

City Council Chamber, City Hall, Tuesday, October 19, 2004

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, October 19, 2004, Mayor Bill White presiding and with Council Members Toni Lawrence, Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, M. J. Khan, Pam Holm, Adrian Garcia, Carol Alvarado, Mark Ellis, Gordon Quan, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; Mr. Robert Cheatham, Division Chief, General Counsel Division, Legal Department; Mr. Richard Cantu, Director Mayor's Citizens Assistance Office and Ms. Marty Stein, Agenda Director, present.

At 1:59 p.m. Mayor White stated that Council would begin with presentations and called on Council Member Quan who stated that Houston was blessed to have only the second Shaolin Kung Fu Temple in the United States and one of the monks from the temple, Master Shi De Shan was present and invited him to the podium. Council Member Quan stated that Master Shi De Shan was a monk and martial arts artist and demonstrator with students from all over the world; that on October 23, 2004, the Houston Shaolin Temple would honor Master Shi De Shan in its Fall Festival where the COUNSUL General of China would give the keynote address and presented him a Proclamation extending best wishes and proclaimed October 19, 2004, as "Master She De Shan Day" in Houston, Texas. Master Shi De Shan presented Mayor White with an official sword from the Shaolin Temple in China, a 1,500 year old temple, as a symbol of strength of the city and to help him do his duty. Mayor White thanked Master De Shan for the gift and stated that it would be a gift for all the people of Houston and kept in City Hall. Council Members Lawrence, Galloway, Wiseman, Holm, Garcia and Green absent.

Council Member Alvarado stated that today she was pleased to honor the Houston Grand Opera which kicked off its 50th anniversary season this week and invited those present with the Opera to the podium. Mayor White stated that no one would believe what was coming to Houston during this celebration and in recognition of having one of the world class opera companies in the entire world and presented a Proclamation to them proclaiming October 19, 2004, as "Houston Grand Opera 50th Anniversary Kickoff Week" in Houston, Texas. Mr. David Gockley thanked all for their support of the arts, introduced those with him and stated that the Houston Grand Opera was now the fifth largest in the country with audiences of 250,000 and radio audiences over four continents, 15,000,000 people all being reminded regularly that Houston was a great and humane city. Council Members extend congratulations and stated that Houston was known across the country for their opera and thanked all for their work. Council Member Holm absent.

Council Member Alvarado stated that today individuals were being honored for the Mayor's Disability Advocate of the Year Awards, people who worked in their own community to improve the quality of life for Houstonians with disabilities; and invited Ms. Kym King to the podium. Ms. King invited Ms. Tamika Harvey, Mr. Nicholas Lewis, Ms. Lisa A. Thomas and Mr. Vernon Tubbs, those nominated for the award, to the podium and presented Certificates to them and then invited the winners of the award Dr. Ed Bradley and Mr. Jose Ramirez, Jr., to the podium and they were presented awards for their work. Council Member Goldberg and Council Member Garcia called on each winner from their district and presented them with a Certificate of Recognition commending them for their work.

At 2:19 p.m. Mayor White called the meeting to order and called on Council Member Goldberg to lead in prayer. Council Member Goldberg stated that he had a special treat today and called on Deacon jesse Tollett of St. Lukes Catholic Church who led all in prayer and Council Member Goldberg led all in the pledge. Council Member Holm absent.

At 2:23 p.m. the City Secretary called the roll. Council Member Garcia absent.

Council Members Green and Sekula-Gibbs moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Member Garcia absent. MOTION ADOPTED.

Council Member Quan moved that the rules be suspended for the purpose of hearing Mr. John Florez, Ms. Uruj Perwaiz and Ms. Soofia Aleen out of order, seconded by Council Member Ellis. All voting aye. Nays none. Council Members Garcia and Green absent. MOTION 2004-1084 ADOPTED.

Council Member Sekula-Gibbs moved that the rules be suspended for the purpose of hearing Ms. Jeanna Wiley after Ms. Soofia Aleen, seconded by Council Member Ellis. Mayor White stated that with no objections it would be done by consent. Council Members Garcia and Green absent.

Council Member Lawrence moved that the rules be suspended for the purpose of hearing Mr. Charles Crain after Ms. Jeanna Wiley, seconded by Council Member Ellis. Mayor White stated that with no objections it would be done by consent. Council Members Garcia, Green and Berry absent.

Dr. Kenneth Mattox, One Baylor Plaza, Houston, Texas 77030 (713-798-4557) appeared, presented information and stated that he was Chief of Staff and Chief of Surgery at Ben Taub General Hospital and Professor and Vice Chairman in the Michael E. DeBakey Department of Surgery at the Baylor College of Medicine and having seen and operated on many victims of violence and Houston police officers wounded in the line of duty his message would be that he would rather see someone recovering from being stunned by a taser than in critical condition from one or more gunshot wounds or multiple blunt trauma; that he and other long-term nurses and security personnel at Ben Taub did not recall patients having been significantly injured because of the electroshock. Council Member Garcia absent.

Upon questions by Council Member Sekula-Gibbs, Dr. Mattox stated that Ben Taub at times had 20 to 25 ambulances delivering patients and at times had 18 to 20 patients with penetrating wounds at the same time and he had written a text book used across the country; that some patients with significant trauma could run up a bill as high as \$1,000,000, especially if there had been paralysis or disability, and the number of officers who should have the device was policy, but he consulted with a security officer for the Houston Police Department who worked at Ben Taub and actually used a taser on a patient who destroyed their shock room and he indicated in his view a taser would not need to be on the body of every officer. Dr. Mattox further stated that there were other devices such as bean bags and rubber bullets but it was beyond his resource to say which to buy though with such devices a patient could be treated and on their way at a small expense compared to a large public expense of critical care. Council Members Garcia, Alvarado and Berry absent.

Upon questions by Council Member Edwards, Dr. Mattox stated that he did a study and research evaluation of many injuries and literally wrote a book on trauma and understanding the physics of the taser device any affects would be immediate and the incidents would be so small they would basically be nonexistent; that as a trauma director he would say this is a good product without question; and he would be happy to review the data she had. Council Members Holm, Alvarado and Berry absent.

Council Member Quan stated that he agreed with Dr. Mattox's assessment; and upon questions, Dr. Mattox stated that he was not familiar with any case with burns but he could see where with a struggle there may be a bruise or abrasion on the arm, but with the physiology of the taser there should be no burn. Council Members Holm, Alvarado and Berry absent.

Council Member Khan stated that he appreciated Dr. Mattox coming; and upon questions, Dr. Mattox stated that with any device he agreed training was a key element. Council Members Holm, Alvarado and Berry absent.

Mayor White thanked Dr. Mattox for coming and stated that he and Council had a lot of

respect for what he had done for many; and officers had said they prayed they would not be hit, but with the experience at Ben Taub they still felt they had a safety net. Council Members Holm, Alvarado and Berry absent.

Ms. Jackie Mayhorn, 5409 Van Zandt, Houston, Texas 77016 (281-914-0351) appeared and spoke on Item 22 and stated that she was president of Super Neighborhood 47 East Little York/Homestead and represented that area when asking that Council delay the vote until issues were resolved with the developer; that they were not against the item, but wanted Council to hear their concern which was they wanted the standards raised on development in their area. Council Members Alvarado and Berry absent.

Council Member Galloway stated that the matter had been assessed for some time and these would be affordable homes with brick; that most homes in the city were being built with hardy plank and that was even \$500,000 homes; that this was about quality and they could not have as much footage if it were all brick at an affordable price, but if someone wanted to upgrade their home they could and then pay extra for it; that the Heights had homes built with no brick and sold for \$500,000; that the builders had a good product and they were trying to get people into homes; and that was why she would encourage her colleagues to approve the item tomorrow. Council Members Lawrence and Berry absent.

Upon questions by Council Member Goldberg, Ms. Mayhorn stated that the community told the developer and Council they wanted 51% brick and they wanted deed restrictions; that they wanted their neighborhood standards raised; that a developer in the area was doing 100% brick; that they wanted the item delayed to give time to work out something with the developer. Council Members Lawrence, Holm and Berry absent.

Council Member Sekula-Gibbs stated that she would love to see them come to a consensus; and upon questions, Ms. Mayhorn stated that they wanted to be a part of this and could meet today and she wanted Mr. Box to speak with the community. Council Members Lawrence, Goldberg, Edwards, Holm, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Galloway, Ms. Mayhorn stated that Greater Houston Urban Development Corporation was building 100% brick homes and affordable; that she did not know the footage; and Council Member Galloway stated that they seemed to be an average of 900 square feet, very small, but she saw the quality of homes to be built and thanked Ms. Mayhorn for coming. Council Members Lawrence, Goldberg, Edwards, Holm, Garcia, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Jim Box, 16017 Kevindale, Houston, Texas 77040 (713-203-3348) appeared and stated that he met with the Northeast Independent School District and Ms. Mayhorn's group and officers of her group two other times; that there was a perception hardy plank...; that brick had no structural strength and hardy plank was fire proof and would not rot; that he put it on his own house; that in affordable housing low maintenance was extremely important and he had developed five such subdivisions. Council Members Lawrence, Goldberg, Edwards, Khan, Holm, Garcia, Ellis, Quan, Green and Berry absent.

Council Member Sekula-Gibbs stated that Mr. Box bought the land, partitioned it, developed it, put in utilities and then sold it to the builder and then he was out, so he basically made his money when he sold the lots; and upon questions, Mr. Box stated that was correct and he was responsible for planning and design and that was why Ms. Mayhorn came to him with concerns, but he would say for 51% brick you would either have to raise the price or shrink the house. Council Members Goldberg, Holm, Garcia, Alvarado and Berry absent.

Upon questions by Council Member Sekula-Gibbs, Mayor White stated that citizens on the TIRZ was selected with input from Council Members and community leaders and were

representatives of the community and if they did not want people to do affordable housing then they should delay this a couple more years. Council Members Edwards, Holm, Garcia, Alvarado and Berry absent.

Council Member Quan stated that he was president of one of the TIRZ before coming to Council and the meetings were generally open to the public though not posted and comprised of all taxing jurisdictions who nominated people so it was representative of the people and the TIRZ plan was representative of what the goals of the community was. Council Members Edwards, Holm, Garcia, Alvarado and Berry absent.

Upon questions by Council Member Sekula-Gibbs, Mr. Box stated that they met on a regular basis and had only two because they needed to get this behind them; that they would not build 375 housing units if this was not started. Council Members Edwards, Holm, Garcia, Alvarado, Ellis and Berry absent.

Mr. Mike Karm, 7102 Northwest Sam Houston Pkwy #230, Houston, Texas 77040 (713-828-1326) appeared and stated that he was president of the Greater Houston Builders Association and Mr. Box put in subdivisions all the time for profit; that J J Smith and Fannie Mae came up with a vision to partner with the Greater Houston Builders Association and the City of Houston and put in an affordable subdivision which was non profit and instead of lots being \$23,000 they could be \$16,000 to \$17,000 and Mr. Box was right in that each time you added \$1,000 to the price of a home you cut out 28,000 Texans from buying a home and they were not opposed to brick but were trying to build affordable housing and brick was basically cosmetic it was not structural in building a home; that he had a nice home and there was zero brick; that they were only trying to offer houses at an affordable price and not cut buyers out. Council Members Edwards, Holm, Garcia, Alvarado, Ellis, Green and Berry absent.

