

City Council Chamber, City Hall, Wednesday, November 3, 2004

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, November 3, 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., and Ronald C. Green; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Mr. Arturo Michel, City Attorney, Ms. Jo Wiginton, Senior City Attorney; Mr. Richard Cantu, Director Mayor's Citizens Assistance Office; Ms. Marty Stein, Agenda Director and Mr. Jose Soto, Deputy Agenda Director present. Council Member Michael Berry absent due to being ill.

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

At 9:21 a.m. Mayor Pro Tem Alvarado called to order the meeting of the City Council and stated that they had one Council presentation. Mayor White and Council Members Galloway, Goldberg, Khan, Holm, Garcia, Quan, Sekula-Gibbs and Green absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Alvarado stated that she was pleased to present a proclamation to the Quilt Festival, that it was their 30<sup>th</sup> Anniversary Week, that it was one of the biggest conventions that was held in the City with over 52,000 visitors coming to Houston, that she wanted to congratulate Convention and Entertainment, Convention and Visitors Bureau for the fine work that they did in continuing to bring the great Quilt Convention back to Houston and stated that Bill White, Mayor of the City of Houston, hereby proclaimed November 4 through 7, 2004 as International Quilt Festival 30<sup>th</sup> Anniversary Week in Houston, Texas. Mayor White and Council Members Goldberg, Edwards, Holm, Garcia, Ellis and Green absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

A representative of the Quilt Festival stated that on behalf of the 27 million quilters of America they would like to present Mayor White a beautiful variable star quilt in the hope that it would bring him great pleasure and comfort and thanked the City of Houston for supporting them and the quilters for so many years, that it had been a really wonderful experience to bring the show to Houston since they started it in 1974. Mayor White and Council Members Goldberg, Edwards, Holm, Garcia, Ellis and Green absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

At 9:25 a.m. Mayor Pro Tem Alvarado called to order the meeting to order and called on Council Member Wiseman for the prayer and pledge. Mayor White and Council Members Galloway, Goldberg, Holm and Green absent. Mayor Pro Tem Alvarado presiding.

At 9:22 a.m. the City Secretary called the roll. Council Member Berry absent due to being ill. Mayor White and Council Members Holm and Green absent. Mayor Pro Tem Alvarado presiding.

Council Members Khan moved that the minutes of the preceding meeting be adopted, seconded by Council Member Quan. All voting aye. Nays none. Council Member Berry absent due to being ill. Mayor White and Council Members Holm and Green absent. Mayor Pro Tem Alvarado presiding. MOTION ADOPTED.

Council Member Lawrence moved that they hear the Monthly Financial Report at this time, seconded by Council Member Khan. All voting aye. Nays none. Council Member Berry absent due to being ill. Mayor White and Council Members Holm and Green absent. Mayor Pro Tem Alvarado presiding. MOTION 2004-1101 ADOPTED.

**REPORT FROM CITY CONTROLLER AND THE CITY ADMINISTRATION REGARDING THE CURRENT FINANCIAL STATUS OF THE CITY** including but not limited to, a revenue, expenditure and encumbrance report for the General Fund, all special revenue funds and all enterprise funds, and a report on the status of bond funds and a Quarterly Investment Report by the City Controller - was presented.

Ms. Annise Parker, City Controller, stated that she wanted to thank Council Members for their support on Proposition 3 and the Controllers office really appreciated the strong support from Council and the citizens; that this was the Monthly Financial Report for the month of September and would be another short one, that they were currently projecting a shortfall of \$23 million, it was an increase of \$1.9 million from last month's report and the largest portion of that, \$1.2 million, was attributed to higher than expected interest costs for the annual TRANS borrowing, it was just slightly under budgeted, that another \$600,000 of that was for increased costs for yesterday's election, again it was slightly under budgeted, and the remaining \$69,000 was from the Mercer Pension Contract, which was not included in the original budget; on the revenue side there were no changes in their projections, they were going to revisit that category probably next month, the Sales Tax collections kept trending up and that was good news for the City, in fact the checks had jumped up significantly, but a lot of that was audit collections and was not really true increase in Sales Tax but they saw the trend going in the right direction and would sit down next month with F&A and see if those numbers could be adjusted, that if they looked at their MOFAR they would see that the FY04 numbers had changed, the FY04 column now reflected the current numbers they were seeing as they closed out the books on last year, they wanted to do an interim update to give a better idea of where they were so they could better compare FY05 numbers, that for Council Members who were not aware the City Controllers office was responsible for putting together the Comprehensive Annual Financial Report and they were currently in the midst of doing that, it was due to the bankers and bond holders on December 31, 2004 and the way it worked the information was prepared in the departments and then the Controller's office helped coordinate it and worked with the outside auditors, Delotte and Touche, to put the final audited numbers together, that as she did Monday in the Fiscal Affairs Committee meeting she wanted to begin to alert Council about some concerns they were having with the information they were receiving from the departments, they were getting great cooperation and there were a lot of hard working people out there and wanted to thank Finance and Administration and the accounting folks in the departments for their help but they were having difficulty getting the data and getting it timely, part of it was software issues and they were working to address that, but part of it was long term loss of the knowledge base in accounting, they were not core functions for those departments and they had a lot of folks who were working in areas that were not their areas of expertise and she thought over the next few years if it was not addressed they were going to have a difficult time getting good financial data in at the department level so that they could have the right data at the Controller's level as they looked at it, that concluded the MOFAR report; that she would go into the investment report, that as of September 30, 2004, the City had approximately \$1.7 billion invested in 7 investment pools, the largest pool was the General Pool at \$1.4 billion, earning a yield of 2.4%, the remaining investment pools were for the most part dedicated construction funds, the largest of which was the Airport Construction Fund, which as of September 30, 2004, had a balance of \$195 million, the remaining investment pools were smaller and did not change significantly, that as most of them were aware the Federal Reserve had raised interest rates 3 times since June 2004 and as a result of the increases the yields on their investments were starting to increase modestly but at the same time they had \$1.8 billion invariable rate debt and the interest rate on that was also beginning to creep up, they were not in direct correlation but something to watch, although interestingly long term interest rates had dropped slightly and they were continuing to look for opportunities to refinance, and that concluded her report. Council Members Goldberg, Holm and Ellis absent.

Ms. Judy Gray Johnson, Director, Finance and Administration, stated that they had distributed the full report, that as they knew it was the quarterly report, which was the expanded version, that they had the full amount of the information and estimates for all funds on the

quarterly basis, that they were holding very well on their revenue estimates and had made no changes to their revenue estimates, although there were some very good signs especially in sales taxes, that all of the department spending seemed to be tracking very close to budget as they ended the first quarter so they had no alarms to raise, nobody was running over budget and they were not also seeing any of the departments running significantly under budget, so it seemed to be on course as it should be, and that concluded her report. Council Members Goldberg, Holm and Ellis absent.

Ms. Parker stated that she would remind them that the SWAP disclosure was in the MOFAR since it was the quarterly presentation. Council Members Goldberg, Holm and Ellis absent.

Upon questions by Council Members, Ms. Parker stated that as to Proposition 3 there would be no immediate change because she had already put out her audit plan for the year and they would have to work within that plan, that it identified some performance audits that they would like to do, that Propositions 1 and 2 would really affect next year's budget process, they had already set the tax rate for the year and adopted a budget and she anticipated that there might be some legal issues that would have to be worked out between now and then, that there would be no immediate impact.

Ms. Johnson stated that one of the things that may not have been clear in all of the discussions about what long term Proposition 1 or 2 might have meant, one thing that she wanted to clarify in terms of the financial situation for the City right now and for the next budget year, they had done estimates of revenues and had been working to update their 5 year forecast and get ready to start the budget process but it had always been their expectation that the next budget that would be presented for Council approval would be within the limits of either Proposition 1 or 2, they were not expecting to propose a budget with significant increases in expenditures or sizable new revenues that would have put them anywhere near either one of those caps, that there was not an immediate impact on their budget, that the impact would depend on the financial trends over time, that by immediate, she meant, was within the next fiscal year and the next fiscal cycle through 2006. Council Members Goldberg, Holm, Alvarado and Ellis.

Upon further questions by Council Members, Ms. Parker stated that they had the \$21 million difference since the budget was passed and it had to do with their differing revenue numbers, it fluctuated up and down a little bit as expenses changed, for example they added \$2 million on the expense side for unexpected expenses and would continue to watch that, but that number should converge during the course of the year, and Ms. Johnson stated that primarily the two biggest differences were in property taxes and sales taxes, that it was simply a difference in estimates. Council Members Goldberg, Holm, Alvarado and Ellis absent.

Upon further questions by Council Members, Ms. Parker stated that most of their audits were scheduled out and everybody knew they were coming, that all Council Members received a copy of it and would make sure that they would receive another copy of the audit plan, that at the time they indicated they would like to do 3 performance audits, one of those was already off of the table and that was the Neighborhood Protection Division, the Mayor was doing a wholesale reform of that, the others that they suggested were of the 311 System and the Life Safety Division of the Fire Department, that they were actually working with the Fire Department on that third performance audit and did not know exactly when they might begin, everything had to be conducted within the budget that they had, she had some flexibility in moving items around within her own departmental budget but in essence she had a line item budget that Council granted plus she had her 11 folks who were in house in the Audit Division and she had to do it this year with that line item and with those people, whether she made any changes for the next year's budget she did not know yet; that as to Proposition 1 and 2, the rating agencies were in town and there were 3 meetings so they would quickly find out if there was any impact, that she thought all of them had said consistently that there was no immediate impact from any of them,

it was something that they would consider in their overall analysis of the City's financial health, and she thought they were concerned any time a City had some revenue cap but there was not automatic response to that by the rating agencies and they had an opportunity to work through that, and as was stated they really would not apply until next year and looking at the population growth and the rate of inflation and the decisions that the administration would make they may not see an impact on the City's spending until perhaps the fiscal year after that. Council Members Lawrence, Goldberg, Holm, Garcia and Alvarado absent.

After further discussion, Council Member Edwards stated that she would like to suggest that if nothing else Ms. Parker's top priority be within the Crime and DNA labs for the City, and Ms. Parker stated that she did take suggestions from Council Members and they did incorporate several into the audit plan, she would suggest that the Crime Lab was under major external review at this point and there was not the necessity for the Controller's office to be involved in that although she had been invited to observe that process and be part of the oversight team on that, but it would not be the Controller's auditors and they frankly did not have the expertise for that, that in terms of the Police property room issue, that was being examined as well and the Police Chief had created a new Inspections Division within HPD, he had asked her auditors to help put together a training program for them and she thought they were moving in the right direction on that, that she did not have the name of the organization that was doing the audit currently, that she would make sure that Council Member Edwards would get that information. Council Members Lawrence, Goldberg, Holm, Garcia and Alvarado absent.

