr. Lemer was proud of those efforts also; and Mr. Lemer stated that this was the best Council he had seen at this table. Council Members Edwards, Ellis absent.

Mayor White stated that regarding some of the issues, on the effect of the TIRZs, he thought he would find himself in agreement with the Mayor and majority of Council on the under appraisal of certain..., especial industrial properties he thought he was right on; and San Diego he was told the pension put them in their problem and that Houston was the first city to take this head-on. Council Member Green absent.

Ms. Lajeane Robinson, 5600 Glenmont #P30, Houston, Texas 77081 (713-839-7337) had reserved time to speak but was not present when her name was called. Council Member Green absent.

Mr. Lionel Matthews, 10112 Wild Hollow Lane, Houston, Texas 77088 (281-447-9218) appeared and stated that he was present regarding indefinite suspension of his job with the Houston Fire Department which started with the recruiting process in 2002, he was called back to the recruiting process in 2003 and passed all qualifications that February; that the Fire Chief indefinitely suspended him due to the fact of not disclosing information from his military history, but he did state his general discharge under honorable conditions which were the qualifications of the Houston Fire Department; that he graduated from the Fire Department in April 2004 and started work that month, then indefinitely suspended in August with the Fire Chief stating his character was not becoming of a Houston Firefighter and his discharge stated honorable and again that was a qualification of the Houston Fire Department; that others had public intoxication with five days suspension and DWIs and evading arrest which was a Class A felony and only had 15 days suspension; that he felt he was fired because of someone's opinion and not the facts. Council Member Wiseman absent.

Council Member Galloway stated that she did not know why the city would go to the expense of training him and then discharge him from something in the military when it was honorable; that she hoped the Mayor's Administration would look into this because it seemed to be a continuous problem where anyway they could twist something they were terminating young men and she would like a resolution to Mr. Matthews; that the taxpayers spent much on training firemen and she would like it resolved. Council Member Ellis absent.

Upon questions by Council Member Edwards, Mr. Matthews stated that he did list on his application and told his recruiter about his military background and it was checked, but now they were saying it was not in detail; that his grievance was not yet finalized, but he was discharged under a general with honorable conditions.

Upon questions by Council Member Quan, Mr. Matthews stated that the Union said it would be six to eight months before a decision was made; that he was represented by Local 341; and Council Member Quan stated that he would follow-up and see if a more timely decision could be made on his case.

Mr. William E. Beal, 4718 Boicewood, Houston, Texas 77016 (713-633-0126) had reserved time to speak but was not present when his name was called.

Senator Robert Horton, 3714 Bain, Houston, Texas 77026 (713-260-6144) had reserved time to speak but was not present when his name was called.

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (713-203-7738) appeared and stated that he was the official US President and continued expressing his personal opinions until his time expired.

At 12:24 p.m. Mayor White stated that they would return to the Agenda, that he had a very important item in the Mayor's Report, that the City of Houston was preparing to set its tax rate for FY2005 to reflect the reduced tax rate being set by Council, because of the fiscal discipline that they had shown on Council and in the budget that they passed there was a milestone that they passed that would be embodied in it, that the finance guru's and lawyers talked about the effective tax rate and he wanted to share something about that, that property taxes go up because people build new things, that property taxes could go up on things that were already built, that almost everybody would agree in a growing City that they had to have City revenues keeping up with population and inflation growth, that when they vote on the tax rate the analysis that was presented to him showed that for the first year in many years what was called the effective tax rate would actually go down in the City of Houston, that in each of the last five years they had the actual tax rates that were increasing above the effective tax rate and now they were cutting it, that he wanted to let people know that it was a change in the City of Houston to show their fiscal discipline and policy, that he thought it supported some of the points made by Council Member Ellis and others in talking to Mr. Lerner that rather than talking about fiscal discipline the Council had been doing fiscal discipline, that they were taking action.

Council Member Green moved to suspend the rules to consider Item No. 42 out of order, seconded by Council Member Khan. All voting aye nays none. Council Member Garcia absent on city business. MOTION 2004-0978 ADOPTED.

