

City Council Chamber, City Hall, Tuesday, November 09, 2004

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

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

At 9:22 Mayor White called to order the meeting of the City Council and called on Council Member Galloway for the prayer and pledge of allegiance. Council Members Goldberg, Wiseman and Garcia absent.

Mayor White requested the City Secretary to call the roll. Council Member Edwards absent due to surgery. Council Members Wiseman and Garcia absent.

Council Members Khan and Green moved that the minutes of the preceding meeting be adopted. Council Member Edwards absent due to surgery. Council Members Wiseman and Garcia absent. All voting aye. Nays none. MOTION ADOPTED.

MAYOR'S REPORTS

CONSENT AGENDA NUMBERS 1 through 44

MISCELLANEOUS - NUMBERS 1 through 8

1. REQUEST from Mayor for confirmation of the appointment of the following to the **HOUSTON PARKS BOARD**:
 - Position 17 - **MR. BENITO GUERRIER**, for a term to expire January 1, 2006
 - Position 18 - **MS. DONNA FUJIMOTO COLE**, for a term to expire January 1, 2006
 - Position 19 - **MR. CHUCK CARLBERG**, for a term to expire January 1, 2007
 - Position 20 - **MR. TOM G. BACON**, for a term to expire January 1, 2007

- was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Edwards absent due to surgery. Council Members Wiseman and Garcia absent. MOTION 2004-1129 ADOPTED.

Mayor White asked if any of the people that were appointed to the Houston Parks Board were in the audience to stand and be recognized. Council Member Wiseman absent.

Council Member Berry stated that he continued to be proud of the people that were being put on some of the boards. Council Member Wiseman absent.

2. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **REINVESTMENT ZONE NUMBER FOUR, CITY OF HOUSTON, TEXAS (VILLAGE ENCLAVES) BOARD OF DIRECTORS**:
 - Position 3 - **MR. CRAIG BECKER**, appointment, for a term to expire 12/31/2004
 - Position 4 - **MS. ANNE PATTERSON**, reappointment, for a term to expire 12/31/2004
 - Position 5 - **MR. WOODY MANN, JR.**, appointment, for a term to expire 12/31/2004
 - Position 6 - **MR. THOMAS H. MCQUILLING**, appointment, for a term to expire 12/31/2005
 - Position 7 - **MR. RICHARD A. RICE**, reappointment, for a term to expire 12/31/2005; and to serve as Chair, for a term ending 12/31/2004

Position 8 - **MR. JOHN W. H. CHIANG**, reappointment, for a term to expire 12/31/2005

- was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Edwards absent due to surgery. Council Members Wiseman and Garcia absent. MOTION 2004-1130 ADOPTED.

7. RECOMMENDATION from Director Building Services Department for approval of Computer Image for Dedication Plaque for Bureau of Animal Regulation & Care - Animal Control Center, GFS H-0011-05-3 - **DISTRICT B - GALLOWAY** - was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Edwards absent due to surgery. Council Members Wiseman and Garcia absent. MOTION 2004-1131 ADOPTED.
8. RECOMMENDATION from Director Building Services Department for approval of Computer Image for Dedication Plaque for Lyons Health Center Renovation, GFS H-0049-01-3 - **DISTRICT H - GARCIA** - was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Edwards absent due to surgery. Council Members Wiseman and Garcia absent. MOTION 2004-1132 ADOPTED.

ACCEPT WORK - NUMBERS 10 through 12

10. RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$230,760.00 and acceptance of work on contract with **PfP ABATEMENT GROUP, LLC** for Asbestos/Hazardous Material Abatement from Six (6) Cargo Buildings at George Bush Intercontinental Airport/Houston; Project No. 558C, CIP A-0392 - 21.16% under the original contract amount - **DISTRICT B - GALLOWAY** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Edwards absent due to surgery. Council Member Wiseman absent. MOTION 2004-1133 ADOPTED.
11. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$411,002.00 and acceptance of work on contract with **RAY FERGUSON INTEREST, INC** for Additional Parking at Acres Homes & Fifth Ward Multi-Service Centers, GFS D-0050-01-3 and D-0071-01-3 - 04.85% over the original contract amount - **DISTRICT B - GALLOWAY** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Edwards absent due to surgery. Council Member Wiseman absent. MOTION 2004-1134 ADOPTED.
12. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$244,726.84 and acceptance of work on contract with **AAR INCORPORATED** for Post Closure Soil Removal at Richmond Avenue and Mandell Street, GFS F-0509-03-5 - 06.93% under the original contract amount - **DISTRICT D - EDWARDS** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Edwards absent due to surgery. Council Member Wiseman absent. MOTION 2004-1135 ADOPTED.

PROPERTY - NUMBER 13

13. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel CY3-011, located at 4418 South Kirkwood Road, owned by Pesai N.V., a Netherland Antilles corporation, which took title as Pesai N.V., a Netherland Antilles corporation, Daniel Dominguez, Agent, for the **KIRKWOOD LIFT STATION REPLACEMENT PROJECT**, CIP R-0267-07-2 - \$30,000.00 - **DISTRICT F - KHAN** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All

voting aye. Nays none. Council Member Edwards absent due to surgery. Council Member Wiseman absent. MOTION 2004-1136 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 15 and 16

15. **HILLYARD, INC** for Scrubbers and Burnishers for Houston Airport System - \$66,785.00 Enterprise Fund - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Edwards absent due to surgery. Council Member Wiseman absent. MOTION 2004-1137 ADOPTED.
16. **ALLSTEEL, INC** for Chairs from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for Building Services Department - \$28,639.07 - General Improvements Consolidated Construction Fund - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Edwards absent due to surgery. Council Member Wiseman absent. MOTION 2004-1138 ADOPTED.

ORDINANCES - NUMBERS 19 through 44

20. ORDINANCE consenting to the addition of 3.9716 acres of land to **HARRIS COUNTY FRESH WATER SUPPLY DISTRICT NO. 61**, for inclusion in its district - was presented. All voting aye. Nays none. Council Member Edwards absent due to surgery. Council Member Wiseman absent. ORDINANCE 2004-1133 ADOPTED.
21. ORDINANCE consenting to the addition of 32.22 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 230**, for inclusion in its district - was presented. All voting aye. Nays none. Council Member Edwards absent due to surgery. Council Member Wiseman absent. ORDINANCE 2004-1134 ADOPTED.
22. ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 418** - was presented. All voting aye. Nays none. Council Member Edwards absent due to surgery. Council Member Wiseman absent. ORDINANCE 2004-1135 ADOPTED.
23. ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 419** - was presented. All voting aye. Nays none. Council Member Edwards absent due to surgery. Council Member Wiseman absent. ORDINANCE 2004-1136 ADOPTED.
24. ORDINANCE consenting to the addition of 66.3612 acres of land to **MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 60 OF MONTGOMERY COUNTY, TEXAS**, for inclusion in its district - was presented. All voting aye. Nays none. Council Member Edwards absent due to surgery. Council Member Wiseman absent. ORDINANCE 2004-1137 ADOPTED.
25. ORDINANCE consenting to the addition of 287.0698 acres of land to **NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 5**, for inclusion in its district - was presented. All voting aye. Nays none. Council Member Edwards absent due to surgery. Council Member Wiseman absent. ORDINANCE 2004-1138 ADOPTED.
26. ORDINANCE approving and authorizing a Utility Functions and Services Allocation Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 411 DISTRICT D - EDWARDS** - had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Council Member Wiseman absent.