Mayor White stated that he wanted to thank the Controller and appreciated her leadership and Council Member Edwards as well on Proposition 3, that he thought that the City would be better off as a result of the vote of the public, that he wanted to thank the leadership of Ms. Johnson as well, that the effect of Propositions 1 and 2 both sent a message in support of the policies of fiscal discipline that were embodied in the budget that was unanimously passed by the Council, that they had prepared budgets, that had not been approved by Council but would like to look at what was going on in the out years, that did reflect some of the changes that would be made in the Charter, the most important of which was that they incorporate in the budgets what they had in ordinances and go beyond that, the out year budgets and their projections, the increase in the senior exemption, which would be an immediate impact, that they would have the City Attorney address again what the impact of the Charter changes were, that the administration and Council had decisions to make concerning what budgets they would present, that they were using planning budgets that they intended to submit that fell within both the limits of Proposition 1 and 2, that it was their intention to submit budgets that comply with those propositions.

Council Member Ellis moved to accept the Financial Reports, seconded by Council Member Khan. All voting aye. Nays none. Council Member Berry absent due to being ill. MOTION 2004-1102 ADOPTED.

Council Member Green moved to hear Mayor's Report prior to the public session, and Mayor White stated if there was no objection it was so ordered.

### **MAYOR'S REPORTS** - Municipal Court Reforms

Mayor White called on Council Member Green, and Council Member Green stated that they knew that over the next few months they had been charged with accessing the Municipal Courts and making it better for citizens, making it a more pleasant experience but making it more efficient as well from the City's perspective, that present today was Judge Bertha Mejia who was the presiding judge along with Ms. Barbara Sudhoff, Chief Clerk over the administrative section and Mr. Jim Moriarty who had worked very closely as a lawyer in the community and who had worked very closely with them and helped improve the court's processes, that they would see an overview of some of the things that had been instituted, some of the future plans and some of the input that they had taken into consideration.

Mr. Moriarty, Judge Mejia and Ms. Sudhoff reviewed a report titled "Justice Through Technology", a copy of which is on file in the City Secretary's Office for review.

Council Member Green stated that he wanted to thank Mr. Moriarty, Judge Mejia and Ms. Sudhoff for the report and wanted to let people know that they had a Council committee that had been addressing those issues as well and they met once about two weeks ago and would meet on an as needed basis which would probably be every other month as the system was implemented, that they expected to have the next meeting in December 2004. Council Members Galloway and Holm absent.

Mr. Moriarty, Judge Mejia and Ms. Sudhoff were questioned at length by Members of Council.

At 10:16 a.m. Mayor White stated that they would move to the public session. Council Members Galloway and Holm absent.

Mr. Lee Barnes, 2425 S. Loop W., Houston, Texas 77027 (713-417-6176) appeared and stated that he was present on Item No. 71 and represented Account Management Systems, that they were a licensed third party administrator which was licensed by the Texas Department of Insurance and had been in business since 1997 and in 2002 grossed over about \$200 million, they had been in discussion with Select Care and had done business with health plans before that had the major contract with the City, that Select Care came to the table and they were able, in essence, to strike a deal so that they would allow them to perform some functions if they were awarded the contract, that they needed to move on and get the item passed, that he applauded Select Care for stepping up to the table and allowing his organization to participate in the product so at the end of the day he was asking that Council approve the item. Council Members Galloway, Goldberg, Holm, Ellis and Quan absent.

Upon questions by Council Members, Mr. Barnes stated that he was the Chief Executive Office of Account Management Systems, that they turned in their MWBE application in April, that they had subcontracts with HMO Blue Texas, Aetna and a lot of the health plans that had been doing business with the City, that they had met all of the credentials for the MWBE and the only thing that the City needed to do was go out and do a site visit, that financials, history of their organizations and all of those items had been provided to the diversity department with the City, that he did not have the information with him to share with the City Council, that he had been talking with Select Care for about 6 to 7 months, that they had tried to negotiate a delegated agreement to be a partner with them in their Medicare product, that it was a highly regulated business so the contracts took a long time to negotiate, that he did not have a contract with Select Care now, that he could not answer if Select Care had a contract with any MWBE certified group of physicians, that had a relation in the past with Gulf Coast IPA, that he left Gulf Coast Managed Care and formed an organization called The Greater Houston Intercultural Physicians Association, that he left Gulf Coast before they went out of business, that he left because of their mismanagement, that Select Care sent over a Letter of Intent for them to perform some functions, that they would be doing performance subrogation for Select Care, that he would give the City Council copies of their financials and a list of the primary care physicians that they had under contract. Council Members Goldberg and Ellis absent.

Ms. Diane Campagna, 9223 Landwood, Houston, Texas 77040 (713-466-8932) appeared and stated that she was present with her son and they were present to ask for some clarification and resolution on an issue that occurred as the result of a City garbage truck running over her son's car in May, that on May 24, 2004 his car was parked in front of their home within the City limits, the garbage truck backed into it and totaled it, that it was a total loss, that HPD responded, took the report and ordered the car to be towed, that she was not home at the time, that she was at a business meeting, that her son followed the HPD officer's request to have the car towed and it was taken to a storage lot, that she had since submitted the claim for all of the

damages to the Legal Department following the list of requirements submitted for the notice of claim for damages that the HPD officer had provided, that the total claim was \$3,131.00 at that time, the car was not a very valuable car and the problem was not the value of the car but the storage, the storage had been running at \$25 per day at the storage lot, the storage fee alone was now in excess of \$4,500, the Legal Department came back and offered a settlement of \$1,031, but did not cover any of the storage fees and the storage fees would not have occurred had the HPD officer not requested that the car be towed, that there were some issues about clarification on the policy, the Legal Department was telling her that there was actually City policy that the City did not pay storage whatsoever and there was no discussion or negotiation of the amount that they were requesting, that she did not have any legal avenues other than pursuing it in small claims court, that she contacted Council Member Lawrence office and spoke with Mr. Robert Quarles and he reviewed it and said there was nothing they could do and suggested that she come and seek equitable relief and negotiation by addressing the City Council, that her son paid for the car himself, he was a 17 year old student at Jersey Village High School and saw all of his fellow students driving to school in BMW's and other very expensive cars that mom and dad had purchased for them, that he purchased his car, it was a 1994 Ford Probe, the value of which was about \$800 or \$900 total and that was his sole transportation to school and work, that he had been without the vehicle, that since that time he borrowed money from an uncle so he could buy another vehicle. Council Members Goldberg and Alvarado absent.

Upon questions by Council Members, Ms. Jo Wiginton, Senior City Attorney, stated that she did not have the answer as to whether it was a policy or law that was in place that would not allow the City to pay for the storage fee, that she could find out, that by law the City was limited to \$100,000 as the maximum amount that could be paid for property damage caused by a motor driven vehicle but did not know how that was apportioned but would find out for them. Council Members Goldberg and Alvarado absent.

Upon questions by Council Members, Ms. Campagna stated that the car ended up in the lot for so long because they were waiting for a resolution so they could get the car removed from the lot, that the lot owner would not release the car until they paid the storage fee and she simply could not afford to pay the storage fee at \$25 per day for the last six months; the car was not blocking traffic in any way after it was hit, it was sitting in their front yard.

After further discussion, Council Member Lawrence asked if the car was not blocking traffic why did HPD have the authority to call the wrecker and send it to storage and if they did that who should really be responsible for paying the fee if it was not blocking traffic and doing no harm in the street, that there were some questions to look at, what is HPD's authority and what should they do if a car is not blocking traffic in any way, what was the City's policy about going on to private property and having something towed, and Ms. Wiginton stated that she did not understand and was calling the Legal Department for some information, that she was at a loss to know why they would be towing it at that time, that there were provisions to tow eyesore vehicles that had been abandoned, and Council Member Edwards stated that she wanted to know the status of the driver who hit his car. Council Members Goldberg and Holm absent.

Ms. Anna Martin, 3114 Airport Blvd., Houston, Texas 77051 (713-733-4833) had reserved time to speak but was not present when her name was called.

Mr. Lloyd Robinson, 6156 S. Loop East, No. 602, Houston, Texas 77087 (832-540-9687) had reserved time to speak but was not present when his name was called.

Ms. Jeanna (would not give last name) had reserved time to speak but was not present when her name was called.

Mr. Frank Black, 5112 Clay, Houston, Texas 77023 (713-301-6813) appeared and stated that he had been present several times about the ditches at the 5100 block of Clay, that he was

not going to ask for them to be fixed any more, he decided to give up on it because the City did not intend to fix them at all, that he had pictures to pass around, that he was present at Council about 3 months ago and the City came out in response to his request about the ditches being in bad shape, when they came out it was 3 days after a rain, a very moderate rain, that the pictures showed what the ditches looked like one day after the City left and stating that the ditches were drained fine and did not need any kind of work, it was one day after the City left, that they had people come out from the City and tell them that the City had dug the ditches wrong and were too wide, steep, deep and not the right grade but when they contacted the City they were told that the survey was just fine, that they did not need it, that he had people come out and ask who they voted for Mayor and then they never heard from them again, that he did not vote for Mayor White but thought he was doing a pretty good job, that it was just that there was stuff going on in the block that they needed to take care of, that they had mosquito's and slime and sludge and when somebody stands in a foot of water in the middle of ditch and the City worker comes out and says there was nothing wrong with it either he was incompetent or he was seeing things, that there was somebody blocking them from getting the ditch fixed, that all they ask for is a pipe to be put into the ditch and covered with dirt and they could not get that, that it was silly and ridiculous. Council Members Goldberg and Qua absent.

After discussion by Council Members, Council Member Edwards stated that this issue was the type of issue that they had been trying to address through the Flood and Drainage Committee and was one of the reasons they had been trying to have the meetings in the districts so that the people could come and talk about the issues that they did not have information on, that it was prevalent throughout the City and would encourage them to schedule the meetings so they could get that type of thing going, that she would like to refer this to Mr. David Peters and Mr. Kidder to go out and check on it, that looking at Mr. Black's pictures she thought there was something that could be done to give him some immediate relief. Council Member Quan absent.

Mr./Coach R. J. Bobby Taylor, 3107 Sumpter, Houston, Texas 77020 (202-FA3-4511) had reserved time to speak but was not present when his name was called. Mayor White absent. Mayor Pro Tem Alvarado presiding.

Mr. Charlie Schoen, 16411 Luthey Lane, Houston, Texas (281-443-3454) had reserved time to speak but was not present when his name was called. Mayor White absent. Mayor Pro Tem Alvarado presiding.

Mr. Steven Williams, No Address, No phone had reserved time to speak but was not present when his name was called. Mayor White absent. Mayor Pro Tem Alvarado presiding.

Mr. Roderick Clarke, 8911 Corbridge, Richmond, Texas 77469 (713-398-4730) had reserved time to speak but was not present when his name was called. Mayor White absent. Mayor Pro Tem Alvarado presiding.

Mr. Wade Stockstill, 707 N. Drennan, Houston, Texas 77003 (832-347-7120) had reserved time to speak but was not present when his name was called. Mayor White absent. Mayor Pro Tem Alvarado presiding.

