

City Council Chamber, City Hall, Tuesday, March 29, 2005

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, March 29, 2005, Mayor Bill White presiding and with Council Members Toni Lawrence, Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, M. J. Khan, Pam Holm, Adrian Garcia, Carol Alvarado, Mark Ellis, Gordon Quan, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; Mr. Harlan Heilman, Division Chief, Claims & Subrogation Division, Legal Department; Mr. Richard Cantu, Director Mayor's Citizens Assistance Office; Ms. Marty Stein, Agenda Director and Mr. Jose Soto, Assistant Agenda Director present.

At 2:05 p.m. Mayor White stated that Council would begin with presentations starting with Council Member Berry. Council Member Berry invited Mr. Floyd Bergeron to the podium and stated that show time at the Apollo did a nationwide tour of cities last year and Mr. Bergeron was chosen as a winner of over 700; he went to New York and won each time and every time he was announced he said he was proud to be from Houston, Texas; that Mr. Bergeron again put Houston in the spotlight; and presented him a Proclamation proclaiming March 29, 2005, as "Floyd Bergeron Day" in Houston, Texas; and Mr. Bergeron thanked the Mayor and Council for a memory he would never forget; that he loved the City of Houston; and sang a verse from the song which he sang at the Apollo. Council Members Galloway, Wiseman, Khan, Holm, Garcia, Ellis, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Council Member Goldberg stated that he wanted to recognize three city employees and invited Mr. Shawn Hoffman, Mr. Mark Wilson and Mr. Scott Kinsey to the podium. Council Member Goldberg stated that a citizen was injured at Miller Outdoor Theatre, the three employees helped him and he offered money to them which they would not accept; that he did donate money to the Miller Theatre Advisory Board because of them; and today he wanted to present each a Certificate for embodying the spirit of what he thought public service and what working for the City of Houston represented. Council Members Galloway, Wiseman, Holm, Garcia and Sekula-Gibbs absent.

Council Member Edwards stated that her office wanted to recognize civic clubs which went beyond in working to build partnerships and the first to be recognized from the District D area was the Central City Civic Club and invited those present to the podium. Council Member Edwards stated they were a 65 year old neighborhood of diverse individuals and presented them a Proclamation saluting and commending organizers and participants and proclaimed March 29, 2005, as "Center City Preservation Day" in Houston, Texas. Council Members Wiseman, Holm, Garcia and Berry absent.

Council Member Lawrence stated that her staff was given a challenge, 11 days to do a complete zip code cleanup and they had a tremendous amount of corporate sponsors, people had to change schedules for Easter, neighborhood groups joined in; that they had over 100 volunteers from the community, 80 probationers were sent out and at this time she wanted to thank her staff and those who joined in and made a difference and invited the leaders to the podium and presented them Certificates of Recognition. Council Members Wiseman, Garcia and Berry absent.

Council Member Lawrence invited a group of Kindergarten children and teachers to the podium who presented Mayor White with poster size letters. Council Members Wiseman, Garcia and Berry absent.

At 2:29 p.m. Mayor White called the meeting to order and called on Council Member Edwards who led in the prayer and pledge. Council Members Wiseman and Garcia absent.

At 2:30 p.m. the City Secretary called the roll. Council Members Wiseman and Garcia absent.

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

Council Member Alvarado moved that the rules be suspended for the purpose of hearing Mr. George Meeks, Mr. Manuel Benitez, Mr. Jeremy Henicke and Mr. Gary Fingleman as the first non-agenda speakers, seconded by Council Member Khan. All voting aye. Nays none. Council Members Wiseman and Garcia absent. MOTION 2005-0252 ADOPTED.

Council Member Edwards moved that the rules be suspended for the purpose of hearing Mr. Anthony Love after Mr. Gary Fingleman, seconded by Council Member Lawrence. All voting aye. Nays none. Council Members Wiseman and Garcia absent. MOTION 2005-0253 ADOPTED.

At 2:31 p.m. the City Secretary started calling the speakers. Council Members Wiseman and Garcia absent.

Mr. Joshua Bullard, 3328 McGowen, Houston, Texas 77004 (832-865-3824) appeared and stated that he was speaking on Agenda Item 12, there was a situation where the Department of Public Works and Engineering bent over backwards with Scott Wizig who was the biggest sign violator in the history of Houston; that he was a criminal violating Houston over and over again and now they were forced to buy land from him when instead they needed to legally squeeze him; that he bought dangerous abandoned homes and left them there and mandated what he wanted controlling the city; and urged the Mayor speak with him and explain it had gone on long enough. Council Members Wiseman, Garcia, Sekula-Gibbs and Green absent.

Council Member Goldberg stated that he felt Mr. Bullard's point was if the city was owed money it should be looked at and if a settlement was reached and the city owed Mr. Wizig money for the land and he did have abandoned houses and liens on the property he would like Legal to check and see if they could do an offset and put the money owed to him in the registry of the court until they were paid off; and Mayor White stated that would be looked into; and if someone was buying land to delay the City's projects he was glad it was brought to their attention. Council Members Garcia, Sekula-Gibbs and Green absent.

Mr. George Meeks, 11450 FM 1960 West #214, Houston, Texas 77065 (832-237-5936) appeared and stated that he was president of Land Pro, Inc., a commercial landscaping and irrigation company, that he was present as they had not been paid by City of Houston general contractor Stephens Construction Services from Master Park Bid Package 8 which consisted of land improvements for various parks; that they met with Affirmative Action and Contract Compliance and were not able to resolve the issue; that they were currently owed approximately \$32,000.00 which impacted their small firm and today they were asking for Council's assistance for payment. Council Members Garcia, Sekula-Gibbs and Green absent.

Council Member Alvarado stated that what troubled her was Stephens Construction was paid by the City of Houston on time and always within the 30 day period, they were paid over \$666,000.000 in the last year and yet owed subcontractors money and she would like to know how they could terminate business with contractors like Stephens who held subcontractors hostage. Council Members Garcia, Sekula-Gibbs and Green absent.

Council Member Holm stated that they had been working on this and it was her understanding it had been submitted to the bonding company so he would be paid and in addition she had asked Building Services and all groups to see this was completely resolved. Council Members Garcia, Sekula-Gibbs and Green absent.

Mayor White stated that Council Member Alvarado raised an issue and contractors should

not work on float of subcontractors and he wondered if Council Member Berry's Infrastructure Committee might take a look at it; that he knew there were improvements on the bond issue and would use alternative contracting practices and many had heard stories, but they needed facts and figures to understand alternatives consistent with industry practice so they did not narrow the group of contractors superficially who competed for city business, which required fair dealing; and Council Member Berry stated that he thought that would be appropriate; that Council Member Galloway worked on the issue since she had been on Council and unfortunately some contracting companies had the MO of abusing the retainage provisions or using float from a sub they retained profitability from squeezing the little guy; and they could prevent a contractor from getting a contract if they behaved in a way the city would not with subcontractors and he thought it would not take long to get the message and would use this case as a test model. Council Members Garcia, Sekula-Gibbs and Green absent.

Upon questions by Council Member Holm, Mr. Meeks stated that Building Services had not kept in contact, but they had been in contact with Contract Compliance and Affirmative Action. Council Members Garcia, Sekula-Gibbs and Green absent.

Council Member Galloway stated that she worked on this issue and Stephens did not have them listed for payment in August because they stated Mr. Meeks had not turned in an invoice, but they included them in October; and upon questions, Mr. Meeks stated that they received a portion of payment and invoices were turned in. Council Member Galloway stated that something did need to be in place as it was a hardship for small businesses and she would investigate; and asked that Mr. Meeks get in contact with her office. Council Members Garcia, Quan, Sekula-Gibbs, Green and Berry absent.

Mr. Manuel Benitez, 13807 Sherry Hollow Lane, Houston, Texas 77082 (832-473-1148) appeared and stated that he was representing Gallery Concrete, they were the concrete contractor on the City of Houston three park programs, they were awarded the project in April 2004, completed it in August 2004, paid June invoice in September, filed a lien against the bonding company in October, received inquiry from them in December, met with Mr. Dadoush and Mr. Rick Garza, Mr. Garza said funds were already paid to Stephens with only \$28,000.00 remaining on the project and today he was present asking for direction. Council Members Garcia, Quan, Sekula-Gibbs, Green and Berry absent.

Council Member Galloway stated that she was chair of the MWBE Small Contract Compliance Committee and was unaware of his problem but saw it was with the same contractor; that it seemed they were not paying anyone and she wanted to have people such as them come speak to her committee so they could put something in place and they would not have such problems; and she would get in touch with him. Council Members Garcia, Quan, Sekula-Gibbs, Green and Berry absent.

Upon questions by Council Member Ellis, Mr. Benitez stated that the contractor was Stephens Construction dba Trimbell and Stephens; that he was not sure as they went by several names; that they said they were not paid, but inspectors said they were; that they received \$28,000.00 out of \$67,000.00 and Stephens was still bidding projects; that inspectors had only praise for the work his company had done; and upon further questions by Council Member Ellis, Council Member Galloway stated that this was the same as the prior speaker, there were about four companies complaining on Stephens and she would be investigating; that the MWBE committee would meet next Wednesday. Council Members Garcia, Quan, Sekula-Gibbs, Green and Berry absent.

Council Member Khan stated that he would like to know if there was a system in place where companies who defaulted in paying subcontractors could be kept track of; and Mayor White stated that he would ask the Director of Building Services to circulate a note to Council Members on what information they had about that; that he did not know what the statute said at this time; and Council Member Galloway stated that they appealed to Affirmative Action and had

a hearing and they tried to help get subcontractors their money; and Council Member Khan stated that if they were not keeping track at this time he thought that was one thing to do; and Council Member Galloway stated that she hoped they would keep track of companies who did not adhere to paying subs; and Mayor White stated that Velma Laws appointed a taskforce and he knew they made some progress and asked Mr. Dadoush to get back with them. Council Members Lawrence, Garcia, Alvarado, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Holm stated that the City did pay Stephens on time and they did not pay their subcontractors, that Mr. Dadoush was present and could speak to them about the process and explain what was happening. Council Members Lawrence, Garcia, Alvarado, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she wondered if the company could be considered for disbarment; and Mr. Heilman stated that they would have to look at it and see if it fell within the perimeters of disbarment, but a state statute specifically addressed this issue with subcontractors, it was the McGregor Act, the subcontractors did file claims with the surety on the payment bond and it was working through the system and once worked through the surety it should be paid; that the governmental entity was removed from that entity because they were not in privity of the contract with the subcontractor and the protection was the payment bond. Council Members Lawrence, Garcia, Ellis, Quan, Sekula-Gibbs and Green absent.

Mr. Jeremy Henicke, 11811 E. Freeway #210, Houston, Texas 77029 (713-637-8180) appeared and stated that he was with HC Diamond Construction and they were also a subcontractor on the three city parks; that they were owed \$87,000.00 since June and were in the same boat as the others; that they filed on the bonding company in December and they were getting the runaround so they too were present to see what could be done. Council Members Lawrence, Galloway, Edwards, Garcia, Ellis, Quan, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Upon questions by Council Member Berry, Mr. Henicke stated that Stephens did not respond to them; that they did make comments of quality of work, but inspectors backed them and said the work was great; and they were pursuing their legal claim. Council Members Lawrence, Galloway, Edwards, Garcia, Alvarado, Ellis, Quan, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Upon questions by Council Member Khan, Mr. Henicke stated that this was his first City of Houston project and his first with Stephens; that they had been in contact with one other subcontractor and he was having the same problem; that he understood every few years they went out of business and started a new company; and Council Member Khan stated that they should not only monitor companies but individuals behind the companies and there should be follow-up; that he understood why they could be low, if their intention was to go out of business it did not matter what they bid. Council Members Lawrence, Galloway, Garcia, Ellis, Quan, Sekula-Gibbs and Green absent.

Mr. Gary Fingleman, 6331 Pleasant Stream, Katy, Texas 77449 (713-305-7992) appeared and stated that they did the decorative concrete work and were owed about \$33,000.00 remaining; that he spoke with Ms. Nancy Brewer and had mediation scheduled for this Friday; and was present to see what could be done to keep Stephens from doing business. Council Members Lawrence, Galloway, Garcia, Ellis, Quan, Sekula-Gibbs and Green absent.

Mr. Anthony Love, 1301 Travis, Houston, Texas 77002 (713-739-7514) appeared and stated that he was CEO for Coalition for the Homeless and was thanking Council Members Edwards, Alvarado and Quan for their leadership in continued efforts for finding solutions to homelessness in Houston, thanked the Department of Housing and Community Development and Council and Mayor for approving \$100,000.00 to pave the way for compassionate

intervention which took place under the Pierce elevated; that individuals did not want to be homeless and after offers were made 172 were housed; that the Pierce was the largest gathering of any encampment and though resources would only allow 30 days of lodging it was 30 days allowing them to make changes in their lives; that each individual was expected to meet with a case worker and develop an action plan to take steps during the 30 days and after; that a reasonable percentage had found employment and they were scrambling so at day 31 they would still have options and they were entering information into a database so a year from now they could track and see where the individuals were. Council Members Lawrence, Galloway, Goldberg, Garcia, Ellis, Sekula-Gibbs and Green absent.

Council Member Quan thanked Mr. Love and the Coalition for their efforts; and upon questions, Mr. Love stated that there was an increase of about 20% homeless, but that was also due to growth in the city; that the average age was 45 or 46 and that was consistent with the national average; that they were deducing as a plan of action permanent housing and services to support that housing. Council Members Galloway, Goldberg, Garcia, Ellis, Sekula-Gibbs and Green absent.

Council Member Alvarado commended the organization and all involved in the project, it was one of the most thorough and progressive homeless initiatives this city had undertaken in recent years and she hoped they could continue expanding programs which gave results. Council Members Galloway, Goldberg, Garcia, Ellis, Sekula-Gibbs and Green absent.

Upon questions by Council Member Berry, Mr. Love stated that eyeballing they counted about 6,500 people on the streets and that was without counting those in shelters, on any given night there were approximately 5,000 to 8,000 in shelters; and Council Member Berry stated that Council was asked to be long on compassion and kindness but were typically short on plans and solutions and his plan worked. Council Members Galloway, Goldberg, Garcia, Ellis and Sekula-Gibbs absent.

Council Member Edwards thanked Mr. Love for his work and stated that many homeless fished in the bayou in the Macgregor and Scott area and she did not know if anyone ever certified to the safety; and upon questions, Mayor White stated that three years ago he reviewed studies on water quality of bayous here and he would think maybe they could look to universities to test that. Council Members Galloway, Goldberg, Khan, Garcia, Ellis and Sekula-Gibbs absent.

Mr. Michael Bonner, 3100 Cleburne, Houston, Texas 77004 (no phone) had reserved time to speak but was not present when his name was called. Council Members Galloway, Goldberg, Khan, Garcia, Ellis, Sekula-Gibbs and Berry absent.