27. ORDINANCE approving and authorizing a Utility Functions and Services Allocation Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 381** - had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Council Member Wiseman absent.
28. ORDINANCE approving and authorizing contract between the City of Houston and **JPMORGAN CHASE BANK** for Banking Services for three years with an option for two additional one-year renewals - was pulled from the agenda by the administration and was not considered. Council Member Wiseman absent.
29. ORDINANCE approving and authorizing contract between the City and the **UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT HOUSTON** for Tuberculosis Physician Services; providing a maximum contract amount - 1 Year with three one-year renewal terms - \$56,000.00 Grant Fund - was pulled from the agenda by the administration and was not considered. Council Member Wiseman absent.
30. ORDINANCE approving and authorizing contract between the City and **METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY, TEXAS** for Purchase of Employee Transit Passes; providing a maximum contract amount - \$720,000.00 - General, Enterprise and Other Funds - was presented. All voting aye. Nays none. Council Member Edwards absent due to surgery. Council Member Wiseman absent. ORDINANCE 2004-1139 ADOPTED.
32. ORDINANCE appropriating \$170,700.00 from the Series E Commercial Paper Metro Project Fund, Fund No. 49M and approving and authorizing Pipeline Reimbursement Agreement between **HOUSTON PIPE LINE COMPANY** and the City of Houston, related to the Kirkwood Road Improvements from 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 presented. All voting aye. Nays none. Council Member Edwards absent due to surgery. Council Member Wiseman absent. ORDINANCE 2004-1140 ADOPTED.
33. ORDINANCE approving and authorizing a contract between the City of Houston and **SCOTT TECHNOLOGIES, INC d/b/a SCOTT HEALTH & SAFETY** for Fire Ground Communications Equipment for the Houston Fire Department; providing a maximum contract amount - 3 Years with two one-year options - \$1,156,072.50 - Grant and Equipment Acquisition Funds - was presented. All voting aye. Nays none. Council Member Edwards absent due to surgery. Council Member Wiseman absent. ORDINANCE 2004-1141 ADOPTED.
35. ORDINANCE awarding contract to **CAPT. KIRK'S MARINE SERVICES, INC** for Boat and/or Boat Motor Preventive Maintenance & Repair Services for Various Departments; providing a maximum contract amount - 3 Years with two one-year options - \$303,376.80 - General and Enterprise Funds - was presented. All voting aye. Nays none. Council Member Edwards absent due to surgery. Council Member Wiseman absent. ORDINANCE 2004-1142 ADOPTED.
37. ORDINANCE awarding contract to **CALGON CARBON CORPORATION** for Activated Carbon Replacement & Disposal Services in Wastewater Treatment Plants for the Public Works & Engineering Department; providing a maximum contract amount - 3 Years with two one-year options - \$834,060.00 - Enterprise Fund - was presented. All voting aye. Nays none. Council Member Edwards absent due to surgery. Council Member Wiseman absent. ORDINANCE 2004-1143 ADOPTED.

39. ORDINANCE appropriating \$109,000.00 out of Public Health Consolidated Construction Fund and approving and authorizing Professional Architectural Services Contract between the City of Houston and **JOHN KIRKSEY ASSOCIATES, ARCHITECTS, INC** for Renovation and Expansion of Kashmere Multi-Service Center, CIP H-0053-01-2; providing funding for Civic Art Program and contingencies relating to construction of facilities financed by the Public Health Consolidated Construction Fund and Community Development Block Grant - \$277,000.00 - CDBG Fund **DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. Council Member Edwards absent due to surgery. Council Member Wiseman absent. ORDINANCE 2004-1144 ADOPTED.
42. ORDINANCE appropriating \$7,691,800.00 out of Drainage Improvements Commercial Paper Series F Fund; \$742,200.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **TEXAS STERLING CONSTRUCTION, L.P.** for Hermann Drive Storm Sewer Relief Project - Segment 1 (600 feet east of Jackson Street to Brays Bayou), GFS M-0260-01-3 (SM5043-01); providing funding for engineering, testing and contingencies relating to construction of facilities financed by Drainage Improvements Commercial Paper Series F Fund and the Water and Sewer System Consolidated Construction Fund - **DISTRICT D - EDWARDS** - had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Council Member Wiseman absent.
43. ORDINANCE appropriating \$4,167,779.00 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-0295-06-3 (WW4257-66); 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 Edwards absent due to surgery. Council Member Wiseman absent. ORDINANCE 2004-1145 ADOPTED.

At 9:30 a.m. the City Secretary began to call the speakers. Council Member Wiseman absent.

Ms. Jeanette Rash, 2104 Lyons Avenue, Houston, Texas 77020 (713-228-8872) appeared, presented information and spoke on Item 31 and stated that she was present asking that the Major Freeway Plan be looked at in a few months to see how it was working; that she was representing Milam Street Auto Storage, Inc. and Cannino West; that she felt the only way to show the numbers did not work was to participate and did not believe it would be an economically viable enterprise; that if the plan was not turned over to them it would fail and it needed training with money available under SAFETEA, there were many loose ends and she hoped they could work together for what was best for the public they served. Council Member Green absent.

Council Member Quan stated that they thought they had solutions at various times and needed to try this and see how it worked; and upon questions, Ms. Rash stated that they should know in a couple of months if this worked and that was why she came today to ask that they look at it in a short amount of time as they did not need a program that did not work. Council Member Quan stated that he felt they needed six months, but felt they should tread carefully and not have long-term contracts and did hope it would be looked into. Council Members Goldberg and Green absent.

Upon questions by Council Member Sekula-Gibbs, Ms. Rash stated that she and her son had bid on five segments and her problem was all freeways came to a central zone and it was never nailed down whether vehicles had to be stored in their zone, which was what Chapter 8 said, and it made a big difference so it was difficult; that numbers were flawed and that was why it was imperative to track the system as they moved forward and get real numbers. Council

Members Goldberg and Green absent.

Mayor White stated that one issue was Council Member Berry was intending to have a hearing and was under the weather so they were working on a meeting so people could ventilate concerns and they were working on scheduling as they now spoke. Council Members Goldberg and Green absent.

Council Member Lawrence thanked Ms. Rash and the many companies for their input and stated that they could always improve but they had a good starting place. Council Members Goldberg, Holm and Green absent.

Upon questions by Council Member Garcia, Mayor White stated that they had focused mostly on getting the program implemented and he was very heartened that Ms. Rash would be assisting in determining if there were flaws or if someone was noncompliant, but as general principles Council Member Berry did a good job; that if he was to express as a policy the extra dollar could be paid to the city and reinvested in enhancements on incident management working with the tow companies or they could say for the same dollar let's put in a requirement of a service option that the tow operator could provide some investment and he would just as soon see the service option. Upon further questions by Council Member Garcia, Ms. Rash stated that on national and state level they were working hard to get federal law in line with state and local law to get benefits such as the SAFETEA money; that it was imperative to train drivers and they needed data. Council Members Galloway, Goldberg, Holm, Alvarado, Ellis and Green absent.

Council Member Berry stated that this was a complicated issue with many things needing to be considered and he applauded many who helped them to get information; that they would have a date for the TIA Committee by the end of the meeting and he apologized that it was not handled before now but he was ill for the last meeting. Council Members Galloway, Goldberg, Khan, Holm, Alvarado, Ellis and Green absent.

Mayor White stated that an additional member of the Parks Board who was confirmed earlier was now present and invited Mr. Benito Guerrier to stand to be recognized. Council Members Galloway, Goldberg, Khan, Holm, Alvarado, Ellis and Green absent.

Council Member Wiseman moved that the rules be suspended for the purpose of hearing Ms. Suzanne Poole out of order, seconded by Council Member Quan. All voting aye. Nays none. Council Member Edwards absent due to surgery. Council Members Galloway, Goldberg, Khan, Holm, Ellis and Green absent. MOTION 2004-1139 ADOPTED.