Ms. Juanita Ortega, 2915 Cochran, Houston, Texas 77009 (713-228-6112) had reserved time to speak but was not present when her name was called. Mayor White absent. Mayor Pro Tem Alvarado presiding.

Minister Johnny Jeremiah, 5406 Burma, Houston, Texas 77033 (713-545-3862) appeared and stated that he was present about what was going on in the projects, that there was no after school program, that he had been doing a survey, that they wanted to find some money for an after school program so they could put it in the projects across from Texas Southern University, Clayton Homes and other homes so that when the children got home they could have

something to do, that they had a \$350,000 building with computers, life skills, computer skills, culinary arts, GED and SAT, that he owned the building and they had been doing it through Work Source and now they were looking for other money to bring them out, they had vans, but were looking for money to pay for teachers, that if they did not have something for the children to do when they got out of school that was where the problem was. Mayor White and Council Member Holm absent. Mayor Pro Tem Alvarado presiding.

After discussion by Council Members Minister Jeremiah was requested to look at the certification process through the City of Houston After School Program, that the Parks Department was now monitoring the After School Program, that there was a certain grant process, if he could present a program to them they would go through an evaluation process and would be more than happy to work with him. Mayor White absent. Mayor Pro Tem Alvarado presiding.

Council Member Garcia stated that there were some students in the audience from Burbank Middle School and asked that they stand and be recognized. Mayor White and Council Members Goldberg and Green absent. Mayor Pro Tem Alvarado presiding.

Ms. Jennifer Walker, Post Office Box 1931, Austin, Texas 78767 (512-477-1729) had reserved time to speak but was not present when her name was called. Mayor White and Council Members Goldberg and Green absent. Mayor Pro Tem Alvarado presiding.

Mr. Josef Khansyan, 9910 Mossy Tree, Houston, Texas 77064 (713-628-9764) had reserved time to speak but was not present when his name was called. Mayor White and Council Members Goldberg and Green absent. Mayor Pro Tem Alvarado presiding.

Mrs. Giovanna Khanoyan, 9910 Mossy Tree, Houston, Texas 77064 (713-628-9764) had reserved time to speak but was not present when her name was called. Mayor White and Council Members Goldberg and Green absent. Mayor Pro Tem Alvarado presiding.

Ms. Alice Valdez, 1900 Kane St., Houston, Texas 77007 (713-805-6769) appeared and stated that she was the founder and Executive Director of MECCA, a non profit arts education and social service agency that had served Houston's inner city youth for 27 years, that since 1993 MECCA had operated out of the Dow School Building, a former elementary school that HISD closed in 1991, that she was surprised to learn that the City was proposing to now remove the school zone signs around the Dow School Building, raising the speed limit in the area because the building was no longer functioning as an HISD school, that she understood that the decision to remove the signs was made as a matter of policy, however she was requesting that they make an exception to the policy in situations such as MECCA's where there was still a large number of children that used those streets to attend programs at MECCA, that MECCA's after school and summer programs brought many children to the Dow School Building every day, Monday through Friday, almost every week of the year, that additionally the Dow School Building remained a drop off location for HISD buses, so children were still using these streets and sidewalks that at this time were protected by the school zones, that she was requesting that the school zone signs remain intact for the simple reason that the signs were still protecting children, the increased likelihood of an unspeakable tragedy far outweighed any benefit gained by removing the signs, that she would like to add that since she signed up to speak yesterday, Mr. Gary Norman, Public Works Department, had informed her that a study would be conducted regarding the school zone signs around the school, that she appreciated that a study was going to be made but thought that just because there were children there was enough to make them decide that they should not take those signs down; that because she mentioned MECCA's after school program she would also like to briefly bring up a point regarding funding for the Mayor's After School Achievement Program, that MECCA had received funding for the program since its inception, however MECCA was recently informed that its child care license exemption, which was required to receive funding for the program, was no longer valid because MECCA was classified by the agency that made the decisions as a skilled based program and not an after

school program, she believed it was somewhat ridiculous that MECCA be denied funding because they were teaching children skills or that a skill based program could not also be considered an after school program, she hoped she could count on their support as MECCA tried to retain its Mayor's After School Achievement Program funding based not on seemingly arbitrary decisions but on the merits of their programs. Mayor White and Council Members Goldberg and Green absent. Mayor Pro Tem Alvarado presiding.

Council Member Sekula-Gibbs they thanked Ms. Valdez for all of her good work and passion that she had for educating young people in the cultural arts. Council Members Goldberg and Green absent.

Council Member Garcia stated that the issue of keeping the speed zones around the facility was a very warranted and necessary objective to achieve; that on the issue of after school, skills in life, art and education were what they were working for, that she could count on him to help move that process forward. Council Members Lawrence, Goldberg and Wiseman absent.

Mayor White stated that they were going to proceed with the common sense approach and believed that Public Works with the direction given could figure out a way of slowing the traffic that did not violate the law. Council Members Lawrence and Goldberg absent.

Ms. Suzanne Poole, Post Office Box 1035, Missouri City, Texas 77459 (281-438-5427) appeared and stated that she had a hand out for City Council and was present representing Houston Professional Towing Association, they requested the sources of statistics which were quoted to City Council, the citizens of Houston and their industry, the Office of Mobility could never given them the information and finally they requested it under the Open Records Act, one of the reasons they asked for them was that the statistics were quoted as the reason to regulate the wreckers further and to promote the Mayor's Mobility Program, the pages that they had been given this morning were from that study, that the study was from the State of Washington which was dated 1995, almost 10 years ago, that they had been told that the second scene accidents and traffic congestion associated with accidents were their fault, the study showed that 20% of second scene accident statistics was a ballpark estimate, never had she ever seen anyone use a study based on ballpark estimates, that Council based its opinion on the statistics and they had no actual merit, the wreckers at the accident scene were first limited to 4 wreckers arriving at the scene and then limited to the number of vehicles involved in the accident, that Lieutenant Bender was now requesting that they move that back to 4 wreckers because the scenes were not protected accurately, they placed the extra wreckers between the emergency equipment and the people who had been injured so they would not be in a second scene accident, that Council's initial decision was based on misinformation and the contract would place an undue hardship on the poor and elderly and for what reason since HPD had actually slowed down their response since April, they were allowing vehicles to be placed on private property instead of being towed, that vehicles with deployed airbags and loose body members to be driven off by the residents, that was not safe for any of them, that if moving traffic and increasing safety were the priority they had not been accomplished, it was actually slower to clean the accident now than it was in April, that in January 700 HPD officers were retired but there was no candidate school at this time, that Mr. Saperstein said they would be getting 440 motorcycles, 4 zebra units and a helicopter to expedite traffic, but where were the officers going to come from that were going to use those vehicles, they did not have an answer. Council Member Goldberg absent.

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 Member Goldberg absent.

Mr. James Partsch-Galvan, 1610 Holman, Houston, Texas 77004 (713-528-2607) had reserved time to speak but was not present when his name was called. Council Member

Goldberg absent.

Mr. Joseph Omo Omuari, 2820 Palm 2B, Houston, Texas 77004 (713-723-3453) had reserved time to speak but was not present when his name was called. Council Member Goldberg absent.

President Joseph Charles, Post Office Box 52437, Houston, Texas 77052-4373 (713-203-7738) had reserved time to speak but was not present when his name was called. Council Member Goldberg absent.

Senator Robert Horton, 3714 Bain, Houston, Texas 77026 (713-260-6144) appeared and voiced his personal opinions until his time expired. Council Member Goldberg absent.

At 11:26 Mayor White stated they would move to the consent agenda.

### **CONSENT AGENDA NUMBERS 1 through 70**

#### **MISCELLANEOUS** - NUMBERS 1 through 8

1. REQUEST from Mayor for confirmation of the appointment of **MS. ELIZABETH LYNN** (Humble Independent School District Representative) to Position 7 of the **LAKE HOUSTON REDEVELOPMENT AUTHORITY BOARD OF DIRECTORS**, for a term to expire December 31, 2005 - was pulled from the agenda by the administration and was not considered.
2. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **REINVESTMENT ZONE NUMBER TEN, CITY OF HOUSTON, TEXAS (LAKE HOUSTON) BOARD OF DIRECTORS**:
  - Position 1 - **MR. JAMES D. SHANKS**, reappointment, for a term to expire 12/31/2005
  - Position 2 - **MS. DIANA MORALES TAYLOR**, appointment, for a term to expire 12/31/2004
  - Position 3 - **MR. JOSEPH L. STUNJA**, reappointment, for a term to expire 12/31/2005 and to serve as Chair for a term ending 12/31/2004
  - Position 4 - **MR. JOSEPH A. CLEARY, JR.**, appointment, for a term to expire 12/31/2004
  - Position 5 - **MR. MICHAEL FRAZIER**, reappointment, for a term to expire 12/31/2005- was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Berry absent due to being ill. MOTION 2004-1103 ADOPTED.
3. REQUEST from Mayor for confirmation of the appointment of **MR. RUSSELL JACKSON** (Houston Independent School District Representative) to Position 6 of the **UPPER KIRBY REDEVELOPMENT AUTHORITY BOARD OF DIRECTORS**, for a term to expire July 20, 2005 - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Berry absent due to being ill. MOTION 2004-1104 ADOPTED.
4. REQUEST from Mayor for confirmation of the appointment of **MR. ARTHUR M. LINCOLN**, to serve as Part-Time Municipal Court Judge, for a term to expire two years from the date of appointment - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Berry absent due to being ill. MOTION 2004-1105 ADOPTED.
5. RECOMMENDATION from Director Finance & Administration Department for renewal of

membership in the **TEXAS MUNICIPAL LEAGUE** - 1 Year - \$68,613.00 - General Fund - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Berry absent due to being ill. MOTION 2004-1106 ADOPTED.

7. RECOMMENDATION from Chief of Police for Extension of Injury on Duty Leave for Officer **ROBERT DOYLE** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Berry absent due to being ill. MOTION 2004-1107 ADOPTED.
8. RECOMMENDATION from Chief of Police for Extension of Injury on Duty Leave for Officer **LEROY U. WEAVER** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Berry absent due to being ill. MOTION 2004-1108 ADOPTED.

Council Member Edwards moved to suspend the rules to consider Item Numbers 22, 24, 25 and 71 out of order, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Member Berry absent due to being ill. MOTION 2004-1109 ADOPTED.

22. ORDINANCE amending Exhibit "A" of City of Houston Ordinance No. 90-1292 (as amended by City of Houston Ordinance No. 2004-0845) to amend the Master Pay Structure amending the City's Authorized list of Job Classifications by changing the pay grade of five specialized classifications; substituting the amended exhibits as part of the current Master Classifications Listing - was presented, and tagged by Council Members Wiseman and Galloway.