Mr. Douglas Nichols, 2418 Broad Street, Baytown, Texas 77521 (281-426-2376) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Galloway, Goldberg, Khan, Garcia, Ellis, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Ms. Priscilla Ellis, 6800 S. Course Drive #2622, Houston, Texas 77099 (281-879-5463) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Galloway, Goldberg, Khan, Garcia, Ellis, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mr. Lelarn Robinson, 10113 Dunvegan, Houston, Texas 77013 (713-672-4727) appeared and stated that he was present regarding a letter he received from METRO which said he was not to come back to any board meetings and he wanted to know why; that he had worked for them 25 years and he wanted Council to find out why. Council Members Lawrence, Galloway, Goldberg, Khan, Garcia, Ellis, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Quan, Mr. Robinson stated that he spoke on workman's comp claim which they claim they paid for; that he was a member of the union, but they had no grievance procedure; and Council Member Quan stated that he did not justify them not wanting to listen to him, but would suggest legal counsel. Council Members Galloway, Goldberg, Khan, Garcia, Ellis, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Upon questions by Mayor White, Mr. Robinson stated that he appeared about four times in front of Metro; that he was retired now; and Mayor White stated that in just speaking person to person he figured whether METRO would let him appear or not if someone figured they had heard enough they were not going to listen; that Council Member Quan gave some thoughts or alternatives, but he should seek justice and move forward; and that was not official, but jest person to person. Council Members Galloway, Goldberg, Khan, Garcia, Ellis, Sekula-Gibbs and Berry absent.

Upon questions by Council Member Edwards , Mr. Robinson stated that he had already been to the NAACP and there was nothing they could do. Council Members Galloway, Goldberg, Khan, Garcia, Ellis, Sekula-Gibbs and Berry absent.

Mr. Trent Winters, 7967 W. Airport, Houston, Texas 77071 (713-729-1153) appeared and stated that he did not want seniors to not have their houses fixed again this year; that a lot of money went back because of misappropriation of funds and today he was asking Mayor White to put that up front and run with it; that he was told money was appropriated and the program should start in May and he wanted everything done before hand; that he was also glad the SafeClear Program was making streets safer. Council Members Galloway, Goldberg, Khan, Holm, Garcia, Ellis, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Council Member Quan stated that there had been problems with the Home Repair Program; that HUD had reviewed work and placed safeguards to make sure all was done properly; that a number of homes needed to be inspected again and he hoped to get it reinstated as soon as possible; that they had worked with the Urban League and contractors and now were going to try and oversee inspections themselves and make sure quality control was in place. Council Members Galloway, Goldberg, Khan, Holm, Garcia, Ellis, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Ms. Deborah Elaine Allen, 1122 Sol Street, Houston, Texas 77029 (713-649-3985) appeared and stated that she had come to Council May 8th requesting Section 8 Housing; that the manager had invaded her property each time she left and stole medicine, food, etc., and continued expressing her personal opinions until her time expired. Council Members Galloway, Goldberg, Khan, Holm, Garcia, Ellis, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Council Member Quan stated that Section 8 housing fell under HATCH and she needed to speak with them; and Ms. Allen stated that she had spoken with them, but the manager caused her to lose her housing; and Council Member Quan stated that she could leave her information with Mr. Cantu. Council Members Galloway, Goldberg, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Green moved to add Ms. Bessie Stratton to the Speakers List and hear from her at this time; and Mayor White stated that with no objections it was so ordered. Council Members Galloway, Goldberg, Holm, Garcia, Ellis, Green and Berry absent.

Ms. Bessie Stratton, who was added to the Speakers List, appeared and stated that she was with the Super Neighborhood Alliance and present today in support of the northeast community, the affected residents, in their opposition to the proposed Oates Road landfill expansion; that she could not imagine 125 vertical feet of trash, especially in a neighborhood; that the city needed to maintain their position in opposing the landfill; and they were asking the

city to support the super neighborhood's efforts in maintaining their health and quality of life. Council Members Galloway, Goldberg, Holm, Garcia, Ellis, Green and Berry absent.

Mr. Christobal Patino, 2616 Louisiana, Houston, Texas 77006 (713-528-1625) appeared and stated that safety was an issue and he did not think some contractors alerted EMS to blocked roads; that he saw EMT units have to turn around because of blocked roads; that also people were to get out of the way of such units and instead they sat there on phones and scared to go through the light; that another thing was a train blocked Navigation and the bus had to go all the way around. Council Members Lawrence, Galloway, Goldberg, Holm, Garcia, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Alvarado stated that he spoke on something important to her district and that was trains blocking intersections; that now there were cameras at certain intersections and HPD was doing a good job at issuing citations; and there would be a meeting regarding this and she would see he was invited. Council Members Lawrence, Galloway, Goldberg, Holm, Garcia, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Alice Weeks, 6940 Heron, Houston, Texas 77087 (713-645-0865) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Galloway, Goldberg, Holm, Garcia, Ellis and Green absent.

Ms. Carolyn Webster, 6823 Reed Road, Houston, Texas 77087 (713-644-9266) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Galloway, Goldberg, Holm, Garcia, Ellis and Green absent.

Mr. Robert Miller, 12210 Landcrop Drive, Houston, Texas 77099 (713-894-7396) appeared and stated that for the last two years he had disagreed with the City's water billing process and in dealing with them had been talked to in a discourteous manner; that since August 2003 he had argued with the City and tried working with the customer service group, management and then arbitration, he won the arbitration case but had not yet received a check and instead received a letter with them trying to change the amount he was awarded; he discussed the billing procedures and stated that he was owed \$661.38 and wanted to know who would pay him and when. Mayor White, Council Members Lawrence, Galloway, Goldberg, Holm, Garcia, Ellis and Green absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Sekula-Gibbs stated that his presentation was interesting and she had a copy of a memo from Mr. Gary Norman and would like him to also get the copy; that according to Mr. Norman's memo he was paying less; and Mr. Miller stated that the Water Department already agreed with him in the way they were billing. Mayor White, Council Members Lawrence, Galloway, Goldberg, Holm, Garcia, Ellis and Green absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Sekula-Gibbs moved to hear from Ms. Sara Culbreath at this time, seconded by Council Member Edwards. All voting aye. Nays none. Mayor White, Council Members Lawrence, Galloway, Goldberg, Holm, Garcia and Ellis absent. Mayor Pro Tem Alvarado presiding. MOTION 2005-0254 ADOPTED

Ms. Culbreath stated that billing was based on per 1,000 gallons so if the bill was for 3,500 gallons they would bill him for 3,000 gallons which was \$12.50; that next month if his usage was again 3,500 gallons they would bill him for the 500 gallons rolled over from the prior month plus the 3,500 used this month to bill him for 4,000 gallons which was \$27.00 that month; that one month you may pay more and may pay less depending on where you were with the 1,000 gallons; that only when you reached an increment of 1,000 gallons were you billed that additional even if it took three months or more; and it was the same as a utility bill which was 1,000 kilowatts. Mayor White, Council Members Lawrence, Galloway, Goldberg, Holm, Garcia,

Ellis absent. Mayor Pro Tem Alvarado presiding.

Upon questions by Council Member Berry, Ms. Culbreath stated that many meters did actually count every gallon that ran through, but larger older meters did not and counted every 100; that it would take significant change out of equipment and software reprogramming; and Council Member Berry stated that Mr. Miller should not be mad at those executing, but at those who put in place the system; and he did not realize this was the way it worked, however, there was no excuse for an employee to be discourteous and he apologized for that; and upon further questions, Mr. Miller stated that at the hearing he was awarded \$661.38 and now they wanted to subtract \$140.00 saying it was a balance forward on his outstanding bill; and upon further questions by Council Member Berry, Ms. Culbreath stated that she would check again, but it was her understanding that the account was credited for the amount awarded to him at the hearing; and Mr. Miller stated that he wanted the money. Mayor White, Council Members Lawrence, Galloway, Goldberg, Holm, Garcia and Ellis absent. Mayor Pro Tem Alvarado presiding.

Upon questions by Council Member Edwards, Mr. Miller stated that he was told he would receive a check in five days and would receive a copy of the proceedings and he had received nothing; and Council Member Edwards stated that she would like Ms. Culbreath to determine whether he was to receive a check. Mayor White, Council Members Lawrence, Galloway, Goldberg, Holm, Garcia and Ellis absent. Mayor Pro Tem Alvarado presiding.

Upon questions by Council Member Khan, Mr. Miller stated that the water department would only go back as far as August 3, 2003, and that was what the credit was based on; that his bill was \$12.50 a month; and Council Member Khan stated that at \$12.00 a month it would take forever for a \$600.00 credit and if there was a way to give him a check he thought that would be reasonable; and Ms. Culbreath stated that because it was credited to the account she had thought that was the agreement, but they did do refunds and she would be glad to do so. Mayor White, Council Members Lawrence, Galloway, Goldberg, Edwards, Holm, Garcia and Ellis absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Sekula-Gibbs stated that she supported the refund and asked Ms. Culbreath to see what could be done. Mayor White, Council Members Lawrence, Galloway, Goldberg, Edwards, Holm, Garcia and Ellis absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Berry stated that he did the right thing and the mistake was recognized and the award would be honored; and he helped them understand there was a problem with the system. Mayor White, Council Members Lawrence, Galloway, Goldberg, Edwards, Holm, Garcia and Ellis absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. D. L. Johnson, 722 J. East 40<sup>th</sup> Street, Houston, Texas 77022 (713-742-9782) appeared and stated that he had an ongoing water bill situation which occurred in 2002; that he was trying to get an exception to a bill which turned out to be \$1,400.00 to a rented residence; that when the city sent information on a leak occurring at his residence he sent it to the landlord who sat on it and did not recognize it so since he did not own the property he asked for an exception which he was denied; that payments were worked out with him and he was to pay \$650.00; that such a situation happened to another man and Marvin Zindler arranged that he only had to pay back \$250.00 and he was now asking for the same type of arrangement. Council Members Lawrence, Galloway, Goldberg, Edwards, Khan, Holm, Garcia, Alvarado, Ellis, Quan, and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that they took note of his situation and appreciated him bringing it to their attention; that he could see Mr. Norman at this time. Council Members Lawrence, Galloway, Goldberg, Edwards, Khan, Holm, Garcia, Alvarado, Ellis, Quan, and Berry absent. (NO QUORUM PRESENT)

Mr. Yan Sun, 3822 N. Braeswood #151, Houston, Texas 77025 (713-927-9383) appeared, presented information and stated that he recently learned a delegation led by the Mayor of Shanghai, China, was coming to Houston this week and the government of Shanghai was responsible for many serious human rights violations to Falun Gong practitioners in China causing thousands of deaths and wrongful imprisonment of hundreds of thousands; and asked that the Mayor raise human rights issues with the Mayor there; that the US House Representative Resolution 188 stated the U. S. Government should use every appropriate public and private forum to urge the Government of the People's Republic of China to release from detention all Falun Gong practitioners and put an end to the practices of torture and other cruel, inhumane and degrading treatment; that the Mayor and Council Members could make a difference and he would appreciate their help. Council Members Lawrence, Galloway, Goldberg, Edwards, Khan, Holm, Garcia, Quan, and Berry absent. (NO QUORUM PRESENT)

Mr. Henry Huai, 6201 Ranchester, Houston, Texas 77036 (832-721-4958) appeared, presented information and stated that there was a Shanghai delegation coming this week and they tried to speak with them directly regarding human rights issues but it was impossible and that was why he came to Council; that if he went there he knew he would not come back, vanish with no trace. Council Members Lawrence, Galloway, Goldberg, Edwards, Khan, Holm, Garcia, Quan, and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that they understood the point and the fact there were no questions may be because of the clarity of his point and not because of lack of interest; and Mr. Huai stated that if he saw the Mayor he would like him to ask how much they spent on secret agents to spy on people. Council Members Lawrence, Galloway, Goldberg, Edwards, Khan, Holm, Garcia, Quan, and Berry absent. (NO QUORUM PRESENT)

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 Lawrence, Galloway, Goldberg, Edwards, Khan, Holm, Garcia, Quan, and Berry absent. (NO QUORUM PRESENT)

Ms. Hilder M. Jones, P. O. Box 524043, Houston, Texas 77052 (no phone) appeared and stated that she was present to make a complaint against the Attorney General's Office; that she had been there since her daughter was an infant and she was now seven; that she even complained through Austin, Texas and now had a hearing in June trying to get child support; that the father worked at Baylor College of Medicine and she was being discriminated against because he was a somebody and she was considered a nobody. Council Members Lawrence, Galloway, Goldberg, Edwards, Khan, Holm and Berry absent.

Upon questions by Mayor White, Ms. Jones stated that her daughter's name was Janae Alicia Brooks; and Mayor White thanked Ms. Jones for coming. Council Members Lawrence, Galloway, Goldberg, Edwards, Khan, Holm and Berry absent.

Ms. Betty Hunt, 8825 Ruth, Houston, Texas 77004 (713-748-1234) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Galloway, Goldberg, Edwards, Khan, Holm and Berry absent.

Ms. Mary Pruitt, 3833 Lavender, Houston, Texas 77026 (713-678-8796) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Galloway, Goldberg, Edwards, Khan, Holm and Berry absent.

Ms. Olevia Randle, 6023 Beldart, Houston, Texas 77030 (713-733-2348) appeared and stated that she was present to speak on street petitions; that it was an old petition used many years and called for 75% signatures; that she spoke with someone about the HOPE plan where the city was to find owners of abandoned homes; that civic clubs had to find owners if they

wanted streets constructed and they did not have resources, but they had nine streets approved in their neighborhood, they had over 300 signatures but then it came back from Planning that some were only 20% or 25% homeowners; that some were renters and some lived in homes because family members were deceased and they were unable to put the home in their name; that she did not think they should be taxed for not having the 75% homeowners. Council Members Lawrence, Galloway, Goldberg, Edwards, Khan, Holm, Quan, and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that he agreed with Ms. Randle and there should be something with reasonable diligence, there were many places where properties were abandoned and what was important was getting agreement of those who lived there not getting agreement from people it cost an arm and a leg to find because they did not pay taxes, if they did not pay taxes they were shifting to others and he did not see why they should have a big say; that if there was a law, they should look at language and he would ask the City Attorney to highlight language and make sure of the language, see if there was some reasonable diligence requirement and have the language fixed. Council Members Lawrence, Galloway, Goldberg, Edwards, Khan, Holm, Quan, and Berry absent. (NO QUORUM PRESENT)

Council Member Wiseman stated that she supported the Mayor's support in attempting to support Ms. Randle; that the city was trying to address abandoned home issues and they were trying to identify owners and thought they could share the information with her; that with respect to percentage of signatures she would like clarification from Legal and Public Works; that signatures were required because it was her understanding the abutting property owners were assessed a certain amount for reconstruction, however, in this situation she understood different neighborhoods did qualify for assistance with reconstruction efforts and she wanted to determine if that could be speeded up and get the streets constructed because they did qualify. Council Members Lawrence, Galloway, Goldberg, Edwards, Khan, Holm, Quan, and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that he asked Legal to clarify something and she should give Mr. Cantu her information; that this would be looked into with Public Works. Council Members Lawrence, Galloway, Goldberg, Edwards, Khan, Holm, Alvarado, Ellis, Quan, and Berry absent. (NO QUORUM PRESENT)

Council Member Garcia stated that he appreciated the Mayor's interest because Ms. Randle brought up a valid point; that in direct comparison he had a neighborhood where in 1998 they submitted a street reconstruction petition with a couple of hundred residents, unfortunately they submitted it under petition process and a Council Member then suggested and it was not in conformance compliance with what Public Works used and they were never told their petition was invalid and since that time they had assumed they had a construction project underway; and Mayor White stated that he was looking for Earl Lambert to help Richard Lewis push across the finish line, they were 10 plus years behind in the way they communicated with customers and they purchases a software program to allow them to do a better job and were working to that; and asked Mr. Norman to get a report to him on that particular neighborhood situation. Council Members Lawrence, Galloway, Goldberg, Edwards, Khan, Holm, Alvarado, Ellis and Berry absent. (NO QUORUM PRESENT)