Ms. Suzanne Poole, P. O. Box 1035, Missouri, Texas 77489 (281-438-5427) appeared and spoke on Item 31 and stated that they were concerned with the studies put out to precipitate in the bidding and how extensive it had become; that she felt Council realized there were errors when they combined segments for the second round; that an Attorney General's opinion should be here in two weeks and they would ask that it be postponed until that opinion comes to see if it was even legal. Council Members Galloway, Goldberg, Holm, Ellis and Green absent.

Upon questions by Council Member Wiseman, Ms. Poole stated that the Attorney General's opinion was based on whether it was legal for a city to auction off a segment that was actually state property and owned by everyone; that there was also a question of funds being paid to the city that may be lost if it was done; that Senator Whitmire said he would be happy to let the city have the freeway if they would take care of them; that they were not against moving vehicles off the freeway, but the concern was the system for bid. Council Members Galloway, Goldberg, Holm, Ellis and Green absent.

Upon questions by Council Member Quan, Ms. Poole stated that the Attorney General had

a 90 day response time and it would be up in 10 to 11 days. Council Members Galloway, Goldberg, Holm, Ellis and Green absent.

Mr./Coach R. J. Bobby Taylor, 3107 Sumpter, Houston, Texas 77020 (202-FA3-4511) had reserved time to speak but was not present when his name was called. Council Members Galloway, Goldberg, Holm, Ellis and Green absent.

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. Council Members Galloway, Goldberg, Holm, Ellis and Green absent.

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

Mr. Kerry Williams, 5615 Lilac, Katy, Texas 77493 (281-642-9960) appeared and stated that he was present regarding his termination from the Fire Training Academy the day he was to graduate and discussed reasons given for his termination and why they had trained him when the reason given for his termination was known before spending the money to train him. Council Members Galloway, Goldberg and Holm absent.

Council Member Quan stated that they spoke on the phone and he was generally sympathetic to those who had been terminated from the Fire Training Academy, but there was a Civil Service appeal available to him until November 17th; and upon questions, Mr. Williams stated that he had signed up for the appeal process but could not see why more money should be spent when the issue could be resolved at a lower level. Council Member Quan stated that the system was setup to insure due process and he understood there were various letters of complaint sent in on him; and upon questions, Mr. Williams stated that he was familiar with complaints and had letters to clear him. Council Member Quan stated that after he exhausted other Administrative avenues he should try coming back to Council. Council Members Lawrence, Galloway, Goldberg, Holm and Garcia absent.

Council Member Green stated that he would suggest Mr. Williams get his information and someone to represent him to put it into a comprehensive and straightforward appeal process and to take it very seriously; and Mr. Williams stated that in the history of the Black Firefighters Association they had never represented a White cadet and they stepped up and said they would represent him and he felt that said a lot for the organization and him. Council Members Galloway, Goldberg, Holm and Garcia absent.

Mr. John Cieslewicz, 1250 Dubarry, Houston, Texas 77018 (281-513-2639) appeared, presented information and stated that the State Transportation Code did not distinguish a child bicyclist from an adult and he was again asking Council to enact some common sense restrictions for a child bicyclist on major streets. Council Members Galloway, Goldberg, Holm, Garcia and Green absent.

Mayor White stated that he had his information and it was worthy of consideration as to what could be done legally; that he did know behavior needed to be changed and he had contacted Lance Armstrong's agents to raise awareness for both drivers and bicyclists as there were obligations on both and they would try and balance where it was on the legislative agenda. Council Members Lawrence, Galloway, Goldberg, Garcia and Khan absent.

Mr. Jay Hurt, 3310 Alice, Houston, Texas 77021 (713-747-7411 ext. 102) appeared, presented information and stated that he was with the Hurt Company and present regarding a dangerous turning radius which led into their facility at the corner of Peerless and Alice, it had an improper turning radius for 18 wheelers; that in the last 12 months there had been 14 rollover accidents and shut down the entrance and exit to their company resulting in 56 hours of

business interruption; and asked that something be done. Mayor White, Council Members Lawrence, Galloway, Goldberg, Garcia and Sekula-Gibbs absent. Mayor Pro Tem Alvarado presiding.

Mayor Pro Tem Alvarado stated that Council had his information and Mr. Gary Norman was present and was familiar with his situation; that she was not sure where this was in the CIP but it seemed one option was to rebuild the street from Peerless to the dead-end; and upon questions, Mr. Hurt stated that they carried lubricants, diesel fuel and the truck he showed was carrying antifreeze which was highly toxic in terms of environmental problems; that it was a real problem. Mayor White, Council Members Lawrence, Galloway, Goldberg, Garcia and Sekula-Gibbs absent. Mayor Pro Tem Alvarado presiding.

Upon questions by Council Member Berry, Mr. Hurt stated that the area was mixed use, his was an industrial facility but apartment houses were increasing; that he had not requested a traffic count, but last week there were two turnover accidents; that his company received insurance claims from carriers which insured the drivers because of loss of business. Council Member Berry stated that he would like to look at the site and someone from his office would get with him before he left the Chamber. Mayor White, Council Members Lawrence, Galloway, Garcia and Sekula-Gibbs absent. Mayor Pro Tem Alvarado presiding.

Council Member Ellis stated that he too would like to send someone to look at the site; that it seemed there should be a quick fix, to maybe widen one area and give the trucks a turn lane; and upon questions, Mr. Hurt stated that was what he was requesting; that the CIP was a lengthy process and an immediate resolution needed to be made. Mayor White, Council Members Galloway, Garcia, Quan and Sekula-Gibbs absent. Mayor Pro Tem Alvarado presiding.

Upon questions by Council Member Khan, Mr. Hurt stated that fortunately nothing had been released from the tankards as yet. Council Member Khan stated that he was afraid something may spill and the environmental people would be all over as it would be a terrible problem; and upon further questions, Mr. Hurt stated that it had been going on for five years. Mayor White, Council Members Galloway, Wiseman, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Alvarado stated that many were willing to help and Mr. Norman would meet with him at this time and see what could be done immediately. Mayor White, Council Members Galloway, Wiseman, Quan and Sekula-Gibbs absent. Mayor Pro Tem Alvarado presiding.

Mr. Adrian Adams, 5022 Higgins, Houston, Texas 77033 (281-948-7598) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Galloway, Wiseman, Quan and Sekula-Gibbs 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, Council Members Galloway, Wiseman, Quan and Sekula-Gibbs absent. Mayor Pro Tem Alvarado presiding.

Mr. Bruce Hotze, 5219 Shady River, Houston, Texas 77056 (713-663-1831) appeared and stated that the Mayor and his supporters spent millions of dollars asking people to vote against Proposition II and instead over 235,000 Houstonians, 56% voted for Prop II, the ones who opposed Prop II were now claiming Prop II was inconsistent and urged that a third party should enter in to give an objective opinion; that he saw no legal brief from the City Attorney and urged Council Members ask for a legal brief and protect the citizens of Houston. Council Members Alvarado and Sekula-Gibbs absent.

Council Member Wiseman thanked Mr. Hotze for coming and stated that she agreed with

his assessment, this was a situation which called for an independent third party review; that the comments in the Houston Chronicle were not hers, she had said when the Charter and state statutes both said if an amendment passed it was the Council's duty to adopt that amendment as passed otherwise they engaged in official misconduct and she appreciated him coming and asking that it be adopted as passed and she stood with him and was now requesting a formal legal opinion from the City Attorney's Office. Council Members Alvarado and Sekula-Gibbs absent.

Council Member Khan stated that he congratulated Mr. Hotze and all those who worked so hard; that without Prop II's efforts Prop I would not have been on the ballot and he hoped they would come to an end result which would be best for the citizens of Houston. Council Members Lawrence, Alvarado and Sekula-Gibbs absent.