Council Member Edwards stated that she would tag the item, that she had some serious concerns about possibly 8% pay raise or status in the pay categories, that if it was just going to be based upon competitive pay the clerks in her office needed to be paid competitively to the folks that worked in private industry, if they were going to have people paid based on competitive pay she would also like to include some other classifications, that she would like to speak to whoever was responsible for looking at this.

Council Member Garcia stated that he wanted to echo the same concerns and what was the status of the front line workers, what was the plan to keep those folks on board or bring on new folks and their level of compensation as it related to keeping them on staff, what was the overall plan for staffing and funding their employees.

Mayor White stated that he appreciated that and they ought to get a briefing on it, that he would ask HR to work with Council Member Edwards.

Council Member Galloway stated that she concurred with her colleagues, that Council staff went up to a certain pay grade and they could not exceed that amount, that she thought they needed to look at other departments as well, that she would like to get with the Mayor's staff as well.

24. ORDINANCE **AMENDING THE CODE OF ORDINANCE, HOUSTON, TEXAS**, relating to the term Department Director; containing other provisions relating thereto; providing for severability - was presented, and tagged by Council Members Galloway, Wiseman and Quan.

Council Member Galloway stated that she had some major concerns with the item as it related to department directors, especially when it related to Council department directors because per their Charter it was not in compliance and maybe she would add an amendment to delete that portion of Council as far as administrative out of there, they could do it that way because she had a serious problem with the item.

Council Member Alvarado stated that she could certainly understand if some of her colleagues had questions on the item and agreed that it ought to be tagged so they would have time to review it more but would like some point of clarification of what the item was because she did not think that what it was intended to do was reflected in the RCA and would like for someone in the administration to just point out what the real purpose was especially as it related to Council, that she thought everybody was clear for the most part as it related to the individual departments and asked Mayor White to designate someone from the administration just to talk about how that transferred, what he was doing when he got the notices for termination and signing it for every employee whether they were working for a Council Member or a department, that she understood that when someone was terminated they might be on the payroll for two or three weeks because the paperwork was making its way to the Mayor, that she wanted someone to explain and clarify.

Mayor White stated that he agreed based on some comments at the agenda meeting, that he was asking what it was all about, that he wanted somebody to explain it, that all Council Members needed an explanation on the item and asked Mr. Hall who would be the appropriate person to brief Council Members.

Mr. Hall stated that they had a system that required that Mayor White officially sign terminations and frankly with more than 20,000 employees it did not make sense anymore, that Mayor's did that on the recommendation of department heads, that he did not draft the item but as he understood it was a way to cause the ordinances to be amended so that the department heads, who in fact made those judgments and recommendations could go ahead and sign the paperwork to affect it, that was what it was about, that there was a technical thing that he thought Council Member Galloway raised and it had been around for a long time and that was that there was no "department head" for City Council and some others, and this was an effort to empower them to do the same things with regard to the people who worked in those divisions, that was what the item was about as he understood it.

Mayor White asked that Ms. Connie Acosta, Legal Department, put something briefly in writing and English that was clear to people, that he thought it would be helpful, and Mr. Hall stated that it might be good to have a Council committee flush out the questions so they could be certain to be responsive to the things that they were concerned about so then they could be certain what the questions were and what they wanted them to respond to and Mayor White stated that would be fine and they could review all of those things.

Council Member Galloway stated that they could refer the item to the Council Governance Committee so they could have a meeting to iron out all the discussion her main concern was based on the City Charter she would like to eliminate Council, the Mayor had authority for any of the other departments as deemed necessary but not as it related to City Council, so that was the only area that she was concerned about in the ordinance, they had to remove the wording that addressed Council completely out of the ordinance, that she would prefer if other Council Members had concerns and questions that they could hold it off until they had a Council Governance Committee meeting.

Mayor White asked Council Member Wiseman how she thought it bore on the timetable of the item and Council Member Wiseman stated that the Council Governance Committee would be more than willing to have a special committee meeting to address the item and she would be willing to remove her tag from the item so they could consider a motion to refer it back to the Council Governance Committee, that they could call a special meeting next week.

Council Members Galloway, Wiseman and Quan released their tags on Item No. 24 and Council Member Galloway moved to refer Item No. 24 to the Council Governance Committee, seconded by Council Member Wiseman.

After further discussion a vote was called on the motion to refer Item No. 24 to the Governance Committee. All voting aye. Nays none. Council Member Berry absent due to being ill. MOTION 2004-1110 ADOPTED.

25. **ORDINANCE AMENDING SECTION 14-182 OF THE CODE OF ORDINANCE, HOUSTON, TEXAS**, relating to Removal, Demotion and Suspension of Employees; providing for severability - was presented.

Council Member Galloway moved to refer Item No. 25 to the Council Governance Committee, seconded by Council Member Wiseman. All voting aye. Nays none. Council Member Berry absent due to being ill. MOTION 2004-1111 ADOPTED.

71. ORDINANCE relating to Health Care Benefits for city retirees, deferred retirees, survivors and certain dependents; approving and authorizing various agreements regarding Medicare Managed Care Plans for the aforementioned beneficiaries, approving maximum contract amounts 1 Year with 4 one-year options - \$9,000,000.00 (Total for two contracts) – **(This was Item 44 on Agenda of October 13, 2004, POSTPONED BY MOTION #2004-1082)** - was presented.

Council Member Alvarado moved to postpone Item No. 71 for two weeks, seconded by Council Member Khan.

After discussion by Council Members, Council Member Sekula-Gibbs stated that she had a hand out for Council Members review, that they ought to consider sending the item back so that they could get a true and accurate request for proposal into the community, and Council Member Edwards stated that she would like to suggest that the administration give them some focus on how they could discuss the matter in a transparent way, that she did not know what committee the item should go before, they had been discussing it for at least three Council meetings that she was aware of and would ask the administration to give them some focus in a committee structure or a Mayor's Report where they could talk about it with some documentation, and Mayor White stated that he agreed and thought that the two weeks would allow them to do that.

Council Member Wiseman moved to suspend the rules to remain in session beyond the scheduled noon recess to complete the agenda, seconded by Council Member Green. All voting aye. Nays none. Council Member Berry absent due to being ill. MOTION 2004-1112 ADOPTED.

After further discussion by Council Members, a vote was called on the motion to postpone Item No. 71. Council Member Sekula-Gibbs voting no, balance voting aye. Council Member Berry absent due to being ill. Council Member Holm absent. MOTION 2004-1113 ADOPTED.

**ACCEPT WORK** - NUMBERS 11 and 12

11. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$417,926.00 and acceptance of work on contract with **INDUSTRIAL TX CORPORATION** for Millbanks Lift Station Rehabilitation, GFS R-0267-77-3 (4276-37) - 00.32% under the original contract amount - **DISTRICT C - GOLDBERG** - was presented, moved by Council Member Alvarado, seconded by Council Member Khan. All voting aye. Nays none. Council Member Berry absent due to being ill. Council Member Goldberg absent. MOTION 2004-1114 ADOPTED.
12. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$10,193,927.92 and acceptance of work on contract with **TEXAS STERLING CONSTRUCTION, L.P.** for Construction of 84-inch Water Line along West 24th Street from Durham Drive to Airline Drive, GFS S-0900-65-3 (WA10638) -

09.19% over the original contract amount - **DISTRICT H - GARCIA** - was presented, moved by Council Member Alvarado, seconded by Council Member Khan. All voting aye. Nays none. Council Member Berry absent due to being ill. Council Member Goldberg absent. MOTION 2004-1115 ADOPTED.

**PROPERTY** - NUMBERS 13 through 15

13. ORDINANCE appropriating \$95,639.00 out of Water & Sewer System Consolidated Construction Fund Number 755 to pay the amount needed to settle this case and pay the City's costs of court in connection with the eminent domain proceeding styled City of Houston v. Kirby 610 Tech, Ltd., a Texas limited partnership, et al., to acquire Parcel Number CY1-1, for the Kirby No. 3 Lift Station Project; GFS/CIP R-0267-65-1 - **DISTRICT D - EDWARDS** - was presented. All voting aye. Nays none. Council Member Berry absent due to being ill. Council Member Goldberg absent. ORDINANCE 2004-1096 ADOPTED.
- 13a. RECOMMENDATION from City Attorney to settle eminent domain proceeding styled City of Houston v. Kirby 610 Tech, Ltd., a Texas limited partnership, et al.; Cause No. 776,689; for a total amount of \$100,000.00 and pay the City's costs of court, in connection with **KIRBY NO. 3 LIFT STATION PROJECT**; GFS/CIP R-0267-65-1 - **DISTRICT D - EDWARDS** - was presented, moved by Council Member Alvarado, seconded by Council Member Khan. All voting aye. Nays none. Council Member Berry absent due to being ill. Council Member Goldberg absent. MOTION 2004-1116 ADOPTED.
14. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Yvette Palomo, on behalf of Rose K. Cemino and Anna M. Allen, declining the acceptance of, rejecting, and refusing the dedication of a 30-foot-wide unnamed road, from Taft Street to Rhode Place, Settegast and Rohde Subdivision, Parcel SY5-013 - **DISTRICT I - ALVARADO** - was presented, moved by Council Member Alvarado, seconded by Council Member Khan. All voting aye. Nays none. Council Member Berry absent due to being ill. Council Member Goldberg absent. MOTION 2004-1117 ADOPTED.
15. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Kim Icenhower of Brown & Gay Engineers, Inc, on behalf of Vista Equities Group, Inc. (Woody Mann Jr., president), declining the acceptance of, rejecting, and refusing the dedication of a 10-foot-wide sanitary sewer easement, from Alameda Road east to its terminus at Old Brays Bayou Channel, out of a ±4.74-acre tract, located within the G. P. Foster Survey, Abstract 273, and recorded in Volume 785, Page 715, Harris County Deed Records, Parcel SY5-017 - **DISTRICT D - EDWARDS** - was presented, moved by Council Member Alvarado, seconded by Council Member Khan. All voting aye. Nays none. Council Member Berry absent due to being ill. Council Member Goldberg absent. MOTION 2004-1118 ADOPTED.

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 16 and 21

16. **GRAYBAR ELECTRIC CO.** - \$686,916.79 and **CITY BUILD UTILITY SUPPLY** - \$93,536.00 for Communication Cable and Supplies for Information Technology Department - Central Service Revolving Fund - was presented, moved by Council Member Alvarado, seconded by Council Member Khan. All voting aye. Nays none. Council Member Berry absent due to being ill. Council Member Goldberg absent. MOTION 2004-1119 ADOPTED.
21. **AMEND MOTION #2000-1336, 11/1/00, as amended by #2003-1220, 10/15/03, TO EXTEND** expiration date from November 6, 2004 to November 5, 2006, for Industrial,

Medical and Specialty Gases Contract for Various Departments, awarded to **AIRGAS SOUTHWEST, INC** - was presented, moved by Council Member Alvarado, seconded by Council Member Khan. All voting aye. Nays none. Council Member Berry absent due to being ill. Council Member Goldberg absent. MOTION 2004-1120 ADOPTED.