Mr. John Florez, 524 Westheimer, Houston, Texas 77006 (713-522-6548) appeared and stated that he headed an event for sometime which was sometime troublesome and he would like to announce the last Westheimer Street Festival took place last weekend with well over 50,000 people and no problems; that sometime ago he brought a suggestion to Council and Houston had no River Walk, no Arch as in St. Louis, etc., but we did have the Texans, Astros and skyline and he was again requesting that Mayor White ask building owners to change their lights on top of their building to different colors and Houston would have the most beautiful skyline in the world and surly be the "Jewel of the South". Council Members Goldberg, Edwards, Holm, Garcia, Alvarado, Ellis and Green absent.

Ms. Uruj Perwaiz, 6041 Windsome Lane #104, Houston, Texas 77057 (832-641-8981) appeared and stated that this was the month of Ramadan and having to do with spirituality and fasting made her feel less attached to material items and appreciate what she did have; and thanked the Mayor and Council for hosting the upcoming Iftar to be held at City Hall Friday. Council Members Goldberg, Edwards, Holm, Garcia, Ellis and Green absent.

Council Member Khan stated that Council was excited to be hosting the Iftar and he hoped all would come and enjoy and many were fasting for the first time; and wished blessings during this holy month to all. Council Members Goldberg, Edwards, Holm, Garcia, Ellis and Green absent.

Ms. Soofia Aleen, 1407 Brick Arbor Drive, Katy, Texas 77449 (281-579-3690) appeared and stated that she also wanted to thank Council for hosting next week and it was more than food and drink it was seeing all those you love and sharing happiness. Mayor White, Council Members Goldberg, Edwards, Holm, Garcia, Ellis and Green absent. Mayor Pro Tem Alvarado presiding.

Ms. Jeanna Wiley, P. O. Box 540541, Houston, Texas 77254 (713-942-8414) had reserved time to speak but was not present when her name was called. Mayor White, Council

Members Goldberg, Edwards, Holm, Garcia, Ellis and Green absent. Mayor Pro Tem Alvarado presiding.

Mr. Charles Crain, 7614 Streamside, Houston, Texas 77088 (281-931-9291) appeared and stated that he was president of the Inwood Forest Community Improvement Association, a neighborhood of 1,100 homes and today he was present as organizers of a private event were given the responsibility of deciding if their event was a hazard to public safety and such a decision should be the responsibility of the government and he was alerting Council to the situation and asking that they resolve the matter; that he was specifically speaking of an event called Cowboys Reunion held Saturday, a parade was to start the event and it was horses, chuck wagons and a few vehicles and as a parade they needed a permit, as a trail ride they did not. Mayor White, Council Members Goldberg, Edwards, Holm, Garcia, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Lawrence stated that the problem was they found out about the event Friday and that there was no permit so she called HPD and informed them there was no permit and the parade should not happen and she thought there would be no parade, but an assistant chief allowed it to go on with a new name of trail ride instead of parade, you could not have a parade on a major thoroughfare and they were on a major thoroughfare; that she made it clear it was to be stopped; and Section 45-239 had stipulations for events without permits and not one of those were abided by; that their concern was when a high school tried to get a permit they were turned down and then this group comes and does not even try to get a permit and is allowed to let it go and officers had to participate and she had a major problem with the way the whole situation was handled. Mayor White, Council Members Goldberg, Edwards, Holm, Garcia, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Alvarado stated that they would make sure someone in the Administration addressed the permitting and major thoroughfare issue. Mayor White, Council Members Goldberg, Edwards, Holm, Garcia, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Galloway, Mr. Cheatham stated that he was not familiar with the notion a trail ride did not need a permit because so many parades did involve animals and did get permits and he thought that should be looked into because it sounded like an obvious loophole; and Council Member Galloway stated that she would like the Administration to look into it. Mayor White, Council Members Edwards, Wiseman, Holm, Garcia, Green and Berry absent. Mayor Pro Tem Alvarado presiding.

Mayor Pro Tem Alvarado stated that if the District Council Member made the call to the department it should have stopped at that point or at least someone should have done checking, and Mr. Terrance Fontaine was already working on it. Mayor White, Council Members Edwards, Wiseman, Holm, Garcia, Green and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Edwards stated that she was amazed no one had heard this before as she had brought it up several times with trail riders riding up and down MLK and walking on people's property and someone was supposed to look into it before as she had also wanted to know who was supposed to do the cleanup after them. Mayor White, Council Members Edwards, Wiseman, Holm, Garcia, Green and Berry absent. Mayor Pro Tem Alvarado presiding.

Ms. Deborah Elaine Allen, 1122 Sol Street, Houston, Texas 77029 (713-649-8358) appeared and stated this little light of mine, I'm gonna let it shine; and continued expressing her personal opinions until her time expired. Mayor White, Council Members Lawrence, Galloway, Edwards, Wiseman, Holm, Garcia, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem

Alvarado presiding. (NO QUORUM PRESENT)

Council Member Galloway moved that the rules be suspended for the purpose of hearing Mr. Rufus Brown after Ms. Nelda Johnson; Mayor Pro Tem Alvarado stated that it would be done by consent. Mayor White, Council Members Lawrence, Edwards, Wiseman, Holm, Garcia, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Nelda Johnson, 8158 Easton, Houston, Texas 77017 (713-643-6013) appeared and stated that she lived in the Park Place Addition and for the last few years they had used a building for an office for the Bay Area Music Association, a non profit organization, and they wanted to keep the building; that their neighborhood was full of halfway houses, beauty and barber shops, travel trailers, mobile homes, etc., and she wanted to know why they could not keep the building. Council Members Lawrence, Wiseman, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that he knew there was a permitting procedure which he understood had not occurred and Mr. Norman was present and could tell her the process. Council Members Lawrence, Wiseman, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Upon questions by Mayor White, Mr. Cheatham stated that his understanding from Mr. Dougherty, who ran the Deed Restriction Program, was there were valid deed restrictions on the property which had two mobile homes on it and it violated the front setback rule; and Ms. Johnson stated that she had deed restrictions in her had and there was none for the property. Mayor White stated that they could not look through everything at the Council table, but Mr. Norman would assist her. Council Members Lawrence, Galloway, Wiseman, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Quan stated that he was familiar with the area and he would be surprised if deed restrictions were still in place; and Mr. Cheatham stated that Mr. Dougherty's department uncovered a 1929 deed which contained restrictions still valid for the area. Council Member Quan stated that she might want to get an attorney to check it out; that 75 years seemed like a longtime for the deeds to be in place. Council Members Wiseman, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent.

Mr. Rufus Brown, 906 Marsolin, Houston, Texas 77088 (281-591-0437) appeared, presented information and stated that he was present about the 500 feet rule; that a church moved next door to his convenience store and they needed no permits, etc., they just stuck a sign out that they were a church; that his problem was it was not fair that they could move next door to his commercial property and destroy it as he could no longer get a license for alcohol and had no recourse. Council Members Wiseman, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent.

Council Member Quan stated that if he was there first they could not take the liquor license away; and upon questions Mr. Brown stated that new owners could get a permit if you moved doors around, he already did it for the last license, but his problem was why should he have to use his money it was unfair; and Council Member Quan stated that the same thing happened to his Dad's store when a church came in and the value of the property went down tremendously, but the state made the rules not the city. Council Members Wiseman, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent.

Council Member Galloway stated that the city went to inspect and found the church; that most likely it would have been grandfathered; and upon questions, Mr. Brown stated that it was family property and she did not need to talk about whose name it was in as she was getting into personal business and it had nothing to do with what he was saying, he was not talking about

who owned the business; and Council Member Galloway stated that she was just discussing the report; and Mr. Brown stated her report was inaccurate. Council Members Lawrence, Wiseman, Holm, Garcia, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Jordan Fogal, 1515 Hyde Park #3, Houston, Texas 77006 (713-521-7032) appeared, displayed pictures and stated that Mayor White wanted affordable housing and wanted it now and she could understand that it would help make Houston a more viable city, but there were people who took advantage of even the best intentions and if he was not aware he could not be accountable; that the pictures were of her subdivision and not under construction, but under repairs with her house having \$175,000 damage; that her home had mold growing inside and outside and beams were rotten and her house was brand new as she bought it in April 2002; that the lady with her had her home bought back by Treemont Homes as she had a leaky roof, mold growing and it was uninhabitable and the City had just issued a letter stating commissioners had decided to stop using the contractor Stature Construction on police headquarters; that they were thrown off the job and there was \$120,000 worth of remediation work needed and they could not withstand anymore bad publicity. Council Members Lawrence, Galloway, Wiseman, Holm, Garcia, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Upon questions by Mayor White, Ms. Fogal stated that this week the company name was University Development and when they built her house it was Stature Construction and the Secretary of State had twelve companies listed to them every two years; that the common name you saw on each was Jorge Castenero or his mother; that she would love to share her information with him; that they could not jeopardize their homes by placing them in the hands of the home builder to hire inspectors. Mayor White stated that inspection was one thing but builders needed to be held accountable; that there were remedies against people who sold defective homes, but he could not be her counsel though he might be able to make a recommendation to her. Council Members Lawrence, Galloway, Wiseman, Holm, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Robin Brien, 3401 Ocee #513, Houston, Texas 77063 (713-592-7131) appeared and stated that he was a street entertainer and had been doing it since Spring 2002 and made close to \$200.00 in a 15-hour day; that he did not get in traffic or use signs; that some officers were very insensitive and told him to get his things and out of their face and others said if he did not generate noise complaints or a traffic hazard he could work; and he was disabled. Council Members Lawrence, Galloway, Edwards, Wiseman, Holm, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Joseph Moore, 2111 Holly Hall #5508, Houston, Texas 77054 (713-384-3853) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Galloway, Edwards, Wiseman, Holm, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Rob McCann, 810 Marston Drive, Houston, Texas 77019 (713-522-5937) appeared and stated that he was present with the serious issue of using cell phones while driving; that it had caused a number of accidents and people should have both hands on the wheel and there should be a law against them. Council Members Lawrence, Galloway, Edwards, Wiseman, Holm, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Khan stated that using cell phones while driving could be a dangerous distraction, but others put on makeup, had coffee and doughnuts and talked with the other passengers and all of that was just as distracting; and upon questions, Mr. McCann stated that drivers should know it was not safe to use cell phones. Council Members Lawrence, Galloway, Edwards, Wiseman, Holm, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Doug Nichols, 2418 Broad Street, Baytown, Texas 77521 (no phone) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Galloway, Edwards, Wiseman, Holm, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Jian Tang, 1000 Main Street #11-389, Houston, Texas 77002 (713-446-4593) appeared, presented information and spoke on Falun Gong; and stated that on October 6th, the House of Representatives unanimously passed H. Con Resolution 304 condemning the Chinese government's oppression of Falun Gong in both the United States and China and asked that the U. S. Attorney General investigate reports of Chinese consular officials in the U. S. having committed illegal acts; and in Houston the Chinese Consulate tried to stop the showing of the movie Sandstorm at the festival. Council Members Lawrence, Galloway, Edwards, Wiseman, Holm, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mr. James Partsch-Galvan, 16100 Holman, Houston, Texas 77004 (713-528-2607) appeared and stated that his three most important things to get out was for all to vote for Prop II as it was better than Prop I; to vote for Ralph Nader and to go vote for Prop III; that the City Secretary was in violation of the City Charter as the meeting was to start at 1:30 p.m.; Council Members were not at their seats on time and no Latino Council Members were at their seats at 1:51 p.m.; and continued expressing his personal opinions until his time expired. Council Members Lawrence, Galloway, Edwards, Wiseman, Holm, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