42. REQUEST from Fire Chief for confirmation of the appointment of **DISTRICT CHIEF DANIEL G. SNELL** for the Position of **ASSISTANT FIRE CHIEF – (This was Item 3 on Agenda of September 1, 2004, TAGGED BY COUNCIL MEMBERS GREEN and GALLOWAY)** – was presented, moved by Council Member Lawrence, seconded by Council Member Holm.

After discussion Council Member Edwards moved to postpone Item No. 42 for one week, seconded by Council Member Galloway.

After further discussion by Council Members, Council Member Green moved to call the question and Mayor White stated that there was no other Council Member on the list to speak on the item.

A roll call vote was called on Council Member Edwards motion to postpone Item No. 42 for one week.

ROLL CALL VOTE:

Mayor White voting no	Council Member Garcia absent on city business
Council Member Lawrence voting no	Council Member Alvarado voting no
Council Member Galloway voting aye	Council Member Ellis voting no
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 no	Council Member Green voting no
Council Member Khan voting no	Council Member Berry voting no
Council Member Holm voting no	MOTION 2004-0979 FAILED

A vote was called on Item No. 42. Council Member Galloway voting no, balance voting aye. Council Member Garcia absent on city business. MOTION 2004-0980 ADOPTED.

Council Member Goldberg moved to suspend the rules to hear from the HFD team present in the audience. All voting aye. Nays none. Council Member Garcia absent on city business. MOTION 2004-0981 ADOPTED.

Mayor White asked that the HPD team stand and be recognized and thanked them for their service.

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

**MISCELLANEOUS**

1. RECOMMENDATION from the Chief Administrative Officer, Mayors Office to approve proposed Fiscal Year 2005-2009 Capital Improvement Plan and establish a charge of \$50.00 plus tax and postage for the purchase of the adopted CIP documents – was presented, moved by Council Member Khan, seconded by Council Member Ellis, and tagged by Council Member Galloway.

Council Member Holm stated that Item D-0118 under the section of General Government that designated \$2 million for the acquisition of land for a private facility, that knowing how hard it was and how they were currently not satisfactorily funding the required projects she could not justify spending taxpayer dollars for non public facilities, that she believed that the success of the City was to address the policies and procedures that they lived by, that it was the City of Houston's Capital Improvement Plan and in the executive summary it stated that the CIP projects were funded from property tax supported public improvement plans and was a plan for physical improvements to public facilities and infrastructure based solely on that criteria she offered the following motion to amend Item No. 1:

“Amendment #1: FY 2005-2009 Capital Improvement Plan  
Deletion of D-0118 Houston Museum of African American Culture, unless alternative funding sources can be identified that create no impact on the general fund.”

Council Member Galloway tagged the amendment which was later also tagged by Council Members Goldberg, Sekula-Gibbs, Lawrence, Wiseman, Khan and Alvarado.

Council Member Wiseman stated that in the amendment submitted by her colleague, that in reviewing the State statute it was very clear that bond money could not be used for land acquisition unless they would be holding controlling interest in the facility that would be using the land, that they could not use bond money to acquire land specifically for the purpose to have another group use the land for such a facility.

Council Member Goldberg stated that he would tag the main item and he also had an amendment to build a culture center as follows:

Amendment to Agenda Item 1

**Description of Project:**

Appropriate \$2 million dollars for construction of the “Asia House” in FY 07.

**Justification:**

This project will provide a broader understanding of diversity, improve cultural understanding and embrace instructional and enrichment support for all Houston citizens.”

After discussion by Council Members, Council Member Edwards asked if the Capitol Improvement Plan for the museum was illegal and against the law, and Mr. Arturo Michel, City Attorney, stated that he did not believe that it was illegal, that he could not give them the arrangement but thought the issue was addressed and that the way it was projected and planned would not violate the law, that he would look into it and give her the exact explanation for it.

After further discussion by Council Members, Council Member Wiseman stated that she would like to have detailed information on the project itself and she would share what she had uncovered in the way of State statutes and ask that the City Attorney review that, and Council Member Khan asked for the specific criteria where there was substantial private funding

sources, the details of that. Council Members Alvarado and Sekula-Gibbs absent.

Council Member Wiseman moved to suspend the rules to complete the agenda, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Garcia absent on city business. Council Members Alvarado and Sekula-Gibbs absent. MOTION 2004-0982 ADOPTED.