**ORDINANCES** - NUMBERS 28 through 68

28. ORDINANCE approving and authorizing lease agreement between the City of Houston and **TEX-AIR HELICOPTERS, INC** for Certain Premises at William P. Hobby Airport - **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. Council Member Berry absent due to being ill. ORDINANCE 2004-1097 ADOPTED.
29. ORDINANCE accepting the KGA Art Bench for placement in the Bob Lanier Public Works and Engineering Building and approving and authorizing an agreement between the City of Houston and **PETER AND ALISON BAUMANN** for Donation of such work of art - **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. Council Member Berry absent due to being ill. ORDINANCE 2004-1098 ADOPTED.
36. ORDINANCE approving and authorizing amendment to sponsorship agreement approved by Ordinance No. 98-651 with **INDIAN TRAIL MAINTENANCE FUND** for Solid Waste Collection Services - 11 Months - \$264.00 - **DISTRICT G - HOLM** - was presented. All voting aye. Nays none. Council Member Berry absent due to being ill. ORDINANCE 2004-1099 ADOPTED.
38. ORDINANCE approving and authorizing a Pipeline Reimbursement Agreement between **HOUSTON PIPELINE COMPANY** and the City of Houston, not to exceed \$170,700.00 from the Series E Commercial Paper Metro Project Fund, Fund No 49M, related to the Kirkwood Road Improvements for Bellaire Boulevard to Alief Clodine Road, for additional Steel Casings around the pipeline and appurtenances to be constructed in the existing easement owned by Houston Pipeline Company (GFS N-0575-02-2 - SB9066) - **DISTRICT F - KHAN** - was pulled from the agenda by the administration and was not considered.
39. ORDINANCE appropriating \$36,681.75 out of Street & Bridge Consolidated Construction Fund (437) for removal or relocation of pipelines for the El Dorado Boulevard Extension Project; GFS N-0712-01-3 (SB9170-01); approving a reimbursement agreement with **EXXONMOBILE PIPELINE COMPANY** - **DISTRICT E - WISEMAN** - was presented. All voting aye. Nays none. Council Member Berry absent due to being ill. ORDINANCE 2004-1100 ADOPTED.
40. ORDINANCE appropriating \$146,986.35 out of Street & Bridge Consolidated Construction Fund (437) for removal or relocation of pipelines for the El Dorado Boulevard Extension Project; GFS N-0712-01-3 (SB9170-01); approving a reimbursement agreement with **GENESIS PIPELINE TEXAS, L.P.** - **DISTRICT E - WISEMAN** - was presented. All voting aye. Nays none. Council Member Berry absent due to being ill. ORDINANCE 2004-1101 ADOPTED.
41. ORDINANCE appropriating \$80,262.00 out of Street & Bridge Consolidated Construction Fund (437) for removal or relocation of pipelines for the El Dorado Boulevard Extension Project; GFS N-0712-01-3 (SB9170-01); approving a reimbursement agreement with **SEMPIPE, L.P.** **DISTRICT E - WISEMAN** - was presented. All voting aye. Nays none. Council Member Berry absent due to being ill. ORDINANCE 2004-1102 ADOPTED.
42. ORDINANCE appropriating \$157,664.00 out of Water & Sewer System Consolidated Construction Fund, appropriating \$141,000.00 out of the TIRZ Affordable Housing Fund; approving and authorizing Developer Participation Contract between the City of Houston

and **UNIVERSITY DEVELOPMENT, INC** for the construction of Water, Sanitary Sewer and Storm Sewer Lines to serve Phase One of the Clearwood Landing Subdivision; CIP S-0800-E8-03 and R-0800-E8-03 - **DISTRICT E - WISEMAN** - was presented. All voting aye. Nays none. Council Member Berry absent due to being ill. ORDINANCE 2004-1103 ADOPTED.

43. ORDINANCE appropriating \$162,863.00 out of Water & Sewer System Consolidated Construction Fund and appropriating \$165,000.00 out of the TIRZ Affordable Housing Fund; approving and authorizing Developer Participation Contract between the City of Houston and **UNIVERSITY DEVELOPMENT, INC** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve Phase Two of the Clearwood Landing Subdivision; CIP S-0800-E9-03 and R-0800-E9-03 - **DISTRICT E - WISEMAN** - was presented. All voting aye. Nays none. Council Member Berry absent due to being ill. ORDINANCE 2004-1104 ADOPTED.
44. ORDINANCE appropriating \$142,518.00 out of Water & Sewer System Consolidated Construction Fund, appropriating \$180,000.00 out of the TIRZ Affordable Housing Fund; approving and authorizing Developer Participation Contract between the City of Houston and **UNIVERSITY DEVELOPMENT, INC** for the construction of Water, Sanitary Sewer and Storm Sewer Lines to serve Section One of the Mills Landing Subdivision; CIP S-0800-E5-03 and R-0800-E5-03 - **DISTRICT A - LAWRENCE** - was presented. All voting aye. Nays none. Council Member Berry absent due to being ill. ORDINANCE 2004-1105 ADOPTED.
45. ORDINANCE approving and authorizing amendment No. 2 to Contract No. C50015 between the City of Houston and **WACKENHUT CORPORATION** for Security Guard Services at George Bush Intercontinental Airport/Houston, William P. Hobby Airport and Ellington Field; one year \$7,154,743.00 - Enterprise Fund - was presented. All voting aye. Nays none. Council Member Berry absent due to being ill. ORDINANCE 2004-1106 ADOPTED.
46. ORDINANCE appropriating \$97,000.00 out of Fire Consolidated Construction Fund and \$150,000.00 out of Public Library Consolidated Construction Fund as an additional appropriation for project management support and construction management services for facilities under a program management contract with **GREYHAWK NORTH AMERICA, LLC** (approved by Ordinance No. 2003-0452) CIP E-0143-01-5 and C-0148-01-5 - was presented. All voting aye. Nays none. Council Member Berry absent due to being ill. ORDINANCE 2004-1107 ADOPTED.
52. ORDINANCE appropriating \$4,299,058.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **RELIANCE CONSTRUCTION SERVICES, L.P.** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Method, GFS R-0266-D8-3 (WW4257-61); 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. Council Member Berry absent due to being ill. ORDINANCE 2004-1108 ADOPTED.
56. ORDINANCE appropriating \$4,254,489.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **UNDERGROUND TECHNOLOGIES, INC** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Method, GFS R-0295-05-3 (WW4257-65); 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. Council Member Berry absent due to being ill. ORDINANCE 2004-1109 ADOPTED.

57. ORDINANCE appropriating \$1,073,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **R. K. WHEATON, INC** for Water Main Extension Package 2, GFS S-0700-57-3 (WA10740); providing funding for engineering testing and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS A - LAWRENCE; B - GALLOWAY; C - GOLDBERG; G - HOLM and H - GARCIA** - was presented. All voting aye. Nays none. Council Member Berry absent due to being ill. ORDINANCE 2004-1110 ADOPTED.
59. ORDINANCE approving and authorizing amendment to Advanced Funding Agreement between the City and the **TEXAS DEPARTMENT OF TRANSPORTATION** for West Brays Bayou West Trail - Phase 1 (approved by Ordinance No. 95-1290); CIP N-0420-05-2 (SB9163-01) **DISTRICTS C - GOLDBERG and F - KHAN** - was presented. All voting aye. Nays none. Council Member Berry absent due to being ill. ORDINANCE 2004-1111 ADOPTED.
60. ORDINANCE approving and authorizing amendment to Advanced Funding Agreement between the City and the **TEXAS DEPARTMENT OF TRANSPORTATION** for East Brays Bayou Hike and Bike Trail (approved by Ordinance No. 95-1290); CIP N-0420-07-2 - **DISTRICT D - EDWARDS** - was presented. All voting aye. Nays none. Council Member Berry absent due to being ill. ORDINANCE 2004-1112 ADOPTED.
61. ORDINANCE approving and authorizing third amendment to Funding Agreement between the City of Houston and the **TEXAS DEPARTMENT OF TRANSPORTATION** for Herman Brown Park Hike and Bike Trail Project, Phase II (approved by Ordinance No. 95-1290) and amendments one and two approved by Ordinance Nos. 97-935 and 98-1071 respectfully; CIP N-0420-15A-2 (SB9146-02) - **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. Council Member Berry absent due to being ill. ORDINANCE 2004-1113 ADOPTED.
62. ORDINANCE amending Ordinance No. 2002-0843 to substitute a revised Advanced Funding Agreement for the previously approved Advanced Funding Agreement between the City of Houston and the **TEXAS DEPARTMENT OF TRANSPORTATION** for Columbia Tap Union Station Shared Use Trail (approved by Ordinance No. 2002-0843); CIP N-0420-37-2 (SB9122) **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. Council Member Berry absent due to being ill. ORDINANCE 2004-1114 ADOPTED.
63. ORDINANCE amending Ordinance No. 2002-0843 to substitute a revised advanced funding agreement for the previously approved advanced funding agreement between the City of Houston and **THE TEXAS DEPARTMENT OF TRANSPORTATION** for Westchase District Trail (approved by Ordinance No. 2002-0843) - **DISTRICT G - HOLM** - was presented. All voting aye. Nays none. Council Member Berry absent due to being ill. ORDINANCE 2004-1115 ADOPTED.
64. ORDINANCE approving and authorizing Memorandum of Agreement by and between the City of Houston and the **FEDERAL AVIATION ADMINISTRATION (FAA)** for the Reimbursement of certain costs by the FAA on Project 566B at William P. Hobby Airport - **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. Council Member Berry absent due to being ill. ORDINANCE 2004-1116 ADOPTED.
65. ORDINANCE approving and authorizing amendment No 1 to the Toll Road/Airport Connector Agreement between the City of Houston and **HARRIS COUNTY, TEXAS**, to execute the Hardy Toll Road Airport Connector Enhancement Project; containing provisions relating to the subject \$150,00000 - Enterprise Fund - **DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. Council Member Berry absent

due to being ill. ORDINANCE 2004-1117 ADOPTED.