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

Mr. Joseph Omo Omuari, 2820 Palm #2B, Houston, Texas 77004 (713-723-3453) appeared and stated that he was not implying citizens of Houston were racist but would say the strong Mayor's form of government was a racist political system where the residual effects of racism had been carried on from Mayor to Mayor; and continued expressing his personal opinions until his time expired. Council Members Lawrence, Galloway, Edwards, Wiseman, Holm, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

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

Senator Robert Horton, 3714 Bain, Houston, Texas 77026 (713-260-6144) appeared and stated that lawyers, judges, attorneys, etc., were guilty; and continued expressing his personal opinions until his time expired. Council Members Lawrence, Galloway, Edwards, Wiseman, Holm, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

At 4:26 p.m. City Council recessed until 9:00 a.m., Wednesday, October 20, 2004. Council Members Lawrence, Galloway, Edwards, Wiseman, Holm, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, October 20, 2004

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, October 20, 2004, with Mayor Bill White presiding and with Council Members Toni Lawrence, Carol Mims Galloway, Mark Goldberg Ada Edwards, Addie Wiseman, M. J. Khan, Pam Holm, Adrian Garcia, Carol Alvarado, Mark Ellis, Gordon Quan, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Mr. Arturo Michel, City Attorney; Ms. Marty Stein, Agenda Director and Mr. Jose Soto, Deputy Agenda Director present.

At 8:29 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:22 Mayor White reconvened the meeting of the City Council. Council Members Galloway, Goldberg, Wiseman and Garcia absent.

### **MAYOR'S REPORT**

#### **CONSENT AGENDA NUMBERS 1 through 42**

#### **DAMAGES** - NUMBER 3

3. RECOMMENDATION from City Attorney for settlement of lawsuit styled **MICHAEL MANESS** v. City of Houston, et al, in the 55th Judicial District Court of Harris County, Texas, Cause No. 2002-57177 - \$69,000.00 - Property and Casualty Fund - was presented, moved by Council Member Edwards, seconded by Council Member Holm. All voting aye. Nays none. Council Members Goldberg, Wiseman, Garcia and Berry absent. MOTION 2004-1085 ADOPTED.

#### **ACCEPT WORK** - NUMBER 4

4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,482,613.55 and acceptance of work on contract with **PEDKO PAVING, INC** for Construction of West Little York Road Improvements from North Shepherd to Wheatley, CIP N-0687-01-3 (N-0687-01) - 00.39% under the original contract amount **DISTRICT B - GALLOWAY** - was presented, moved by Council Member Edwards, seconded by Council Member Holm. All voting aye. Nays none. Council Members Goldberg, Wiseman, Garcia and Berry absent. MOTION 2004-1086 ADOPTED.

Council Member Galloway moved to suspend the rules to consider Item Numbers 22 and 31 out of order, seconded by Council Member Ellis. All voting aye. Nays none. Council Members Goldberg, Wiseman, Garcia and Berry absent. MOTION 2004-1087 ADOPTED.

Council Member Edwards moved to suspend the rules to consider Item Numbers 14, 15, 15a, 15b, 17, 20 and 43 out of order, seconded by Council Member Khan. Council Member Goldberg asked if Council Members Galloway and Edwards would consider Item Numbers 1 and 2 first and Mayor White stated that if there was no objection the motion would be amended to reflect that. All voting aye. Nays none. Council Members Garcia and Berry absent. MOTION 2004-1088 ADOPTED.

#### **PURCHASING AND TABULATION OF BIDS** - NUMBERS 5 through 10

5. **ALVIN EQUIPMENT COMPANY, INC** - \$213,191.00, **BROOKSIDE EQUIPMENT SALES, INC** (Bid No. 1) - \$25,095.00 and **FINISHLINE SUPPLY, INC** - \$31,722.00 for Grounds Keeping Equipment for Houston Airport System - Enterprise Fund - was presented,

moved by Council Member Quan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2004-1089 ADOPTED.

7. **TURF MERCHANTS, INC** for Perennial Rye Grass Seed for Parks & Recreation Department \$48,120.50 - General and Parks Special Revenue Funds - was presented, moved by Council Member Quan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2004-1090 ADOPTED.
10. **CAMPBELL CONCRETE & MATERIALS, L.P. dba GULF COAST STABILIZED MATERIALS** \$459,341.56 and **CSB MATERIALS PARTNERSHIP, LTD dba CSB MATERIALS, INC** \$28,517.71 for Sand, Washed Gravel and Stabilized Cement for Various Departments \$502,947.70 minus a commission fee (3% or Internet-based reverse auction services) for a net award amount not to exceed \$487,859.27 - General, Enterprise, Storm Water Utility and Parks Special Revenue Funds - was presented, moved by Council Member Quan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2004-1091 ADOPTED.

**RESOLUTIONS AND ORDINANCES** - NUMBERS 11 through 42

11. ORDINANCE **AMENDING CHAPTER 3 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the Sale of Alcohol within the City - was pulled from the agenda by the administration and was not considered.
18. ORDINANCE approving and authorizing agreement between the City and **VALIC RETIREMENT SERVICES COMPANY** for Police Deferred Compensation Plan Administration Services; approving and authorizing agreement with AIG Federal Savings Bank for Section 457 Police Custodial Account Services; approving and authorizing Police Deferred Compensation Plan - had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.
21. ORDINANCE approving and authorizing contract between the City of Houston and **STAR OF HOPE MISSION** to provide \$500,000.00 in Community Development Block Grant Funds to provide partial funding for Repairs to The Women & Family Emergency Shelter located at 419 Dowling Street - **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. ORDINANCE 2004-1066 ADOPTED.
26. ORDINANCE approving and authorizing contract between the City of Houston and **BARNES & THORNBURG, LLP** for Advice and Counsel to the City of Houston and representation of the City in proceedings relating to relief sought in connection with Union Pacific Railroad Company and the provision of Freight Rail Service in the City of Houston; providing a maximum contract amount \$200,000.00 - Enterprise Fund - had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.
28. ORDINANCE appropriating \$99,687.63 out of Airports Improvement Fund and approving and authorizing purchase order between the City of Houston and **STRATUS TECHNOLOGIES, INCORPORATED** for Purchase of a Stratus Server Model 6600 System for Houston Airport System - Enterprise Fund - was presented. All voting aye. Nays none. ORDINANCE 2004-1067 ADOPTED.
34. ORDINANCE amending Ordinance 2003-1300 to authorize payments as required by the Federal Uniform Relocation Assistance Act to persons displaced from property acquired for a Noise Compatibility Program at Bush Intercontinental Airport, CIP A-0476-01.01 - **DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. ORDINANCE 2004-1068 ADOPTED.

37. ORDINANCE appropriating \$420,010.35 out of Street & Bridge Consolidated Construction Fund (437) for Removal or Relocation of Pipelines for El Dorado Boulevard Extension Project, GFS N-0172-01-3 (SB9170-01); approving a Reimbursement Agreement with **BP PIPELINES (NORTH AMERICA), INC - DISTRICT E - WISEMAN** – was presented. All voting aye. Nays none. ORDINANCE 2004-1069 ADOPTED.
39. ORDINANCE awarding construction contract to **B & D CONSTRUCTION CO., INC** for Water, Sanitary Sewer and Storm Drainage Systems to serve Section One of Kingdom Come Place Subdivision; approving and authorizing assignment of construction contract to **KINGDOM COME COMMUNITY DEVELOPMENT CORPORATION**, CIP S-0800-55-03 and R-0800-55-03 (DPC-056) - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. ORDINANCE 2004-1070 ADOPTED.
41. ORDINANCE awarding construction contract to **MENENDEZ-DONNELL & ASSOCIATES INC** for construction of Water, Sanitary Sewer and Storm Drainage Systems to serve the Brentwood Place Subdivision; approving and authorizing an assignment of the construction contract to **WEST AIRPORT/GATEWAY 15.01, L.P.** CIP S-0800-D4-03 and R-0800-D4-03(DPC-067) **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. ORDINANCE 2004-1071 ADOPTED.
42. ORDINANCE appropriating \$759,362.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **CHIEF SOLUTIONS, INC dba CHIEF ENVIRONMENTAL SURVEYS, INC** for Sanitary Sewer Cleaning and Television Inspection in support of Rehabilitation, GFS R-0266-C9-3 (WW4277-26); providing funding for engineering testing services and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – was presented. All voting aye. Nays none. ORDINANCE 2004-1072 ADOPTED.
1. CONFIRMATION of the reappointment of **MS. JANIECE M. LONGORIA** to Position 7 of the **PORT OF HOUSTON AUTHORITY OF HARRIS COUNTY** for a two year term - was presented, moved by Council Member Alvarado, seconded by Council Member Garcia. All voting aye. Nays none. MOTION 2004-1092 ADOPTED.

Mayor White and Members of Council congratulated Ms. Longoria on her reappointment to Position 7 of the Port of Houston Authority of Harris County and thanked her for her hard work and service to the City of Houston and invited her to the podium.

Ms. Longoria thanked Mayor White and the Members of Council for the reappointment to Position 7 of the Port of Houston Authority of Harris County.

2. CONFIRMATION of the reappointment of the following to the **ANIMAL SHELTER ADVISORY COMMITTEE** to complete the terms to expire December 31, 2005:
  - Position One - **MR. MIKE MARK**
  - Position Two - **MR. RAYMOND HARRIS**
  - Position Three- **MS. KAPPY MUENZER**
  - Position Four - **MR. SEAN HAWKINS**- was presented, moved by Council Member Khan, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. MOTION 2004-1093 ADOPTED.
22. ORDINANCE appropriating \$1,500,000.00 out of Low Income Housing Fund 872; approving and authorizing Development Agreement between the City of Houston and **BUILDERS' COMMUNITY DEVELOPMENT CORPORATION** to provide a grant of \$1,500,000.00 to pay acquisition or other eligible costs to develop and sell 300 Affordable Single-Family Homes within the Leland Woods Subdivision - **DISTRICT B - GALLOWAY**

– was presented. All voting aye. Nays none. Council Member Goldberg absent.  
ORDINANCE 2004-1073 ADOPTED.

Council Member Galloway stated that she wanted to thank her colleagues for their support on the item. Council Member Goldberg absent.