After further discussion by Council Members, Council Member Goldberg stated that he would also like the information that Council Member Khan was requesting and if there were guidelines that had to be followed he would like to get a copy of it.

2. RECOMMENDATION from Chief Information Officer, Information Technology for Software License and Software/Hardware Maintenance for Information Technology Department \$584,000.00 - General Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Garcia absent on city business. Council Member Green absent. MOTION 2004-0983 ADOPTED.
3. RECOMMENDATION from Director, Municipal Courts Administration, to add \$150,000.00 to contract with **DELOITTE & TOUCHE LLP** for Project Management of the Integrated Case Management System Implementation for the Municipal Courts - Court Technology Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Garcia absent on city business. Council Members Goldberg and Green absent. MOTION 2004-0984 ADOPTED.
4. RECOMMENDATION from Director Planning & Development Department to approve amendments to the 2003 Major Thoroughfare and Freeway Plan (MTFP) and authorize publication of the 2004 MTFP in map form – was presented, and tagged by Council Members Lawrence, Wiseman, Galloway, Quan and Edwards. Council Members Goldberg and Green absent.

Council Member Lawrence stated that she would like to know of the 38 qualified how many trucks each one of them had, criminal records, their reason for being qualified, and Mayor White stated that they would make sure to get those items to Council Member Lawrence, that the Thoroughfare Plan was something different and did not pertain to towing, but nonetheless towing was important, and Mr. Michel stated they would get that information to Council Member Lawrence. Council Members Goldberg and Green absent.

Council Member Quan stated that he wanted to know what efforts were made to solicit information from the public regarding the Thoroughfare Plan because it did have a great impact upon the community, that he knew it went before the Planning Commission but did not see any notice or posting or anything of that nature, that he wanted to make sure that everybody who had an interest in it had the opportunity to provide their input, and Mayor White stated that the Planning Department, in particular, would get that information for the Council Member. Council Members Goldberg and Green absent.

5. RECOMMENDATION from Director Department of Planning & Development for the designation of three residential parking permit areas and related parking regulations in the Super Neighborhoods of University Place, Washington Avenue / Memorial and Midtown **DISTRICTS C - GOLDBERG; G - HOLM and I - ALVARADO** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Garcia absent on city business. Council Members Goldberg and Green absent. MOTION 2004-0985 ADOPTED.

## **RESOLUTIONS AND ORDINANCES**

12. RESOLUTION establishing the Policy of the City of Houston to prohibit retaliation against any employee who in good faith reports a violation of law to an appropriate law-enforcement authority; and requesting the Mayor to adopt related procedures; providing for severability – was presented.

After discussion by Mayor White and Members of Council a vote was called on Item No. 12. All voting aye. Nays none. Council Member Garcia absent on city business. Council Members Goldberg and Green absent. RESOLUTION 2004-0017 ADOPTED.

13. ORDINANCE **AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS**, by **AMENDING SECTION 44-5** relating to the exemption of certain historic sites from ad valorem taxation - was presented, and tagged by Council Members Goldberg and Edwards. Council Member Green absent.

13a. ORDINANCE providing for an ad valorem tax exemption on a historical site known as the Sweeney Building located at 301 Main Street - **DISTRICT I - ALVARADO** - was presented, and tagged by Council Members Goldberg and Edwards. Council Member Green absent.

13b. ORDINANCE providing for an ad valorem tax exemption on a historical site known as the Pillot Building located at 300 Fannin Street - **DISTRICT I - ALVARADO** - was presented, and tagged by Council Members Goldberg and Edwards. Council Member Green absent.

14. ORDINANCE providing for the assessment, levying and collection of ad valorem taxes for the City of Houston, Texas for the Year 2004 - was presented, and tagged by Council Members Wiseman and Alvarado. Council Member Green absent.

15. ORDINANCE amending second amended and restated ordinance relating to the issuance of City of Houston, Texas, General Obligation Commercial Paper Notes, Series D; making certain covenants and agreements in connection therewith; resolving other matters incident and related to the issuance, sale, delivery and security of such notes, including the approval of a first amendment to the Credit Agreement, a third amended and restated Issuing and Paying Agency Agreement and a third amended and restated Dealer Agreement and an updated Offering Memorandum; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Garcia absent on city business. Council Member Green absent. ORDINANCE 2004-0944 ADOPTED.