66. ORDINANCE appropriating \$763,500.00 out of Airport System Subordinate Lien Revenue Bonds Series 1998B AMT (535); authorizing the purchase and condemnation of land and improvements thereon out of Greenview Manor Sections One, Two and Three, and Greenview Manor Section One partial replat, No. One, Mcauley Survey, A-577, Houston, Harris County, Texas, for a Noise Compatibility Program at Bush Intercontinental Airport; (CIP A-0476-49.1) approving purchase and sale agreement with the owners of the land (Nancy Ledezma Alvarez and Juan Alvarez, Calvin Barefield, Arthur Garcia Gonzales, and Teddy Wylie Williams) **DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. Council Member Berry absent due to being ill. ORDINANCE 2004-1118 ADOPTED.
67. ORDINANCE appropriating \$182,500.00 out of Airport System Subordinate Lien Revenue Bonds Series 1998C NON-AMT (536); authorizing the purchase of land and improvements thereon out of Greenview Manor Sections One and Two, Mcauley Survey, A-577, Houston, Harris County, Texas, for a Noise Compatibility Program at Bush Intercontinental Airport; (CIP A-0476-51.1) approving purchase and sale agreements with the owners of the land (Juana J. Amaya, and Darrell L. Lucas and Hilda T. Lucas); - **DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. Council Member Berry absent due to being ill. ORDINANCE 2004-1119 ADOPTED.
68. ORDINANCE appropriating \$29,881,000.00 out of Airports Improvement Fund and awarding construction contract to **WW WEBBER INC** for SMGCS/Civil Site Work for the Instrument Landing Systems Category III for Runway 4-22, Project No 566B, CIP No. A-0385, and Airfield Pavement Rehabilitation, Project No. 566, CIP No. A-0385, at William P Hobby Airport; providing funding and engineering testing services for contingencies relating to construction of facilities financed by such funds - **DISTRICTS E - WISEMAN and I - ALVARADO** - was presented. All voting aye. Nays none. Council Member Berry absent due to being ill. ORDINANCE 2004-1120 ADOPTED.

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

**MISCELLANEOUS**

6. RECOMMENDATION from City Attorney for settlement of Civil Action No. H-97-3471, Vela, et al v. the City of Houston and authorize execution of related documents - \$79,725,000.00 Judgment Bond Funds - was presented, moved by Council Member Khan, seconded by Council Member Quan.

Council Member Galloway stated that she saw in the lawsuit that it said that it would be contributed to the pension fund and asked if that would be under the old fund structure for the allocation, and Mr. Arturo Michel, City Attorney, stated that yes, it arose because part of the payment reflected past compensation, that it was correct that it would be paid out from the structure of the fund prior to the change.

A vote was called on Item No. 6. All voting aye. Nays none. Council Member Berry absent due to being ill. MOTION 2004-1121 ADOPTED.

**ACCEPT WORK**

9. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,510,774.87 and acceptance of work on contract with **TROY CONSTRUCTION, L.L.P.**, for Sanitary Sewer Rehabilitation by Point Repair Method, GFS R-0266-P5-3 (4235-17) - 00.95% over the original contract amount - was

presented, and tagged by Council Members Galloway, Garcia, Green and Alvarado.

10. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,352,176.95 and acceptance of work on contract with **TROY CONSTRUCTION, L.L.P.**, for Sanitary Sewer Rehabilitation by Point Repair Method, GFS R-0266-T2-3 (4235-19) - 00.33% under the original contract amount - was presented, and tagged by Council Members Galloway, Garcia, Green, Alvarado and Quan.

#### **PURCHASING AND TABULATION OF BIDS**

17. **TELECOM REMARKETING CORP. OF AMERICA** - \$561,814.60, **GRAYBAR ELECTRIC CO.** \$499,849.90, **DC SERVICES, LLC** - \$408,587.00 and **LANTANA COMMUNICATIONS** \$430,689.00 for Telephone Equipment Contract for Information Technology Department \$1,900,940.50 - Central Service Revolving Fund - was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Berry absent due to being ill. MOTION 2004-1122 ADOPTED.
18. **AMEND MOTION #2001-1281, 11/28/01, TO EXTEND** expiration date from November 28, 2004 to November 27, 2006, for Mountain Bikes Contract for Houston Police Department, awarded to **BOWLING BICYCLES, INC** - was presented, moved by Council Member Edwards, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Berry absent due to being ill. MOTION 2004-1123 ADOPTED.
19. **AMEND MOTION #2000-1367, 11/8/00, as amended by #2003-1219, 10/15/03, TO EXTEND** expiration date from November 9, 2004 to November 8, 2005, and **TO INCREASE** spending authority from \$2,277,880.00 to \$2,847,350.00, for Chemical, Liquid Ferrous Iron Solution Contract for Department of Public Works & Engineering, awarded to **KEMIRON NORTH AMERICA CORP.** - was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Berry absent due to being ill. MOTION 2004-1124 ADOPTED.
20. **PMO LINK** for Professional Services to provide for development of a Comprehensive Process Management System - \$37,200.00 - Enterprise Fund - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Berry absent due to being ill. MOTION 2004-1125 ADOPTED.

#### **ORDINANCES**

23. ORDINANCE **AMENDING SECTION 9-4 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, authorizing the Director of the Houston Airport System to execute License Agreements on behalf of the City - was presented, and tagged by Council Members Wiseman, Khan, Garcia and Sekula-Gibbs.
26. ORDINANCE authorizing issuance of the City of Houston Taxable Pension Obligation Note; making other findings and provisions relating to the subject and matters incident thereto - was presented. All voting aye. Nays none. Council Member Berry absent due to being ill. ORDINANCE 2004-1121 ADOPTED.
27. 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 - was presented. All voting aye. Nays none. Council Member Berry absent due to being ill. ORDINANCE 2004-1122 ADOPTED.

Mayor White stated that he wanted to thank the good work of the Legal Department, HPLU and the HR Department for accomplishing something at record speed for something of this nature.

30. ORDINANCE altering maximum prima facie speed limits in certain school zones in the City of Houston; making various findings and containing other provisions relating to the subject; declaring certain conduct to be unlawful and providing a penalty; providing for severability; containing a repealer; containing a savings clause - was presented, and tagged by Council Members Khan, Wiseman and Garcia. (Council Member Khan released his tag later in the meeting.)
31. ORDINANCE approving and authorizing the City of Houston to enter into contracts with each of five (5) Independent School Districts [**ALIEF ISD, CLEAR CREEK ISD, HOUSTON ISD, NORTH FOREST ISD and SPRING BRANCH ISD**] and with each of two (2) Non-profit Organizations [**NEW MOUNT CALVARY MINISTRIES, INC and YOUTH CAMP OF EXCELLENCE, INC**] to administer an After School Achievement Program ("ASAP") - \$1,530,749.00 - General, Grant and Housing Special Revenue Funds - was presented.

Council Member Garcia stated that he was trying to get some information and would tag the item.

32. ORDINANCE approving and authorizing a first amendment to rights and duties of City and County under Urban Redevelopment Interlocal Agreement regarding inclusion of additional properties for redevelopment; containing findings and other provisions relating to the subject - was presented.

Council Member Quan stated that he appreciated the expansion of the LARA Program but had not had an opportunity to review what had been proposed and would tag the item for further review, and Council Member Garcia stated that he would tag the item.

Mayor White stated that every time one property was added to the roll they did not go before City Council and Commissioners Court, that he and Commissioner Lee had worked on some wording and intended for Mr. Michel to move forward so that they did not get into a situation where it took six months for everyone to make a decision, that they were working very hard to overcome some flaws.

Council Member Ellis stated that on the RCA it said that the City now wished to join Harris County and asked if it was a resolution that had been adopted by the County already, and Mayor White stated that based on his conversations with some on the Commissioners Court he believed it would be placed on their agenda promptly, and Council Member Ellis asked what about the school districts, and Mayor White stated that Mr. Michel had conversations with the superintendent of HISD, that everybody knew that if they had not collected taxes on a property for 19 years that it was better to get the properties on the roll and affordable housing, and Mr. Michel stated that there was no State law that restricted school districts from entering into a policy such as this. Council Member Khan absent.

33. ORDINANCE approving and authorizing twelfth contract amendment between the City of Houston and **CHILD CARE COUNCIL OF GREATER HOUSTON** to provide an extension of such contract and additional funding in the amount of \$575,100.00 from the Community Development Block Grant Program for the Administration of a Child Care Program - - was presented. All voting aye. Nays none. Council Member Berry absent due to being ill. ORDINANCE 2004-1123 ADOPTED.
34. ORDINANCE approving and authorizing thirteenth contract amendment between the City of Houston and **CHILD CARE COUNCIL OF GREATER HOUSTON** to provide an

extension of such contract and additional funding in the amount of \$815,000.00 from the Community Development Block Grant Program for the Administration of a Juvenile Delinquency Prevention Program - was presented. All voting aye. Nays none. Council Member Berry absent due to being ill. ORDINANCE 2004-1124 ADOPTED.

35. ORDINANCE approving and authorizing first amendment to Professional Services Contract No. 54381, between the City of Houston and **JOHN HALL PUBLIC AFFAIRS, INC** (approved by Ordinance No. 02-0810) for Consulting Services related to the implementation of the Federal Clean Air Act - was presented. All voting aye. Nays none. Council Member Berry absent due to being ill. ORDINANCE 2004-1125 ADOPTED.

Council Member Galloway stated that she had problems understanding the structure of the Mayor's office, that she did not know they had a Health Policy Director as well, that she would like to have a structure of the Mayor's office so she and her staff would know who to go to, and Mayor White stated that was a very good request.

37. ORDINANCE appropriating \$214,413.00 out of Street & Bridge Consolidated Construction Fund (437) for relocation of electrical facilities in connection with the Central Street Grade Separation Project (N-0676-01); approving an agreement for Utility Relocation Services with **CENTERPOINT ENERGY HOUSTON ELECTRIC, LLC - DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. Council Member Berry absent due to being ill. ORDINANCE 2004-1126 ADOPTED.

47. ORDINANCE appropriating \$764,948.00 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-B5-3 (WW4277-19); providing funding for engineering testing services and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - was presented.

Council Member Quan stated that he had questioned the item because it seemed that they had 5 contracts in a row for Chief Solutions and wanted to make sure they were not overtaxing a company or that they had the capacity to handle that much work at one time, that it seemed that all of the contracts never got to \$1 million to make sure that there was no MWBE component to it, that he wanted to make sure that as they looked at the contracts that they were spreading out the work and giving people an opportunity to get work done, that the department had given him a memo in response to some of his concerns but he just wanted to make sure that as they looked at those contracts that they did not put all of their eggs in one basket so if something happened down the road they would get stuck with one company who could not do all the work.

Council Member Garcia stated that he had the same concerns in regards if they were okay in giving so much work to one company, that he was not sure how it fit in the bid process and wanted to understand why they were doing it that way, that secondly, he would like to have a better scope of work as to what projects would be targeted under these contracts because yesterday he had met with folks on the north end of town who were still having water backing up into their sewer lines and commodes not flushing.

Council Member Galloway stated that she had addressed the issue about a couple of months ago, that she had been noticing a trend where one contractor would get all because they were the low bidder but the jobs were the same and some of the answers that they got from Public Works did state that they had to break the contract down because of the time, that he knew it was an MWBE company and had no problem with that but the fact was if they could have all of that work going on it seemed logical that they could combine the projects and most likely they would still get the bid and could put another MWBE on that project as well, so that

way they were expanding the work to more MWBE participants, that it was the same job but just broken up into little pieces.

After further discussion Council Members Green, Khan, Garcia, Galloway and Quan stated that they would tag Item No. 47.