31. ORDINANCE approving and authorizing Amendment No. 1 to Airport Use and Lease Agreement at George Bush Intercontinental Airport/Houston by and between the City of Houston and **UNITED AIRLINES, INC - DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-1074 ADOPTED.
14. ORDINANCE authorizing issuance of City of Houston, Texas, Public Improvement Refunding Bonds, Series 2004B; prescribing the terms and form thereof; providing for the payment of the principal thereof and interest thereon; authorizing the Mayor and City Controller to accept and execute the winning bid for the bonds, approve the amounts, interest rates, prices and terms of such bonds, the obligations to be refunded thereby and certain other matters related thereto; ratifying the use of a Preliminary Official Statement and official notice of sale and authorizing the preparation and distribution of an Official Statement to be used in connection with the sale of the bonds; authorizing the defeasance of certain outstanding obligations, the execution and delivery of an Escrow Agreement, the purchase of and subscription for certain securities and the use of certain funds related to the obligations to be defeased; authorizing escrow verification; making other provisions regarding such bonds and matters incident thereto; authorizing execution and delivery of a Paying Agent/Registrar Agreement, a Co-Bond Counsel Agreement and Special Disclosure Co-Counsel Agreement; and declaring an emergency – was presented, and tagged by Council Members Wiseman, Edwards and Holm. Council Member Goldberg absent.
15. ORDINANCE authorizing issuance of City of Houston, Texas Tax Notes, Series 2004C; prescribing the terms and form thereof; providing for the payment of the principal thereof and interest thereon; authorizing the Mayor and City Controller to accept and execute the winning bid for the Notes, approve the amounts, interest rates, prices and terms of such Notes and certain other matters related thereto; ratifying the use of a Preliminary Official Statement and Official Notice of Sale and authorizing the preparation and distribution of an Official Statement to be used in connection with the sale of the Notes; making other provisions regarding such Notes and matters incident thereto; authorizing execution and delivery of a Paying Agent/Registrar Agreement, a Co-Bond Counsel Agreement and Special Disclosure Co-Counsel Agreement; and declaring an emergency – was presented, and tagged by Council Members Wiseman, Edwards and Holm. Council Member Goldberg absent.
- 15a. RESOLUTION of the City Council of the City of Houston, Texas declaring intention to Reimburse Project Expenditures – was presented, and tagged by Council Members Wiseman and Edwards. Council Member Goldberg absent.
- 15b. ORDINANCE approving and authorizing contract between the City of Houston and **TASER INTERNATIONAL, INC** and **GT DISTRIBUTORS, INC** for Taser Devices and Associated Equipment for Houston Police Department; providing a maximum contract amount - 5 Years \$4,679,855.55 – was presented, and tagged by Council Members Wiseman and Edwards. Council Member Goldberg absent.
17. ORDINANCE authorizing an Interim Borrowing from the Street & Bridge Construction Fund (Fund 405) by the General Fund of an amount not to exceed \$30 Million dollars; declaring an intent to Reimburse Fund 405 – was presented, and tagged by Council Member Wiseman. Council Member Goldberg absent.

Council Member Edwards stated that she wanted some information on the item.

Council Member Sekula-Gibbs stated that she wanted to add her tag to the item and also wanted some information on the item.

20. ORDINANCE approving application to the **U. S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, CENTERS FOR DISEASE CONTROL AND PREVENTION** for the City's Tuberculosis Program; declaring the City's eligibility for such grants; authorizing the Director of the Houston Department of Health and Human Services to accept and expend such grant funds for the January 1, 2005 through December 31, 2009 period, to accept and expend subsequent awards, if any, during the project period - 4 Years - \$14,665,927.00 - Grant Fund – was presented. Council Member Goldberg absent.

Council Member Edwards stated that she was glad that they were aggressively looking at the Tuberculosis issue in their communities, but they had asked for the selected zip codes because in the RCA it said selected geographical areas and then they were told they did not have them, that she would like to know where the service was going to be provided in District D or throughout the City, that she wanted to know where they were having the problems. Council Member Goldberg absent.

Mayor White stated that he would ask the Agenda Director to make sure that Council Member Edwards got that information.

Council Member Edwards stated that if she could get the information before the end of the meeting she would not tag the item, and Mayor White stated that if there was no objection they would move the item to the end of the agenda. Council Member Goldberg absent.

43. RECOMMENDATION from Department of Public Works & Engineering that City Council declare surplus and authorize the sale of Parcel S97-032, S95-061, S85-052, S85-074, SY4-036, S83-034, SY4-044, S95-052, S84-071, S98-076, S83-058, SY2-016, S71-047, S71-048, S71-049, S71-050, S71-051, SY5-010 and SY5-012 and authorize the City Secretary to advertise the properties for sealed bid sale to the highest bidder at the minimum appraised bid amount: **APPOINT INDEPENDENT APPRAISERS and ALTERNATE APPRAISERS DISTRICTS A - LAWRENCE; B - GALLOWAY; D - EDWARDS; E - WISEMAN; H - GARCIA and I – ALVARADO** – was presented. Council Members Goldberg and Berry absent.

Council Member Lawrence named Mr. John Chambless and Ms. Sheila Stewart as appraisers and Mr. Gary Meyer as alternate appraiser for Parcel S97-032. Council Members Goldberg and Berry absent.

Council Member Galloway named Mr. George Wyche and Mr. Travis Cooper as appraisers and Ms. Jasmine Quinerly as alternate appraiser for Parcels S85-052, S85-074 and S95-061. Council Members Goldberg and Berry absent.

Council Member Edwards stated that her point about Item No. 43 was that the Flooding and Drainage Committee had requested that surplus land be looked at for regional detention before they did anything else with it and she never got any response back, that she got one today from the same person who brought the issue to them, Mr. David Peters, and he said that only one parcel qualified and he kept it off the list, that she was fine with it, that she wanted to delay her appraisal appointments.

Council Member Wiseman named Ms. Tommie Crowell and Mr. Jimmy Payton as appraisers and Mr. Michael D. Copland as alternate appraiser for Parcel S84-071. Council Members Goldberg and Berry absent.

Council Member Garcia named Mr. Patrick O'Connor and Mr. James Rohde as appraisers and Mr. Frank Flores as alternate appraiser for Parcel S98-076. Council Members Goldberg and Berry absent.

Council Member Alvarado stated that she wanted to delay her appraisal appointments. Council Members Goldberg and Berry absent.

Council Member Ellis moved approval of the recommendation and acceptance of the appointments and to delay that portion of the recommendation relating to Parcels SY4-036, S83-034, SY4-044, S95-052, S83-058, SY2-016, S71-047, S71-048, S71-049, S71-050, S71-051, SY5-010 and SY5-012, seconded by Council Member Lawrence. All voting aye. Nays none. Council Members Goldberg and Berry absent. MOTION 2004-1094 ADOPTED.

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

**PURCHASING AND TABULATION OF BIDS**

6. **AMEND MOTION #2000-1339, 11/1/00**, as amended by Motion #2003-1078, 9/3/03, **TO EXTEND** expiration date from November 2, 2004 to November 1, 2005, for Waterous Pump Replacement Parts Contract for Fire Department, awarded to **FIRE APPARATUS SPECIALIST, INC** – was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Members Goldberg and Berry absent. MOTION 2004-1095 ADOPTED.
8. **AMEND MOTION #2000-1503, 12/13/00**, as amended by Motion 2003-1422, 11/25/03, **TO EXTEND** expiration date from December 13, 2004 to December 12, 2005, for Turbine and Magnetic Type Water Meters Contract for Department of Public Works & Engineering, awarded to **NEPTUNE TECHNOLOGY GROUP, INC (formerly SCHLUMBERGER RESOURCE MANAGEMENT SERVICES, INC)** – was presented, and tagged by Council Member Wiseman. Council Members Goldberg and Berry absent.
9. **AMEND MOTION #2003-252, 3/5/03, TO INCREASE** spending authority from \$462,500.00 to \$647,500.00, for Equipment, Special Truck and Body, Part II, Contract for Solid Waste Management Department, awarded to **MCNEILUS COMPANIES** - \$185,000.00 - General Fund – was presented, and tagged by Council Member Wiseman. Council Members Goldberg and Berry absent.

**RESOLUTIONS AND ORDINANCES**

12. **ORDINANCE AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to transferring the Neighborhood Protection Division and its functions and budget authorization to the Police Department - was presented.

After discussion by Council Members, Mayor White stated that all personnel, including the overhead associated with the personnel was transferred, that there would not be any games played, that he thought there had been games played in the past based on what he had seen, that it was not in this administration, but he was trying to figure out what exactly happened with Building Services and if there was he would just terminate people because his direction was that there would be no games played on the budget transfer during this process, that he would get the Council Members a briefing; that in his earlier meeting with 311 he had mentioned the fact that he hoped there was information about what was going on in the City that was being played in the background like they did in Phoenix and other cities so people had news if they were put on hold for a minute or two, that he wanted to check on that, that they ought to consult with Municipal Courts to make sure they were providing the best information on Municipal

Courts, that they answer the question and not just refer somebody, that they wanted to enhance and improve 311. Council Member Berry absent.

After further discussion a vote was called on Item No. 12. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2004-1075 ADOPTED.

13. **ORDINANCE AMENDING SECTION 39 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to enforcement of Solid Waste Regulations; containing other provisions relating to the foregoing subject; providing for severability – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2004-1076 ADOPTED.

After discussion by Council Members, Mayor White stated that he knew the ordinance allowed them to deputize various people to issue citations on illegal dumping and when people put their trash out and asked if it also changed the standard so that they could make sure they did not go through the Mickey Mouse thing of thinking that they had to go and find the owner of an abandoned property to give them a citation when they allowed a bunch of trash on their yard, and Mr. Michel stated that yes, the change of standards and mechanisms were moving to be able to prove ownership by documents, that under their current arrangement with Chicago Title they had a presumption that the owner or occupant was responsible for the violation on their property and they had also eliminated the mental state. Council Members Goldberg and Berry absent.

After further discussion and questions by Council Members, Mr. Michel stated that being a criminal manner it had to be a prosecution against a person but they were going to put a ticket on a house in much the same manner that they did parking tickets and then they would also mail it to the record address, that for rental property, both the renter and the property owner could be charged under the property and they were working through procedures, that they would have very quickly, to be able to use, for example utility records to identify who the occupant was, that everyday would constitute a separate violation, that there was going to be a process for people to see if the violation had been addressed or cured, and there was also going to be a process for tracking people who violate it repeatedly for purposes of prosecution, that what this ordinance addressed was the trash that people put on the right-of-way on the public property, that aspect.

After further discussion and questions, Mr. Hall stated that they probably had about eight departments that were participating with new people who were authorized to issue the citations, Solid Waste, Health Department, Fire Department, in addition to the Code Enforcement and DRT Offices who had been doing it previously, that they anticipated that they would actually start issuing the citations before the end of the month, there was a lot of coordination that had to go on between Municipal Courts administration and Municipal Courts and they were now working on it so that all of the kinks were worked out, that the Mayor had admonished them to be certain that citizens were not unnecessarily inconvenienced through the process, he wanted zero tolerance but wanted to do it in a responsible way, and Council Member Khan requested that they either have a brief conference or at least a press release to all the ethnic media so they could disseminate the information so that everybody knew that it was going to be a zero tolerance policy, and Mayor White stated that he hoped they had communicated to the team putting together the communications package the need to use the alternative medias that work in particular audiences, that he would ask Mr. Michael Moore to make sure that it occurred.

After further discussion and questions by Council Members, Mr. Hall stated that the program did not stop any other activities going on, that there would be monitoring by the City employee who issued the citation because as the City Attorney had advised each day was a new violation, that the Mayor had directed another initiative that this was part of that was going to establish two new quick response teams in Solid Waste, they would be able to respond to the highest priority of those kind of situations in a much faster fashion than they did today, would all of it be picked up in a priority fashion, the answer was obviously no, it depended on what it was,

that Chief Lumpkin would be prioritizing, that he had a team with the whole new neighborhood protection effort that was now being implemented, that this effort was not directed to punish folks, it was directed to change people's behavior, that their hope was that when they got the citations they would move to bring the stuff back in the house or put it in the backyard until the regular trash day.

16. ORDINANCE authorizing the issuance of a Collateralized Pension Obligation Note; prescribing the terms and form thereof; providing for the payment of the principal thereof and the payment or deferral of interest thereon; authorizing Collateral and Collateral Documents; authorizing the issuance and delivery of Deferred Interest Certificates and Assignable Certificates; authorizing an amendment to the interlocal agreement with Houston Convention Center Hotel Corporation; making other findings and provisions relating to the subject and matters incident thereto – was presented. Council Member Sekula-Gibbs voting no, balance voting aye. ORDINANCE 2004-1077 ADOPTED.
19. ORDINANCE approving and authorizing Special Warranty Deed Conveying to Martha Martinez, a parcel of land containing 13,187 square feet (0.3027 acres), more or less, being out of Tracts 1, 2 and 3, Block 64, Cragin Parkhill Subdivision and out of Section 4, Block 1, H.T. & C.R.R. Company Survey, A-429, Harris County, Texas (the former Eastex Oaks Water/Sewer Plant, located at 11018 Bauman Road); and in consideration of Martha Martinez's payment of \$28,001.00, and other consideration to the City - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. ORDINANCE 2004-1078 ADOPTED.
23. ORDINANCE approving and authorizing first amendment to contract between the City of Houston, Texas, and **MERCER HUMAN RESOURCES CONSULTING, INC** for Actuarial Valuation and Consulting Services originally passed by City Council Ordinance No. 2004-0208 \$234,996.00 - General, Enterprise, Building Inspection and Storm Water Funds – was presented.

Council Member Wiseman asked if someone from the City authorized Mercer to perform these services and incur these costs and now they were being asked to authorize it, and Mr. Hall stated that the Mayor directed, as part of the negotiation back when they started the Meet & Confer process, which he thought was meant when they said that those services were not anticipated when they first entered into it, that as they recalled they were given a good deal of analysis and information and that was all performed by Mercer and they agreed to do it at the rates that they quoted under the original contract, that further they were being asked to provide funding for Mercer to continue monitoring it as Council had requested and to continue to explore ways that they could reduce the remaining unfunded liability, that the \$60,000 was for further services that they could provide, that the activity that Council approved, the extent to which they would use them was not anticipated, that was the point, and Council Member Wiseman stated that she would tag the item so that she could get further clarification on it, and Mayor White stated that he would ask Mr. Bowers to visit with her, he could tell her about every dollar of it.

After further discussion by Council Members, Council Member Ellis stated that they were having a pension review committee meeting on November 1, 2004 and this was one of the items that would be posted and they could have Mr. Hall come and explain what occurred, that he had some questions as to why they would need Mercer for their Deferred Compensation, that the meeting was at 2:00 p.m. on November 1, 2004.

After further discussion Council Member Wiseman stated that she wanted to seek clarification on the legality of incurring charges without Council approval, that she wanted to know if it was done in accordance with the law or if they did violate the provisions of the law, that she also had questions with the funding source, and Mayor White stated that they would get that information for the Council Members.

24. ORDINANCE approving and authorizing contract between the City of Houston and **MAXIMUS, INC** for Development of Annual Cost Allocation Plans in Compliance with OMB Circular A-87; providing a maximum contract amount - 5 Years - \$270,600.00 - General Fund – was presented. All voting aye. Nays none. ORDINANCE 2004-1079 ADOPTED.
25. ORDINANCE approving and authorizing a first amendment to a contract between the City of Houston, Texas, and **PATTON BOGGS LLP**. for Federal Representation originally passed by City Council Ordinance No. 2001-1027 – was presented. All voting aye. Nays none. ORDINANCE 2004-1080 ADOPTED.
27. ORDINANCE appropriating \$999,600.00 out of Houston Airport Systems Bonds 1998C NON-AMT Construction Fund No. 536, and approving and authorizing execution of a Compromise and Settlement Agreement between **MANHATTAN CONSTRUCTION COMPANY, INC** and the City of Houston to settle a claim - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. ORDINANCE 2004-1081 ADOPTED.
29. ORDINANCE approving and authorizing contract between the City of Houston and **AIR-TRANSPORT IT SERVICES, INC** for Revenue and Lease Management Software for Houston Airport System - 3 Years with two one-year options - \$925,281.00 - Enterprise Fund – was presented. All voting aye. Nays none. ORDINANCE 2004-1082 ADOPTED.
30. ORDINANCE approving and authorizing Airport Use and Lease Agreement for certain space in Terminal A at George Bush Intercontinental Airport/Houston by and between the City of Houston and **CONTINENTAL AIRLINES, INC - DISTRICT B – GALLOWAY** – was presented.

Council Member Goldberg stated that the problem he had with the item was that it was for a lease that started in June, that they were voting for something that had already started, that he was told that it was standard operating procedure, that he would like to know if they could do leases that require Council approval without Council approval, that it was not an airport issue just an operating procedure issue, that he wanted an explanation of why they had come to them for Council approval, and Mayor White stated that they would get him that explanation, that he thought it was a fair question.

Council Member Wiseman stated that she would tag Item No. 30.

32. ORDINANCE approving and authorizing amendment No. 1 to Technical Services Agreement by and between the City of Houston and **HAS DEVELOPMENT CORPORATION - DISTRICTS B- GALLOWAY; E - WISEMAN and I – ALVARADO** – was presented.

Council Member Holm stated that the item was about the development corporation entering into Technical Service Agreements and currently it needed Council approval, as well as the Mayor, before they entered into the agreements and sent their staff off to different areas all over the world and under Item No. 32 it took Council approval out of it and she offered the following motion to amend Item No. 32 as follows, “to require Mayor and Council approval” (of airport projects for which technical services are requested), seconded by Council Member Alvarado.

After further discussion by Council Members, Council Member Edwards moved to hear from Mr. Richard Vacar, Director, Aviation Department, seconded by Council Member Sekula-Gibbs, and Mayor White stated that if there was no objection they would hear from Mr. Vacar at this time.

Council Member Edwards asked if they inspected cargo and did they inspect luggage that was being put into airplanes, and Mr. Vacar stated that they did not as the department, however

the Transportation Security Administration had the obligation to check the bags that got on board the airplanes once they were checked bags and there was a portion of the cargo that was also checked right now with the goal eventually to be 100% of it, that they were engaged in a pilot project with the Transportation Security Administration to test a technology that was called PFNA (Pulse Fast Neutron Analysis), the idea was that it could check 18 wheelers or the cargo containers that went on board aircrafts all at once and identify not just explosives but other contraband that might be there, for that matter it could find fruits and vegetables, assuming that the technology proved out they would be the first airport in the U.S. to have that and that was in progress right now. Council Members Galloway, Wiseman and Ellis absent.

After further discussion a roll call vote was called on Council Member Holm's motion to amend Item No. 32.

ROLL CALL VOTE:

|                                    |                                       |
|------------------------------------|---------------------------------------|
| Mayor White voting aye             | Council Member Garcia voting aye      |
| Council Member Lawrence voting no  | Council Member Alvarado voting aye    |
| Council Member Galloway voting no  | Council Member Ellis voting aye       |
| Council Member Goldberg voting aye | Council Member Quan voting no         |
| Council Member Edwards voting no   | Council Member Sekula-Gibbs voting no |
| Council Member Wiseman voting no   | Council Member Green voting no        |
| Council Member Khan voting no      | Council Member Berry voting aye       |
| Council Member Holm voting aye     | MOTION 2004-1096 FAILED.              |

A vote was called on No. 32. Council Member Berry voting no, balance voting aye. ORDINANCE 2004-1083 ADOPTED.

33. ORDINANCE approving and authorizing Technical Services Agreement for the Quito, Ecuador Airport Project by and between the City of Houston, Texas and **HAS DEVELOPMENT CORPORATION** – was presented. Council Member Berry voting no, balance voting aye. ORDINANCE 2004-1084 ADOPTED.
35. ORDINANCE appropriating \$305,250.00 out of Airports Improvement Fund and approving and authorizing contract between the City of Houston and **ARCTEC ASSOCIATES, INC** for Professional Architectural/Engineering Services in connection with various job order contract work orders (Project No. 516A); CIP A-0138 and A-0422; providing funding for the Civic Art Program financed by the Airports Improvement Fund - **DISTRICTS B - GALLOWAY; E - WISEMAN and I - ALVARADO** – was presented. All voting aye. Nays none. Mayor White absent. Mayor Pro Tem Alvarado presiding. ORDINANCE 2004-1085 ADOPTED.
36. ORDINANCE appropriating \$2,699,700.00 out of Airport System Consolidated 2001 AMT Construction Fund; \$6,749,250.00 from Federal Aviation Administration Grant Funds; \$2,300,000.00 out of Airports Improvement Fund (Temporary Funding); and \$157,483.00 out of Airports Improvement Fund; awarding construction contract to **VANDERLANDE INDUSTRIES, INC** for Terminal E/FIS EDS Interim In-line Baggage Conveying Equipment at George Bush Intercontinental Airport/Houston; Project 612C; CIP A-0486 and A-0422; 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. Mayor White absent. Mayor Pro Tem Alvarado presiding. ORDINANCE 2004-1086 ADOPTED.
38. ORDINANCE awarding construction contract to **JAHO, INC** for Construction of Water, Sanitary Sewer and Storm Drainage Systems serving Section Two of West Orem Place Subdivision; approving and authorizing assignment of construction contract to **S.S.M., L.P.**, CIP S-0800-71-03 and R-0800-71-03 (DPC-046) - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Mayor White absent. Mayor Pro Tem Alvarado

presiding. ORDINANCE 2004-1087 ADOPTED.

40. ORDINANCE awarding construction contract to **BIG STATE EXCAVATION, INC** for construction of Water, Sanitary Sewer and Storm Drainage Systems to serve Section One of the Autumn Glen Subdivision; approving and authorizing an assignment of the construction contract to **KB HOME LONESTAR, L.P.**; CIP S-0800-B2-3 and R-0800-B2-3 (DPC-58) - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Mayor White absent. Mayor Pro Tem Alvarado presiding. ORDINANCE 2004-1088 ADOPTED.

**NON CONSENT AGENDA** - NUMBERS 43 and 44

**PROPERTY**

44. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Scott P. Greer of R. G. Miller Engineers, Inc., on behalf of HD Development Properties, L. P. [Home Depot U.S.A., Inc. (Troy Rice, president, central division), general partner], authorizing (a) the disclaimer of a portion of a 30-foot-wide drainage easement; (b) abandonment and sale of a 10-foot-wide utility easement, a 15-foot-wide drainage easement, and the attendant aerial easements in exchange for the conveyance to the City of a 10-foot-wide utility easement and a 30-foot-wide drainage easement, all located within Block 1, Unrestricted Reserve A, Home Depot-North Loop Addition and/or Shady Acres Addition, Parcels SY5-004A, SY5-004B, SY5-004C, VY5-001 and LY5-001 **APPRAISERS and one alternate APPRAISER** - **DISTRICT H - GARCIA** – was presented. Mayor White and Council Member Holm absent.

Council Member Garcia stated that he wanted to name Mr. Patrick O'Connor and Mr. Frank Flores as appraisers and Mr. Gary Meyer as alternate appraiser and moved approval of the recommendation, seconded by Council Member Edwards. All voting aye. Nays none. Mayor White and Council Member Holm absent. Mayor Pro Tem Alvarado presiding. MOTION 2004-1097 ADOPTED.

**MATTERS HELD** - NUMBERS 45 through 51

45. RECOMMENDATION from Chief of Police to award to **BOOTH RESEARCH GROUP, INC** for Development of two supplemental Assessment Centers for Police Department - \$71,000.00 General Fund – (**This was Item 17 on Agenda of October 13, 2004, TAGGED BY COUNCIL MEMBER WISEMAN**) - was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Mayor White and Council Member Holm absent. Mayor Pro Tem Alvarado presiding. MOTION 2004-1098 ADOPTED.
46. RECOMMENDATION from Finance & Administration Department to **AMEND MOTION #2000-515, 4/12/00, as amended by #2003-374, 4/16/03 and #2004-272, 3/10/04, TO INCREASE** spending authority from \$164,549.00 to \$230,368.60, for Automotive Refinishing Products Contract for Various Departments, awarded to **LUIS AUTO COLORS** - General Fund – (**This was Item 20 on Agenda of October 13, 2004, TAGGED BY COUNCIL MEMBER WISEMAN**) - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. Council Members Goldberg and Holm absent.

Council Member Wiseman stated that she had concerns with the way they kept being asked to amend their contract periods, extending them and saying that no additional spending authority was associated with it, they had seen several items like that and now they had an item where they were asked to do so and prior Council's had extended the contract terms without increasing the spending authority, that now they were being asked to increase the spending

authority and it was a concern that she had with extending the contracts, that they were not looking at following standard procedures of going for new contracts, in addition the funding source for Item No. 46 said that it was for services for various departments but was for HPD only that they were tapping into in the way of funds, that she would be voting no on the item. Council Member Goldberg absent.

A vote was called on Item No. 46. Council Member Wiseman voting no, balance voting aye. MOTION 2004-1099 ADOPTED.

47. **ORDINANCE AMENDING ARTICLE XI OF CHAPTER 47 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Transportation and Treatment of certain wastes; containing findings and other provisions relating to the foregoing subject; providing for severability – **(This was Item 22 on Agenda of October 13, 2004, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-1089 ADOPTED.
48. ORDINANCE amending Exhibit “A” of City of Houston Ordinance No. 2004-204 by adding two hundred (200) Senior Police Officer positions, and by deleting two hundred forty-five (245) Police Officer Positions, Twenty-three (23) Police Sergeant Positions, Seven (7) Police Lieutenant Positions and one (1) Chief Criminalist Crime Laboratory Position; substituting the amended exhibit as part of the current Police Department Classified Personnel Ordinance – **(This was Item 23 on Agenda of October 13, 2004, TAGGED BY COUNCIL MEMBER GARCIA)** – was presented. All voting aye. Nays none. Mayor White absent. Mayor Pro Tem Alvarado presiding. ORDINANCE 2004-1090 ADOPTED.
49. ORDINANCE appropriating \$10,980.00 out of Parks Special Fund and approving and authorizing Advance Funding Agreement between the City of Houston, the **TEXAS DEPARTMENT OF TRANSPORTATION** and a sponsorship contract between the City of Houston and the **HERMANN PARK CONSERVANCY** – **(This was Item 29 on Agenda of October 13, 2004, TAGGED BY COUNCIL MEMBER GARCIA)** – was presented. All voting aye. Nays none. Mayor White absent. Mayor Pro Tem Alvarado presiding. ORDINANCE 2004-1091 ADOPTED.
50. ORDINANCE approving and authorizing an agreement between the City of Houston and **COATS ROSE YALE RYMAN & LEE, P.C.** for Legal Services in connection with certain Non-Performing Loans secured by City-assisted Multi-family Affordable Housing Projects - \$200,000.00 - Grant Fund – **(This was Item 33 on Agenda of October 13, 2004, TAGGED BY COUNCIL MEMBERS HOLM, WISEMAN, LAWRENCE and GARCIA)** – was presented. Mayor White and Council Member Wiseman absent. Mayor Pro Tem Alvarado presiding.

Council Member Lawrence stated that she had passed out a written motion to amend Item No. 50 as follows:

"I move that Item 50 on the City Council Agenda of October 20, 2004, be amended as follows:

- 1) Substitute the "Exhibit A" attached hereto for the "Exhibit A" attached to the proposed agreement; and
- 2) Amend Article IV, Section A to read as follows:

A. Payment Terms

With respect to services provided under Article III, the Firm shall be paid by the City in accordance with the Fees Schedule ("Fee Schedule") attached and incorporated into this Agreement as Exhibit "A." In no event shall the firm's fees for services exceed \$30,000 in any month unless approved in advance by the City Attorney. In addition, the Firm shall be reimbursed by the City for its reasonable and actual out-of-pocket expenses ("Reimbursable Expenses") described below. Notwithstanding the foregoing, the Firm shall not be required to provide services in excess of, and City's obligation to pay for such services and such related Reimbursable Expenses shall not exceed, Two Hundred Thousand and No/100 Dollars (\$200,000.00).

EXHIBIT "A"

FEE SCHEDULE

| ATTORNEY                         | HOURLY RATE      |
|----------------------------------|------------------|
| Barry Palmer, Director           | \$ 295/hour      |
| Nancy H. Hamren                  | \$ 250/hour      |
| Debra M. Levy                    | \$ 250/hour      |
| Associate & Of Counsel Attorneys | \$200 – 275/hour |
| Legal Assistants                 | \$100 – 140/hour |

The foregoing hourly rates are subject to adjustment effective on January 1 annually during the term of this Contract, to the extent that Firm's standard hourly rates are adjusted, but in no event shall any such annual adjustment to the hourly rates set forth above exceed 5%, and in no event shall any of the hourly rates set forth above, as so adjusted, exceed \$375 per hour.

If other attorneys or legal assistants in the Firm are required to perform services under this Agreement, the Firm shall notify the City Attorney of the fees of the additional personnel, which shall not exceed the fees customarily charged for such services by the Firm to governmental clients for matters of similar complexity to the one subject to this Agreement. The Firm shall not permit the additional personnel to perform any services under this Agreement until notified verbally or in writing of the City Attorney's approval."

After discussion by Council Members, Council Member Lawrence stated that it involved quite a bit of property and personally would like Legal, as they were billed each month, to see what they were being billed for by the hour as they were putting a maximum per month, and Mr.

Michel stated that they could provide in a form that would easily be understood by the City Council. Council Member Wiseman absent.

After further discussion by Council Members a vote was called on Council Member Lawrence's motion to amend Item No. 50. All voting aye. Nays none. Council Members Wiseman and Berry absent. MOTION 2004-1100 ADOPTED.

After further discussion by Council Members, Council Member Goldberg stated that he wanted Housing to update them on what was happening with the bankruptcy case, and Council Member Khan asked what had their experience been in the past when they faced those kind of situations and what steps had they taken based on those past experiences so that those things did not repeat themselves again. Council Members Wiseman and Berry absent.

Mayor White stated that if people wanted to default they either ought to give the City a deed in lieu of foreclosure or retain counsel, including criminal counsel if it would be appropriate, to fight the City.

A vote was called on Item No. 50 as amended. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2004-1092 ADOPTED AS AMENDED.

51. ORDINANCE appropriating \$429,633.00 out of General Improvements Consolidated Construction Fund and approving and authorizing amendment to professional services contract (approved by Ordinance No. 99-573) between the City and **BOVAY ENGINEERS, INC** for Modifications to various City Facilities, CIP D-9999-03-2 and D-0119-01-2 – **(This was Item 34 on Agenda of October 13, 2004, TAGGED BY COUNCIL MEMBER GARCIA)** - was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2004-1093 ADOPTED

**Item received during the Council meeting.**

26. ORDINANCE approving and authorizing contract between the City of Houston and **BARNES & THORNBURG, LLP** for Advice and Counsel to the City of Houston and representation of the City in proceedings relating to relief sought in connection with Union Pacific Railroad Company and the provision of Freight Rail Service in the City of Houston; providing a maximum contract amount \$200,000.00 - Enterprise Fund – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2004-1094 ADOPTED.

Mayor White stated that they had not forgotten the discussions around the Council table and the complaints of the citizens about trains that were parking across the streets. Council Members Wiseman, Ellis and Green absent.

Council Member Sekula-Gibbs stated that she wanted to thank her colleagues for passing the item, that she appreciated the Mayor looking at the issue seriously, and Mayor White stated that the Chairman of the Surface Transportation Board said that the elected leadership of the community was paying more attention to rail issues than any city that he had ever seen. Council Members Wiseman, Ellis and Berry absent.

Council Member Alvarado stated that she wanted to thank the Mayor for staying focused on the issue and not taking his eye off of the ball, that his administration had never wavered or compromised on the issue, that she wanted to applaud the work of Mr. Michel and his staff and Ms. Ann Travis, that her constituents thanked him. Council Members Wiseman and Ellis absent.

Council Member Garcia stated that he would appreciate, and also the people in Denver Harbor, some particular attention given to sensitizing Union Pacific and other rail lines to making

sure they kept in mind that their lines were running right through neighborhoods. Council Members Wiseman and Ellis absent.

Mayor White stated that in his extended discussion with the CEO of Union Pacific on a number of matters the CEO would like a point of contact which could speak with authority concerning some of the specifics of these issues and they had an able chair of the Transportation Infrastructure Committee but did not think it could be either the Mayor or any other elected official whose full time job it was to deal with the issues, and it posed the problem because it varied from graffiti to the trains parking across the streets, that it may be somebody who had rail experience, that they needed them to be on some kind of consulting basis with the City to be their point person on that, and asked Mr. Hall how do they find a person like that, who was sort of the rail czar at an affordable cost. Council Members Goldberg, Wiseman and Ellis absent.

Council Member Lawrence stated that also a big concern with the railroads going through and behind the neighborhoods that there needed to be some maintenance schedule and she was not requiring no more than they may be due as far as the City did on the major thoroughfares. Council Members Wiseman and Ellis absent.

Mayor White stated that they needed some central contact within the administrations, that if they had detailed things to send them to his office, that they would collect them, that there were a lot of issues involving the railroads, that what they needed was a full time dedicated employee or consultant. Council Members Wiseman and Ellis absent.

**Item postponed to the end of the agenda.**

20. ORDINANCE approving application to the **U. S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, CENTERS FOR DISEASE CONTROL AND PREVENTION** for the City's Tuberculosis Program; declaring the City's eligibility for such grants; authorizing the Director of the Houston Department of Health and Human Services to accept and expend such grant funds for the January 1, 2005 through December 31, 2009 period, to accept and expend subsequent awards, if any, during the project period - 4 Years - \$14,665,927.00 - Grant Fund – was again before Council.

Council Member Edwards stated Ms. Barton, Health Department, had answered the questions she had so she had no problem with Item No. 20. Council Member Wiseman and Ellis absent.

A vote was called on Item No. 20. All voting aye. Nays none. Council Members Wiseman and Ellis absent. ORDINANCE 2004-1095 ADOPTED.

**MATTERS TO BE PRESENTED BY COUNCIL MEMBERS** - Council Member Garcia first

Council Member Garcia stated that the Astros were exciting, that years ago he was about a ten year old Astros buddy, that it was exciting to see them at the doorstep of the World Series and wanted to commend the entire organization for their work and level of competition and wished them continued success. Council Members Wiseman, Ellis and Berry absent.

Council Member Garcia stated that he wanted to praise the Public Works and Engineering Department and the Office of Disabilities, there was a constituent in his district, Ms. Linda Rodriguez who was confined to a wheelchair and about 30 days ago he brought the question to the Office of Disability about what they could do to assist her because the Metro Lift could not affectively get into her driveway to pick her up in her wheelchair and he had gotten word from Mr. Gary Norman, Public Works, that the project had been reviewed, approved and the design had been completed and she was almost 90 days away from having accessibility to Metro Lift. Council Members Wiseman and Ellis absent.

Council Member Garcia stated that he wanted to thank the Sociedad Mutalista Habrera Mexicana for their support in providing him a satellite office space at 5804 block of Canal, that it was very neighboring to District I so any folks coming from either Districts H or I would find an opportunity to leave information on complaints or issues and they would help to facilitate that, that he wanted to thank Mamie Garcia for her support, that they had a grand opening this weekend, that he was going to dedicate some time out there on a weekly basis to help facilitate discussions with the neighborhoods and their concerns. Council Members Wiseman, Ellis and Berry absent.

Council Member Garcia stated that he wanted to invite people to the Northside BOND's Festival at Carneige Library on Saturday, that also the Independence Heights Parade would be held Saturday and would like to encourage the At Large District Council Members if they had not already registered to please do so, that it was one of the biggest parades held in the near northside area and the proceeds go to the area's war on drugs, that he wanted to thank the super neighborhood and all the folks involved in making it an annual success. Council Members Wiseman, Ellis and Berry absent.

Council Member Garcia stated that he wanted to thank Michelaine for her sponsorship of the breakfast this morning, that he wanted to wish her continued success in the catering business. Council Members Wiseman, Ellis and Berry absent.

Council Member Green stated that tomorrow at 2:00 p.m. in Council Chamber the Municipal Courts Task Force Committee would hold a meeting to discuss the pre-trial conferences, that notice had gone out to each Council Member, that they would have the presiding judge along with the Director of the Municipal Courts administration along with a couple of the task force members. Council Members Edwards, Wiseman and Ellis absent.

Council Member Green stated that this weekend was the Texas Southern University's Homecoming festivities, that the parade would be on Saturday and he would be participating. Council Members Edwards, Wiseman, Garcia and Ellis absent.

Council Member Green stated that he wanted to congratulate the family of Ms. Diane Solsman who was a stalwart in the District D area and the southeast part of town, a street was named in her honor this weekend in the Cullen Estates Subdivision, that she worked very hard on neighborhood issues, that she had two sons in the Fire Department and one with the Houston Police Department, that she passed away last year. Council Members Edwards, Wiseman, Garcia and Ellis absent.

Council Member Galloway stated that she wanted to thank Mayor White and Mr. Terrance Fontaine for the smashing success on the cleanup, along with her staff and the Kashmere Gardens Super Neighborhood Council and Ms. Alyce Coffee-Scott, that she worked very hard.

Council Member Galloway stated that she wanted to thank the Right-of-Way Department of Public Works who really went beyond the call of duty on a overlay project. Council Members Edwards, Wiseman, Garcia and Ellis absent.

Council Member Galloway stated that today was the deadline for the CMC scantron sheets to be turned in to Martha. Council Members Edwards, Wiseman, Garcia, Ellis and Green absent.

Council Member Galloway stated that early voting had started on Sunday and would go through October 29, 2004. Council Members Edwards, Wiseman, Garcia, Ellis and Green absent.

Council Member Holm stated that it was an exciting time for the City, that the Astros were

an example to the City of how to succeed, that they had a fine organization who put a great group together. Council Members Galloway, Edwards, Wiseman, Garcia, Ellis and Green absent.

Council Member Holm stated that her office had received several different instances, on September 10, 2004 a neighborhood called and they had some work going on in their neighborhood and they were trying to identify the project, that they did not have a clue who it was and what they were doing, that they ought to have some kind of process that they could identify a site, go on line and figure out who was there, why and what they were doing. Council Members Galloway, Edwards, Wiseman, Garcia, Ellis and Green absent.

Council Member Holm stated that she was concerned that several weeks ago they entered into a contract with HISD for their printing and now her office was having to do some printing themselves so they asked for some bids or how much it was going to cost them and they found out that the prices that the City charged were like 300 times as much as what she was going outside and paying her personal dollars to do, that for 1,000 letterhead envelopes the City was going to charge her \$88, she could go outside and get it for \$34, for envelopes it was \$136, she could go outside and get it for \$35, and it just went on and on, so they called to figure out what the deal was and how they made the agreement with HISD and if they took competitive bids and they were told that they did not take bids, they did not try to figure out, all they wanted to do was compare it to outsource and compare it to their own prices, that they needed to question it and their accountability of it and how they justified that type of bidding and printing process, it seemed to her that they owed it to their taxpayers to be able to provide to themselves more efficiently, also just hitchhiking on it, one of the things that had bothered her from the beginning was that no matter what she sent out of her office if it required a stamp she was charged 37 cents for the stamp and 4 cents for every piece if it went through the meter in the City, that she could not figure out why it cost her 41 cents, so what she did was send her staff out to buy stamps and then they went and mailed it at the post office, that it seemed to her that they were charging the citizens administrative fees, she would love to have some explanation because she did not understand. Council Members Galloway, Edwards, Wiseman, Garcia, Ellis and Green absent.

Mayor White stated that if Mr. Fontaine could get the details on her last two subjects from her office he would appreciate his attention to that, that he thought the HISD contract would bring them in more competitive, he did not want to sacrifice public safety or a health clinic because they were paying too much for printing. Council Members Galloway, Wiseman, Garcia, Ellis and Green absent.

Council Member Alvarado stated that it had been a great week for the City, not only were they just one step closer to the World Series but some of the items they passed today, particularly Item Numbers 12 and 13, she thought, kind of really brought back the basics of City services to their neighborhoods with Neighborhood Protection and the zero tolerance on heavy trash, and also she wanted to applaud the Mayor's announcement yesterday on the downtown park, which was kind of their own mini Central Park and thought it was going to bring tremendous benefits to creating more resident development and more retail development, that they saw it had been proven in other cities whether it was New York or Chicago's Millennium Park, she congratulated him, especially for bringing the private sector, over \$30 million in private funding, to the project, that it was amazing in the time frame that he was able to get it done, that they were moving in the right direction. Council Members Galloway, Wiseman, Garcia, Ellis and Green absent.

Council Member Sekula-Gibbs stated Houston was a very diverse City and they had about at least 10,000 people who had Polish ancestry, that some of them might have noticed the posters in the public area of the City Hall Annex celebrating the sesquicentennial of the first Polish American Settlement, that her family actually came over in 1954 with no money in their pockets and no shoes on their feet, but they were proud to say they survived those rugged days

many years ago and set up a community in a little place called Panna Maria, Texas and that was the very first Polish settlement in North America, that they were celebrating 150 years of Polish heritage in North America, that she wanted to thank them for allowing them to put the posters up to tell people a little bit about some of the Polish heroes, scientists and leaders who had shared their talents with the world, that on Friday they would have a concert at the Wortham, on Saturday there would be a banquet at the Mariott in Surgarland and the Ambassador of Poland and President Walesa would be there, that on Sunday in Panna Maria they would celebrate a Holy Mass at the Church of Holy Immaculate Conception and the Bishop would help celebrate, that the Polish American Congress invited everyone to come to the gala, concert and mass. Council Members Lawrence, Galloway, Wiseman, Garcia, Ellis and Green absent.

Council Member Khan stated that he appreciated the work that they were doing, that they passed Item No. 12 regarding Neighborhood Protection and Item No. 13 regarding solid waste, that they got many concerns from the constituents on those two issues, that last night they had a townhall meeting at Imperial Point Community on Bellaire and Wilcrest and those were the two most important topics on their minds, that he thought that code violations needed to be looked at a little more thoroughly, that they asked what happened to the Mayor's Anti Gang Taskforce, that there were a lot of issues regarding gangs in District F and people were not sure how that was going. Council Members Lawrence, Galloway, Wiseman, Garcia, Alvarado, Ellis, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Council Member Khan stated that there were a lot of accidents at the corner of Boone and Caldwell, that it was a neighborhood street and they were requesting a traffic light there, that it was needed and he hoped that Public Works would take a look at it and address the concerns of the constituents. Council Members Lawrence, Galloway, Wiseman, Garcia, Alvarado, Ellis, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Council Member Khan asked what plans, if any, they had regarding the shortage of flu shots, were they working with the Health Department or the County. (NO QUORUM PRESENT)

Council Member Khan stated that early voting had started on Monday and regardless of whom they would vote for he urged everyone to go out and vote. Council Members Galloway, Wiseman, Garcia, Alvarado, Ellis, Sekula-Gibbs and Green absent.

Mayor White stated that Ms. Elena Marks had been giving him updates and had really been deeply immersed with the other public health authorities in the issue involving the flu vaccine and would ask Ms. Marks for a brief summary of some of the things that the City had done, that they would get the update to all Council Members. Council Members Galloway, Wiseman, Garcia, Alvarado, Ellis, Sekula-Gibbs and Green absent.

Council Member Quan stated that this weekend the Texas Dragon Boat Association would be having their first Gulf Coast International Dragon Boat Regatta in Clear Lake, that they had representatives teams from five different countries coming and over 40 teams would be participating, that it was free to the public, that he hoped people would take the time to attend the Dragon Boat Festival. Council Members Galloway, Wiseman, Garcia, Alvarado, Ellis, Sekula-Gibbs and Green absent.

Council Member Quan stated that previously they had some members of Saint Monica's Catholic Church in Acres Home come before Council and talk about the need for a Kidney transplant for their priest, Father Alphonsus, fortunately they were able to raise over \$100,000 through their efforts and the operation was scheduled for next week and they were going to be having a mass this evening to pray for the Father as well as the kidney donor, Ms. Linda Joann Lisowski, that he wanted to thank all those who participated in raising funds. Council Members Galloway, Wiseman, Garcia, Alvarado, Ellis, Sekula-Gibbs and Green absent.

Council Member Quan stated that they also previously had before Council Ms. Francis Christian who had won the Ms. Senior Houston Contest and won the Ms. Senior Texas Contest and she competed last weekend in Biloxi, Mississippi and finished as the second runner up nationally for the Ms. Senior U.S.A. Contest, that they were really proud of all the things that Ms. Christian had done. Council Members Galloway, Wiseman, Garcia, Alvarado, Ellis, Sekula-Gibbs and Green absent.

Council Member Quan stated that he wanted to congratulate Council Member Khan who would be honored tomorrow as a Man of Style, that it was a group who was helping Sickel Cell Research at M.D. Anderson Hospital, so they were funds that would help in that area. Council Members Galloway, Wiseman, Garcia, Ellis, Sekula-Gibbs and Green absent.

Council Member Berry stated that on October 12, 2004 a City employee with 15 years with the City passed away, Mr. Eduardo Martinez, that he wanted to say to his family that they thanked them for his work, that in 15 years with the City he never missed a day and some of the people at 311 stated that he was an absolute joy to work with and gave a lot to the City. Council Members Galloway, Wiseman, Garcia, Ellis, Sekula-Gibbs and Green absent.

Council Member Berry stated that he wanted to give them a brief update on the Performance Bond issue that he asked them to take up, that they were coming along very well with that and thought they were going to see the construction process speed up as a result of that, that they were in the process of training the departments on how to enforce it. Council Members Galloway, Wiseman, Garcia, Ellis, Quan, Sekula-Gibbs and Green absent.

Council Member Berry stated that he wanted to speak on two mobility related issues, that leaving the Astros game two nights ago there was a terrible transportation problem getting out, maybe it needed to be worked out with the Astros but there were insufficient officers hired, that they were either not trained or not interested because there was unnecessary and undue delay, that as they prepare for a World Series contingency plan he hoped that one of the things they looked at was ingress and egress out of that region and making sure that the airport was ready for the international press; that the Trip 2000 Report talked about a mobility first mentality and he thought one of the things they could do was that on the construction projects making sure that they understood that their roads were for traffic, about a block away from City Hall there was a big project going on outside of One Shell Plaza and from 7:00 a.m. to 9:00 a.m. they had traffic stopped unnecessarily for a dump truck to come in one time and go out one time, that they could wait an hour while the rest of the traffic came and went and then get back to their project at 9:00 a.m., that he had a problem with an officer from Clute, Texas, maintaining the street in front of City Hall and causing a traffic jam because he was on his cell phone a half block away and did not want to direct traffic, it was not the mobility first that they had all been working on. Council Members Galloway, Wiseman, Garcia, Ellis, Quan, Sekula-Gibbs and Green absent.

Mayor White stated that most Friday's he gets a little briefing on Travis and Smith and this issue of having people looking at what operations could be deferred until before or after the peak rush hour was something they needed to get on their agenda with Metro, that there was no conflict with Metro, that they had denied the contractors request to close more lanes in connection with the construction project, especially Travis. Council Members Galloway, Wiseman, Garcia, Ellis, Quan, Sekula-Gibbs and Green absent.

Council Member Berry stated that as to railroad crossings, per Mayor White's instructions they had been hard at work on it and Mr. Carl Davis of his office was working almost exclusively on that issue, that he thought their meetings with the railroad companies, they had moved further down the road, they did not want to do more than they had to, but HPD had done a great job and Captain Runyon was the point person on that, that they had already instituted from 7:00 a.m. to 9:00 a.m. and 2:00 p.m. to 4:00 p.m. the critical zones in which case they could not stop on the track, they were in a Memorandum of Understanding with the Legal Department to have

software, it was not the case where they could call and say that at McCarty and I-10 there was a railroad and it was stopped, they did not have that, but as they knew they were now going to have the software to be able to tell where that intersection was and immediately be able to get on it, they had come a long way to just get to that point. Council Members Galloway, Wiseman, Garcia, Ellis, Quan, Sekula-Gibbs and Green absent.

Council Member Berry stated that they had some minor problems with Public Works with some calls not being returned and as they dug deeper he thought it might be a staffing question, he did not like anyone telling him they were busy, they were all busy, but he did see a situation in Public Works where maybe they did not have enough guys who could get in and get things done and maybe that was something they needed to look at from their budget. Council Members Galloway, Wiseman, Garcia, Ellis, Quan, Sekula-Gibbs and Green absent.

Council Member Berry stated that he called Mr. Terrance Fontaine and he was batting a thousand, he had gotten involved and was getting things done and he really appreciated that because when a constituent calls they did not care to hear the reasons that it did not get done. Council Members Galloway, Wiseman, Garcia, Ellis, Quan, Sekula-Gibbs and Green absent.

Council Member Goldberg stated that as to the mobility problem with the Astros games, he knew they needed to look at it, but nothing could compare to the mobility problem with the Texans games, that he went last week and it was thirty minutes before he could even get out of his parking space, that he met with someone from the City who showed him that SMG, the company that manages, spent \$18,000 on a mobility problem to get people out but there was only one problem, they were not following it, that he looked at the plan and looked at what was supposed to be there and the number of officers and gatekeepers were not there, that he thought it was something they needed to look at. Council Members Galloway, Wiseman, Khan, Garcia, Alvarado, Ellis, Quan, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Council Member Goldberg stated that Houston had more than 80 countries that had their consular offices in the City, that recently they took two big countries away from Dallas, Canada and Russia relocated their consular office to Houston, on Saturday the Junior Chamber of Commerce was honoring all of the consulars with a gala and Mayor White and Mrs. White would be in attendance, that it was October 23, 2004 at the Intercontinental Hotel and they were honoring the Hellenic Republic, which was very appropriate because the Olympics were just in Athens, that it was a great event and recommended that whoever could to attend. Council Members Galloway, Wiseman, Khan, Garcia, Alvarado, Ellis, Quan, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Council Member Goldberg stated that he had a conversation with Mr. Litke and luckily nobody on the present City Council voted for an amendment in 1998 to Chapter 42 which said that if they tore down their house and rebuilt it on their property they had to build a sidewalk in front of their house regardless of whether there was any sidewalk in the whole neighborhood, that it was not a very well thought out amendment and wanted to find out if there ever was a good reason behind it, but they were having a problem with a constituent who was rebuilding a house and they were told they had to build a sidewalk in front of it even though it would be connected to nothing, that he would like someone from the Planning Department to come up as to why they were doing a piecemeal sidewalk and would like to bring it to Regulations Planning and Development Committee to see if they could get it changed in the ordinance and have someone get back with him. Council Members Galloway, Wiseman, Khan, Garcia, Alvarado, Ellis, Quan, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she was very excited about what they were doing with Neighborhood Protection but would also encourage the Mayor to advice their own City properties that they had in the districts in the City that they maintained those lots, most of the time on lots in her area she had to call them based on community complaints about the weeded lots and tall bushes, that she would hope that they could be the example for their constituents,

that it would also go for a lot of the companies. Council Members Galloway, Wiseman, Khan, Garcia, Alvarado, Ellis, Quan, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she wanted to thank Mr. Fontaine for the update that he had given her on the bones that were unearthed and that they would be respectfully re-interred and was very glad to hear it was going to be happening. Council Members Galloway, Wiseman, Khan, Garcia, Alvarado, Ellis, Quan, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she wanted to congratulate TSU on their homecoming this weekend. Council Members Galloway, Wiseman, Khan, Garcia, Alvarado, Ellis, Quan, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she would like an update on the selection process of the independent master of the review of the DNA Crime Lab, that she wanted an update as to where they were and if any one had been selected. Council Members Galloway, Wiseman, Khan, Garcia, Alvarado, Ellis, Quan, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she had been visited and called by the attorneys at Municipal Court, they had some serious concerns regarding the pretrial process that was going on, that she had three meetings and she kept trying to refer them to the task force, she was not sure what the communication problem was but that gap needed to be bridged because the perception she was getting from them was that they felt they were not being heard, that she was bringing it to the Mayor's attention. Council Members Galloway, Wiseman, Khan, Garcia, Alvarado, Ellis, Quan, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Council Member Edwards stated that there was a great air show this weekend, that there were a lot of people out there and it was great. Council Members Galloway, Wiseman, Khan, Garcia, Alvarado, Ellis, Quan, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she had the honor and privilege to work with the Mayor's wife on several occasions, that the First Lady of the City was helping to convene a meeting of African American Women on November 4, 2004 to talk about healthy choices and how they dealt with issues regarding their health and giving information as to how they could be better informed regarding such issues as Lupus, Breast Cancer, Domestic Violence, Diabetes and people who were caught in the care giver snafu of having grandchildren and parents they cared for and how to give those people support, that she would co-chair with the First Lady a forum at the Ensemble Theater and wanted to thank her for her leadership on it. Council Members Galloway, Wiseman, Khan, Holm, Garcia, Alvarado, Ellis, Quan, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she would to encourage people, that early voting was going on, that she wanted to give a shout out to the polls in District D, the Astrodome area, Fiesta Mart at 8130 Kirby Drive, the Neartown area, the Metropolitan Multi Service Center at 1475 West Gray, the South Houston area, the Power Center at South Post Oak Road, the Palm Center at 5300 Griggs at MLK and the Sunnyside Multi Service Center at 4605 Wilmington, that they could vote any place else in the City they just had to bring their driver license or some form of identification if they did not have their voter registration card, that she would encourage people to vote the entire ballot. Council Members Galloway, Wiseman, Khan, Holm, Garcia, Alvarado, Ellis, Quan, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Mayor White stated that Council Member Green was holding a committee meeting on Thursday at 2:00 p.m. in order to try to facilitate some of that communication, that he would encourage Council Members to be informed and use their independent judgment about what Council Member Green, Judge Mejia and Ms. Sudhoff and others were trying to accomplish at

the Municipal Courts. Council Members Galloway, Wiseman, Khan, Holm, Garcia, Alvarado, Ellis, Quan, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Council Member Lawrence stated that Item No. 11 was pulled off of the agenda and she hoped it would get put on the agenda, that she had a licensed establishment that served liquor who got its license because it was in the back of a strip center and the neighborhood did not know about it and it was next to a daycare center that was opened 24 hours, seven days a week, that she went by on Sunday night and there were 7 kids in there and the parking lot was full with the new bar, that she looked forward to that coming to the agenda as soon as possible, that next door to the daycare center was a church. Council Members Galloway, Wiseman, Khan, Holm, Garcia, Alvarado, Ellis, Quan, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Council Member Lawrence stated that she wanted to give kudos to Mr. Fontaine also for his working with their office on the parade trail ride and trying to strengthen the ordinance, to be sure that the mistake was not ever made again. Council Members Galloway, Wiseman, Khan, Holm, Garcia, Alvarado, Ellis, Quan, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Council Member Lawrence stated that many times they talked about 311 in a negative fashion but she wanted to say there were a lot of good people there, they had been very helpful to her district office, especially Ms. Waddle, who had gone out of her way to be sure things were done, she was very courteous always, that they needed to realize that 311 was doing their very best and trying to service all of the Council offices and she appreciated the efforts they were making. Council Members Galloway, Wiseman, Khan, Holm, Garcia, Alvarado, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Lawrence stated that she was excited about the park downtown and the partnership with the business community, it was outstanding, that the Mayor was looking to the future of Houston. Council Members Galloway, Wiseman, Khan, Holm, Garcia, Alvarado, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Lawrence stated that tonight was the first meeting on how to protest alcohol licensing that would take place in District A at Spring Shadows Elementary School at 6:30 p.m., that she would encourage any one interested to attend. Council Members Galloway, Wiseman, Khan, Holm, Garcia, Alvarado, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Lawrence wanted to congratulate the Astros and wish them well in the next games. Council Members Galloway, Wiseman, Khan, Holm, Garcia, Alvarado, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 12:30 p.m. Council Members Galloway, Wiseman, Khan, Holm, Garcia, Alvarado, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

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

MINUTES READ AND APPROVED

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Anna Russell, City Secretary