Council Member Holm stated that her office did ask for a thorough legal opinion and she was told it would be received today; and Mr. Hotze stated that he would appreciate a copy of that opinion. Council Members Lawrence, Alvarado and Sekula-Gibbs absent.

Mayor White thanked Mr. Hotze for his activism as a citizen and he said after the election the vote of the public did indicate a mandate for fiscal responsibility and accountability; that the interpretation by City Legal was asked for early when there were different propositions offered up, before ordinances were passed, that was their opinion and he told them he wanted to make sure their opinion was thorough and to contact experts if they felt it necessary and that he knew they were moving diligently to do so; and upon questions, Mr. Hotze stated that they did have an experienced counsel, Mr. Andy Taylor, and they had a few others working with him. Council Members Alvarado and Sekula-Gibbs absent.

Ms. Njeri Shakur, 2901 Fulton, Houston, Texas 77009 (713-222-0749) appeared, presented information to Mayor White in the name of Ms. Wessie Saryus and stated that she was again present regarding a housing issue; that they had not honored the grievance process, but she believed they found they had made an error as they came to her and accepted her rent and were going to reread her meter; that if it was determined she still owed she would be subject to ejection if not paid. Council Members Alvarado and Sekula-Gibbs absent.

Mayor White stated that Mr. Lester Whiteing with Housing was present and would be available to assist her. Council Members Wiseman, Sekula-Gibbs and Berry absent.

Council Member Quan stated that he felt there was tremendous progress with the Housing Authority and was sorry she was having problems; that if Mr. Whiteing could not help someone from his office was present; that he wanted to be sure due process was followed and he would offer assistance if she continued to have problems. Mayor White, Council Members Wiseman, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding.

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. Mayor White, Council Members Wiseman, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding.

President Joseph Charles, P. O. Box 52437, Houston, Texas 77052-4373 (713-203-7738) appeared and stated that he was President of the U. S. and continued to express his personal opinions until his time expired. Mayor White, Council Members Wiseman, Ellis, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding.

Senator Robert Horton, 3714 Bain, Houston, Texas 77026 (713-260-6144) appeared and stated that he was God and continued to express his personal opinions until his time expired. Mayor White, Council Members Ellis, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding.

Mr. Josh Bullard, 3328 McGowen, Houston, Texas 77004 (713-654-0037) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Ellis, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding.

Mayor Pro Tem Alvarado stated that they would take a moment to let Council Members in the back know they were resuming with the Agenda. Mayor White, Council Members Ellis, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding.

At 10:33 City Council returned to the business agenda.

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

3. RECOMMENDATION from City Attorney for supplemental allocation in the amount of \$50,000.00 for contract with **RYDER SCOTT COMPANY, L.P.** for Professional Litigation Support Services Enterprise Fund - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Edwards absent due to surgery. Council Member Berry absent. MOTION 2004-1140 ADOPTED.
4. RECOMMENDATION from Director Houston Airport System for City Council to delegate authority to the Director Houston Airport System to determine which construction project delivery method under the Code provides the best value for the City for expansion of William P. Hobby Airport Terminal Building and construction of the East Concourse - was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Edwards absent due to surgery. Council Member Berry absent. MOTION 2004-1141 ADOPTED.
5. RECOMMENDATION from Director Building Services Department for approval to delegate authority to the Director Building Services Department to utilize alternative delivery method for the Frank Branch Library Renovation - **DISTRICT C - GOLDBERG** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado.

Council Member Quan stated that he wanted to get clarification, that it was his understanding that while they were adopting these alternative delivery methods that it would still come back to Council before they were actually implemented, and Mayor White stated yes.

A vote was called on Item No. 5. All voting aye. Nays none. Council Member Edwards absent due to surgery. MOTION 2004-1142 ADOPTED.

6. RECOMMENDATION from Director Building Services Department for approval to delegate authority to the Director Building Services Department to utilize alternative delivery method for the Looscan Branch Library Replacement - **DISTRICT G - HOLM** - was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Edwards absent due to surgery. MOTION 2004-1143 ADOPTED.

ACCEPT WORK

9. RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$23,428,116.35 and acceptance of work on contract with **MANHATTAN CONSTRUCTION COMPANY** for ISEP Utility Tunnel to Terminal E, FIS Foundations, Excavation and Site Utilities at George Bush Intercontinental Airport/Houston; Project No. 500J, CIP A-0203 - 20.73% over the original contract amount - **DISTRICT B - GALLOWAY** - was presented, and tagged by Council Member Galloway.

PURCHASING AND TABULATION OF BIDS

14. **AMEND MOTION #2002-599, 5/29/02, TO INCREASE** spending authority on award to **HUGHY & PHILLIPS, HONEYWELL AIRPORT SYSTEMS** from \$475,000.00 to \$593,750.00 and **AIRPORT LIGHTING SYSTEMS, INC** from \$625,000.00 to \$781,250.00 for Airfield Lighting Contract for Houston Airport System and Police Department - Enterprise Fund - was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Edwards absent due to surgery. MOTION 2004-1144 ADOPTED.
17. **AMEND MOTION #2002-50, 1/16/02, and #2002-539, 5/8/02, TO EXTEND** expiration date from January 16, 2005 until January 15, 2006, and **TO INCREASE** spending authority for Part I from \$1,531,940.00 to \$2,144,716.00, for Spheres, Reflective Glass Contracts, Parts I & II Contract, for Various Departments, awarded to **FLEX-O-LITE, INC** - was presented, moved by Council Member Khan, seconded by Council Member Quan.

Council Member Berry stated that he enjoyed every dealing they had with Mr. Calvin Wells and did not know if it was the will of the Council but it was certainly his personal preference that they not stick with contracts but go back out to the market and hopefully they would find that the contract they had was the best the market could offer.

Council Member Lawrence stated that she had a correction, on the third line it was reflective glass beads and not reflective glass, which was a huge difference, that it had nothing to do with glass, that when they took a bid like this they needed to be sure that backup was there so if it said reflective glass there was not the backup to show the energy and efficiency of that and that was her problem, what were they really buying, that was her concern, that once she found out that it really was not pane glass or glass being used for insulated units that was when she decided it was okay.

Council Member Khan stated that he had a concern as to why they were extending the contract, that it said the prices were 11% lower than the retail market prices, that he was sure it was in the supplier's interest to extend the contract also, that he did not believe it was in the City's interest to be extending contracts and going around the open bid process.

Council Member Wiseman stated that was her concern and was why she voted against a couple of items last week, that before they had been approached with the idea of extending contract periods because the spending authority that had been approved had not been reached and she had no problem with extending the contract for that reason but now they were seeing the practice of extending the contract and asked if this item was a situation where they could have used the reverse auction process.

Council Member Wiseman moved to suspend the rules to hear from Mr. Calvin Wells, Purchasing Agent, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Edwards absent due to surgery. MOTION 2004-1145 ADOPTED.

Upon questions by Council Member Wiseman, Mr. Wells stated that he had an opportunity, when the contract was approaching expiration or had been exhausted with funds, to do a market survey to determine what were the bids likely to be if they were to advertise it, they determined from the department whether or not they were appreciative of the services they were getting and also looked at whether or not it was cost effective for them to keep the contract in place, that the option was the City's, that he made the best decision on behalf of the taxpayer, that they had saved the City in excess of \$20 million by holding the contracts in place when they needed to, that as to the reverse auction process for the purchase of the items in Item No. 17 they could use the process but it was harder and more difficult to get certain items in reverse auction than others, that on this one there were too many variables, and Council Member

Wiseman state that they were supposed to save \$6 million annually through the reverse auction process asked Mr. Wells to send her information as to how much they saved last fiscal year and how much they had saved so far this year, and Mr. Wells stated they would do that.