48. ORDINANCE appropriating \$759,773.00 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-B8-3 (WW4277-22); providing funding for engineering testing services and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - was presented, and tagged by Council Members Green, Khan, Garcia, Galloway and Quan.
49. ORDINANCE appropriating \$758,951.00 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-B9-3 (WW4277-23); providing funding for engineering testing services and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - was presented, and tagged by Council Members Green, Khan, Garcia, Galloway and Quan.
50. ORDINANCE appropriating \$758,951.00 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-C7-3 (WW4277-24); providing funding for engineering testing services and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - was presented, and tagged by Council Members Green, Khan, Garcia, Galloway and Quan.
51. 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-C8-3 (WW4277-25); providing funding for engineering testing services and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - was presented, and tagged by Council Members Green, Khan, Garcia, Galloway and Quan.
53. ORDINANCE appropriating \$4,275,916.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **PM CONSTRUCTION & REHAB, L.P.** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Method, GFS R-0266-D9-3 (WW4257-62); 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. Council Member Berry absent due to being ill. ORDINANCE 2004-1127 ADOPTED.
54. ORDINANCE appropriating \$4,275,916.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **PM CONSTRUCTION & REHAB, L.P.** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Method, GFS R-0266-E1-3 (WW4257-63); providing funding for engineering testing services and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - was presented, and tagged by Council Member Galloway.
55. ORDINANCE appropriating \$4,253,631.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **INSITUFORM TECHNOLOGIES,**

**INC** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Method, GFS R-0295-04-3 (WW4257-64); providing funding for engineering testing services and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - was presented, and tagged by Council Member Galloway.

58. ORDINANCE approving the purchase of 1.435 acres of land out of the O. Smith Survey, Abstract 696, Harris County, Texas, being all of Lots 1, 2, 3, and 4, Block 8, Hadley and Franklin's Addition for the Construction of the New Downtown fire Station 1 (CIP C-0149-01-1-2, \$4,770,000.00 – Fire Consolidated Construction Fund 413), and approving a purchase and sale agreement with Frederick R. McCord, Trustee, to acquire the land for a purchase price, including closing costs, which does not exceed the sum previously appropriated; making various findings and provisions related thereto - **DISTRICT I - ALVARADO** - was presented.

Council Member Quan stated that he was glad they were taking action on Fire Station No. 1, it had been languishing for a very long time, that he was surprised that they were continuing with the same lot that they had looked at in the previous administration when they knew of the contamination, that he had not had an opportunity to look at the reports full and would like to tag the item so he could see exactly how much was being covered under the remediation. Mayor White absent. Mayor Pro Tem Alvarado presiding.

Mr. Hall stated that it was the second parcel that was represented to them to be not contaminated and as it turned out it was and the cost of remediation was \$400,000 and the price was reduced by \$200,000 to accommodate the 50/50 split on remediation, that it was an agreement that had been entered into regarding both the purchase price and the reduction in the purchase price to deal with the remediation. Mayor White absent. Mayor Pro Tem Alvarado presiding.

Council Member Goldberg stated that he would also like to tag Item No. 47. Mayor White absent. Mayor Pro Tem Alvarado presiding.

69. ORDINANCE appropriating \$2,411,926.00 out of Equipment Acquisition Consolidated Fund for the purchase of FY2005 Rolling Stock and Other Equipment - was presented, and tagged by Council Member Wiseman. Mayor White absent. Mayor Pro Tem Alvarado presiding.
70. ORDINANCE appropriating \$7,567,890.00 out of Equipment Acquisition Consolidated Fund for the purchase of FY2005 IT Hardware, Software and Projects - was presented, and tagged by Council Member Wiseman. Mayor White absent. Mayor Pro Tem Alvarado presiding.

Council Member Wiseman stated that she tagged this item and Item No. 69 also because she wanted to take another look at the IT portion of the items.

**MATTERS HELD** - NUMBERS 72 through 79

72. RECOMMENDATION from Finance & Administration Department to **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) – (This was Item 8 on Agenda of October 20, 2004, TAGGED BY COUNCIL MEMBER WISEMAN)** - was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Berry absent due to being ill. Mayor White absent. Mayor Pro Tem Alvarado

presiding. MOTION 2004-1126 ADOPTED.

73. RECOMMENDATION from Finance & Administration Department to **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 – **(This was Item 9 on Agenda of October 20, 2004, TAGGED BY COUNCIL MEMBER WISEMAN)** - was presented, moved by Council Member Khan, seconded by Council Member Quan. Council Member Wiseman voting no, balance voting aye. Council Member Berry absent due to being ill. Mayor White absent. Mayor Pro Tem Alvarado presiding. MOTION 2004-1127 ADOPTED.
74. 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 – **(This was Item 14 on Agenda of October 20, 2004, TAGGED BY COUNCIL MEMBERS WISEMAN, EDWARDS and HOLM)** - was presented. All voting aye. Nays none. Council Member Berry absent due to being ill. Mayor White absent. Mayor Pro Tem Alvarado presiding. ORDINANCE 2004-1128 ADOPTED.
75. 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 – **(This was Item 15 on Agenda of October 20, 2004, TAGGED BY COUNCIL MEMBERS WISEMAN, EDWARDS and HOLM)** - was presented.

Council Member Edwards stated that she was going to vote no for the item, that she could not in good conscience spend upwards of \$4 million for a non essential equipment when they were still short in police and needed to hire police officers, that she thought the money could be better spent. Mayor White absent. Mayor Pro Tem Alvarado presiding.

Council Member Wiseman stated that she agreed with Council Member Edwards as to prioritization of needs, they were in greater need of additional officers on the force, that it was brought to her attention this week that their Captain had been pulled from the Kingwood station to be sent to the northeast station, that she had not received official word from the City or Chief Hurtt on the matter but was of great interest to her and the residents of Kingwood, that they had no information as to whether it was a temporary matter or a permanent move, that she would be voting no on the tasers, and Mayor White stated that they would follow up with Chief Hurtt

because it was important to have a Captain out there.

Council Member Garcia stated that in all due respect to his colleagues he was convinced that one implementation of the taser in lieu of a police shooting probably saved this amount in a matter of months in many different levels of cost, that he had been speaking with Chief Hurtt about the allocation of resources and he had committed to him that he was doing a manpower allocation assessment to determine what stations needed more resources.

Council Member Khan asked on Item No. 74 if they had any MWBE participation, and Mayor White stated that normally they did but sometimes they had been using auction type processes which were transparent and very competitive, that on the water and sewer they had those kind of requirements, and Mr. Hall stated that some of the professional service providers which were listed were minorities.

A vote was called on Item No. 75. Council Members Wiseman and Edwards voting no, balance voting aye. Council Member Berry absent due to being ill. ORDINANCE 2004-1129 ADOPTED.

75a. RESOLUTION of the City Council of the City of Houston, Texas declaring intention to Reimburse Project Expenditures – **(This was Item 15a on Agenda of October 20, 2004, TAGGED BY COUNCIL MEMBERS WISEMAN and EDWARDS)** - was presented. Council Members Wiseman and Edwards voting no, balance voting aye. Council Member Berry absent due to being ill. RESOLUTION 2004-0021 ADOPTED.

75b. 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 – **(This was Item 15b on Agenda of October 20, 2004, TAGGED BY COUNCIL MEMBERS WISEMAN and EDWARDS)** - was presented. Council Members Wiseman and Edwards voting no, balance voting aye. Council Member Berry absent due to being ill. ORDINANCE 2004-1130 ADOPTED.

76. 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 – **(This was Item 17 on Agenda of October 20, 2004, TAGGED BY COUNCIL MEMBERS WISEMAN and SEKULA-GIBBS)** - was presented. All voting aye. Nays none. Council Member Berry absent due to being ill. ORDINANCE 2004-1131 ADOPTED.

77. 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 – **(This was Item 23 on Agenda of October 20, 2004, TAGGED BY COUNCIL MEMBER WISEMAN)** - was presented.

Council Member Wiseman stated that she appreciated the information that had been provided to her thus far from the administration representatives and the department however there were still continuing questions that they were addressing and the information that Mr. Michel would be providing to her with respect to letters of agreement and invoices and in addition she was wishing to meet with Mercer with respect to their contractual agreement.

Council Member Wiseman moved to postpone Item No. 77 until the next meeting, seconded by Council Member Green.

After further discussion Mayor White stated that he knew they had to handle the matter

and one issue that he wanted to make Council Members had additional information and asked if there was a good reason or a strong reason not to delay the item for a week, that he knew Council Members had issues involving process, and Mr. Hall stated that he was not advised of any catastrophic consequence of one additional week's delay, that most of it was for services that they had already rendered and they did appear before a Council committee and explained that they were obligated to pay, that \$60,000 of it was for things going forward, that he was not aware of anything that was pending now that they needed to produce that would use the \$60,000, and Mayor White stated that he would have no opposition, that he took it that it was information that Council Member Wiseman needed to make up her mind on the matter, and Council Member Wiseman stated that it was important that she review the information to give full consideration to the item.

After further discussion by Council Members, Mayor White stated that if there was no objection to a delay it was so ordered.

78. 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 - (This was Item 30 on Agenda of October 20, 2004, TAGGED BY COUNCIL MEMBER WISEMAN)** - was presented. All voting aye. Nays none. Council Member Berry absent due to being ill. ORDINANCE 2004-1132 ADOPTED.
79. RECOMMENDATION from Department of Public Works & Engineering that City Council declare surplus and authorize the sale of Parcels SY4-036, S83-034, SY4-044, SY95-052, 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 D - EDWARDS and I - ALVARADO - (This was a portion of Item 43 on Agenda of October 20, 2004, POSTPONED BY MOTION #2004-1094)** - was presented.

Council Member Alvarado stated that for Parcel S83-058 she would name Ms. Julie Nagel and Mr. Travis Cooper as appraisers and Mr. Lee Burns as alternate appraiser, for Parcel SY2-016, Mr. Frank Flores and Mr. Albert Allen as appraisers and Mr. Rex Bolin as alternate appraiser, for Parcels S71-047, S71-048, S71-049, S71-050, S71-051, Mr. George Coleman and Mr. Michael Brubaker as appraisers and Mr. Gary Brown as alternate appraiser and for the remaining Parcels SY5-010 and SY5-012, Ms. Vanessa Hendrickson and Mr. John Fox as appraisers and Ms. Patricia Keys as alternate appraiser.

Council Member Edwards stated that for Parcel SY4-036 she would name Mr. George Coleman and Ms. Jasmine Quinerly as appraisers and Mr. Samuel Stewart as alternate appraiser, for Parcel S83-034, SY4-044, SY95-052, Mr. John Chambless and Ms. Sheila Stewart as appraisers and Mr. Samuel Stewart as alternate appraiser.

Council Member Alvarado moved to adopt the recommendation and to approve the nominations, seconded by Council Member Edwards. All voting aye. Nays none. Council Member Berry absent due to being ill. MOTION 2004-1128 ADOPTED.