25. ORDINANCE approving and authorizing application to the **U. S. DEPARTMENT OF JUSTICE, BUREAU OF JUSTICE ASSISTANCE (BJA)** to Fund the 2004 Local Law Enforcement Block Grants Program; declaring the city's eligibility for such grant; authorizing the Mayor to act as the city's representative in the application process; authorizing the Chief of the Police Department, or Acting Chief, or any designated Assistant Chief of the Police Department, to accept such funds and to apply for and accept all subsequent awards, if any, pertaining to the application – was presented. All voting aye. Nays none. Council Member Garcia absent on city business. Council Member Green absent. ORDINANCE 2004-0945 ADOPTED.

30. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **BROOKWAY HORTICULTURAL SERVICES, INC** for Landscape & Horticultural Services at George Bush Intercontinental Airport for Houston Airport System (as approved by Ordinance No. 99-1132) - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Garcia absent on city business. Council Member Green absent. ORDINANCE 2004-0946 ADOPTED.

31. ORDINANCE deappropriating \$3,200,000.00 from Project No. 522D, CIP A-0391.08 back into the Airport System Bonds 1998B AMT Construction Fund (535) (the "Fund"); appropriating \$1,821,000.00 out of the Fund to fund the Compromise and Settlement Agreement, and approving and authorizing the execution of a Compromise and Settlement Agreement with **CENTERPOINT ENERGY HOUSTON ELECTRIC, LLC** to settle a claim arising out of activities financed by the Fund - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Garcia absent on city business. Council Members Sekula-Gibbs and Green absent. ORDINANCE 2004-0947 ADOPTED.
- 31a. ORDINANCE appropriating \$726,130.82 out of Airport System Bonds 1998B AMT Construction Fund (535) (the "FUND"), and approving and authorizing execution of a Compromise and Settlement Agreement with **SBC COMMUNICATION, INC** to settle a claim arising out of activities financed by the Fund - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Garcia absent on city business. Council Member Green absent. ORDINANCE 2004-0948 ADOPTED.

Council Member Berry stated that to anyone interested in the TIA Committee meeting and anyone else that was interested that they were going to be dealing with utility relocation tomorrow, an issue of great concern to a lot of people so he would ask Council Members who were interested to please show up and they would start at 9:30 a.m. Council Member Green absent.

32. ORDINANCE approving and authorizing Memorandum of Understanding in connection with Installation and Initial Management of a Wireless Local Area Network System for Wireless Internet ("WiFi") Service at George Bush Intercontinental Airport/Houston and William P. Hobby Airport, between the City of Houston and **SPRINTCOM, INC** - Revenue - **DISTRICTS B - GALLOWAY and I - ALVARADO** – was presented, and tagged by Council Member Alvarado. Council Member Green absent.
33. ORDINANCE approving and authorizing Communication Equipment Licenses at George Bush Intercontinental Airport/Houston between the City of Houston and the following companies: (1) **SPRINTCOM, INC** and (2) **VOICESTREAM HOUSTON, INC** - Revenue - **DISTRICT B - GALLOWAY** – was presented, and tagged by Council Member Alvarado. Council Member Green absent.
38. ORDINANCE appropriating \$764,380.70 out of Parks Consolidated Construction Fund, awarding construction contract to **TIMES CONSTRUCTION, INC** for Construction of Parks Master Plan - Dodson Lake Park, GFS F-504A-19-3; providing funding for engineering testing services, and contingencies relating to construction of facilities financed by Parks Consolidated Construction Fund - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. Council Member Garcia absent on city business. Council Member Green absent. ORDINANCE 2004-0949 ADOPTED.
39. ORDINANCE appropriating \$381,348.23 out of Reinvestment Zone Number One, City of Houston, Texas (Lamar Terrace Zone) Tax Increment Fund (Fund 228); \$1,723,685.70 out of Reinvestment Zone Number Two, City of Houston, Texas (Midtown Zone) Tax Increment Fund (Fund 910); \$332,448.35 out of Reinvestment Zone Number Three, City of Houston, Texas (Market Square Zone) Tax Increment Fund (Fund 906); \$22,715.02 out of Reinvestment Zone Number Four, City of Houston, Texas (Village Enclaves Zone) Tax Increment Fund (Fund 908); \$550,641.79 out of Tax Increment Reinvestment Zone Number Five, City of Houston, Texas (Memorial Heights Zone) Tax Increment Fund (Fund 911); \$621,580.61 out of Reinvestment Zone Number Seven, City of Houston, Texas (Old Spanish Trail/Alameda Corridors Zone) Tax Increment Fund (Fund 915); \$397,016.80 out of Reinvestment Zone Number Eight, City of Houston, Texas (Gulfgate Zone) Tax Increment Fund (Fund 907); \$112,381.37 out of Reinvestment Zone Number Nine, City of Houston, Texas (South Post Oak Zone) Tax Increment Fund (Fund 913); \$401,333.41 out of