Mr. Winston Griffin, 4851 Carinsean, Houston, Texas 77084 (281-550-4233) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Galloway, Goldberg, Edwards, Khan, Holm, Alvarado, Ellis and Berry absent. (NO QUORUM PRESENT)

Mr. Steven Williams, no address (no phone) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Galloway, Goldberg, Edwards, Khan, Holm, Alvarado, Ellis and Berry absent. (NO QUORUM PRESENT)

Mr. Joe Roach, 2050 Dryden, Houston, Texas 77030 (713-521-7961) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Galloway, Goldberg, Edwards, Khan, Holm, Alvarado, Ellis and Berry absent. (NO QUORUM PRESENT)

Ms. Fung Wang, 5502 Grand Lake, Houston, Texas 77081 (713-663-6202) appeared, presented information and stated that the Mayor was to meet with Shanghai delegates and she was asking that he help and ask where Huang Xiong was as he had been missing for two years, to ask if he was still alive; that also for three years they came to Council and no matter how early they registered to speak they always came at the end of the list and she wondered why. Council Members Lawrence, Galloway, Goldberg, Edwards, Khan, Holm, Alvarado, Ellis and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that if he found someone tinkering with the Speakers List they would be in big trouble. Council Members Lawrence, Galloway, Goldberg, Edwards, Khan, Holm, Alvarado, Ellis and Berry absent. (NO QUORUM PRESENT)

Ms. Donna Binion, 102 Drew Street, Houston, Texas 77006 (713-688-9114) appeared and stated that revitalization of Houston was not complete, they did not freely allow vendors on the streets and she wanted to sell hotdogs on Main Street near the light rail; that except for frozen desserts Houston Ordinance 40-8b prohibited the sidewalk sale of food outside the theatre entertainment district which boundaries were defined as Milam, Preston, Dallas and I-45, the definition was created when downtown was more of a ghost town, but now more and more lived and visited downtown and she was asking that Ordinance 40-261 be amended to redefine the theatre district; and if she was allowed to sell hotdogs on Milam, then why not on Main. Council Members Lawrence, Galloway, Goldberg, Edwards, Khan, Holm, Alvarado, Ellis and Berry absent. (NO QUORUM PRESENT)

Council Member Quan stated that he certainly enjoyed buying food from vendors in other cities; that this was an issue the city visited about 10 years ago and he thought they had a revision; and upon questions, Ms. Binion stated that she was not aware you could sell in Tranquility Park and around City Hall and she would like the area allowing vendor sales expanded; and Council Member Quan stated that he would be amenable to it providing they had safeguards in place to protect sanitation and health of citizens and suggested that she speak to the Downtown Association and other groups who might have a similar interest in it. Council Members Lawrence, Galloway, Goldberg, Edwards, Khan, Holm, Alvarado, Ellis and Berry absent. (NO QUORUM PRESENT)

Mr. Charles Taylor, 9410 Mesa, Houston, Texas 77028 (713-633-3371) appeared and stated that appeared and stated that he was giving his time to Ms. Robin German-Curtis. Council Members Lawrence, Galloway, Goldberg, Edwards, Khan, Holm, Alvarado, Ellis and Berry absent. (NO QUORUM PRESENT)

Ms. Linda Lee no address (no phone) appeared and stated that she had papers she wanted to leave with Mayor White and asked if he had listened to a cassette about her termination in the Fire Department which she had sent; that she had faxed papers to Council Members with no response and she would like to leave papers for Council Member Alvarado and would like her to get back with her. Council Members Lawrence, Galloway, Goldberg, Edwards, Khan, Holm, Alvarado, Ellis and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that she should present the paperwork to Mr. Cantu. Council Members Lawrence, Galloway, Goldberg, Edwards, Khan, Holm, Alvarado, Ellis and Berry absent. (NO QUORUM PRESENT)

Upon questions by Ms. Lee, Mayor White stated that generally if there was a personnel issue names were named and all cards were on the table, everything was public record they did not keep secrets; that he read all mail, but he did not listen to tapes and did not know if hers

was received; that regarding the whistleblower ordinance they should look at the criteria and if her case fit the criteria it should be considered. Council Members Lawrence, Galloway, Goldberg, Edwards, Khan, Holm, Alvarado, Ellis, Quan and Berry absent. (NO QUORUM PRESENT)

Mr. Jose Pinzon, 9230 N. Green River Drive, Houston, Texas 77028 (713-633-7380) appeared and stated that this country was his home for over 51 years and he lived a few blocks from the dump; that January 2005 he received a letter letting him know land had been purchased to make an entrance for Mason Road and his concern was his wife was sick; that he went to churches near them and the priests said they would help the community; that he collected over 2,500 signatures on petition against it and the Mayor had barely received them. Council Members Lawrence, Galloway, Goldberg, Edwards, Khan, Holm, Ellis, Quan and Berry absent. (NO QUORUM PRESENT)

Upon questions by Mayor White, Mr. Pinzon stated that he brought the petitions in January and gave them to his secretary; and Mayor White stated that Mr. Cantu had to step out and Mr. Soto would make note and see what the proper response would be. Council Members Lawrence, Galloway, Goldberg, Edwards, Khan, Holm, Ellis, Quan and Berry absent. (NO QUORUM PRESENT)

Ms. Jackie Mayhorn, 5409 Van Zandt, Houston, Texas 77016 (713-918-2267) appeared and stated that she was representing the Northeast Economic Justice Association and was the East Little York Homestead President, Super Neighborhood 47, and today they were present speaking on the BFI expansion of over 150 feet on Oates Road and McCarty Drive; that they had health issues and five dumps in the area and could not handle anymore; that they wanted to make sure they did not waiver on the position the city had taken, the TCEQ was a little confused on the City's position; and today they were helping Mr. Pinzon. Council Members Lawrence, Galloway, Goldberg, Edwards, Khan, Holm, Ellis, Quan and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that he wanted to be direct and there were solid waste needs; that he heard what she was saying, but he did not do anything for any special interests; that someone in Legal did send off a request to intervene and it contained language not authorized by anyone in the city and he did not know lawyers could send things out without it being authorized and the lawyer and done something lawyers were not supposed to do; and that was where they stood. Council Members Lawrence, Galloway, Goldberg, Edwards, Khan, Holm, Ellis, Quan and Berry absent. (NO QUORUM PRESENT)

Mr. Otis Miles, 5606 Yorkwood, Houston, Texas 77016 (713-633-8367) appeared and stated that he was giving his time to Ms. Robin German-Curtis. Council Members Lawrence, Galloway, Goldberg, Edwards, Khan, Holm, Ellis, Quan and Berry absent. (NO QUORUM PRESENT)

Ms. Robin German-Curtis, 9518 Balsam Lane, Houston, Texas 77078 (713-35-300) appeared and stated that they were surprised by the information the Mayor had just provided, but they were asking Council to consider...; that she was chair of Northeast Beyond 2000 and they were representing persons living around the landfill; that if they had not decided to support them in their efforts today they were asking them to do so; that documentation of the samples of the wells showed contamination and demonstrated a continued problem. Council Members Lawrence, Galloway, Goldberg, Edwards, Khan, Holm, Ellis, Quan and Berry absent. (NO QUORUM PRESENT)

Council Member Sekula-Gibbs stated that she would like Ms. German-Curtis to continue; and Ms. German-Curtis stated that she had a letter for the Mayor from a resident in the area adjacent the plant and she was unable to attend as she was sick from the methane gas; and she proceeded to read the letter until her time expired. Council Members Lawrence, Galloway,

Goldberg, Edwards, Khan, Holm, Garcia, Ellis, Quan and Berry absent. (NO QUORUM PRESENT)

Ms. Shelia Lewis, 14114 Forest Acres, Houston, Texas 77050 (281-436-1623) appeared and stated that she was present regarding the expansion of the landfill and she wanted to thank the City Attorney who wrote a letter of support; that BFI was wanting to expand another 125 feet or more and the site was massive and they trusted the Mayor and Council would be steadfast in denying the expansion plan by the TCEQ. Council Members Lawrence, Galloway, Goldberg, Edwards, Khan, Holm, Garcia, Ellis, Quan and Berry absent. (NO QUORUM PRESENT)

Mr. Ross Cullins, Sr., 13434 Forest Acres, Houston, Texas 77050 (281-458-3636) appeared and stated that he and his wife were joining those in opposition to BFI; that residents had breathing difficulties and various diseases related to breathing difficulties; that government was to be for all citizens and many would move if they could; that it was unfair for such a situation to be aggravated; and they were asking for the Mayor to see that the permit was not granted; that they realized trash had to go somewhere but health of citizens should be a higher priority than profit margin of corporations. Council Members Lawrence, Galloway, Goldberg, Edwards, Khan, Holm, Garcia, Ellis and Berry absent. (NO QUORUM PRESENT)

Mr. William Beal, 418 Boicewood, Houston, Texas 77016 (713-633-0126) appeared and stated the Roman Catholic Church, Trinity Broadcast Network, Daystar Television, the Bible, no one, no excuses; and continued expressing his personal opinions until his time expired. Council Members Lawrence, Galloway, Goldberg, Edwards, Khan, Holm, Garcia, Ellis and Berry absent. (NO QUORUM PRESENT)

Mr. Dennis Anga, 8251 Howard, Houston, Texas 77017 (713-643-4446) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Galloway, Goldberg, Edwards, Khan, Holm, Garcia, Ellis and Berry absent. (NO QUORUM PRESENT)

Senator Robert Horton, 3714 Bain, Houston, Texas 77026 (713-260-6144) appeared and stated that the people were guilty; he owned everything and continued expressing his personal opinions until his time expired. Council Members Lawrence, Galloway, Goldberg, Edwards, Wiseman, Khan, Holm, Garcia, Ellis and Berry absent. (NO QUORUM PRESENT)

President Joseph Charles, P. O. Box 52437, Houston, Texas 77052-4373 (832-453-6376) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Galloway, Goldberg, Edwards, Wiseman, Khan, Holm, Garcia, Ellis and Berry absent. (NO QUORUM PRESENT)

At 5:18 p.m. City Council recessed until 9:00 a.m., Wednesday, March 30, 2005. Council Members Lawrence, Galloway, Goldberg, Edwards, Wiseman, Khan, Holm, Garcia, Ellis and Berry absent. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, March 30, 2005

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, March 30, 2005, with Mayor Bill White presiding and with Council Members Toni Lawrence, Carol Mims Galloway, Ada Edwards, Addie Wiseman, M. J. Khan, Pam Holm, Adrian Garcia, Carol Alvarado, Mark Ellis, Gordon Quan, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Mr. Arturo Michel, City Attorney; Ms. Marty Stein, Agenda Director, Mr. Jose Soto, Deputy Agenda Director present. Council Member Mark Goldberg out of the city on city business.

At 8:19 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:24 a.m. Mayor White reconvened the meeting of the City Council and stated that the first item was a Mayor's Report.

**MAYOR'S REPORT** - Utility Relocations for CIP Projects

Mayor White stated that the Mayor's Report was a subject that they had discussed for some time, that Mr. Marcotte was not available today but Mr. Dan Kruger was present, that they were doing this as an update, that there were several meetings with companies involved, very specifically Southwestern Bell, that what was at stake was how large was their Capital Improvement Program and how quickly they could remove the uncertainty, that they had never paid for any utility relocation until Southwestern Bell said they would sue the City to stall the Kirby Drive Drainage Project unless the City paid them an amount which continued to escalate after the City paid them, they did not do the work for six months until they were called into the Mayor's office time after time, that it was a fine company and they just wanted to have clarity and move forward on it, that what they did was basically water down the proposal that they had to take into account every view that the telecom providers had, including that the City was wrong and they were right under law so they setup a fund so if there was litigation it could go to either party and segregate it out so they could move forward with the CIP projects. Council Members Galloway and Wiseman absent.

Mr. Krueger, Public Works, presented a Power Point presentation titled "Utility Relocations for CIP Projects" and a copy of the City's proposed ordinance was distributed to each Council Member. Mr. Krueger reviewed the presentation and ordinance, a copy of which was on file in the City Secretary's office for review.

Upon questions by Council Members, Mr. Krueger stated that they provided an allowance in the construction contract for their contractor to pay the utilities to relocate, those costs were not cost for his work but only pass through costs, the City did not enter into an agreement directly with the telecoms because the telecoms refused the City's proposed form of agreement and the City could not sign the telecoms proposed form of agreement, that SBC in particular quoted a cost for the relocation of \$842,000 or something very close to that, as he recalled that was the amount that was put in the construction contract as an allowance, as soon as the contract was awarded and the contractor was given notice to proceed, which was in late July, the contractor executed an agreement with SBC and wrote them a check for \$842,000, it was cashed in early August 2004 and SBC had not, prior to that, moved ahead to take any bids for the work, they took bids and came back and requested an additional \$304,000, that was the amount that came to mind, that he knew it was in excess of \$300,000 additional dollars that they then had to write a change order to increase the amount of the contractor's allowance and once the change order was written the contractor wrote an additional check, the contractor paid SBC those amounts of money in advance of the work and the City paid the contractor a reimbursement as soon as he brought his invoice to the City, that they paid \$1.1 million just to SBC and the work was not yet complete and it was not expected to be complete until the end of May 2005. Council Member Galloway absent.

Council Member Garcia moved to suspend the rules to consider Item No. 66 out of order, seconded by Council Member Quan. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Member Galloway absent. MOTION 2005-0255 ADOPTED.

66. ORDINANCE approving and authorizing contract between the City of Houston and **FRIED, FRANK, HARRIS, SHRIVER & JACOBSON, LLP, a Delaware Limited Liability Partnership**, to provide the services of a Project Leader to Review the Operations and Procedures in the Crime Laboratory - \$2,200,000.00 General Fund – was presented, and tagged by Council Member Edwards. Council Member Galloway absent.

Mayor White stated that besides Council Member Garcia there were some outstanding citizens that were part of an independent panel which made the recommendation for the project

manager with a wealth of experience and asked that those citizens who were part of the panel stand and be recognized.

Council Member Garcia stated that in his participation with the stake holders on Item No. 66, everyone came to the table with a very clear goal in mind and that was to look for someone who could address all of the issues that had been affecting the credibility and stability of the crime lab, with an eye on the injustice to folks that had been wronged by unprofessional people and also with an eye on how to make sure they did not fall into the trap again, that he was impressed with the discussions and focus of everyone there, that they heard from a lot of sharp individuals but when it came down to the recommendation that was being put before the City Council it was a very clear and concise decision that was made by the stakeholders because they saw the qualities that they were looking for, they felt that this was the type of expertise and experience that would move Houston and the Houston Police Department forward, that he wanted to commend all of the stakeholders.

Mayor White stated that Mr. Michael Bromwich, who would serve as a project leader, was present today and asked that he stand and be recognized.

After discussion by Council Members, Council Member Edwards requested that someone come forward and give an overview so that the public could get a feel for who the firm was and what they brought to the table and how they could have confidence in what they were doing.

Mayor White requested that Mr. Bromwich, Mr. Robinson and Chief Montalvo appear before the City Council.

After further discussion by Council Members, Council Member Edwards asked that once they did the analysis how long would it take and would the analysis come with a recommendation and what would be the City's position of accepting whatever recommendations that the team came forward with, what kind of product were they looking for. Council Members Holm, Garcia and Sekula-Gibbs absent.