Upon questions by Council Member Khan, Mr. Wells stated that he would commit to the Mayor and to the administration that they would do a formal bid when they had done the market survey and bring it to Council, not for approval, so they could see a comparative analysis between the two because they were confident that they needed to extend contracts when it was in the best interest of the City.

After further discussion a vote was called on Item No. 17. Council Members Berry, Khan, Wiseman and Sekula-Gibbs voting no, balance voting aye. Council Member Edwards absent due to surgery. Council Member Green absent. MOTION 2004-1146 ADOPTED.

18. **AMEND MOTION #2000-15, 1/5/00, as amended by #2002-1093, 9/25/02, TO EXTEND** expiration date from January 5, 2005 to January 4, 2006, for Wheel Replacement Parts Contract for Various Departments, awarded to **POLAR SERVICE CENTERS** - was presented, and tagged by Council Member Wiseman.

ORDINANCES

19. **ORDINANCE AMENDING CHAPTER 3 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the Sale of Alcohol within the City - was presented. (Note: Council Member Ellis released his tag later in meeting.)

Council Member Ellis asked if he could get some clarification as to what was the definition of a daycare center or child care facility, that it was not clarified in the RCA, that he had some concern with someone taking two children and putting them in an office space and saying it was a day care center and that would restrict everybody in that region from receiving a liquor license, that the second issue he had was that he was assuming that if they had a liquor license presently they were grandfathered, and Mr. Michel stated that yes, they were grandfathered, and as to the definition they referenced the Human Resources Code for the definition of a child care facility or daycare center and it was a facility licensed, certified and registered by the Department of Family and Protective Services to provide assessment, care, training, education, custody treatment or supervision of a child not related by blood, marriage or adoption to the owner/operator of the facility, that it could require only one child, and Council Member Ellis stated that he understood there was a grandfather clause but wanted to spend another week looking at the definition of a child care facility and would tag the item.

Council Member Garcia stated that he respected Council Member Ellis wanting to be thorough on it but wanted to say he was excited to see the item come before Council and was sure the Council Members questions and concerns would be addressed, that it was a good piece of legislation for the community, that he wanted to thank the administration and Mr. Michel for their work on the item.

Council Member Lawrence stated that she faced a lot of the same neighborhood problems that District H had and they were continually seeing 24/7 daycares in shopping centers and little bars came in next door, she had one in her district right now, it was something that they needed to consider about what was going on in their neighborhoods.

31. **ORDINANCE** approving contracts with Towing Company Operators and authorizing the Chief of Police to enter into contracts between the City and **NORTH HOUSTON MOTORS, INC, UNIFIED AUTO WORKS, T&T MOTORS, CANNINO WEST, INC, MILAM STREET AUTO STORAGE, INC, ALLIED COLLISION CENTER, CORPORATE AUTO SERVICES, INC and WESTSIDE WRECKER SERVICE, INC** for Major Freeway Tow Agreements - Revenue - was presented, and tagged by Council Members Wiseman,

Garcia, Galloway, Quan and Sekula-Gibbs.

Council Member Berry stated that they finally cleared a time for November 18, 2004, next Thursday at 2:00 p.m. for a TIA Committee meeting, that they did not know that it was necessarily most efficient for them to engage Jeanette or Ken or anyone else as a full Council for an extended length of time but that was going to be an opportunity where they could flush out a lot of these issues, ask a lot of the questions and have all of the participants at the table, that he would encourage them if they were interested in it to be there if they could.

34. ORDINANCE appropriating \$375,000.00 out of Airports Improvement Fund, CIP A-0368.12; approving and authorizing contract for Professional Consulting Services by and between the City of Houston, Texas and **WYLE LABORATORIES, INC** for Noise Study Update at George Bush Intercontinental Airport/Houston - was presented. All voting aye. Nays none. Council Member Edwards absent due to surgery. ORDINANCE 2004-1146 ADOPTED.
36. ORDINANCE awarding contract to **G&S ASPHALT, L.P. d/b/a AMERICAN MATERIALS** for Sale of Street Millings for Public Works & Engineering Department - 2 Years with a one year option Revenue - was presented. All voting aye. Nays none. Council Member Edwards absent due to surgery. ORDINANCE 2004-1147 ADOPTED.
38. ORDINANCE appropriating \$152,482.00 out of Public Health Consolidated Construction Fund and approving and authorizing Professional Architectural Services Contract between the City of Houston and **CHARLES D. GOODEN CONSULTING ENGINEERS, INC** for Design of the Renovation and Expansion of the Fifth Ward Multi-Service Center, CIP D-0071-01-2; providing funding for Civic Art Program and contingencies relating to construction of facilities financed by the Public Health Consolidated Construction Fund and Community Development Block Grant \$300,000.00 - CDBG Fund - **DISTRICT B - GALLOWAY** - was presented, and tagged by Council Member Galloway.
40. ORDINANCE appropriating \$360,586.00 out of Street & Bridge Consolidated Construction Fund, awarding contract to **TIKON GROUP, INC** for Safe Sidewalk Program C3 Work Order Project, GFS N-0610A-C3-3 (SB09049-3); setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, construction management, and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - was presented, and tagged by Council Member Galloway.
41. ORDINANCE appropriating \$403,385.00 out of Street & Bridge Consolidated Construction Fund, awarding contract to **TIKON GROUP, INC** for Safe Sidewalk Program E0 Work Order Project, GFS N-0610A-E0-3 (SB09136-1); setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, construction management, and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - was presented, and tagged by Council Member Galloway.
44. ORDINANCE approving and authorizing first amendment to Development Agreement between the City of Houston and **BUILDERS' COMMUNITY DEVELOPMENT CORPORATION** to Modify Procedure regarding release of 75 Market Rate Lots within the Leland Woods Subdivision **DISTRICT B - GALLOWAY** - was presented.

Council Member Quan stated that they had made a commitment to Leland Woods and in order to insure the affordability of the properties the arrangement was that one fourth could be market housing, that to control the price of the property was why the money was being

allocated, it was not new money just the same that they had already allocated.

A vote was called on Item No. 44. All voting aye. Nays none. Council Member Edwards absent due to surgery. ORDINANCE 2004-1148 ADOPTED.

Mayor White stated that when the homes go up the City would owe a debt to Council Member Galloway for pushing through and asking everybody to use common sense to get the whole thing done, he appreciated all her help.

Council Member Galloway stated that she wanted to thank her colleagues because it had been proven that they needed to develop and get some new subdivisions in the area, especially in the North Forest School District where the tax rate was so high, that she thought it was going to be a wonderful project, that the community would be quite pleased once the homes starting going up in the area.

NON CONSENT AGENDA - NUMBERS 45 through 47

MISCELLANEOUS

45. REVIEW of the record and make determination of the appeal filed by Mr. Henry McGowan on the decision of the General Appeals Board to deny a Manufactured Home Hardship Permit Extension at 13509 S. Wayside Drive, Houston, Texas, 77048 - was presented and tagged by Council Members Alvarado, Quan and Garcia.
46. MOTION to set a date not less than eight (8) days from November 9, 2004, to receive nominations for Positions One and Two, and Alternate Positions One and Two of the **HOUSTON-GALVESTON AREA COUNCIL BOARD OF DIRECTORS**, for one-year terms to expire on December 31, 2005 - was presented.

Council Member Khan moved to set November 17, 2004 to receive nominations for Positions One and Two and Alternate Positions One and Two of the Houston-Galveston Area Council Board of Directors, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Edwards absent due to surgery. Council Member Quan absent. MOTION 2004-1147 ADOPTED.