Reinvestment Zone Number Ten, City of Houston, Texas (Lake Houston Zone) Tax Increment Fund (Fund 912); \$605,912.55 out of Reinvestment Zone Number Eleven, City of Houston, Texas (Greater Greenspoint Zone) Tax Increment Fund (Fund 916); \$2,460.38 out of Reinvestment Zone Number Twelve (City Park Zone) Tax Increment Fund (Fund 917); \$110,271.99 out of Reinvestment Zone Number Thirteen, City of Houston, Texas (Old Sixth Ward Zone) Tax Increment Fund (Fund 918); \$7,208.62 out of Reinvestment Zone Number Fourteen, City of Houston, Texas (Fourth Ward Zone) Tax Increment Fund (Fund 920); \$1,927.00 out of Reinvestment Zone Number Fifteen, City of Houston, Texas (East Downtown Zone) Tax Increment Fund (Fund 921); \$27,702.02 out of Reinvestment Zone Number Sixteen, City of Houston, Texas (Uptown Zone) Tax Increment Fund (Fund 922); \$2,667.65 out of Reinvestment Zone Number Seventeen, City of Houston, Texas (Memorial City Zone) Tax Increment Fund (Fund 923); \$1,523.99 out of Reinvestment Zone Number Eighteen, City of Houston, Texas (Fifth Ward Zone) Tax Increment Fund (Fund 924); \$10,994.61 out of Reinvestment Zone Number Nineteen, City of Houston, Texas (Upper Kirby Zone) Tax Increment Fund (Fund 925); and \$3,459.67 out of Reinvestment Zone Number Twenty, City of Houston, Texas (Sharpstown Zone) Tax Increment Fund (Fund 927) for administrative expenses, payment of project costs, payments to Harris County and certain redevelopment authorities as provided herein; containing provisions relating to the subject – was presented. All voting aye. Nays none. Council Member Garcia absent on city business. Council Member Green absent. ORDINANCE 2004-0950 ADOPTED.

**NON CONSENT AGENDA** - NUMBERS 40 and 41

**MISCELLANEOUS**

40. REVIEW of the record and make determination of the appeal filed by Mr. Christopher Downey on behalf of Mr. Abudu Alli of United Foreign Auto Salvage, 5028 W. Fuqua, of the decision of the Automotive Board to revoke his Motor Vehicle Dealer License – was presented. Council Member Green absent.

Council Member Edwards moved to uphold the decision of the Automotive Board and the appeal denied, seconded by Council Member Alvarado, and the motion was tagged by Council Member Quan. Council Member Green absent.

**PROPERTY**

41. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from John Weddle, on behalf of C. M. Garver, trustee, for abandonment and sale of Avenue B, from 75th Street to 76th Street, in exchange for the conveyance to the City of a 15-foot-wide sanitary sewer easement, both located within Magnolia Park, Section 2, Parcels SY5-003 and DY5-005 - **2 APPRAISERS and 1 ALTERNATE APPRAISER - DISTRICT I – ALVARADO** – was presented, and tagged by Council Member Alvarado. Council Member Green absent.

**MATTERS HELD** - NUMBERS 43 through 48

43. MOTION by Council Member Khan/Seconded by Council Member Garcia to adopt recommendation from Director Department of Health & Human Services for revision to the Clinical Fee Schedule for Immunization Services – **(This was Item 4 on Agenda of September 1, 2004, TAGGED BY COUNCIL MEMBERS SEKULA-GIBBS and GARCIA)** – was presented. All voting aye. Nays none. Council Member Garcia absent on city business. Council Member Green absent. MOTION 2004-0986 ADOPTED.
44. MOTION by Council Member Khan/Seconded by Council Member Quan to adopt 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 – **(This was Item 6 on Agenda of September 1, 2004, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. Council Member Green absent.