Mr. Bromwich stated that there were really two phases to the program that they were going to implement, the first was that in a very brief period of time, he was looking at 90 days, to get a comprehensive sense of what the range of issues were that the more detailed analysis would have to focus on, that phase one was to try to get a quick comprehensive review of what the issues were, working both with the Police Department and with the stakeholders committee, and then to formulate a phase two plan, an operation plan to do the detailed analysis and testing that needed to be done in all of the substantive areas in which the crime lab did its work, that he made the point to the stakeholders committee and to Chief Hurtt and others in the department that for their work to be credible it had to be a very transparent process and that the reports and recommendations that grew out of their work had to be made public and had to be made known, that he had absolutely no push back or opposition to that, he thought there was a general recognition that it absolutely had to happen so he was honored to have been selected but was also comforted by the reactions he had gotten both from the stakeholders committee and from everybody in the Police Department, from Chief Hurtt on down, that they would in fact not be limited in the work they would be doing, that the findings that they made and the recommendations that they generated would in fact be made public so that people would know what they were doing, that he learned from his time in government and particularly during his time as Inspector General in the Department of Justice that in order to win the public's confidence and respect they needed to publish the product of their work, that there had not been that tradition in the Justice Department, even in the agency that he headed before he got there, that he did not see how they could run a public agency that was committed to law enforcement oversight, which his agency was, without putting out the results of all the work that was done, that was what they did in the FBI Crime Lab report and what they did in all of their major investigations and that was a major initiative of his and his view of the importance of that in terms of the credibility of the work one did and it had not change one iota since then; that they

did not have any staff permanently based in Houston so there would inevitably be some back and forth, that it was sort of an evolving project, they had a group of people that were part of their proposal, forensic scientists for the most part, and they would form the guts of their team, that whether as they moved forward they would need to add local components to the team they would just have to see, that he was certainly not going to do that in a way that would mean more money that the City of Houston had to spend, but if there were good sufficient and cost effective reasons to have a local component they would certainly examine that very carefully. Council Member Sekula-Gibbs absent.

After further discussion Mayor White stated that the process would be a review first and a recommendation to him by the Police Chief through the command staff, a consultation with Members of Council and ultimately a decision that would be made and embodied in the annual budgets and commitments of the police to the resources within their budgets.

After further discussion Council Member Berry stated that he had an amendment and asked Mr. Bromwich if he was comfortable with it, and Mr. Bromwich stated that he was not sure it was consistent with his pledge that he repeated, to consult with the stakeholders committee, that he thought the amendment would bar that and it would also seem to impair his ability to publish the reports that they developed, and Council Member Berry stated that he wanted to be very clear, that typically people in Mr. Bromwich's position did reviews of different entities and in his case he had a long history of reviewing organizations and providing advice and at some point, whether it was for business development or whatever other reason, publish a book and generally in those books Chapter Four was the Houston Police Department and what those guys did wrong and he did not want some sergeant in the Houston Police Department to be burned somewhere down the road because they gave full disclosure.

Mr. Bromwich stated that he had never published the inside story of any of the work that he had done during his career, that until Council Member Berry raised the issue he had never even thought it would be an outgrowth of any of the work and he had no intention of doing so, that if Council Member Berry wanted him to commit that he would not write a book that was either in whole or in part devoted to the work he did for the City of Houston he could give him the commitment orally now or could give it to him in writing at the earliest opportunity.

After further discussion Council Member Alvarado stated that she would appreciate a monthly report submitted through committee.

After further discussion by Council Members, Council Member Edwards stated that she would release her tag on Item No. 66, and Council Member Wiseman stated that she would tag Item No. 66.

After further discussion by Council Members, Council Member Quan moved to override the tag, seconded by Council Member Garcia, and a roll call vote was called on the motion.

ROLL CALL VOTE:

Mayor White voting aye  
Council Member Lawrence voting aye  
Council Member Galloway voting aye  
Council Member Goldberg out of the  
city on city business.  
Council Member Edwards voting aye  
Council Member Wiseman voting no  
Council Member Khan voting aye  
Council Member Holm voting aye

Council Member Garcia voting aye  
Council Member Alvarado voting aye  
Council Member Ellis voting no  
Council Member Quan voting aye  
  
Council Member Sekula-Gibbs voting aye  
Council Member Green voting no  
Council Member Berry voting no  
MOTION 2005-0256 ADOPTED.

A vote was called on Item No. 66. Council Member Wiseman voting no, balance voting aye. Council Member Goldberg out of the city on city business. ORDINANCE 2005-0278

ADOPTED.

**9:00 A.M.** - **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

At 10:45 a.m. Mayor White stated that they would move to the Monthly Financial Report and invited Ms. Annise Parker, Controller and Ms. Judy Gray-Johnson, Director of Finance and Administration, to the Council table.

Ms. Parker stated that she appreciated Council's deliberation on the last item and the discussion with Mr. Bromwich, that she appreciated serving on the steering committee and the amount of time and energy that the steering committee members put in to make the selection, that Mr. Bromwich was the best person to lead the team and was glad to see Council's support of that.

Ms. Parker stated that this was the Monthly Financial Report for the period ending February 28, 2005, they were now three quarters of the way through the fiscal year, that the Controller's office currently projected a budget shortfall of \$10.4 million, it was nearly \$4 million less than the January 2005 prediction, that about half of that was due to their increasing their revenue estimate and the other half was from decreases in expenditures, that most of what she had to say was in the letter of the Monthly Report and would like to point out that although they still projected a shortfall she had certified that there would be enough revenues in the General Fund of \$1.5 billion to meet the spending level called for in the Appropriations Ordinance that was on the agenda, that if her revenue estimates proved correct there was a sufficient Fund Balance to draw on to cover the shortfall, that another item within the Appropriations Ordinance that she would like to mention and included a request from City Council to improve a loan of \$30 million from the Street and Bridge Construction Fund, they did not anticipate that the loan would be needed it was really a matter of how cash flow fell on a particular day, but they did believe it was prudent to have that money available, it would of course be paid back immediately after the end of the fiscal year, and that concluded her report. Council Members Galloway, Edwards, Garcia and Green absent.

Ms. Johnson stated that in the General Fund this month they had made no changes at all to their expectation, their estimates of the revenues, the Sales Tax Revenues had continued to be very strong with year-to-date revenues received up 8.9% above the same time last year, they were a bit cautionary about the next two months because those months were very good last year and they certainly doubted that they would be ahead of where they were last year but with four months to go to close the fiscal year they were in pretty good shape on sales tax, that some of the other revenue sources that they had been monitoring very closely they had somewhat improved trends, but not enough to estimate an increase in total for the year, that the Municipal Courts Fines and Forfeits were up a little bit in February and March and ambulance collections were definitely improved, that overall the General Fund Expenditure Projections were a little bit less in total than what they predicted last month, which was obviously a very good trend in terms of their spending, they expected to stay within the revised budget numbers that were on the agenda today and they predicted that they would end the year with the same Fund Balance with which they began, about \$88 million, the Combined Utility System Revenues had been adjusted for the cost of living increase but the total revenues for the system were still expected to be below the original budget for the year for Operating Revenues due to rainfall that was much higher than expected earlier in the fiscal year, and that concluded her report. Council Members Galloway, Garcia and Green absent.

Council Member Ellis stated that the MOFAR passed through the Fiscal Affairs Committee meeting unanimously but there was something that was brought to all of the Members attention and that was that last year when they voted for the Combined Utility System they built in an

automatic increase to the water and sewer rates based off of a local CPI and it was only brought to their attention this week that the increase would take place on April 1, 2005 and while he did recall the vote and remembered that he voted for it, he would request from the administration if there could be notification to Council in either a 30 to 60 day window to let Council know that the automatic rate increase was going to take place and then was there any type of process by which they would notify the users, their customers, and if he could have some response. Council Members Galloway, Garcia, Green and Berry absent.

Mayor White stated that the answer to his first question was yes, that he thought it was a constructive suggestion, that he would ask Mr. Norman that he would like to have some policy and procedure that multiple people were copied on, a thirty day advance notice to the Council Members on the CPI calculation and adjustment; that there would be a communication to users that was put in the billing statements. Council Members Galloway and Green absent.

Council Member Ellis asked if the local CPI calculation would be used for Proposition One and Ms. Johnson stated yes. Council Members Galloway and Green absent.

After a lengthy discussion by Council Members, Council Member Ellis moved to accept the Monthly Financial Report, seconded by Council Member Khan. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Members Lawrence, Galloway and Berry absent. MOTION 2005-0257 ADOPTED.

Council Member Quan moved to suspend the rules to consider Item Numbers 78, 79, 80 and 81 out of order, seconded by Council Member Khan. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Members Lawrence, Galloway and Berry absent. MOTION 2005-0258 ADOPTED.

78. ORDINANCE amending City of Houston Ordinance No. 2001-0555, passed June 13, 2001 (as amended by City of Houston Ordinance No. 2003-0763), which approved and authorized the submission of the 2001 Consolidated Plan and the grant application for the 27th Community Development Block Grant ("CDBG") Program, as amended – **(This was Item 31 on Agenda of March 16, 2005, TAGGED BY COUNCIL MEMBERS QUAN, WISEMAN, EDWARDS, SEKULA-GIBBS, KHAN and GALLOWAY)** – was presented.

Council Member Edwards stated that she appreciated the work that had gone forth with the ordinance, but she had asked several times for the projects, that she had gotten the parks but when it says demolition of properties and cleaning of vacant lots if she could have some kind of information as to what lots and buildings they were talking about so she could make sure they were in partnership with what the community was wanting to have happen there. Council Members Lawrence and Berry absent.

Council Member Garcia stated that he would also like to emphasize that point, that he was not sure if they were being asked, as Council Members, to help develop that list or not but if there was they would also be interested in participating.

After further discussion a vote was called on Item No. 78. All voting aye. Nays none. Council Member Goldberg out of the city on city business. ORDINANCE 2005-0279 ADOPTED.

79. ORDINANCE amending City of Houston Ordinance No. 2002-0512, passed June 12, 2002, which approved and authorized the submission of the 2002 Consolidated Plan and the grant application for the 28th Community Development Block Grant ("CDBG") Program – **(This was Item 32 on Agenda of March 16, 2005, TAGGED BY COUNCIL MEMBERS QUAN, WISEMAN, EDWARDS, SEKULA-GIBBS, KHAN and GALLOWAY)** – was presented. All voting aye. Nays none. Council Member Goldberg out of the city on city business. ORDINANCE 2005-0280 ADOPTED.

80. ORDINANCE amending City of Houston Ordinance No. 2003-0620, passed June 25, 2003, (as amended by City of Houston Ordinance No. 2004-0284), which approved and authorized the submission of the 2003 Consolidated Plan and the grant application for the 29th Community Development Block Grant ("CDBG") Program, as amended – **(This was Item 33 on Agenda of March 16, 2005, TAGGED BY COUNCIL MEMBERS QUAN, WISEMAN, EDWARDS, SEKULA-GIBBS, KHAN and GALLOWAY)** – was presented. All voting aye. Nays none. Council Member Goldberg out of the city on city business. ORDINANCE 2005-0281 ADOPTED.
81. ORDINANCE amending City of Houston Ordinance No. 2004-0685, passed On June 30, 2004, which approved and authorized the submission of the 2004 Consolidated Plan and the grant application for the 30th Community Development Block Grant ("CDBG") Program – **(This was Item 34 on Agenda of March 16, 2005, TAGGED BY COUNCIL MEMBERS QUAN, WISEMAN, EDWARDS, SEKULA-GIBBS, KHAN and GALLOWAY)** – was presented. All voting aye. Nays none. Council Member Goldberg out of the city on city business. ORDINANCE 2005-0282 ADOPTED.

### **CONSENT AGENDA NUMBERS 1 through 73**

#### **MISCELLANEOUS - NUMBER 1**

1. RECOMMENDATION from the Director Finance & Administration for approval of Individual Public Official Bond for **RICHARD LEWIS, Acting Chief Clerk of the Municipal Courts** in the amount of \$25,000.00 as required by the Code of Ordinances – was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Goldberg out of the city on city business. MOTION 2005-0259 ADOPTED.

#### **PROPERTY - NUMBERS 13 through 15**

13. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel AY2-053, located at 9406 E. Avenue J, owned by John Stuart Dissen, for **CENTRAL STREET GRADE SEPARATION PROJECT from Central Street Extension over Manchester Avenue to Train Yard**, CIP N-0676-01-2 - \$54,700.00 - Street & Bridge Consolidated Construction Fund - **DISTRICT I - ALVARADO** – was presented, moved by Council Member Garcia, seconded by Council Member Khan. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Member Holm absent. MOTION 2005-0260 ADOPTED.
14. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel AY4-050, located within the banks of Brays Bayou drainage-way between Holcombe Boulevard and South MacGregor Drive, owned by Harris County Flood Control District, for the **CAMBRIDGE PAVING PROJECT from Old Spanish Trail to MacGregor Drive**, CIP N-0720-01-2 - \$48,496.00 - Street & Bridge Consolidated Construction Fund - **DISTRICT D - EDWARDS** – was presented, moved by Council Member Garcia, seconded by Council Member Khan. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Member Holm absent. MOTION 2005-0261 ADOPTED.
15. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel KY4-121, located at the NW corner of FM 1960 West and Mills Road, owned by John W. Worsham, 2/9 interest; Worsham Interests, Ltd., Jean M. Worsham, Managing Partner, 2/9 interest; Gail W. Pitt, 1/9 interest; Cynthia W. Bowers, 1/9 interest; John W. Mills III, 1/9 interest; Sally M. Watkins, 1/9 interest; J. W. Mills Estate Trust, John W. Mills III and Sally Mills Watkins, Trustees 1/9 interest, for the **WILLOWBROOK WATER WELL PROJECT**, CIP S-0100-12-2; \$53,236.00 - Enterprise Fund - **DISTRICT A - LAWRENCE** – was presented, moved by Council Member Garcia, seconded by Council

Member Khan. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Member Holm absent. MOTION 2005-0262 ADOPTED.

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 16 through 30

16. **CYPRESS LAWN & TURF EQUIPMENT COMPANY, INC** - \$39,101.86 and **EQUIPMENT SUPPORT SERVICES** - \$41,037.47 for Riding Mowers and Forklift through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for the Houston Airport System - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Member Holm absent. MOTION 2005-0263 ADOPTED.
17. ORDINANCE appropriating \$154,544.25 out of GRB Consolidated Construction Fund to Furnish and Install a Fall Protection System at the George R. Brown Convention Center for the Convention & Entertainment Facilities Department – was presented. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Member Holm absent. ORDINANCE 2005-0283 ADOPTED.
- 17a. **MILESTONE METALS, INC** to Furnish and Install a Fall Protection System at the George R. Brown Convention Center for the Convention & Entertainment Facilities Department \$147,185.00 and contingencies for a total amount not to exceed \$154,544.25 – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Member Holm absent. MOTION 2005-0264 ADOPTED.
21. **MACAULAY CONTROLS COMPANY** for Replacement Parts Contract for Existing Metering Pumps and Analyzers for Department of Public Works & Engineering - \$241,170.00 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Member Holm absent. MOTION 2005-0265 ADOPTED.
24. **BOYER, INC** for Emergency Purchase of Clean-up Services at Greens Bayou for Department of Public Works & Engineering - \$98,900.00 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Member Holm absent. MOTION 2005-0266 ADOPTED.
25. **INTERNATIONAL TRUCKS OF HOUSTON (Bid No. 17)** - \$110,798.56 and **TOMMIE VAUGHN MOTORS, INC (Bid No. 7)** - \$225,846.49 for Automotive Air and Spring Brake Replacement Parts for Various Departments - \$347,056.75 minus a commission fee (3% for Internet-based reverse auction services) for a net award amount not to exceed \$336,645.05 - General and Fleet Management Funds – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Member Holm absent. MOTION 2005-0267 ADOPTED.
28. **LESLIE'S POOLMART, INC** for Chlorinated Chemicals for Various Departments - \$133,963.00 General and Enterprise Funds – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Member Holm absent. MOTION 2005-0268 ADOPTED.
30. **NORTH SHORE SUPPLY COMPANY, INC** for Steel Construction Materials for Various Departments - \$890,882.73 - General, Enterprise, Storm Water and Fleet Management

Funds – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Member Holm absent. MOTION 2005-0269 ADOPTED.

**ORDINANCES** - NUMBERS 37 through 65

37. ORDINANCE consenting to the addition of 159.281 acres of land to **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 58**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Goldberg out of the city on city business. ORDINANCE 2005-0284 ADOPTED.
38. ORDINANCE consenting to the addition of 141.335 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 24**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Goldberg out of the city on city business. ORDINANCE 2005-0285 ADOPTED.
39. ORDINANCE consenting to the addition of 3.54 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO 191**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Goldberg out of the city on city business. ORDINANCE 2005-0286 ADOPTED.
40. ORDINANCE consenting to the addition of 27.636 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 239**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Goldberg out of the city on city business. ORDINANCE 2005-0287 ADOPTED.
41. ORDINANCE consenting to the addition of 7.8849 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 278**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Goldberg out of the city on city business. ORDINANCE 2005-0288 ADOPTED.
42. ORDINANCE consenting to the addition of 572.8357 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 386**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Goldberg out of the city on city business. ORDINANCE 2005-0289 ADOPTED.
43. ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 434** – was presented. All voting aye. Nays none. Council Member Goldberg out of the city on city business. ORDINANCE 2005-0290 ADOPTED.
44. ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 449** – was presented. All voting aye. Nays none. Council Member Goldberg out of the city on city business. ORDINANCE 2005-0291 ADOPTED.
45. ORDINANCE consenting to the addition of 3.998 acres of land to **LONGHORN TOWN UTILITY DISTRICT OF HARRIS COUNTY, TEXAS**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Goldberg out of the city on city business. ORDINANCE 2005-0292 ADOPTED.
46. ORDINANCE consenting to the addition of 199.0737 acres of land to **NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 23**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Goldberg out of the city on city business. ORDINANCE 2005-0293 ADOPTED.
47. ORDINANCE consenting to the addition of 42.3803 acres of land to **PARKWAY UTILITY DISTRICT**, for inclusion in its district – was presented. All voting aye. Nays none.

Council Member Goldberg out of the city on city business. ORDINANCE 2005-0294 ADOPTED.

48. ORDINANCE consenting to the addition of 7.5454 acres of land to the **WOODLANDS METRO CENTER MUNICIPAL UTILITY DISTRICT**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Goldberg out of the city on city business. ORDINANCE 2005-0295 ADOPTED.
56. ORDINANCE approving and authorizing contract between the City and **TEXAS DEPARTMENT OF TRANSPORTATION** for Installation of a 16” Waterline at IH-10 at Greens Bayou, GFS S-0900-01-2 (WA10448) - **DISTRICTS E - WISEMAN and I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Goldberg out of the city on city business. ORDINANCE 2005-0296 ADOPTED.
57. ORDINANCE appropriating \$234,915.78 out of Water & Sewer System Consolidated Construction Fund and \$240,000.00 out of Tax Increment Reinvestment Zone Affordable Housing Uptown Fund, and approving and authorizing Developer Participation Contract between the City of Houston and **EL TESORO DEVELOPMENT, LTD** for Construction of Water, Sanitary Sewer and Storm Sewer Lines for Section One of the El Tesoro Subdivision, CIP S-0800-C6-03 & R-0800-C6-03 - **DISTRICT E - WISEMAN** – was presented. All voting aye. Nays none. Council Member Goldberg out of the city on city business. ORDINANCE 2005-0297 ADOPTED.
58. ORDINANCE appropriating \$260,000.00 out of Water & Sewer System Consolidated Construction Fund and \$240,000.00 out of Tax Increment Reinvestment Zone Affordable Housing Uptown Fund, and approving and authorizing Developer Participation Contract between the City of Houston and **EL TESORO DEVELOPMENT, LTD** for Construction of Water, Sanitary Sewer and Storm Sewer Lines for Section Two of the El Tesoro Subdivision, CIP S-0800-C7-03 & R-0800-C7-03 - **DISTRICT E - WISEMAN** – was presented. All voting aye. Nays none. Council Member Goldberg out of the city on city business. ORDINANCE 2005-0298 ADOPTED.
59. ORDINANCE appropriating \$160,426.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing a Developer Participation Contract between the City of Houston and **ELLA PARK, LTD.** for Construction of Water and Sanitary Sewer Lines in the Ella Park Subdivision; CIP S-0800-G2-03 & R-0800-G2-03 - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Goldberg out of the city on city business. ORDINANCE 2005-0299 ADOPTED.
60. ORDINANCE appropriating \$489,836.28 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing a Developer Participation Contract between the City of Houston and **GARC ENTERPRISES, LTD.** for Construction of Water and Sanitary Sewer Lines In Southridge Crossing Section One; CIP S-0800-G7-03 & R-0800-G7-03 **DISTRICT E - WISEMAN** – was presented. All voting aye. Nays none. Council Member Goldberg out of the city on city business. ORDINANCE 2005-0300 ADOPTED.
61. ORDINANCE appropriating \$137,302.24 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing a Developer Participation Contract between the City of Houston and **THIS NEW HOUSE, LLC** for Construction of Water and Sanitary Sewer Lines in the Village of Oak Forest Subdivision; CIP S-0800-G8-03 & R-0800-G8-03 - **DISTRICT A - LAWRENCE** – was presented. All voting aye. Nays none. Council Member Goldberg out of the city on city business. ORDINANCE 2005-0301 ADOPTED.
62. ORDINANCE approving and authorizing an Untreated Water Supply Contract between the

City of Houston and **THE GALVESTON COMPANY, LLC dba GALCO** - Revenue – was presented. All voting aye. Nays none. Council Member Goldberg out of the city on city business. ORDINANCE 2005-0302 ADOPTED.

65. ORDINANCE awarding contract to **HWY 6 TRANSMISSION CENTER, INC** for Automatic Transmission Repair/Exchange Services for Various Departments; providing a maximum contract amount - \$2,779,476.50 - General and Enterprise Funds – was presented. All voting aye. Nays none. Council Member Goldberg out of the city on city business. ORDINANCE 2005-0303 ADOPTED.

Council Member Khan moved to suspend the rules to consider Item No. 52 out of order, seconded by Council Member Quan. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Mayor White absent. Mayor Pro Tem Alvarado presiding. MOTION 2005-0270 ADOPTED.

52. ORDINANCE approving and authorizing interlocal agreement between the City of Houston and **HARRIS COUNTY** for City Firefighting and Fire Protection Services to Unincorporated Areas of Harris County – Revenue – was presented, and tagged by Council Members Khan and Wiseman. Mayor White absent. Mayor Pro Tem Alvarado presiding.

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

**ACCEPT WORK**

2. RECOMMENDATION from Houston Airport System for approval of final contract amount of \$1,787,683.99 and acceptance of work on contract with **CONSTRUCTION LTD.**, for ISEP - Remodeling Terminal D Core Room / MDF Upgrades & SITA Relocation at George Bush Intercontinental Airport/Houston; Project No. 500Q; CIP A-0483 and A-0422 - 18.34% under the original contract amount - **DISTRICT B – GALLOWAY** – was presented, moved by Council Member Galloway, seconded by Council Member Garcia. Mayor White absent. Mayor Pro Tem Alvarado presiding.

Council Member Galloway stated that Construction Ltd.'s goal was set at 17% and they received an outstanding, their goal ended up being 35.60% and she hoped most of the companies would continue

A vote was called on Item No. 2. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Mayor White absent. Mayor Pro Tem Alvarado presiding. MOTION 2005-0271 ADOPTED.

3. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$832,000.88 and acceptance of work on contract with **CHIEF ENVIRONMENTAL SURVEYS, INC** for Sanitary Sewer Inspection and Rehabilitation by Point Repair Method, GFS R-0266-R4-3 (4277-10) - 01.79% over the original contract amount – was presented, moved by Council Member Khan, seconded by Council Member Quan. Mayor White absent. Mayor Pro Tem Alvarado presiding.

Council Member Galloway stated that it was the same with Chief Environmental Survey, that their goal was set 19% and they reached 28.89 % on their MWBE participation and were also rated highly and she wanted to make note for the record.

A vote was called on Item No. 2. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Mayor White absent. Mayor Pro Tem Alvarado presiding. MOTION 2005-0272 ADOPTED.

4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,113,802.32 and acceptance of work on contract with **UNDERGROUND TECHNOLOGIES, INC** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods, GFS R-0266-R9-3 (4257-32) - 04.44% over the original contract amount – was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Mayor White absent. Mayor Pro Tem Alvarado presiding. MOTION 2005-0273 ADOPTED.
5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,508,836.68 and acceptance of work on contract with **TROY CONSTRUCTION, L.L.P.**, for Water Line Repair Contract by Point Repair Method, (10698) 07.51% under the original contract amount – was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Mayor White absent. Mayor Pro Tem Alvarado presiding. MOTION 2005-0274 ADOPTED.

Council Member Galloway stated that Troy Construction had 42% and 19% was their goal. Mayor White absent. Mayor Pro Tem Alvarado presiding.

6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,305,614.59 and acceptance of work on contract with **TROY CONSTRUCTION, L.L.P.** for On-Call Rehabilitation to Large Diameter Water Lines Package 2, GFS S-0900-88-3 (WA10700-02) - 04.71% over the original contract amount - **DISTRICTS A - LAWRENCE; B - GALLOWAY; E - WISEMAN and I - ALVARADO** – was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Mayor White absent. Mayor Pro Tem Alvarado presiding. MOTION 2005-0275 ADOPTED.

Council Member Galloway stated Troy Construction was 17% and ended with a rating of 8.89%, which was low, but she guessed they tried to make it up on the previous contract. Mayor White absent. Mayor Pro Tem Alvarado presiding.

7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,099,238.28 and acceptance of work on contract with **D. L. ELLIOTT ENTERPRISES, INC** for Water Line Repair by Point Repair Method, (WA10713) - 05.68% under the original contract amount – was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Mayor White absent. Mayor Pro Tem Alvarado presiding. MOTION 2005-0276 ADOPTED.

Council Member Galloway stated that D. L. Elliott had a 19% goal and were rated outstanding with a 41.58%. Mayor White absent. Mayor Pro Tem Alvarado presiding.

8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,217,635.69 and acceptance of work on contract with **D. L. ELLIOTT ENTERPRISES, INC** for Construction of Water Main Replacement in Lakewood Heights Subdivision, GFS S-0035-95-3 (WA10736) and Sanitary Sewer Replacement along Sunnyglen Drive, GFS R-2011-38-3 (WW4809-3) - 08.54% under the original contract amount - **DISTRICT E - WISEMAN** – was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Mayor White absent. Mayor Pro Tem Alvarado presiding. MOTION 2005-0277 ADOPTED.
9. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,467,130.74 and acceptance of work on contract

with **D. L. ELLIOTT ENTERPRISES, INC** for Construction of Water Line Replacement in Campbell Woods/Long Point Acres Subdivisions, GFS S-0035-93-3 (WA10732) - 14.35% under the original contract amount **DISTRICT A - LAWRENCE** – was presented, moved by Council Member Khan, seconded by Council Member Quan. Mayor White absent. Mayor Pro Tem Alvarado presiding.

Council Member Galloway stated that D. L. Elliott had an unsatisfactory rating, they did not reach their goal of 17%, they only accomplished 15%. Mayor White absent. Mayor Pro Tem Alvarado presiding.

A vote was called on Item No. 9. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Mayor White absent. Mayor Pro Tem Alvarado presiding. MOTION 2005-0278 ADOPTED.

10. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,184,856.44 and acceptance of work on contract with **C AND C SERVICES** for Construction of Water Line Replacement in Westbury East Subdivision, GFS S-0035-97-3 (WA10738) - 04.12% under the original contract amount - **DISTRICT C - GOLDBERG** – was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Mayor White absent. Mayor Pro Tem Alvarado presiding. MOTION 2005-0279 ADOPTED.

11. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,735,569.46 completed by the Surety, **CAPITOL INDEMNITY CORPORATION** and acceptance of work on contract awarded to **ADVANTAGE CONTRACT SERVICES, INC** for Rehabilitation of Four Elevated Tanks and Replacement of One Elevated Tank with Hydropneumatic Tanks, GFS S-0600-21-3 (10521-21) - 03.59% under the original contract amount - **DISTRICTS A - LAWRENCE; B - GALLOWAY; D - EDWARDS; E - WISEMAN and G - HOLM** – was presented, moved by Council Member Khan, seconded by Council Member Quan. Mayor White absent. Mayor Pro Tem Alvarado presiding.

Council Member Galloway stated that this company's goal was set at 17% and was reduced to 8% and they ended up accomplishing only 3% but they said it was due to a fire and that the paperwork was destroyed, that she would like to get a report as to why it hindered the contractor from reaching his goal, and Mayor Pro Tem Alvarado stated that they would get that to her. Mayor White absent. Mayor Pro Tem Alvarado presiding.

A vote was called on Item No. 11. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Mayor White absent. Mayor Pro Tem Alvarado presiding. MOTION 2005-0280 ADOPTED.

### **PROPERTY**

12. RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel AY3-253, located at 4101 Lyons Avenue, owned by S W E Holdings, LP, Scott Wizig President, for the **LYONS AVENUE PAVING PROJECT from US 59 to Waco - DISTRICT B - GALLOWAY** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Mayor White absent. Mayor Pro Tem Alvarado presiding. MOTION 2005-0281 ADOPTED.

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

18. **MARTIN APPARATUS, INC** for Heavy-Duty Rescue Vehicle through the Interlocal

Agreement for Cooperative Purchasing with Houston-Galveston Area Council for the Fire Department \$390,987.00 - Grant Fund – was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Mayor White absent. Mayor Pro Tem Alvarado presiding. MOTION 2005-0282 ADOPTED.

19. **AMEND MOTION #2002-923, 8/7/02, TO INCREASE** spending authority from \$391,000.00 to \$503,000.00 for Automotive E-One Fire Truck Replacement Parts and Repair Contract for Fire Department, awarded to **FIRE APPARATUS SPECIALIST** - \$112,000.00 - General Fund – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Mayor White absent. Mayor Pro Tem Alvarado presiding. MOTION 2005-0283 ADOPTED.
20. **TURF EQUIPMENT & SUPPLIES, INC** - \$326,360.58 and **KLEIBER TRACTOR & EQUIPMENT, INC** - \$73,500.00 for Lawnmower and Edger Replacement Parts and Repair Service for Parks & Recreation Department - \$408,021.00 minus a commission fee (2% for Internet-based reverse auction services) for a net award amount not to exceed \$399,860.58 – was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Mayor White absent. Mayor Pro Tem Alvarado presiding. MOTION 2005-0284 ADOPTED.
- 20-1. **ALL PLAY, INC** and **PLAYPOWER LT FARMINGTON, INC** for Playground Equipment and Park Amenities through the Interlocal Agreement for Cooperative Purchasing with the Texas Local Government Purchasing Cooperative - Not to exceed \$1,000,000.00 - CDBG Fund – was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Mayor White absent. Mayor Pro Tem Alvarado presiding. MOTION 2005-0285 ADOPTED.
22. **AMEND MOTION #2001-1102, 10/3/01, as amended by Motion #2004-822, 7/7/04, TO EXTEND** expiration date from October 3, 2005 to October 2, 2006, for Water Meters, Cold Water Contract for Department of Public Works & Engineering, awarded to **BADGER METERS, INC** – was presented, moved by Council Member Khan, seconded by Council Member Quan, and tagged by Council Member Wiseman. Mayor White absent. Mayor Pro Tem Alvarado presiding.
23. **AMEND MOTION #01-434, 4/18/01, as amended by Motion #04-330, 3/31/04, TO EXTEND** expiration date from April 26, 2005 to April 25, 2006, for Fire Hydrants Contract for Department of Public Works & Engineering, awarded to **MUNICIPAL PIPE & FABRICATING COMPANY** – was presented, moved by Council Member Khan, seconded by Council Member Quan, and tagged by Council Member Wiseman. Mayor White absent. Mayor Pro Tem Alvarado presiding.
26. **G & S ASPHALT, L.P. dba AMERICAN MATERIALS** for Concrete, Hot Mixed Asphalt for Various Departments - \$21,978,430.40 - General, Enterprise and Storm Water Funds – was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Mayor White absent. Mayor Pro Tem Alvarado presiding. MOTION 2005-0286 ADOPTED.
27. **CENTURY ASPHALT MATERIALS** for Concrete, Hot Mixed Asphaltic, Part II for Various Departments - \$2,072,220.00 - General, Enterprise and Storm Water Funds – was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Mayor White absent. Mayor Pro Tem Alvarado presiding. MOTION 2005-0287 ADOPTED.

29. **AMEND MOTION #2002-497, 4/24/02, TO EXTEND** expiration date from April 24, 2005 to April 23, 2006, for Paints, Solvents & Painting Supplies Contracts for Various Departments, awarded to **ICI DULUX, SHERWIN-WILLIAMS PAINT CO., INC, SOUTHWESTERN PAINT CO.,** and **QUALITY PAINT & DÉCOR** – was presented, moved by Council Member Khan, seconded by Council Member Quan, and tagged by Council Member Ellis.

## **ORDINANCES**

31. **ORDINANCE AMENDING CHAPTER 2 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Public Official Bonds and Blanket Crime Policies for Public Employees – was presented, moved by Council Member Khan, seconded by Council Member Quan, and tagged by Council Member Wiseman. Mayor White absent. Mayor Pro Tem Alvarado presiding.
32. **ORDINANCE** approving and authorizing second amendment to Meet and Confer Agreement between the City and the **BOARD OF TRUSTEES OF THE HOUSTON MUNICIPAL EMPLOYEES PENSION SYSTEM** – was presented, moved by Council Member Khan, seconded by Council Member Quan, and tagged by Council Member Wiseman. Mayor White absent. Mayor Pro Tem Alvarado presiding.

Council Member Sekula-Gibbs stated that she had an amendment that she was passing around regarding Item No. 32, that the matter was brought up before the Pension Review Committee on Monday and they had a lengthy discussion, that Mr. Robert Miller from the Pension Board was present as well as Mr. Nichols, at that time the pros and cons of the agreement were discussed, that in the amendment she was asking for a little more transparency in terms of the composition of the committees that were at stake, the board committees, as stated in the agreement, were good up to a point and if they looked at the documents she passed around the one committee that remained completely insulated and isolated from public scrutiny was the Administration Committee or the Administrative Committee, that the amendment as she had proposed it basically said that the board composition would have the Administrative Committee subject to, except for the Meet and Confer Piece, having appointees on it that would either be appointees not only from the elected trustees but also a trustee that would come from the Mayor's appointee or City Council appointee or the Controllers appointee, that it was different from what it was now. Council Members Alvarado and Quan absent.

Council Member Ellis stated that he wanted to thank Council Member Sekula-Gibbs for offering the amendment, that as he explained to the Pension Review Committee when they entered into a Meet and Confer negotiation they sign a contract and the information they discuss they do not make privy to the media and did not discuss with other people until they had a finished product and then they take it to one of the bodies and they chose to send it to the board first, they rejected a number of different proposals that were submitted, at one point they were about to stop the negotiations because it was becoming extremely difficult to make any headway, but eventually they came up with a product and agreement that he believed benefited all of the employees in the Municipal Pension Fund, as well as the retirees and the taxpayers, that he thought it also required accountability and restored appointments for the board and created a new appointment for the Controller, and created requirements by which they had to come to the Mayor's office and make reports and to the full body of Council make reports, that they needed to make reports to the Treasurer as well, of which they had agreed to, the present makeup of the board was a 6 to 3 split, four elected from the membership, two elected from retirees and then three appointed, two by the Mayor and one by the trustees, that the proposed board makeup would change and go to a 6 to 5 split, four elected from the membership, two elected from the retirees and five appointed, one from the Mayor, one from the Controller, two from the City Council and one from the elected trustees, that was a very difficult stumbling block to get past, but those five appointees could not be beneficiaries of the fund and he thought that

was extremely important and thought it was beneficial to everyone to move forward with this board makeup, that the board finally agreed with the negotiating team, that another thing they changed that was extremely important and was brought to his attention through the Pension Review Committee by one of the committee members, Council Member Goldberg, and that was with regard to how the trustees were elected, that they were elected by a plurality as opposed to a majority and that had also been changed, so as the agreement was adopted they would be elected by a majority, which he thought was quite beneficial, did they get everything they wanted in the negotiations, no, did they try to make the changes that Council Member Sekula-Gibbs had offered, yes they did but were rejected by the board, if they amended the Meet and Confer Agreement they had an opportunity to send it back to the board and they could reject it and they had gotten no where in twelve weeks of negotiations, that he respectfully agree with some of the issues that were brought forth by Council Member Sekula-Gibbs but at the same time if they amended the agreement and the board rejected it they were back to square one and had no agreement, that he would vote against the amendment for that reason. Council Member Quan absent.

After a lengthy discussion by Council Members, Council Member Garcia moved to suspend the rules to stay in session beyond the scheduled noon recess to complete the agenda, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Members Lawrence and Quan absent. MOTION 2005-0288 ADOPTED.

Council Member Wiseman stated that she would release her tag on Item No. 32 so that Council Member Sekula-Gibbs could offer her motion to amend Item No. 32.

Council Member Sekula-Gibbs stated that she wanted to offer the following motion to amend Item No. 32.

"I move that Section 4 of Agenda Item 32 be amended to read as follows"

#### 4. BOARD COMMITTEES

- a) The standing committees of the Board should cover the following areas:
  - (1) Risk Management/Governance
  - (2) Investment
  - (3) Administration (include compensation)
  - (4) Finance/Actuarial
  - (5) Audit
  - (6) Disability
- b) The committee responsible for all meet and confer issues for HMEPS shall be a committee of the elected trustees and the trustee appointed by the elected trustees. Other than the committee responsible for meet and confer issues, all committees shall consist of at least one elected trustee and one trustee appointed by the Mayor, Controller or City Council.
- c) All meetings, other than meetings dealing with meet and confer issues, shall be open to all trustees.
- d) Except for meet and confer decisions, no committee shall have authority to make final approvals, but shall only make recommendations to the full Board.
- e) All matters relating to travel, salaries, bonuses, and reimbursements, regarding the Board of Trustees and the Executive Director would go before the full Board for discussion and approval."

Council Member Wiseman stated that she would tag Council Member Sekula-Gibbs motion to amend Item No. 32 and the main Item No. 32.

33. ORDINANCE finding and declaring public convenience and necessity for the acquisition of easements and rights-of-way in connection with the construction of Water Transmission Lines and associated facilities to convey surface water from Lake Houston to the Greenspoint Area for the public project known as the Greenspoint Water Line Project Phase I; approving the right-of-way alignment therefore; authorizing the acquisition of certain real property and real property interests within the right-of-way alignments and payment of the costs of such purchases and/or condemnations of such real property and associated costs for Appraisals Fees, Title Policies/Services, Recording Fees, Court Costs, and Expert Witness Fees in connection with the following parcels of land in Harris County, Texas: 6,741 feet of land out of the Pierce Sullivan Survey A-749 (apparent record owner Harris County Flood Control District); 853 square feet of land out of the Pierce Sullivan Survey A-749 (apparent record owner W9/GPT-Northchase Real Estate Limited Partnership); 1,109 square feet of land out of Block 6 Unrestricted Reserve "K", Greenspoint Subdivision Section One (apparent owner Greater Greenspoint Management District), CIP S-0900-01-2 - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Members Lawrence, Quan and Berry absent. ORDINANCE 2005-0304 ADOPTED.
34. ORDINANCE finding and declaring public convenience and necessity for the acquisition of easements and rights-of-way in connection with the construction of Water Transmission Lines and associated facilities to convey surface water from Lake Houston to the Greenspoint Area for the public project known as the Greenspoint Water Line Project Phase II; approving the right-of-way alignment therefore; authorizing the acquisition of certain real property and real property interests within the right-of-way alignments and payment of the costs of such purchases and/or condemnations of such real property and associated costs for Appraisals Fees, Title Policies/Services, Recording Fees, Court Costs, and Expert Witness Fees in connection with the following parcels of land in Harris County, Texas: 5,032 square feet of land out of the N. Lambrecht Survey A-1550 (apparent record owner Centerpoint Energy Houston Electric, LLC); 8,000 square feet of land out of Lot 186 Block 6 of Humble Acres, Section Two (apparent record owner Isabel Almogabar); 1,589 square feet of land out of the S.W. Upshaw Survey A-818, (apparent owner Harris County Flood Control District); 3,923 square feet of land out of Lot 226 Block 7 of Humble Acres, Section Two (apparent record owner Wayne Castleberry); 4,004 square feet of land out of Lot 225 Block 7 of Humble Acres, Section Two (apparent record owner P.G. McCain, Joyce McCain and Sarah E. McCain); 14,286 square feet of land out of the S.W. Upshaw Survey A-818, (apparent owner Rosa Belle L. Meaux); 9,958 square feet of land out of the S. W. Upshaw Survey A-818 (apparent record owner Houston Lighting and Power Company); 15,520 square feet of land out of the N. Lambrecht Survey A-1550 and 1670 (Verona Investments Co. Inc.), CIP S-0900-01-2 - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Members Lawrence, Quan and Berry absent. ORDINANCE 2005-0305 ADOPTED.
35. Ordinance finding and declaring public convenience and necessity for the acquisition of easements and rights-of-way in connection with the construction of Water Transmission Lines and associated facilities to convey surface water from Lake Houston to the Greenspoint Area for the public project known as the Greenspoint Water Line Project Phase III; approving the right-of-way alignment therefore; authorizing the acquisition of certain real property and real property interests within the right-of-way alignments and payment of the costs of such purchases and/or condemnations of such real property and associated costs for Appraisals Fees, Title Policies/Services, Recording Fees, Court Costs, and Expert Witness Fees in connection with the following parcels of land in Harris County, Texas: 9,432 square feet of land out of Lot 65 of Waverly Farms Subdivision;

(apparent record owner Union Inc.); 4,153 square feet of land out of Lot 66 of Waverly Farms Subdivision (apparent record owner Robin Reed, as independent Executrix of the Estate of Harry W. Reed Deceased); 10,001 square feet of land out of the, S. W. Upshaw Survey A-821 (apparent record owner Eli Sasson); 1,625 square feet of land out of the S.W. Upshaw Survey A-1821 (apparent owner Centerpoint Energy Houston Electric, LLC); 2,750 square feet of land out of the S.W. Upshaw Survey A-1821 (apparent owner Rosslyn Road Inc.); 2,944 square feet of land in two tracts of land out of the S.W. Upshaw Survey A-1821 (apparent owner Solhjou Company); 8,748 square feet of land out of Lots 46 and 47 of Waverly Farms Subdivision (apparent owner Solhjou Company); 8,750 square feet of land out of Lots 44 and 45 of Waverly Farms Subdivision (apparent owner Harry W. Reed, Trustee); 8,801 square feet of land out of Lots 42 and 43 of Waverly Farms Subdivision (apparent owner Harry W. Reed, Trustee); 7,135 square feet of land out of Lots 40 And 41 of Waverly Farms Subdivision (apparent owner Bob Heath); 17,473 square feet of land out of Lot 62 of Waverly Farms Subdivision, (apparent owner Waverly Farms Associates, A Texas Joint Venture); 2,562 square feet of land out of Lot 62 of Waverly Farms Subdivision (apparent record owner H. R. Real Estate Company of Texas Inc.); 4,650 square feet of land out of Lot 63 of Waverly Farms Subdivision (apparent record owner Robin Reed as Independent Executrix of the Estate of Harry Reed, Deceased); 5,350 square feet of land out of Lots 63 and 64 of Waverly Farms Subdivision (apparent owner Robin Reed as Independent Executrix of the Estate of Harry W. Reed, Deceased), CIP S-0900-01-2 - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Members Lawrence, Quan and Berry absent. ORDINANCE 2005-0306 ADOPTED.

36. ORDINANCE finding and declaring public convenience and necessity for the acquisition of easements and rights-of-way in connection with the construction of Water Transmission Lines and associated facilities to convey surface water from Lake Houston to the Greenspoint Area for the Public Project known as the Greenspoint Water Line Project Phase IV; approving the right-of-way alignment therefore; authorizing the acquisition of certain real property and real property interests within the right-of-way alignments and payment of the costs of such purchases and/or condemnations of such real property and associated costs for Appraisals Fees, Title Policies/Services, Recording Fees, Court Costs, and Expert Witness Fees in connection with the following parcels of land in Harris County, Texas: 0.3845 acre of land out of the remainder of Lots 1 and 2 of the Jerry Hayes Subdivision; (apparent record owner Union Inc.); 0.0964 acre of land out of the Washington County Railroad Company Survey, Section 1, Block 6 A-935 (apparent record owners Naomi Ann Read, Wayne Ronald Read and Roger H. Read); 0.0961 acre of land out of the Washington County Railroad Company Survey, Section 1 Block 6, A-935 (apparent owners William B. Collins, Catherine Boze, Mary Alice Davis, Grady H. Collins, Jr., Ernest W. Collins, Sam T. Croom, Frank O. Barnes, Fred Halbkat, Emory T. Carl and Rosemary Collins Blanton); 0.8491 acre of land out of Lots 1, 4, and 5, Block 1 of Hartland Acres (apparent record owners Jack A. Farr, Jr. Trustee of the Jack A. Farr Jr. Children's Trusts and Eddie Farr, Trustee of the Eddie N. Farr Children's Trust); 0.8304 acre of land out of Lot 6, Block 1 of Hartland Acres (apparent record owners Texas Freight Services Inc., and Thomas Fred Lipscomb, Individually and as Trustee); 0.5497 acre of land out of Lot 7, Block 1 of Hartland Acres (apparent owner Rijma Investment Management Company); 1.172 acres of land out of Restricted Reserves "E" and "F", Block One of J. A. Green Development Corporation Replat No. 1 (apparent record owner J. A. Green Development Corporation); 0.5862 acre of land out of Lot 11, Block 2 of Hartland Acres (apparent record owner Roberto Mancin Guerzoni, care of James R. Chandler, III); 0.5862 acre of land out of Lot 26, Block 2 of Hartland Acres, (apparent owner Francisco Rubio and Coralía Rubio); 0.5712 acre of land out of Lot 7, Block 3 of Hartland Acres (apparent record owner Raw Land Ltd., A Texas Limited Partnership); 0.3592 acre of land out of the Washington County Railroad Company Survey, Section 2 Block 6, A-1078 (apparent record owner Centerpoint Energy Houston Electric, LLC), CIP S-0900-01-2 - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council

Member Goldberg out of the city on city business. Council Members Lawrence, Quan and Berry absent. ORDINANCE 2005-0307 ADOPTED.

49. ORDINANCE approving and authorizing the application for and acceptance of a Justice Assistance Grant from the **U.S. DEPARTMENT OF JUSTICE**; declaring the City's eligibility for such grant; authorizing the Mayor to act as the City's representative in the application process; authorizing the Director of the Mayor's Office of Public Safety and Homeland Security to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program; and approving and authorizing an interlocal agreement with **HARRIS COUNTY**, a subrecipient of this grant, for Joint Participation in the Harris County Integrated Video Project - \$3,341,531.00 - Grant Fund – was presented. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Members Lawrence, Quan and Berry absent. ORDINANCE 2005-0308 ADOPTED.
50. ORDINANCE approving and authorizing the Mayor to accept grant assistance from the **UNITED STATES FEDERAL AVIATION ADMINISTRATION** for various projects at the City's Airports; declaring the City's eligibility for such grants - \$60,000,000.00 - **DISTRICTS B - GALLOWAY; E - WISEMAN and I - ALVARADO** – was presented, and tagged by Council Member Garcia. Council Members Lawrence, Quan and Berry absent.
51. ORDINANCE appropriating \$456,000.00 out of the Fire Department Fund Number 48A; approving and authorizing second amendment to lease agreement between **CLAIRE CHAMBERLAIN, as landlord**, and the City of Houston, Texas, as tenant, for approximately 10,000 square feet of office space in the building located at 1901 Milam Street to extend the lease term for three years; such leased facility to be used as a temporary fire station by the Houston Fire Department - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Members Lawrence, Quan and Berry absent. ORDINANCE 2005-0309 ADOPTED.
53. ORDINANCE approving and authorizing supplemental agreement to contract (C51012) between the City and **JOHNSON CONTROLS, INC** for Closed Circuit TV Camera System for the Library Department - \$675,000.00 - CDBG Fund - **DISTRICTS B - GALLOWAY; C - GOLDBERG; D - EDWARDS; F - KHAN; H - GARCIA and I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Members Lawrence, Quan and Berry absent. ORDINANCE 2005-0310 ADOPTED.
54. ORDINANCE consenting to the assignment of the Tax Abatement Agreement between the City of Houston, Texas, **WELLS OPERATING PARTNERSHIP, L.P., KERR-MCGEE OIL & GAS ONSHORE LLC and KERR-MCGEE OIL & GAS CORPORATION to LEXINGTON NORTHCHASE L.P.** - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Members Lawrence, Quan and Berry absent. ORDINANCE 2005-0311 ADOPTED.
55. ORDINANCE approving and authorizing lease agreement between the City of Houston and **METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY, TEXAS (METRO)** for use of the Kingwood Park and Ride Lot for Placement of Recycling Bins for area residents - **DISTRICT E - WISEMAN** – was presented. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Members Lawrence, Quan and Berry absent. ORDINANCE 2005-0312 ADOPTED.
63. ORDINANCE appropriating \$87,905.65 out of Fire Consolidated Construction Fund for Environmental and Construction services at Fire Station No. 20, GFS C-0142-02-3; providing

funding for contingencies relating to construction of facilities financed by the Fire Consolidated Construction Fund - **DISTRICT I – ALVARADO** – was presented. Council Members Lawrence, Quan and Berry absent.

Council Member Galloway stated that approximately six weeks ago she had asked for a report on the parking lot for Fire Station No. 39 and when she checked the records she found out that a request had been put in about five or six years ago to enlarge the parking lot, that not only was the parking lot small but it had a lot of holes in it and the asphalt was all messed up, that she never got the report on Fire Station No. 39 regarding the request that was made and she would like to get a status as to when they would send out a contract for bids, that she would like the administration to look into it, as well as Fire Station No. 43, that they had a very old apparatus and she did not know where they were in updating the equipment, that she would like a report as to when they were getting new equipment. Council Members Lawrence, Quan and Berry absent.

A vote was called on Item No. 63. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Members Lawrence, Quan and Berry absent. ORDINANCE 2005-0313 ADOPTED.

Mayor White stated that he would ask that the representative of the Fire Department to report on Fire Station 43 back to Council Member Galloway and to copy the Mayor, and he would ask Mr. Dadoush a specific question on Fire Station No. 39. Council Members Lawrence and Quan absent.

64. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **SYNAGRO OF TEXAS-CDR, INC** for Hauling and Disposal of Biosolids for the Public Works Department; providing a maximum contract amount - \$1,000,000.00 - Enterprise Fund – was presented. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Members Lawrence and Quan absent. ORDINANCE 2005-0314 ADOPTED.
67. ORDINANCE appropriating \$2,512,800.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **RATNALA & BAHL, INC** for Design of Water Line Replacement in Eastway Plaza, Woodview Area, Croyden Gardens, West Gray Area, Willow Run South and Buxley Area; GFS S-0035-F6-2 (WA10859); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund **DISTRICTS A - LAWRENCE; B - GALLOWAY; D - EDWARDS and H - GARCIA** – was presented. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Members Lawrence and Quan absent. ORDINANCE 2005-0315 ADOPTED.
68. ORDINANCE appropriating \$1,321,562.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **AMANI ENGINEERING, INC** for Design of Water Line Replacement in the Blossom Heights Area, Stratton Place Area, and Magnolia Park Area; GFS S-0035-D7-2 (WA10860); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS G - HOLM; H - GARCIA and I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Members Lawrence and Quan absent. ORDINANCE 2005-0316 ADOPTED.
69. ORDINANCE appropriating \$1,296,053.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **SCL ENGINEERING, L.L.C.** for Design of Water Line Replacement in the Turner Area, Brookhaven Area and Buffalo Speedway

Area; GFS S-0035-E1-2 (WA10856); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS B - GALLOWAY; C - GOLDBERG; D - EDWARDS and H - GARCIA** – was presented. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Members Lawrence and Quan absent. ORDINANCE 2005-0317 ADOPTED.

70. ORDINANCE appropriating \$1,812,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **RATNALA & BAHL, INC** for Sewer Model Management; CIP R-0543-02-2 (WW4783-02) – was presented. Council Members Lawrence and Quan absent.

Council Member Galloway stated that on check on Item No. 70 she saw where they allocated \$1.8 million and it was coming out of the CIP fund and she had some concerns about that because only \$1 million was allocated for the current budget year and she wondered where the other \$800,000 was going to be coming from for the project and Mayor White stated that they would get her the funding source, and Council Member Galloway stated that maybe they had some money they could tack on and get some fire hydrants in Garden City. Council Members Lawrence and Quan absent.

Mayor White stated that he wanted Mr. Norman to be taking down notes on the fire hydrants because he had gotten a couple of reports, that he went by the neighborhood and he wanted somebody to update him on it. Council Members Lawrence and Quan absent.

Council Member Khan stated that he understood when they did prequalification one idea was to spread the work around instead of limiting it to one company or a few companies and he saw Ratnala & Bahl, Inc. getting many contracts for engineering services so if someone could tell him what was the basis for not spreading it around, and Mayor White stated that they would get that information to him. Council Members Lawrence and Quan absent.

A vote was called on Item No. 70. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Members Lawrence and Quan absent. ORDINANCE 2005-0318 ADOPTED..

71. ORDINANCE appropriating \$1,500,000.00 out of Airports Improvement Fund and approving and authorizing Professional Architectural and Engineering Services Contract between the City of Houston and **BOVAY ENGINEERS, INC;** (Project No. 405); CIP A-0496 - **DISTRICTS B - GALLOWAY; E - WISEMAN and I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Members Lawrence and Quan absent. ORDINANCE 2005-0319 ADOPTED.
72. ORDINANCE appropriating \$415,400.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **SES HORIZON CONSULTING ENGINEERS, INC** for the Design of Water Line Grid Extensions along North Park, N. Wayside, Mt. Houston, Homestead and Winfield; GFS S-0700-62-2 (WA10844); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS B - GALLOWAY and E - WISEMAN** – was presented. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Members Lawrence and Quan absent. ORDINANCE 2005-0320 ADOPTED.
73. ORDINANCE appropriating \$909,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **PELTIER BROTHERS**

**CONSTRUCTION, LTD.** for Melrose Park Lift Station, GFS R-0267-C1-3 (WW4765-01); 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, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Members Lawrence and Quan absent. ORDINANCE 2005-0321 ADOPTED.

**NON CONSENT AGENDA** - NUMBER 74

**PROPERTY**

74. RECOMMENDATION from Department of Public Works & Engineering that City Council declare surplus and authorize the sealed bid sale of ±3.0055 acres of land and building, subject to an easement for Liquid and Vapor Recovery System Emission Points, located at 812 Gillette Street, John Austin Survey, Abstract 1, Parcel SY5-039 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 APPRAISER - DISTRICT I – ALVARADO** – was presented. Council Members Lawrence and Quan absent.

Council Member Alvarado named Ms. Sheila Steward and Ms. Jasmine Quinerly as appraisers and Mr. Michael Irwin as alternate appraisers and moved approval of the recommendation, seconded by Council Member Khan. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Members Lawrence and Quan absent. MOTION 2005-0289 ADOPTED.

**MATTERS HELD** - NUMBERS 75 through 86

75. MOTION by Council Member Khan/Seconded by Council Member Alvarado to adopt recommendation from Finance & Administration Department to award to **THE ANDRESS-WALSH COMPANY (Bid No. 1)** - \$63,721.56 and **HAHN EQUIPMENT COMPANY, INC (Bid No. 2)** - \$151,900.00 for Pumps for Department of Public Works & Engineering - \$220,022.00 minus a commission fee (2% for Internet-based reverse auction services) for a net award amount of \$215,621.56 - Enterprise Fund – **(This was Item 11 on Agenda of March 16, 2005, TAGGED BY COUNCIL MEMBER ELLIS)** – was presented. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Members Lawrence and Quan absent. MOTION 2005-0290 ADOPTED.
76. MOTION by Council Member Khan/Seconded by Council Member Alvarado to adopt recommendation from Finance & Administration Department to award to **DOOLEY TACKABERRY, INC (Bid No. 3)** - \$48,500.00, **JORDAN DAVID SAFETY** - \$26,190.00, **SAFECO, INC (Bid Nos. 2, 3, 5 and 4 respectively)** - \$166,832.06, **SAFETY SUPPLY, INC (Bid No. 1)** - \$48,500.00, **SECURITY SAFETY & SUPPLY, INC (Bid No. 3)** - \$60,571.24 for Safety Equipment & Supplies Contract Part II for Various Departments - \$361,436.39 minus a commission fee (3% Internet-based reverse auction services) for a net award amount not to exceed \$350,593.30 - General and Enterprise Funds – **(This was Item 18 on Agenda of March 16, 2005, TAGGED BY COUNCIL MEMBER LAWRENCE)** – was presented. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Members Lawrence and Quan absent. MOTION 2005-0291 ADOPTED.
77. RESOLUTION supporting cooperation between the City and the **HOUSTON GALVESTON AREA COUNCIL** and Participation in its Voluntary Mobile Emissions Reduction Program – **(This was Item 20 on Agenda of March 16, 2005, TAGGED BY COUNCIL MEMBER**

**WISEMAN**) – was presented. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Members Lawrence and Quan absent. RESOLUTION 2005-0004 ADOPTED.

82. MOTION by Council Member Green/Seconded by Council Member Galloway to amend Item 82B to add the following:  
Any and all purchases over \$100,000.00 should be placed out for competitive bid through the City Purchasing Department and approved by City Council.  
Go-Direct vendors would also meet the 24% MWBE goal as indicated in the RCA on each Purchase Order that is issued. – **(TAGGED BY COUNCIL MEMBER HOLM)** - was presented. Council Members Lawrence and Quan absent.

Council Member Green moved to table Item No. 82, seconded by Council Member Wiseman. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Members Lawrence and Quan absent. MOTION 2005-0292 ADOPTED.

- 82a. WRITTEN Motion presented by Council Member Sekula-Gibbs to amend Item 82B to add the following:  
Any purchase over \$100,000.00 will be included in the City Council agenda for approval and upon approval be handled by the City Purchasing Agent for bidding. – **(TAGGED BY COUNCIL MEMBERS HOLM, LAWRENCE, KHAN AND QUAN)** - was presented. Council Members Lawrence and Quan absent.

Council Member Sekula-Gibbs stated that she wanted to offer a substitute written motion to Item No. 82a as follows:

“I move to amend Agenda Item 82B by substituting the following:

Any purchase of \$100,000.00 or over made from these contracts will require prior City Council approval, and the IT Director shall provide quarterly reports to City Council of all \$25,000 to \$100,000 purchases.” Council Members Lawrence and Quan absent.

A vote was called to allow Council Member Sekula-Gibbs to substitute a motion for Item No. 82a. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Members Lawrence and Quan absent. MOTION 2005-0293 ADOPTED.

A vote was called on the motion to amend Item 82b which was presented by Council Member Sekula-Gibbs as a substitute for Item 82a. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Members Lawrence and Quan absent. MOTION 2005-0294 ADOPTED.

- 82b. ORDINANCE approving and authorizing second amendment to contract #51399 between the City of Houston and the **TEXAS PROCUREMENT CENTER, L.L.C.**, and approving and authorizing interlocal agreements between the City of Houston, **DEPARTMENT OF INFORMATION RESOURCES (DIR)** and **FAIRFAX COUNTY, VIRGINIA**, to procure Technology Products and Services; providing a maximum contract amount - \$65,000,000.00 - Various Funds – **(This was Item 39 on Agenda of March 16, 2005, TAGGED BY COUNCIL MEMBERS WISEMAN, HOLM, GREEN, LAWRENCE, EDWARDS, QUAN and KHAN)** - was presented. Council Members Lawrence, Edwards and Quan absent.

After discussion by Council Members, a vote was called on Item No. 82b. Council Members Wiseman and Berry voting no, balance voting aye. Council Members Lawrence and Quan absent. ORDINANCE 2005-0322 ADOPTED AS AMENDED.

83. ORDINANCE amending the Annual Budgets of the City for Fiscal Year 2005; making appropriations, including the general appropriation; authorizing transfers within the fiscal year 2005 Annual Budgets; and authorizing a Temporary Cash Borrowing for the General

Fund, all in support of the annual budgets of the City for Fiscal Year 2005 – **(This was Item 50 on Agenda of March 16, 2005, TAGGED BY COUNCIL MEMBERS WISEMAN, HOLM, ELLIS, SEKULA-GIBBS, GREEN and GALLOWAY)** – was presented. All voting aye . Nays none. Council Member Goldberg out of the city on city business. Council Members Lawrence, Edwards and Quan absent. ORDINANCE 2005-0323 ADOPTED.

**NOTE: Funding for Item Nos. 84 and 85 is contingent on passage of Items 79, 80 and 81**

84. **HALL BUICK PONTIAC GMC** through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council (H-GAC) for Pumper Trucks for Fire Department \$3,838,999.98 - Grant Fund – **(This was Item 51 on Agenda of March 16, 2005, TAGGED BY COUNCIL MEMBERS QUAN, WISEMAN and EDWARDS)** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Members Lawrence and Quan absent. MOTION 2005-0295 ADOPTED.
85. **FREEWAY FORD LTD.** - \$960,000.00 and **KNAPP CHEVROLET, INC** - \$1,256,000.00 for Ambulances and EMS Squad Vehicles through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for Fire Department - Grant Fund – **(This was Item 52 on Agenda of March 24, 2005, TAGGED BY COUNCIL MEMBERS QUAN, WISEMAN and EDWARDS)** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Members Lawrence and Quan absent. MOTION 2005-0296 ADOPTED.
86. RECOMMENDATION from Department of Finance & Administration to make the following awards for Traffic Safety Devices for Various Departments - \$1,366,148.57 minus a commission fee (3% for Internet-based reverse auction services) for a net award amount not to exceed \$1,325,164.11 General and Enterprise Funds:  
**SECURITY SAFETY & SUPPLY** - \$1,019,949.44  
**WATER FILLED BARRIER SYSTEMS OF HOUSTON, INC** - \$268,626.95 and  
**TRANTEX, INC** - \$34,550.72
- COUNCIL DRAW LOTS**
- ITEM NO. 20** due to receiving identical bids from **TRANTEX, INC** and **SECURITY SAFETY & SUPPLY** in the amount of \$2,100.00, minus (3% of award amount), for a net award amount not to exceed \$2,037.00 – **(This was Item 53 on Agenda of March 24, 2005, TAGGED BY COUNCIL MEMBER WISEMAN)** (Note: **Council Member Holm drew Security Safety Supply as the successful bidder during the Council meeting of March 16, 2005**) – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Members Lawrence and Quan absent. MOTION 2005-0297 ADOPTED.

**MATTERS TO BE PRESENTED BY COUNCIL MEMBERS**

Council Member Berry stated that their prayers would go out to one of the Assistant City Attorneys, Ms. Debra McAbee, who had been ill for some time, that he wanted to extend the same to Mr. Robert Litke whose wife had also been ill and was in their thoughts and prayers. Council Members Lawrence and Quan absent.

Council Member Berry stated that he wanted to say of Mr. Litke's department, particularly Ms. Marlene Gafrick, his appreciation to her, that she had a big job to do and was always quick to respond. Council Members Lawrence and Quan absent.

Council Member Berry stated that he wanted to extend kind words to Firefighter Randy Polly for his award winning barbecue and for the work he did for the Houston Fire Department at Fire Station No. 51, that he left on Tuesday for California to meet up with 2,000 troops on

behalf of the Houston Fire Department and bring a bunch of barbecue that they had prepared, that they appreciated that. Council Members Lawrence and Quan absent.

Council Member Berry stated that many of them would remember the touching story of Dr. Marnie Rose, in the television special Houston Medical, and whose passed away before her 30th birthday, that Sunday, April 10, 2005 was the Third Annual Run for the Rose and they could get more information at [www.runfortherose.com](http://www.runfortherose.com), that it would be a 5K race for a very worthy charity benefiting brain cancer and honoring the memory of Dr. Rose. Council Members Lawrence and Quan absent.

Council Member Ellis stated that he wanted to recognize some individuals who had the opportunity to work with at City Hall, that it was on a complex issue, and there were about 15 City employees in the meeting, that two people rose to the top cause they were looking for solutions, that the first was Ms. Hope Hammil-Reh, City Legal Department and Mr. Paul Nelson, Public Works, that they had been working on a complex issue for the past four months and they finally got the issue resolved and he wanted to recognize those two employees. Council Members Lawrence, Quan and Sekula-Gibbs absent.

Council Member Ellis stated that on Tuesday, April 5, 2005, they would have a Fiscal Affairs Committee meeting and it would be the beginning of the budget process, that what they planned on doing was that Ms. Judy Johnson, Director, F&A, would come and present them a five year forecast, that he understood that either Mayor White or Ms. Johnson were issuing a letter with regard to requesting that all Council Members submit their budget priorities for Fiscal Year 2006. Council Members Lawrence, Quan and Sekula-Gibbs absent.

Council Member Ellis stated that he attended a townhall meeting on Monday evening that Council Member Khan put on in his district, that they discussed such issues as crime prevention, that there were about 300 people present, that it was a great crowd and the flow of the meeting was wonderful, that Chief Hurtt did a wonderful job and Council Member Khan did a great job. Council Members Lawrence, Galloway, Alvarado, Quan, Green and Berry absent.

Council Member Wiseman stated that Mr. Michael Massa, a community member who was always actively involved in Council affairs, was in surgery having a double bypass and asked that they join her in keeping him in their thoughts and prayers and wishing him well. Council Members Lawrence, Galloway, Quan, Green and Berry absent.

Council Member Wiseman stated that she wanted to recognize Mr. Rick Grochoske with Public Works who did an outstanding job in responding to a community request, that she wanted to extend her thanks for his effort. Council Members Lawrence, Galloway, Quan, Green and Berry absent.

Council Member Wiseman stated that she wanted to recognize Kingwood High School again, that they had some more State Champs, the Kingwood soccer teams, men's and women's both won State, that they were truly proud of their high school and their teams. Council Members Lawrence, Galloway, Quan, Green and Berry absent.

Council Member Edwards stated that regarding Item No. 66, she thought that with the allocation of \$2 million plus and the staff that was going to be looking at it she would once again like to formally request that the Council send a resolution to the Governor asking for a moratorium on the death penalty until the issues had been brought to conclusion. Council Members Lawrence, Galloway, Quan, Green and Berry absent.

Council Member Edwards stated that on Item No. 78, once again she would like to have some kind of discussion with Neighborhood Protection, perhaps Chief Lumpkin, as to the lots that were going to be cleared and the properties that were going to be demolished in District D, that regarding the Houston Hope issues, they were grateful, the area had been really under

served and ignored in the past but during that process there had been large community groups that had done a lot of work and she would like to have their work included in the process of what was being demolished and cleaned and how they were going to move forward with that process. Council Members Lawrence, Galloway, Wiseman, Quan, Green and Berry absent.

Council Member Edwards stated that she would like to thank Mr. Turner and his staff for an awesome piece at McGregor, that they were looking forward to that park being developed and being lifted up and hopefully they could do more work on the parks in the area, and maybe they could get that piece of land that they lost in McGregor Park, maybe they could get it back because she thought that park deserved an amphitheater and other amenities that they would need more land for. Council Members Lawrence, Galloway, Wiseman, Quan, Green and Berry absent.

Council Member Edwards stated that she wanted to thank Mr. Anthony Freddie in the Neighborhood Protection office, they had an ongoing problem with a house on Lydia Street which was right next door to a church and it was partially burned and a trashy place and for a number of years they had tried to get it down and Mr. Freddie and Neighborhood Protection were able to get it down and the church members and Pastor Smith were very grateful. Council Members Lawrence, Galloway, Wiseman, Quan, Green and Berry absent.

Council Member Edwards stated that she had seen another article in the paper about southeast air quality and she wanted to make sure that the townhall meeting that Council Member Alvarado had would not be the last and that they were going to be doing follow ups on it. Council Members Lawrence, Galloway, Wiseman, Quan, Green and Berry absent.

Council Member Edwards stated that they would be doing a lot of cleanup in District D on the weekend in conjunction with Keep Houston Beautiful and she wanted to commend Fountain of Praise Church, Almeda Plaza Civic Club, Foster Place Civic Club, Minitex Civic Club, who were all a part of it, that she wanted to thank Saint Johns School, District H, who were going to be working on the Taylor Stevenson Ranch part, which was in District D, and she wanted to thank them for that. Council Members Lawrence, Galloway, Wiseman, Quan, Green and Berry absent.

Council Member Edwards stated that she wanted to welcome Ms. Karen Heller to their staff, she was going to be their new scheduler and office manager and she came from an extensive background, she had worked in State as well as Federal offices. Council Members Lawrence, Galloway, Wiseman, Quan, Green and Berry absent.

Council Member Edwards stated that she wanted to thank Ms. Marlene Gafrick, who was getting a lot of good kudos today which was appropriate because she was one of the hardest working City employees, that they had a contentious issue with the decal parking in the Montrose area and at their last meeting Marlene was there with other members and it was very good and they developed a go forward strategy as to how they were going to address that and she wanted to thank Council Member Goldberg for putting it on his April 4, 2005 agenda. Council Members Lawrence, Galloway, Wiseman, Quan, Green and Berry absent.

Council Member Edwards stated that she wanted to acknowledge the passing of Mr. Johnny Cochran, that she had always admired his work that he did in the community, that she wanted to thank his family for letting him be a part of the community for those many years. Council Members Lawrence, Galloway, Wiseman, Quan, Green and Berry absent.

Council Member Garcia stated that he wanted to commend Mr. Mike Martinez of the Houston Police Department, that he was a Bravo Award winner and he wanted to thank him for all of the great work that he had been doing on behalf of the Houston Police Department. Council Members Lawrence, Galloway, Wiseman, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Garcia stated that he wanted to wish Mr. Joel Martinez, Housing and Community Development, a Happy Birthday. Council Members Lawrence, Galloway, Wiseman, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Garcia stated that he wanted to thank Ms. Marlene Gafrick for all she had been doing and for being responsive to his office and the neighborhoods in his district. Council Members Lawrence, Galloway, Wiseman, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Garcia stated that Mr. Milton Wilson, Director, Housing and Community Development, had a big job he was dealing with and thanked him for helping them move forward. Council Members Lawrence, Galloway, Wiseman, Quan, Green and Berry absent.

Council Member Garcia stated that he wanted to thank Dawn and Eddie Thomas from his district who organized a three on three basketball tournament in the Independence Heights Community during the past weekend, it was a tremendous success and he wanted to thank them for organizing that event. Council Members Lawrence, Galloway, Wiseman, Quan, Green and Berry absent.

Council Member Garcia stated that he would be at Sherman Elementary on Lorraine and Elysian because there would be a SPARK Park there and he wanted to thank Kathleen for continuing to move that program forward. Council Members Lawrence, Galloway, Wiseman, Quan, Green and Berry absent.

Council Member Holm stated that yesterday she appeared before the House of Representatives Urban Affairs Committee supporting House Bill 2489, which was the Green Ribbon Landscaping Improvement Program that was sponsored by Representative Martha Wong, that it created a permanent and stable funding of 1% of the funds on TXDOT Project to be committed to landscaping, that she thought it was important that they all support the bill. Council Members Lawrence, Galloway, Wiseman, Garcia, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Alvarado stated that she wanted to acknowledge Mr. Bill Hlavacek, Public Works, who did a great job in helping with the traffic flow problem in the Garden Villas Community, and also Mr. Issah Dadoush and his staff had been very helpful with her staff in going out to the fire stations in her district and bringing them up to par. Council Members Lawrence, Galloway, Wiseman, Garcia, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Alvarado stated that she wanted to thank several people, especially Mayor White, for agreeing to put on the Tour de Houston, that they put it together in just a few months and they had an overwhelming response over 2,500 cyclists going through the streets of the Heights, the historic East End and downtown, that they raised over \$50,000 for Parks and Recreation, that she wanted to acknowledge Ms. Susan Christian and all of her staff, Mr. Bill Kelly and others, Houston Police Department, Houston Fire Department, EMS, Public Works, Parks and Recreation, her staff and also The MS Society and Mr. Barry Turner, that Guaranty Bank had agreed to sponsor the tour at a very significant amount of money up to the year 2008, that they appreciated them as well as Silver Eagle CDM and Fiesta. Council Members Lawrence, Galloway, Wiseman, Garcia, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Alvarado stated that the Legislative reception that they held in Austin a few weeks ago was very successful, that she was real impressed with the number of Council Members that were able to attend and the number of Legislators that stopped by, that she wanted to thank Ms. Ann Travis and her staff for the event. Council Members Lawrence,

Galloway, Wiseman, Garcia, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Alvarado stated that she wanted to acknowledge the Health Department Animal Control, that they had been very helpful with a very severe problem that they had with loose dogs, pit bulls, in the Garden Villas Community, that they were doing some things that she thought was very proactive, working with the postal office and the postmen who worked in the area to try and alleviate the problem and making pet owners more responsible, that she appreciated all the work of the City employees. Council Members Lawrence, Galloway, Wiseman, Garcia, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Sekula-Gibbs stated that she too wanted to congratulate Mayor White, Council Member Alvarado, Senator Ellis, Ms. Susan Christian, Ms. Melissa Tatum and all of the volunteers who were so successful on the Tour de Houston, that she thought it spoke well of the City that they were pushing health and fitness. Council Members Lawrence, Galloway, Wiseman, Holm, Garcia, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Sekula-Gibbs stated that they were going to celebrate the Jori Zimel Bone Cancer Walk on April 3, 2005 at 1:00 p.m. in Clear Lake, that it was another way to get some exercise for a great cause, that it was in honor of a young lady, Jori Zimel, who passed away of bone cancer and so far the foundation had raised over \$137,000 and the money went to the Pediatric Cancer Center at M.D. Anderson Hospital, that the walk would start at Clear Lake Hospital and they could call her office for more details at 713-247-2005. Council Members Lawrence, Galloway, Wiseman, Holm, Garcia, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Khan stated that on behalf of Council Member Quan he wanted to announce that the Ethics Committee Meeting was on Thursday, March 31, 2005 at 10:00 a.m., that the Legal Department would discuss changes in financial statement requirements for municipal officials. Council Members Lawrence, Galloway, Wiseman, Holm, Garcia, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Khan stated that the Human Resource Department seemed to be losing applications of people who wanted to apply for jobs, that many times it had been brought to his attention that people were not getting any response after they applied for jobs which were advertised at the City and a couple of times he found out when those people followed up they were told that their application was lost, that it was not good and a potential for scandal and the last thing they would want was a scandal in City government after all they had achieved, that he thought it was something Mayor White might look into. Council Members Lawrence, Galloway, Wiseman, Holm, Garcia, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Khan stated that he wanted to thank everyone involved in the Crime Prevention Summit, that it was extremely beneficial. Council Members Lawrence, Galloway, Wiseman, Holm, Garcia, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Khan stated that they would have another townhall meeting on vendors, that they did not want Houston or District F to turn into a huge flea market, that it was a major concern, that the meeting would be on April 25, 2005 at 6:00 p.m. at Sharpstown Civic Center and they requested everyone to participate. Council Members Lawrence, Galloway, Wiseman, Holm, Garcia, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Khan stated that tomorrow the Ibn Sina Foundation was having a kickoff reception, they had invited Senator Cronyn, Senator Delay and many of the Council Members were invited.

Council Member Khan stated that his graduate school, Illini, was in the Final Four. Council Members Lawrence, Galloway, Wiseman, Holm, Garcia, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 1:12 p.m. Council Member Goldberg out of the city on city business. Council Members Lawrence, Galloway, Wiseman, Holm, Garcia, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

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

MINUTES READ AND APPROVED

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Anna Russell, City Secretary