PROPERTY

47. 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 Americor Development, LLC (Ignacio Grillo and John Hunt, co-managers), for abandonment and sale of a ±0.7921-acre (±34,502-square-foot) surplus fee-owned portion of West Bellfort Avenue right of way, out of a ±5.54-acre (±241,332-square-foot) tract located within the James Hamilton Survey, Section 34, Tract 4, A-887, Parcel SY5-016 - **TWO APPRAISERS and ONE ALTERNATE APPRAISER - DISTRICT C - GOLDBERG** - was presented.

Council Member Goldberg stated that they had not received the new list of appraisers so he would tag the item. Council Member Quan absent.

MATTERS HELD - NUMBERS 48 through 65

48. 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 - (**This was Item 9 on Agenda of November 3, 2004, TAGGED BY COUNCIL MEMBERS**)

GALLOWAY, GARCIA, GREEN and ALVARADO) - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Edwards absent due to surgery. Council Member Quan absent. MOTION 2004-1148 ADOPTED.

49. 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 - (**This was Item 10 on Agenda of November 3, 2004, TAGGED BY COUNCIL MEMBERS GALLOWAY, GARCIA, GREEN and ALVARADO**) - was presented, moved by Council Member Khan, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Member Edwards absent due to surgery. Council Member Quan absent. MOTION 2004-1149 ADOPTED.
50. 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 - (**This was Item 22 on Agenda of November 3, 2004, TAGGED BY COUNCIL MEMBERS EDWARDS, WISEMAN and GALLOWAY**) - was presented. All voting aye. Nays none. Council Member Edwards absent due to surgery. Council Member Quan absent. ORDINANCE 2004-1149 ADOPTED.
51. 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 - (**This was Item 23 on Agenda of November 3, 2004, TAGGED BY COUNCIL MEMBERS WISEMAN, KHAN, GARCIA and SEKULA-GIBBS**) - was presented. All voting aye. Nays none. Council Member Edwards absent due to surgery. Council Member Quan absent. ORDINANCE 2004-1150 ADOPTED.
52. 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 - (**This was Item 30 on Agenda of November 3, 2004, TAGGED BY COUNCIL MEMBERS WISEMAN and GARCIA**) - was presented. All voting aye. Nays none. Council Member Edwards absent due to surgery. Council Member Quan absent. ORDINANCE 2004-1151 ADOPTED.
53. 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 - (**This was Item 31 on Agenda of November 3, 2004, TAGGED BY COUNCIL MEMBER GARCIA**) - was presented. All voting aye. Nays none. Council Member Edwards absent due to surgery. Council Member Quan absent. ORDINANCE 2004-1152 ADOPTED.
54. 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 - (**This was Item 32 on Agenda of November 3, 2004, TAGGED BY COUNCIL MEMBERS QUAN and GARCIA**) - was presented. All voting aye. Nays none. Council Member Edwards absent due to surgery. Council Member Quan absent. ORDINANCE 2004-1153 ADOPTED.

55. 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 - **(This was Item 47 on Agenda of November 3, 2004, TAGGED BY COUNCIL MEMBERS GREEN, KHAN, GARCIA, GALLOWAY and QUAN)** - was presented.

After discussion by Council Members, Mayor White stated that he would visit with Mr. Marcotte, Director, Public Works, about his considerations and if larger amount contracts would be appropriate, and he would ask Ms. Stein or Mr. Soto to make sure they got a report from Ms. Velma Laws, Affirmative Action, on whether or not the firm had graduated and if so it would be his education on graduation rules.

A vote was called on Item No. 55, Council Members Khan, Quan, Garcia and Sekula-Gibbs voting no, balance voting aye. Council Member Edwards absent due to surgery. ORDINANCE 2004-1154 ADOPTED.

56. 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 - **(This was Item 48 on Agenda of November 3, 2004, TAGGED BY COUNCIL MEMBERS GREEN, KHAN, GARCIA, GALLOWAY and QUAN)** - was presented.

After discussion by Council Members, Mayor White stated that there were similar concerns by Council Members about the items and in his discussion with Mr. Marcotte it would encompass all of the Chief Solutions items.

A vote was called on Item No. 56, Council Members Khan, Quan, Garcia and Sekula-Gibbs voting no, balance voting aye. Council Member Edwards absent due to surgery. ORDINANCE 2004-1155 ADOPTED.

57. 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 - **(This was Item 49 on Agenda of November 3, 2004, TAGGED BY COUNCIL MEMBERS GREEN, KHAN, GARCIA, GALLOWAY and QUAN)** - was presented. Council Members Khan, Quan, Garcia and Sekula-Gibbs voting no, balance voting aye. Council Member Edwards absent due to surgery. ORDINANCE 2004-1156 ADOPTED.

58. 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 - **(This was Item 50 on Agenda of November 3, 2004, TAGGED BY COUNCIL MEMBERS GREEN, KHAN, GARCIA, GALLOWAY and QUAN)** - was presented. Council Members

Khan, Quan, Garcia and Sekula-Gibbs voting no, balance voting aye. Council Member Edwards absent due to surgery. ORDINANCE 2004-1157 ADOPTED.

59. 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 - (**This was Item 51 on Agenda of November 3, 2004, TAGGED BY COUNCIL MEMBERS GREEN, KHAN, GARCIA, GALLOWAY and QUAN**) - was presented. Council Members Khan, Quan, Garcia and Sekula-Gibbs voting no, balance voting aye. Council Member Edwards absent due to surgery. ORDINANCE 2004-1158 ADOPTED.
60. 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 - (**This was Item 54 on Agenda of November 3, 2004, TAGGED BY COUNCIL MEMBER GALLOWAY**) - was presented. All voting aye. Nays none. Council Member Edwards absent due to surgery. ORDINANCE 2004-1159 ADOPTED.
61. 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 - (**This was Item 55 on Agenda of November 3, 2004, TAGGED BY COUNCIL MEMBER GALLOWAY**) - was presented. All voting aye. Nays none. Council Member Edwards absent due to surgery. ORDINANCE 2004-1160 ADOPTED.
62. 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 - (This was Item 58 on Agenda of November 3, 2004, TAGGED BY COUNCIL MEMBERS QUAN and GOLDBERG)** - was presented. All voting aye. Nays none. Council Member Edwards absent due to surgery. ORDINANCE 2004-1161 ADOPTED.
63. ORDINANCE appropriating \$2,411,926.00 out of Equipment Acquisition Consolidated Fund for the purchase of FY2005 Rolling Stock and Other Equipment - (**This was Item 69 on Agenda of November 3, 2004, TAGGED BY COUNCIL MEMBER WISEMAN**) - was presented. All voting aye. Nays none. Council Member Edwards absent due to surgery. ORDINANCE 2004-1162 ADOPTED.
64. ORDINANCE appropriating \$7,567,890.00 out of Equipment Acquisition Consolidated Fund for the purchase of FY2005 IT Hardware, Software and Projects - (**This was Item 70 on Agenda of November 3, 2004, TAGGED BY COUNCIL MEMBER WISEMAN**) - was presented. All voting aye. Nays none. Council Member Edwards absent due to surgery.

ORDINANCE 2004-1163 ADOPTED.

65. 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 77 on Agenda of November 3, 2004, POSTPONED BY COUNCIL CONSENT)** - was presented.