Council Member Khan stated that he would release his tag on Item No. 30 and Mayor White stated that the item was still tagged by Council Members Wiseman and Garcia.

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

Council Member Alvarado stated that yesterday, while visiting some of the polls, she observed a couple of things, that they were footing some of the bill for the election and she heard from several folks that some of the machines were broken down, some were quick to be

fixed and some were not, and as they proceeded with negotiations for the next set of elections that they had financial responsibility for she hoped those issues would be taken into consideration, so whoever was handling that in the administration she would ask for that to be considered. Council Members Galloway and Garcia absent.

Council Member Goldberg stated that he had gotten an email regarding SAAVY and wanted to acknowledge the HR Assistant Director Mr. Ramiro Cano and HPD Sergeant Bill Pudifin for going out of their way and uncovering a scam at a rehabilitation clinic. Council Members Galloway and Garcia absent.

Council Member Wiseman stated that she received notice from Chief Hurtt regarding the Kingwood captain, that he called at 12:15 p.m. today, she was at Council and could not take his call. Council Member Galloway absent.

Council Member Wiseman stated that with respect to the outcome of Propositions 1 and 2, there was debate as to whether or not the provisions within both of the amendments were inconsistent, that it was her understanding that the administrations position was that they were inconsistent and that the people who brought forth the petition, their representatives, had indicated that it was their opinion and interpretation that the provisions were not inconsistent, that she appreciated the administration's good faith effort in suggesting that there would be an effort to implement the will of the people by way of policy changes, however it was a matter of law, that she felt it was extremely important that an impartial body review whether or not those provisions were inconsistent, therefore she had asked the County Attorney, Mr. Mike Stafford, to request of the Attorney General an opinion and he welcomed that request, that anyone who wished to put their signature on the letter could and she asked Mayor White that he join in co-signing a letter the County Attorney requesting an AG opinion on the outcome. Council Member Galloway absent.

Council Member Edwards stated that she wanted to join in with Council Member Alvarado in questioning the aspects of polling processes in the City, especially as it pertains to City elections and issues, that she wanted to know why City Hall could not be used as an early voting site, especially for the downtown area, that the building was more accessible than the current downtown Travis Street, that one of the things that they needed to do, as far as City elections, was making voting more accessible to the voters. Council Member Galloway absent.

Council Member Edwards stated that she was not clear what was happening with the Youth Council, what were they doing and were they a part of the process or not and whoever was in charge of it she would like to talk to them. Council Member Galloway absent.

Council Member Edwards stated that they had several calls on Hillcroft, the part that was in their district, that somebody had paved half of it and she could not get anybody to acknowledge who that somebody was and asked Mayor White if he could find out who had paved half of it she would appreciate it. Council Member Galloway absent.

Council Member Edwards stated that as to Item No. 71 she would like to have a directive move on it as to what committee it was going to and when that meeting was going to be and would they be able to call all the people that they had been calling out at City Council to come and testify, that she was very uncomfortable with calling out people and accusing them of criminal or ethical activity and their not having an open venue with which to deal with it, that she would like to have that addressed. Council Member Galloway absent.

Council Member Edwards stated that October 31<sup>st</sup> was the 15<sup>th</sup> anniversary of the murder of Ms. Ida Delaney, that it was done by off duty police officers, that November 11<sup>th</sup> would be the 15<sup>th</sup> anniversary of the death of Mr. Byrum Gillum, also done by HPD officers, that with the whole issue of the tasers she revisited quite a number of those type of shootings and none of them could she see where a taser could have made a difference because basically it was the

officers own individual disposition, in her opinion, than whether or not he had an alternate weapon; that as to the DNA situation they were not aggressively going back to try and find out who did the crimes, that she had asked for the status and had still not gotten it, who was in charge of the investigation and where was it going, that they needed to let folks know what was going on. Council Member Galloway absent.

Mayor White stated that she raised a number of items and they should get responses to her, that some required specific answers, that he wanted Council Member Edwards to tell him who ought to be responsible for the youth council. Council Member Galloway absent.

Council Member Lawrence stated that she received an email concerning the EZ tag access system and that it would make the garage more convenient during a period of inclement weather but it was only for full time employees, that part time employees were as much a part of their team as anyone else, that she thought it was an easy benefit to give everybody and hoped that the process was reconsidered. Council Member Lawrence absent.

Council Member Lawrence stated that they had a couple of homicides that they would like address in District A, that they were working up a partnership with Crime Stoppers right now and all apartments and managers would receive a flyer in Spanish and English, that they had a lot of good people who did not come forward when they knew about a crime, that they hoped the program not only in the apartments in District A would spread out through the City and they could solve some of the problems going on out there. Council Member Galloway absent.

Council Member Lawrence stated that there was an item that was referred back two weeks ago concerning bars and liquor establishments next to churches, that accidents happen and she had one that should not have happened, a bar was permitted that was next to two churches and it was given a license and was open and still open a month later, that it seemed that something could be done to get rid of that bar, it was also next door to a 24/7 daycare center, that she thought that item needed to come back to the agenda and hoped that next week the verbiage could be worked out so that they could vote on it. Council Members Galloway and Green absent.

Council Member Garcia stated that he wanted to add his concerns about the voting problems that were occurring yesterday, he had heard it from a number of the precincts that he visited and would ask that they make sure they looked into the process and equipment and making sure they were giving the voters all the opportunity to be heard. Council Members Galloway and Green absent.

Council Member Garcia stated that he visited Davis High School yesterday and was told that 90 of the high school seniors voted for the first time in yesterday's election, that he wanted to commend the High School, the Government teacher and the principal for supporting the young Americans and encouraging them to be heard and cast their vote. Council Members Galloway and Green absent.

Council Member Garcia stated that he wanted to thank the administration and the leadership that Mr. Marcotte was exhibiting at Public Works, in particular Mr. Dave Peters and Mr. Art Kidder, that they had been talking earlier about the issue that Mr. Black had come before Council earlier and about the problems that he was having, that he was hearing about it from all his constituents all over the district, that it was funny when he became an elected official and when it rained the first thing he thought about was that he had an opportunity to go look at ditches, that was what he had been doing and relaying the information to Public Works and they had been very responsive, that he wanted to say thank you to those folks because he knew he was wearing them thin but they were committed to the process and coming up with good ideas and projects for them to institute and he appreciated that thinking and commitment to their neighbors and constituents. Council Members Galloway, Wiseman and Green absent.

Council Member Garcia stated that he wanted to give kudos to the guys at Fire Station No. 17, he had breakfast with them yesterday, that he would encourage the Mayor as they went into the collective bargaining process the rank and file guys had a lot of good ideas and each and everyone of them expressed a great degree of confidence, support and hope in the leadership of President Chavez and the board and were looking forward to a great working relationship with the Mayor's administration, that he thought it would be healthy and helpful as the Mayor made his rounds to maybe step in and holler at some of the guys. Council Members Galloway, Wiseman and Green absent.

Council Member Garcia stated that there was a lot of discussion about affordable housing in the near northside and in looking into it and getting information he would like to ask for the Mayor's help on a couple of things and that was to find out how did they work to institute a truer definition of affordability in affordable housing and make sure that it was specific to the area and not a citywide definition, that he mentioned it to Council Member Quan, did it require a resolution or what the process was, that he thought it really needed to be discussed, that secondly, in terms of the Hardy TIRZ Project specifically, and he had been in a lot of discussions with TMO about the project in particular and what it would take for them to accomplish and make sure they stayed with the beginning commitment of the project of 20% of affordable housing set aside, that the project did not stay segregated out to the railroad tracks, which was an insult, and that they figure out the process to buy down that land, so to that issue how much was out there for that kind of process, what was the status of their affordable housing goals in the City of Houston, what had they done with the TIRZ, that he really would appreciate the Mayor's help on it, that all that had been said in relation to affordable housing in the City of Houston warranted a discussion and deserved up front answers, that when they talked about affordable housing he wanted to make sure they were not changing the face of neighborhoods in the City of Houston, that he thought they had not done a good enough job of instituting a true strategy and vision for how to keep people in the neighborhoods that they had so much history invested in, that he had been told by people who obviously had been involved in this a lot longer was that there seemed to be some disconnect between the leadership of the Planning Department and the past leadership of the Community Development Department in terms of communication, that he had been told that those two department heads did not talk, that he was not talking about Ms. Stiner he was talking about Ms. Bingham, that he would like to see an opportunity to have those folks discuss with Council what their plans were on that very important issue. Council Members Galloway, Wiseman and Green absent.

Mayor White stated that if they wanted the definition of affordability to be based on input from the neighborhoods then they needed to have a menu of options and a process and it could not be somebody sending out a memo saying this is what it was going to be, whether it be Planning, the Mayor's Office, Housing and Community Development, TMO or anybody else, it had to be the neighborhoods, that was the process that he wanted to work with Council Member Garcia and other Council Members to do and of course they could never get unanimity in any neighborhood but they wanted to have a way to build consensus because different neighborhoods had different views. Council Members Galloway, Wiseman and Green absent.

Mayor White stated that Council Member Wiseman had raised an issue and it flagged to him that they had a number of inquiries from the media principally directed to Legal, before the election not after the election, that before the election they had distilled some issues with the Legal Department that he had passed out to the Council Members, that it was one of those things where somebody says one thing before an election and then another thing after the election depending on the results, that they had always consistently said that they were inconsistent, the one who got the most votes wins, that if Proposition 2 got more votes than Proposition 1 goes down, he knew there were people on forums and debate with him who said vote for Proposition 2 not Proposition 1, that he had heard it and witnessed it with his own eyes, that one other point was that each of them voted to put some things on the ballot and he knew, as one person who cast that vote and something that was important to him, which was the word of the thing that he voted to put on the ballot, and just like if they took two different approaches

to a problem of fiscal discipline and discipline of revenues, one an overall cap and one a tighter focus cap on property taxes and senior exemption, Proposition 1 may be a good idea and Proposition 2 may be a good idea but together they may be bad, that sometimes something is inconsistent not because they were both good or both bad but because they made sense standing by themselves but they may be overkill together, that what he voted for was the language on the ballot which contained in Proposition 1 the provision which stated, "If another proposition for a Charter amendment relating to limitations on increases in City revenues is approved at the same election at which this proposition is also approved, and if this proposition receives the higher number of favorable votes, then this proposition shall prevail and the other shall not become effective.", that was in Proposition 1 and was what he voted for, that whether somebody cast a good vote or bad vote, good idea or bad idea, all of this was now in the record of what they had done and he wanted to make that point and was sure if necessary lawyers would elaborate and did not think they would find too much dissent concerning the Legal significance of what he just read. Council Members Galloway, Wiseman and Green absent.

There being no further business before Council, the City Council adjourned at 1:30 p.m. Council Members Galloway, Wiseman and Green absent.

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

MINUTES READ AND APPROVED

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Anna Russell, City Secretary