Council Member Wiseman stated that she tagged the item because she was addressing a concern she had with CACHE over an application they received from a group called Kingwood POPS Orchestra for a funding request, that the Kingwood POPS in FY04 received \$800 in CACHE funding, they were reviewed as part of 20 organizations that were reviewed by a review panel of CACHE and of the 20 that they reviewed for continued funding 19 were approved, and the Kingwood POPS Orchestra was not approved, that she decided to take a look at how it was that they based their decision and wanted to look further into how much they had in the way of funding and how much they were allocating and to see if perhaps there was something that they might be able to bring to CACHE's attention in the way of taking a second look, that the organization did have the opportunity to appeal the decision and seek reconsideration, and Council Member Wiseman moved to postpone Item No. 44 for one week, seconded by Council Member Khan. All voting aye. Nays none. Council Member Garcia absent on city business. Council Member Green absent. MOTION 2004-0987 ADOPTED.

45. 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 – (This was Item 11 on Agenda of September 1, 2004, TAGGED BY COUNCIL MEMBER HOLM)** – was presented. Council Member Green absent.

Council Member Holm stated that last week she tagged the item because a portion of San Felipe was up for completion, however they realized that when the street lights were taken down the reconstruction occurred and then there was no replacement of the street lights, that it had been a great process and she wanted to commend Public Works, that they had worked diligently and the lights were going up and would be reinstalled, that more importantly they found that they did not have a policy and procedure that picked up the gap and helped them provide accountability for completing their projects so going forward they did have that procedure in place. Council Member Green absent.

A vote was called on Item No. 45. All voting aye. Nays none. Council Member Green absent. MOTION 2004-0988 ADOPTED.

46. 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 – **(This was Item 39 on Agenda of September 1, 2004, TAGGED BY COUNCIL MEMBERS ELLIS and WISEMAN)** – was presented. Council Member Green absent.

Council Member Ellis moved to amend Item No. 46 to delete the City Wide Club of Clubs and the Southeast Houston Community Development Corporation and refer back to the administration, that they were still having some issues getting caught up on their back taxes, seconded by Council Member Khan. All voting aye. Nays none. Council Member Garcia absent on city business. Council Member Green absent. MOTION 2004-0989 ADOPTED.

A vote was called on Item No. 46 as amended to delete the City Wide Club of Clubs and the Southeast Houston Community Development Corporation and refer back to the administration. All voting aye. Nays none. Council Member Garcia absent on city business. Council Member Green absent. ORDINANCE 2004-0951 ADOPTED.

47. 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 – **(This was Item 46 on Agenda of September 1, 2004, TAGGED BY COUNCIL MEMBER EDWARDS)** – was presented. Council Member Green absent.

Council Member Edwards stated that she understood that the medical lab for the medical examiners was accredited, but would say that they had to be vigilant to make sure that they did not open themselves up to more incidents, that it was important to her to know they were accredited. Council Member Garcia absent.

A vote was called on Item No. 47. All voting aye. Nays none. Council Member Garcia absent on city business. Council Member Green absent. ORDINANCE 2004-0952 ADOPTED.

48. 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 – (This was Item 52 on Agenda of September 1, 2004, TAGGED BY COUNCIL MEMBER GOLDBERG)** – was presented. All voting aye. Nays none. Council Member Garcia absent on city business. Council Member Green absent. ORDINANCE 2004-0953 ADOPTED.

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

Council Member Goldberg stated that three years ago a private school opened up in his district, Emery Wiener and now they were celebrating the graduation of their very first class and he wanted to commend the courage that the ninth graders had at that time to go to a school which did not have a track record, did not even have teachers or building, that it had been an outstanding success. Council Members Khan and Green absent.

Council Member Goldberg stated that he wanted to congratulate Council Member Edwards on the Chocolate Bayou Festival on Saturday, that it was outstanding, that Council Member Edwards and her entire staff put a lot of effort and time into it and he wanted to congratulate them on a very successful Chocolate Bayou Festival. Mayor White and Council Members Khan and Green absent. Mayor Pro Tem Alvarado presiding.

Council Member Goldberg stated that Mr. Lemer had brought up the debt at Terminal E at Intercontinental Airport and they had a clarification that it was Continental's debt, the City had no debt obligation and the debt was paid for by a Special Facilities Revenue Bond, the SFRB was issued with the name City of Houston Airport System not City of Houston, that should Continental default the City's obligation would be to attempt to find someone else to let the project if they could not do that it would not affect the City's bond rating, they were not obligated to pay that debt, that more information was forthcoming. Mayor White and Council Members Lawrence, Khan and Green absent. Mayor Pro Tem Alvarado presiding.

Council Member Sekula-Gibbs stated that she received a call from a former WWII prisoner of war, that he had said that in Section 2.7 of the City of Houston Code of Ordinances that veterans who had a license plate that showed they were disabled, Congressional Medal of Honor winner, former POW, survivor of Pearl Harbor or a Purple Heart recipient had the option of parking at City garages at no charge, that the problem was that only Aviation was affording them that courtesy and that many of the other garage attendants were unaware, that it was just an acknowledgement that it was an ordinance and to ask the Mayor's office to get a memo out to people so that they would know it was an ordinance and that they did need to afford those folks their respect and not charge them. Mayor White and Council Members Lawrence, Khan, Holm and Green absent. Mayor Pro Tem Alvarado presiding.

Council Member Sekula-Gibbs stated that recently a friend of hers suffered a cardiac arrest in Terminal D of Bush Airport, at the customs area, that he survived and his name is Mr. Jack Calvan, who formerly served on the Metro Board, and his wife, Ms. Nora Jan Jan, said that she was so impressed with the level of coordination and the caring and sincere professionalism of all the people who helped and asked that Council Member Sekula-Gibbs thank them for her, so she wanted to thank the Continental employees who delivered CPR to Mr. Calvan and the customs agents who also helped and Mr. Vacar for having the wisdom to put the AED's around the Airport and all of the Fire Department and EMS who trained so hard, and Dr. Persee who had a high standard of professionalism. Council Members Lawrence, Goldberg, Khan, Holm and Green absent.

Council Member Wiseman stated that for over a year a constituent had tried to address a problem in the district, that he had been trying to address it through the Health Department regarding the operations of a mobile restaurant on Edgebrook, that it had been operating at a restaurant and were not complying with City codes and ordinances, that the Health Department was told that they set up their tables between 6:00 p.m. and 9:00 p.m. in the evening and they send out an inspector at 6:58 a.m. and of course he did not notice any violations, that in addition the concern she had was that the last conversation that her office had with the department was very disturbing, the representative from the Health Department stated to her staff member that he was frustrated with the constituent and that constituents complaining and wished that he would go away, that the problem would go away if the constituents complaint would go away, and Mayor White stated that he would have Mr. Williams investigate the detail. Council Members Lawrence, Goldberg, Khan, Quan, Sekula-Gibbs and Green absent.

Council Member Galloway stated that she wanted to thank the Mayor as well as Council Members Green and Sekula-Gibbs and Mr. Joe Turner, Parks Department, for their participation in the Harlem Globetrotter, Paul Gatney Off the Court Basketball event, which was hosting Families in the Park Reunion and benefiting adoption and utilization of J. T. Trotter Park on Saturday in the district. Council Members Lawrence, Goldberg, Khan, Sekula-Gibbs, Green and Berry absent.

Council Member Galloway stated that she wanted to thank the Breakfast Klub for the Council breakfast this morning. Council Members Lawrence, Goldberg, Khan, Sekula-Gibbs, Green and Berry absent.

Council Member Galloway stated that she had sent Mayor White some correspondence pertaining to the Garden City Community in regards to the Champs Water Company, the community had experienced four fires in the last six months and it was due to no pressure in the fire hydrants, that it was a subdivision who had a private water company, that she had given the Mayor all the information as to how they were able to help North Plaza and Willow Run acquire a water company so everything was already in place so she hoped they would find the funds to purchase that water company as well to provide that community with an upgrade in their water service. Council Members Lawrence, Goldberg, Khan, Sekula-Gibbs, Green and Berry absent.

Council Member Galloway stated that Mr. Phil Blackmon and Mrs. Blackmon were in the

audience and were residents of District B and she was having a song played for the Council which Mr. Blackmon had written regarding the City of Houston. Council Members Lawrence, Goldberg, Khan, Sekula-Gibbs, Green and Berry absent.

Council Member Edwards stated that she wanted to wish Council Member Galloway a happy birthday on September 11, 2004. Council Members Lawrence, Goldberg, Khan, Holm, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she wanted to thank the City of Houston, Space City Houston, Convention and Entertainment, Special Events, the Mayor's Office, HPD, HFD, Parks and Recreation Department, that the Chocolate Bayou Festival was an outstanding success, that the only thing was that the evening performance got rained out but people stayed trying to wait through the rain, that the estimate of people in attendance was between 15,000 and 17,000 and a good percentage of those people were seniors, that it was truly a community family reunion, that without those people and the leadership of the Sunnyside area, the civic clubs and the super neighborhoods and the parks staff at Sunnyside Park it would not have happened, that everyone was ready for next year, that she wanted to acknowledge Ms. Althea White, 91 years old, who was the first Black woman who was licensed to fly in the State of Texas and also Ms. Nelson, 92 years of age, who served as a nurse in the military during World War II. Council Members Lawrence, Goldberg, Khan, Holm, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that it was hard for her to represent a district that was primarily African decent in origin who were always told they were Americans but never acknowledged by Americans and so when she tells people that they had been homeowners and taxpayers in the City for a number of years and still did not have a street, curbs or gutters and had been historically and systematically disenfranchised by the City as far as having services in their area when they were property tax payers and then they had a quibble about not having a museum either, at what point did they become Americans and how did they earn that right, that at some point they had to have some dialog so that people understood, if they had their representation in the Museum of Natural Science or the Museum of Fine Arts or any of those museums they would not have to look for their own separate museum, but it was not there, that she did not know how to solve it, that they were not talking slavery experiences they were talking about what had happened in this context of being in this particular area of history. Council Members Lawrence, Goldberg, Khan, Holm, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that he wanted to thank Council Member Edwards in working with Mr. Hall, that he did not know what the status was but whenever he thought about somebody with all the history as Ms. White had, as in the oral history gathering for the Gregory School, time was their enemy on that, and asked if there was anybody in the field on the history gathering and Mr. Hall stated that the Library Director was going to be getting with Council Member Edwards. Council Members Lawrence, Galloway, Wiseman, Khan, Holm, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Alvarado stated that she wanted to send her condolences to the Cheng and Lee Family, Ms. Sophie Cheng, mother of Ms. Alice Lee from the Pro Tem's Office passed away yesterday and asked for a moment of silence for Mrs. Cheng. Council Members Lawrence, Galloway, Wiseman, Khan, Holm, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Alvarado stated that she wanted to invite the public to come out to the Fiestas Patrias Parade on Saturday at 10:00 a.m., that it would convene at Minute Maid Park. Council Members Lawrence, Galloway, Wiseman, Khan, Holm, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Alvarado stated that she wanted to give a shout out to the Houston Astros who had won their eleventh straight game and now had a chance in the wild card process to be in the playoffs, to Mr. McLane and the team congratulation, they had a lot of support out there. Council Members Lawrence, Galloway, Wiseman, Khan, Holm, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Quan stated that he wanted to invite people to the Neighborhoods Conference to be held Saturday morning at the George R. Brown Convention Center, that it was an all day conference about how the City could be their partner in working with them to improve neighborhoods, that Mayor White would be the luncheon speaker and he and Mayor Pro Tem Alvarado would both be there in the morning, that it was open to the public and would start at 8:00 a.m. Council Members Lawrence, Galloway, Edwards, Wiseman, Khan, Holm, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Quan stated that he would join in the Fiestas Patrias Parade and the Independence Gala on Saturday night. Council Members Lawrence, Galloway, Edwards, Wiseman, Khan, Holm, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 2:08 p.m. Council Member Garcia absent on city business. Council Members Lawrence, Galloway, Edwards, Wiseman, Khan, Holm, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

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

MINUTES READ AND APPROVED

---

Anna Russell, City Secretary