Council Member Wiseman stated that she had the opportunity to look at invoices and letters of agreement and review again the contract that they were being asked to amend and the amendment they were being asked to make, that she had some strong concerns about the item, they had originally approved the \$280,000 in March 2004 for the item, the contract was very clear as far as what work would be done, it was broken up into basic services and additional services and it was very clear in the contract what had to be done and the extent of the funds that were available for it, yet the work that was performed exceeded the amount that they had originally approved by \$175,000, but that work was approved by the representative for the CAO, signed on two letters of agreement that she was able to see, she did not see any additional letters of agreement for that, and the response that was sent in writing from Mr. Michel as to whether or not it was legal or illegal to go ahead and incur those expenses without Council approval, was that before any expenditure that the City made over \$25,000 Council approval was required, they incurred those expenses and in that same response memo they were told that if they did not pay Mercer they could sue the City because of what was considered an implied contract, that it was so implied in the sense that the CAO authorized the work to be done, and then they received a memo from the CAO in which he said that he indicated to City Council on more than one occasion that Mercer was assisting them in the negotiations that were part of the funding, that Council approval was what was required, not just a mention to them that the work was being done, that they could exceed the \$284,000 but it had to be approved by motion or ordinance of City Council, that no where did it say it could happen after the fact, that to her it was a dangerous situation they were in, how many other contracts out there were they exceeding the amount listed in the contract, that she could not support approving something like this, that she would be voting no. Council Members Lawrence and Berry absent.

Council Member Ellis stated that when he heard the explanation from the CAO with regard to what had occurred he felt that it was sloppy work just from the standpoint that he knew that the Mayor and the CAO met just about every day and for the CAO to suggest to the Mayor that he would need to place an RCA on the agenda because they were exceeding the limit that had been provided by Council he thought may have been an oversight on his part and would request that it not occur again and that Mayor White give some direction to his staff that if they were going to exceed caps that they bring it back to the City Council and allow them to vote on it prior to it occurring, that it was an issue that he knew was extremely important to the administration, in negotiating with the two pension systems and agreed with Council Member Wiseman that just the fact that they had mentioned it did not mean they took action on it, that he was going to vote for the item, that he understood that Mercer had done a very good job in assisting them when they were trying to figure out what they were going to do with the two pension systems and would just encourage the administration to not put the City Council in that position again. Council Members Lawrence and Berry absent.

Mayor White stated that he agreed with Council Member Ellis comments that it was appropriate to come back to the Council at that time, that he thought there were some pressures instituted by him, that they would consider or agree to nothing unless they had an analysis of the actuarial effects, he put a lot of pressure on those people working for him to get it done by a deadline and not to tell him they did not have the information, that he thought their point was correct that there was a failure to follow procedures and that could not be the case, that the point that Council Member Wiseman was well taken, that he wanted to thank them for bringing it to their attention and the people who were involved in it, particularly Mr. Hall, had acknowledged

that it was an inexcusable oversight. Council Member Wiseman Quan and Berry absent.

A vote was called on Item No. 65. Council Members Wiseman and Sekula-Gibbs voting no, balance voting aye. Council Member Edwards absent due to surgery. Council Members Quan and Berry absent. ORDINANCE 2004-1164 ADOPTED.

Items received during meeting.

42. ORDINANCE appropriating \$7,691,800.00 out of Drainage Improvements Commercial Paper Series F Fund; \$742,200.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **TEXAS STERLING CONSTRUCTION, L.P.** for Hermann Drive Storm Sewer Relief Project - Segment 1 (600 feet east of Jackson Street to Brays Bayou), GFS M-0260-01-3 (SM5043-01); providing funding for engineering, testing and contingencies relating to construction of facilities financed by Drainage Improvements Commercial Paper Series F Fund and the Water and Sewer System Consolidated Construction Fund - **DISTRICT D - EDWARDS** - was presented. All voting aye. Nays none. Council Member Edwards absent due to surgery. Council Members Quan and Berry absent. ORDINANCE 2004-1165 ADOPTED.
26. ORDINANCE approving and authorizing a Utility Functions and Services Allocation Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 411 DISTRICT D - EDWARDS** - was presented. All voting aye. Nays none. Council Member Edwards absent due to surgery. Council Members Quan and Berry absent. ORDINANCE 2004-1166 ADOPTED.
27. ORDINANCE approving and authorizing a Utility Functions and Services Allocation Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 381** - was presented. All voting aye. Nays none. Council Member Edwards absent due to surgery. Council Members Quan and Berry absent. ORDINANCE 2004-1167 ADOPTED.

Council Member Ellis stated that he would release his tag on Item No. 19.

19. ORDINANCE **AMENDING CHAPTER 3 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the Sale of Alcohol within the City - was again before Council, and tagged by Council Member Goldberg.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Alvarado first

Council Member Alvarado stated that she knew they started charging for the meters downtown on Saturdays and it was her understanding that there was going to be some type of grace period to educate the public and allow them time to get used to the fact that they were going to be paying on Saturdays and she did not think that was happening, that she would like to request that there be some kind of grace period with the process, Mayor White stated that they would check on it, and Council Member Alvarado asked that somebody get back with her. Council Members Khan and Green absent.

Council Member Alvarado stated that she wanted to wish Council Member Berry a Happy Birthday. Council Members Khan and Green absent.

Council Member Sekula-Gibbs stated that recently she was able to participate in a meeting that Mayor White conducted with Congressmen Delay and Green, Mr. Roger Nober of the Surface Transportation Board, Council Member Alvarado and Judge Eckels, that quite importantly there was representation and leadership from the Union Pacific Railroad and Burlington Northern and Kansas City Southern, that some very important matters were discussed at the meeting and some very positive items would be moved forward based on the

discussions at the meeting, that at the meeting she heard that the leadership of the community was very engaged in trying to come to a solution so that there would be a better method of moving freight around and through the City from the Bayport area and the Port of Houston that would not compromise the communities and damage the quality of life in the communities, that a discussion that arose was with developing the super corridor concept which was basically a way of using some of the models that had come from California and Chicago and taking some of the freight that was crisscrossing Houston like a spider web and putting it on parallel tracks so that they could get the freight in and out of the City in such a way that the communities could continue to grow safely without being cut in half by expanding rail business, that she would hope that Mayor White would keep them informed about it and he had her complete support on the issue. Council Members Lawrence and Green absent.

Mayor White stated that they had agreed that the senior citizen coordinator on a multi County region would be Mr. George DeMontrond and that the senior person leading the technical review and staff would be Mr. Art Story and they both agreed to do that, that they did continue to monitor the discussions in progress to protect both the interests of shippers and people in Clear Lake and the East End, they did not want new freight rail lines through neighborhoods at the same time they were trying to take them out. Council Member Green absent.

Council Member Sekula-Gibbs asked Mayor White if he would be able to provide to her and interested Council Members a summation of the City's Legislative agenda because she would suspect that they would have some legislation that would have to go through the State regarding the Super Corridor concept. Council Member Green absent.

Council Member Khan stated that on October 30, 2004, the Alief group had planted hundreds of trees at Herman Park, that on November 6, 2004 they planted trees at Bissonnet and Kirkwood, and on December 4, 2004 they would plant hundreds of trees at Alief Community Park, that the effort by the community members, people who served on the Super Neighborhood Council and Make Houston Beautiful were really making District F beautiful and he wanted to acknowledge and applaud the efforts of everybody. Council Members Goldberg and Green absent.

Council Member Khan stated that on November 17, 2004 they were having a breakfast for an Alief business group at, that it was also a community effort, the business people and Super Neighborhood Council were coming together to talk about how they could improve the Alief area and attract more businesses, that it would be held at the Knights of Columbus Hall at Beechnut and Kirkwood. Council Members Goldberg and Green absent.

Council Member Khan stated that also on November 17, 2004 at 5:00 p.m. Mayor White had invited the Indian American community to celebrate the Diwali Festival, the Indian community was very appreciate of the gesture and were looking forward to making it successful, that all Council Members were invited. Council Members Goldberg and Green absent.

Council Member Khan stated that this was the last week of Ramadan and on Sunday they would have congregation prayers at George R. Brown Convention Center, that they were all invited and Mayor White would be attending also. Council Members Goldberg and Green absent.

Council Member Khan stated that tonight they would have their first steering committee for the International Management District, which Mayor White supported and gave a lot of help from his staff to make it happen, that he invited some of the At Large Council Members to join them along with Council Member Goldberg, they were going to form the steering committee to work out the details and hopefully within the next thirty days they would finalize the whole effort to make a presentation of the bill to the State house. Council Members Goldberg and Green absent.

Council Member Quan stated that he wanted to congratulate Bishop Fiorenza, that Friday night there was a mass to celebrate his 50 years of service to the priesthood and 25 years as Bishop for the Galveston Houston Diocese, that it was a great event and over 40 Cardinals and Archbishops attended as well as probably 10,000 people at the Reliant Arena. Council Members Goldberg and Green absent.

Council Member Quan stated that on Saturday Council Members Alvarado and Garcia were joining him in hosting an event, Buffalo Bayou East Houston Housing, in which they were going to be talking about housing along Buffalo Bayou on the eastern part of Houston, that it would be at The Ripley House at 8:30 a.m. on Saturday morning. Council Members Goldberg and Green absent.

Council Member Quan stated that he wanted to send his congratulations to Mr. Vo on his election as State Representative District 149. Council Members Goldberg and Green absent.

Council Member Berry stated that he wanted to commend Mr. Terrance Fontaine and Ms. Katy Moses, who had just learned was going to be leaving to have a baby, that they had worked diligently for quite some time on the telephone issue, that he thought they were going to root out a lot of savings for the taxpayers, that he appreciated the work they had done. Council Members Khan and Green absent.

Council Member Berry stated that as to transportation, Mr. Lucus Wall writes a column where people send in issues and if they watched over and over again Mr. Wes Johnson or Mr. Gary Norman were getting issues resolved, whether it was a signal down or ill timed, a stop sign that was out, which really made a difference in the traffic flow, that those little bits added up to mean minutes to their drivers, that was part of the mobility plan, to the people who were making a big effort to be responsive to the Council Members and their constituents he wanted them to know it was appreciated. Council Members Khan and Green absent.

Council Member Berry stated that he had an opportunity to watch the work of Ms. Jill Jewett of the Mayor's office, that over the last month they had some problems with some of the arts organizations being able to load and while mobility was their number one concern they also wanted to make sure not to unduly tax or overburden their cultural arts organizations and Ms. Juet did a great job and thought it had been resolved so that Council Member Alvarado's district could be better served and the arts organizations would not have to pass on a cost or bear a cost that they could not otherwise bear. Council Members Khan and Green absent.

Council Member Berry stated that he wanted to wish Mr. Richard Zentek of his office a Happy Birthday. Council Members Khan and Green absent.

Council Member Goldberg stated that about a month ago he had popped off about an issue when somebody razes a home and builds a new home the ordinance required that they build a sidewalk even if there was no sidewalk anywhere in the neighborhood, that he wanted someone from the Planning Department to meet with him and see if they could resolve an ordinance that did not make sense. Council Members Khan and Green absent.

Council Member Goldberg stated that there was going to be a Gala honoring the Stella Link Redevelopment Association and what they had accomplished, about 15 years ago they took about 40 acres of land in their neighborhood, that was a risk to health and safety, they sold the land to a YMCA and Sheltering Arms had a place for senior care, they had 3 or 4 new baseball fields and they even got the City to build a new library, which would open up early next year, they accomplished it all on their own and it had greatly increased the value of all of their property in the Braeswood area. Council Members Khan, Ellis and Green absent.

Council Member Galloway stated that she was on Fox 26 discussing some of the

problems they were having in the City, especially in her district, as it related to bayous and large ditches and waterways that did not belong to the City or the County, that they were supposed to meet with the County and Public Works to identify who would take ownership of those bayous and waterways, that she had one that was highly dangerous in the Fifth Ward area and she had been trying to get it cleaned out since 2001 and even received a memo in 2002 from Mr. Arthur Story who stated that they were going to work with the City to get something together and the last wording of the memo was that he and the City staff were to develop a program that "leaves no ditch behind", that the ditch had been left behind for some years and as of today she had not received any information as to who owned those waterways in her district and she wanted to rectify the problem and get something done. Council Members Khan, Alvarado, Quan and Green absent.

Council Member Galloway stated that when they appointed people to certain boards that dealt with City Departments and those people may have a principal owner or company the City did business with and if something came up in that department and it was brought to the board and if those people were primary owners of a company and if it was going to come before Council for approval did they act or interact on those items or did they excuse themselves because it would be like a conflict of interest, that if someone was on the Parks Board and they had recreation facilities and they were the prime owner of a company and the City may be renovating the recreation facility as to improvements in the park so they would come before the Park Board and maybe their company would get the contract, would it be a conflict. Council Members Khan, Alvarado, Quan and Green absent.

Mayor White stated that benefit if they had training and orientation, which was available, to senior City officials, members of boards or commissions, City Council Members or staff who wished to participate, addressing some fundamental issues, such as conflict of interest and how to handle it, how to make a record of recuseals, every aspects of gifts and gratuity's, that there might want to be some consideration made to that extent that there might be people who thought beyond just the legal compliance part of ethics, that there may be some non profit, for free, who could pull together some people to engage in the type of checklist about ethics going beyond law, that he thought it would be very valuable for members of boards and commissions and thought it was a good question that Council Member Galloway asked, that he wanted Mr. Michel to help him figure out how to organize such a project, and Mr. Michel stated that he would get that organized. Council Members Khan and Green absent.

Council Member Lawrence stated that she wanted to thank the firefighters of Houston, that they put her and Council Members Garcia and Green through quite a vigorous training this past week, that it was mainly physical fitness, that it was a very big learning training about what the firefighters went through daily and the shape they needed to be in and the importance of their job with the City. Council Members Khan and Green absent.

Council Member Garcia stated that he also wanted to add his comments to follow up with Council Member Lawrence, that he had been in a patrol car, chased a few bad guys and dodged a few bullets in his time, but it was an entirely different environment to be in a burning building, that he had a whole new level of respect for the public safety officials on the fire side and wanted to commend them for the work they did. Council Members Khan and Green absent.

Council Member Garcia stated that he wanted to recognize that during the Halloween weekend there was a lot going on and wanted to thank the Mayor's administration for two very special projects that occurred in the neighborhood in his district, that one was the Northside Village Weed and Seed Cleanup, the Mayor came out and shared a few words with the folks out there, that he wanted to thank the Mayor for his assistance in making the project successful, that he wanted to thank the numerous volunteers who were out there giving of themselves to their neighborhood and neighbors, that at the same time was the Monster Mash that was held at Moody Park and was coordinated through the Mayor's administration, the Weed and Seed Office, State Representative Farrar and his Council office staff and many volunteers, that they

were able to provide a safe environment to over 500 children, that he wanted to thank everyone involved with that. Council Members Khan and Green absent.

Council Member Garcia stated that he wanted to recognize Ms. Christina Cabral and the Hispanic Advisory, Ms. Lillian Villareal in particular, for the work she was doing on the Public Safety Sub Committee of the advisory, that he appreciated the Mayor's commitment to the Hispanic Community for the work that the advisory and his staff was doing on it. Council Members Khan and Green absent.

Council Member Garcia stated that he wanted to acknowledge and thank Mr. Michel for bringing on two new attorneys to the FAST Team, that it was real exciting for the City and the relationship they were formalizing with the County Attorney's Office, those were issues that were extremely exciting for the community, that he wanted to thank Mr. Michel for giving them a report on that at the Public Safety Committee meeting. Council Members Khan and Green absent.

Council Member Garcia stated that he wanted to congratulate Mr. Israel Gomez with HPD and his lovely wife, they exchanged vows this past weekend. Council Members Khan and Green absent.

There being no further business before Council, the City Council adjourned at 12:01 p.m. Council Members Khan and Green absent.

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary