

City Council Chamber, City Hall, Tuesday, June 21, 2005

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, June 21, 2005, Mayor Bill White presiding and with Council Members Toni Lawrence, 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. Don Cheatham, Division Chief, General Counsel Division, Legal Department; Mr. Richard Cantu, Director Mayor's Citizens Assistance Office; Ms. Marty Stein, Agenda Director Mr. Jose Soto, Assistant Agenda Director present. Council Member Carol M. Galloway absent on personal business.

At 1:57 p.m. Mayor White stated that Council Member Wiseman would begin the presentations; and Council Member Wiseman stated that she was pleased and honored to have a presentation for someone who had given so much of himself to this city and this country and invited Mr. David Polyanski to the podium. Council Member Wiseman and stated that Mr. Polyanski enlisted in the Marine Corp in 1992 and after completing his service moved to Houston, Texas; that among other things he had worked as a Council Aid and Chief of Staff; that in 2004 he learned the First Battalion 23rd Marines, a Marine Infantry Reserve Battalion headquartered out of Houston was being activated to participate in Operation Iraqi Freedom II and he reenlisted in the Marine Reserve and was later awarded the Navy Achievement Medal; and presented him a Proclamation saluting and commending him for his service to his community and country, wished him continued success and proclaimed June 21, 2005 as "David Polyanski Day" in Houston, Texas. Council Members Lawrence, Khan, Holm, Garcia, Alvarado, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that Council Member Edwards would present the Bravo Awards which was his favorite team and he called on Vice Mayor Pro Tem Goldberg to preside while he went to the podium; and Council Member Edwards stated that employees needed to know how much the Mayor appreciated his employees and she would let him do the presentations while she joined him. Mayor White invited Mr. Roy Fitzpatrick of the Solid Waste Department, Ms. Marlene Mitchell of the Library Department and Mr. Donald Perkins of the Planning and Development Department to the podium and presented each a BRAVO Award for going above and beyond in their job and for the difference each made. Council Members Lawrence, Holm, Garcia, and Berry absent.

Council Member Edwards stated that when she first came to Council the immediate challenge was the Almeda sinkhole which occurred on November 3, 2002, and remedied October 4, 2003, 11 months, and today they were honoring a partnership which allowed for it to happen and then gave emphasis to the Texas Council of Engineering Companies to present Pate Engineers with an award for their quality work and timeliness; that they saved the City of Houston \$1.3 million; that it was a true partnership and invited Mr. Jeff Ross to the podium as he had a presentation for Public Works and Engineering; and Mr. Ross stated that he was pleased to present the City of Houston with an award for the work of the City and Mr. Jeff Taylor in the Public Works Department who took lead on the project, BRH Garver who had an emergency contract for the repair and Pate Engineers; that Lisa Richards was head of marketing and put together packages to allow them to win awards and they competed with the Texas Counsel of Engineering Companies award as they gave out gold medals and they won in wastewater and this project was eminent competitor for 2004 beating out Tropical Storm Allison Recovery Project that Flood Control did among others and at the national level they received honorable mention and he hoped they would display the awards in a prominent place; and thanked the City for the opportunity to work with them. Council Member Edwards stated that Mr. Ross always stayed at meetings answering questions and the City really appreciated their work. Council Members Lawrence, Wiseman, Holm, Alvarado, Garcia, Ellis and Berry absent.

At 2:18 p.m. Mayor White called the meeting to order and called on Council Member Edwards who led all in the prayer and pledge.

At 2:19 p.m. the City Secretary called the roll. Council Member Galloway absent on personal business. Council Members Holm, Garcia, Quan and Berry absent.

Council Members Khan and Alverado moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Member Galloway absent on personal business. Council Members Holm, Garcia, Quan and Berry absent. MOTION ADOPTED.

Council Member Green moved to add Rev. Willie Alston to the list, seconded by Council Member Khan. All voting aye. Nays none. Council Member Galloway absent on personal business. Council Members Garcia, Quan and Berry absent. MOTION 2005-0497 ADOPTED.

Ms. Ann O'Ryan, 4970 Hwy 290 #310, Austin, Texas 78735 (512-899-8843) appeared and stated that she would like to testify in regards to Council Member Sekula-Gibbs SafeClear amendment which was marked 3.2, but did have comments also; that they understood the Mayor wanted to study issues brought up in the amendment and they were looking forward to meeting with Mr. Richard Lewis for that, but the amendment they did find problematic and would respectfully ask that Council Members oppose it; that it essentially required certain selective users pay for the free tow while other users did not and Triple A believed the amendment to be unfair and discriminatory as it singled out certain motorists; that Triple A also questioned the legality of the proposal as it violated equal protection rights under the U. S. Constitution which provided that government entities treat similar situated people similarly; that SafeClear was a public service created to reduce freeway congestion, improve travel time and increase the traveling public's safety and those were results to benefit all road users; that they believed the proposal was punitive to motorists and similar to a double tax on those who took responsibility to provide themselves and their family with additional coverage by contracting for towing services through an auto club, insurance claim or manufacturer's warranty; that a member of Triple A contracts for a certain number of tows, 4 tows a year, and under this system they would use up half and then if a fifth tow was needed they would have to pay out of pocket so this did affect them. Council Member Quan absent.

Upon questions by Council Member Goldberg, Ms. O'Ryan stated that they estimated 10 to 15 members per day who were towed by the SafeClear Plan; that Triple A paid approximately \$25.00 per tow, and they found that when most members received their "Free Tow" from SafeClear they then would contact them to have it taken to a repair shop, etc., so they too went to service the tow and it was through volume they were able to bring the price down.

Council Member Sekula-Gibbs stated that the amendment she presented was for a point of discussion to bring people like Ms. O'Ryan back to the table because it was her belief Triple A and a variety of insurance companies had really experienced a windfall because SafeClear was providing them a great opportunity to make more money; that they collected premiums from their people but yet the City paid for the tow and they became a secondary provider and it was great for them but the taxpayer was now paying for the primary tow and she did not think it punitive but fair and it was not illegal to bill them if they provided the service and Triple A had an obligation to pay for the service; and in asking Ms. O'Ryan if she had a comment, Ms. O'Ryan stated that she thanked her for her efforts to look into the issue, but early in the program everyone paid for the shoulder tows, the now Free Tows, and Triple A gladly paid as well as everyone was being treated the same; that after their members received the free tow they often had to go out and tow them from there so there was no cost savings and she felt she may have been misinformed and would like to sit with her and talk more directly about it. Council Members Lawrence and Holm absent.

Mayor White stated that from the beginning he and Council Member Sekula-Gibbs agreed about the program and later had some disagreement on this point; that he thanked her and Triple A on the direct reimbursements and he and Council Member Berry had talked about this and if she could he had a couple of questions; that he would like her to provide to the City of Houston records from which they could determine the percentage of customers assisted by

SafeClear who later received an additional tow from Triple A; and Ms. O'Ryan stated that she would be happy to work with his office, the information she was giving she had been authorized to give but she would have to go back to the executives she reported to; that sometime ago she did have a meeting with Mr. Lewis about direct billing and she said she would have to get back information, but they preferred the system in place now and that was to reimburse the member as they were provided different levels of service; that she had authority to respond to questions which had been reviewed by the executive team and president so a number of people reviewed this; that the automobile aspect was affiliated with their not for profit association, but they were a for profit organization; that on their website it stated Triple A services were available to them once they were taken off the freeway and she would assume they would tell them that when they called because they would need to know when their coverage started and ended so they could make an informed decision; and Mayor White stated that he agreed it was information they needed to make an informed decision, but according to the people who worked in the field daily on the SafeClear program the information she said her customers needed was not being provided them by Triple A; and he would request the written directions to what information was being given to customers when they called in regarding SafeClear he would appreciate it and it would help the work as a team in their number one goal of customer service. Council Members Lawrence, Wiseman, Holm and Ellis absent.

Council Member Khan stated that he was a proud member of Triple A; and upon questions, Ms. O'Ryan stated that the minimum service was three miles for a tow to the basic member and they estimated 10 to 15 members a day were towed by SafeClear then when they called Triple A they went out to take them to wherever their service agreement allowed; that they would be happy to eliminate the burden of the SafeClear tows by taking their members off the freeway if the Council would like to do that, in the beginning they gladly paid for the SafeClear tow of a member because any person getting the SafeClear tow paid for it; that they were not trying to escape their responsibility because they did go out to get a member; that she would like to point out that a member, whether it be Triple A or another service, paid for their service and they paid sales tax and a portion of the sales tax went into the program so they were paying for the program in that way and if the proposal were implemented it would essentially mean those people were paying twice. Council Members Edwards, Ellis and Quan absent.

Mayor White stated that Mr. Lewis and Captain Bender were present and would Ms. O'Ryan be able to join them this afternoon if they had time on a conference call with the person who did the decision making authority at Triple A; and Ms. O'Ryan stated that she would have to see if they were available. Council Members Edwards, Khan, Ellis and Quan absent.

Council Member Lawrence stated that what she would like from Triple A was the verbiage to their callers and also the money reimbursed. Council Members Edwards, Khan, Ellis and Quan absent.

Mayor White stated that he would like Mr. Lewis to inform him and Council Members as to how discussions today went with Mr. O'Ryan and the busy people in her organization. Council Members Edwards, Khan, Ellis and Quan absent.

Ms. Jeanette Rash, 2104 Lyons Avenue, Houston, Texas 77020 (713-223-8872) appeared, presented information and stated that she was present to give an update on the legislative process and answer questions they may have concerning the contacts on today's agenda; that part of her information was a list of bills the towing and storage industry was involved in because it did effect them, but they were able to pass HB2630 which closed a loophole for the public to not be overcharged for non-consent tow rates and put the probable cause tow hearings at the Justice of the Peace and that would free up some Municipal Court Judges who had the burden of the hearings presently; that they also had an increase fee paid to auto dealers which was never raised in 40 years and that would put into the auto dealers fund about \$100,000 plus in new revenue and the Bill also required an alternate form of payment for

the public who went to a policed storage facility as well; that their national association had now received their third grant from the Federal Highway Administration to continue to train, certify and educate the towing industry and other first responders in incident management techniques with transportation funds and that brought her to the contracts on this week's Agenda, SafeClear was the first such type program in the country and they were on the front page of incident management and the pressure was on to be perfect, in the first few months they learned data which would help to get there and now they needed the chance to do it. Council Members Khan, Holm, Ellis and Quan absent.

Upon questions by Council Member Green, Ms. Rash stated that they have to have meetings and not only meet but train together and figure out how they can economically effectively meet together in the 24/7 atmosphere they live in. Council Members Khan, Holm, Ellis and Quan absent.

Council Member Berry thanked Ms. Rash for her leadership and stated that he was hearing they could still improve with accident reports; that they could hit higher than 90% of their 6 minute goal if they could get accident reports written by others; and upon questions, Ms. Rash stated their major most important issue was response to an accident scene and they would ask that since there was already a MAP or METRO officer there they possibly do the paperwork and she looked forward in working with Captain Bender; and Mayor White stated that METRO was looking for ways to relieve congestion for years and if Captain Bender would get with them if there were better ideas he thought they would be cooperative. Council Members Holm, Ellis, Quan and Green absent.

After a lengthy discussion Mayor White stated that at one time he asked Ms. O'Ryan about their response time and she said what their goal was; that he asked her to provide figures and they were still waiting for them; that they wanted to save people from getting hit and wanted traffic to move and they did not want a service to be neglected and someone windup in the hospital. Council Members Goldberg, Holm, Quan and Green absent.

Council Member Edwards stated that her concern was Council had talked about this for around one and a half hours and did it need to be sent to the Transportation Committee for dialogue or were they solving it at the table; and Mayor White stated that this concluded speakers to be recognized; and Council Member Berry stated that he called Captain Bender and they would love to take it up; and Council Member Edwards stated that she was not trying to be flippant about the conversation here, but people were waiting to speak and she felt the appropriate place to do this was the committee meeting. Council Members Goldberg, Holm, Quan and Green absent.

Mr. Richard Fernandez, 12110 Ember Lake, Houston, Texas 77066 (281-813-0723) appeared and stated that he was representing Asurion Insurance Services and their company was opposed to the proposed amendment as it was worded to penalize residents who were responsible and safety conscious and it would cause an agency to reimburse the city even though the auto club would offer reimbursement to them; that an alternative amendment would be to follow the lead set by the New York City department which required a purchase of medallion and license to operators around the city and that helped to insure quality service and traffic flow; that the language for the ordinance was bad because it focused on the assumption the consumer had insurance or other means for reimbursement and the language forced the consumer to pay and hope to be reimbursed and it was evident on three points, the language created confusion around the wording and emphasis on the motorist paying for the use, encouraged people to lie about coverage and forced the company to police the ordinance. Council Members Holm, Quan, Sekula-Gibbs and Green absent.

Council Member Wiseman stated that as a point of personal privilege she would like to recognize students present and participating in the Summer Page Program and that was Jaclyn Brown, Clarissa Solis, Lorena Solis, Gabriella Solis and Heather Ravner and asked them to

stand to be recognized. Council Members Holm, Quan, Sekula-Gibbs and Green absent.

Ms. Dorothy Hubbard, 2701 Mansfield, Houston, Texas 77091 (713-681-6657) appeared and stated that she was present as she had property sold by Aldine and Harris County and there were no taxes due; that she informed the school district it was paid for but it was sold in an auction; that she went to the Appraisal District and Mr. Robinson found the contract they used was invalid and that taxes had been paid, but the end result was she paid the taxes in error. Council Members Holm, Quan, Sekula-Gibbs and Green absent.

Upon questions by Mayor White, Ms. Hubbard stated that HCAD saw all her documents and they did a research and they were charging her and Ms. Hollingsworth, the other lady who inherited the property and Mr. Simon Edwards all on the property and she had been paying and had receipts from 1966 to 2003; that the address they had was 2726 and that was the house next door so they had gone to Mr. Jackson but then said her taxes were delinquent and they had been charging all three of them and she was paying; that it sold for \$19,000.00 but there was nothing due, this year they did a survey and broke up the property from the 1.6 acres. Council Members Holm, Ellis, Quan, Sekula-Gibbs and Green absent.

Upon questions by Mayor White, Mr. Cheatham stated that he had no clear answer with him but he could go look; that hypothetical if someone foreclosed on someone and no taxes were due he assumed they would go back to court and reverse it because it would be an improper foreclosure if no taxes were owed; and Mayor White stated that this was not done by the city but asked if Mr. Cheatham would take the time with our collection firm and let them give their take on the situation; and Mr. Cheatham stated that he would follow-up; and Mayor White asked Ms. Hubbard to give her information to Mr. Cheatham. Council Members Ellis, Quan, Sekula-Gibbs and Green absent.

Upon questions by Council Member Berry, Ms. Hubbard stated that she did not want the money she wanted the property back; and Council Member Berry stated that he heard from different citizens about HCAD this year and they were having problems and he did not know to what extent they appointed representatives to that but would like to know; that people were going and protesting taxes and they were sitting around all day and then being rescheduled and if the city had representatives there he wanted pressure on them to get it straightened out. Council Members Ellis, Quan, Sekula-Gibbs and Green absent.

Council Member Edwards stated that she was willing to work with her to get it straightened out. Council Members Holm, Ellis, Quan, Sekula-Gibbs, Green and Berry absent.

Rev. Willie Alston, 9955 Bammel #621, Houston, Texas 77086 (281-260-6134) who was previously added to the speakers list appeared and stated that he was director of the Positive Project dedicated to the prevention of youth violence and utilizing the performing and visual arts as a means and deterrent against gangs, drugs and crime and it had been 10 years since he had come to Council; that July 1 and 2 would be their biggest charitable event they had in their history and they needed help; that they had fallen short on their money for City fees and with a waiver they would be able to meet the additional needs for the event; and prayed they could find it in their hearts to help. Council Members Ellis, Quan, Sekula-Gibbs, Green and Berry absent.

Mr. Van deQuevedo, 3732 Thistlemont, Houston, Texas 77042 (713-719-3900) appeared and stated that he had been a vendor at Hermann Park for a number of years until June 1, 2005 and for the past number of years a number of people had come before Council to speak against the practices of the Hermann Park Conservancy, there had been union leaders, attorneys and people who could hardly speak English, most of all vendors, but a blind eye and deaf ear was turned and the number of times this had come up should make Council question what was wrong; that a meeting was held and Council Member Holm said things should stay as they were with the Conservancy even though two issues were tabled to show they were in breach of their City contract and one could not help but believe money and influence triumphed over truth and

what was right; and today he was seeking help. Council Members Ellis, Quan, Sekula-Gibbs, Green and Berry absent.

Council Member Khan stated that he did not know all the details and background, but he did know many vendors were the smallest of the small business people and they worked hard to survive; that they could not afford high powered attorneys and it was unfortunate they were getting nowhere with the Hermann Park Conservancy; and he was willing to help, but needed to know what he needed to do; and Mr. deQuevedo stated that he could not say what he should do but he did appreciate his concern; that from the beginning the whole idea was to get rid of the vendors and the problem with giving so much authority to such a small group of people was simply over a period of time they would develop their own agenda and in this case they wanted 100% of the park; and Council Member Khan stated that it was so unfortunate that in a city owned park people were losing their livelihood and they did have his support and sympathy and if he could help he would. Council Members Quan, Sekula-Gibbs and Berry absent.

Council Member Edwards stated that the first year she was on Council she worked very strongly with his group trying to get audits they wanted, etc., but the problem was between them and the Park Conservancy and that was where the City had a handle; that she would take issue with his statement people turned a deaf ear to their concerns that many from the Controller to her office worked strongly though they may not have come with the answers he wanted; that it was given to the Quality of Life Committee for an issue to look at and she was under the impression the audit had been done that he wanted; and upon questions, Mr. deQuevedo stated that the audit was completely bogus, it was now under the Inspector General's Office and they were looking at it, and he was saying the Conservancy hid information from auditors. Council Members Berry absent.

Council Member Garcia stated that he went to the Conservancy and spent hours there hearing each other out and he made it clear he would support the Conservancy, support the park on the premises of what he just laid out, it was a public park and they wanted it to be a world class venue and he did think the park and vendors had a place there, but he could not sit at the table when there was fighting in public, he did not want to assume who was at fault but could not support that behavior; that he heard from small vendors they were trying to be run out and he would not let that happen and if he found proof that was happening the Mayor would hear from him; that the Controller had put some of her best auditors there and there was something they just were not putting their hand on, but he had investigated and looked around himself and he understood there may be some small improvements and he would continue to invest time and energy but again he did not want to hear fighting in public and there were people at this Council table advocating for them. Council Members Quan and Berry absent.

Mr. Rick Cheesman, 8907 N. Kittmore, Houston, Texas 77099 ((281-568-6446) appeared and stated that he was also a vendor at Hermann Park and thanked Council Member Khan for treating them the way he had and he was in his District; that for the last three years they had said the Conservancy wanted to bring in business they could not compete with and they would have to leave the park in September; that there was a hotdog vendor there and he was forced to come up with \$400.00 to get new medallions when he bought the cart from another vendor, but another vendor was there over a month and he had not been forced to come up with the money or get the medallions and when it was brought to their attention the vendor was laughed at and told he was taking this to seriously and he should discuss it with the Conservancy and he tried but was told they were running the business like they wanted to; that also the electrical department was called and an inspector came out and okayed everything with the wiring, but the other vendor who wanted to keep starting fights went and got the inspector out of the parking lot and started pulling things out of the ground and saying it was wrong; and they had it on film and they were asking for help. Council Members Quan and Berry absent.

Council Member Khan stated that at one point this was under Parks and then given to the Conservancy and he would like to know the circumstances as to why it was taken from Parks;

that it seemed even auditing was done with a skew so it came out in a predetermined fashion; that you could not do 99% great and 1% hurt someone, that also had to be acknowledged and in this situation the livelihood of the vendors depended on the contracts and there was at least a human responsibility for them to look into it and maybe take it back to the Parks Department. Council Members Goldberg, Quan and Berry absent.

Council Member Garcia stated that he asked early on about restructuring and putting it back into Parks and was told that would not fix things; that he was looking for a solid recommendation; and upon questions, Mr. Cheesman stated that from experience things were investigated right away when under Parks and they were stopped, but now they had to go to OIG just because favorite vendors were getting tickets fixed; that for many years he was with Parks and felt they should go back to that with a supervisor handling the issues. Council Members Goldberg, Quan and Berry absent.

Upon questions by Council Member Edwards, Mr. Cheesman stated that they did get unionized and asked to have meetings but the Conservancy pulled back and refused to work with them and now they were trying to get better organized with a bigger group; and Council Member Edwards stated that they had said they did not want it to be like a Disneyland because people could not afford expensive souvenirs and there needed to be a blend; and in answer to Council Member Khan's question there was a budget crisis when Mr. Spellman was present and they did not have staff, but for a Disneyland type vendor with everything being \$10.00 and \$15.00 that was unconscionable because the majority of people would not be able to use them, but the biggest issue was how would they do an audit trail to what was taken in, another issue she took exception with was she found it hard to accept the audit was a skew by Controller's to favor the Conservancy; and upon questions, Mr. Cheesman stated that he knew the Controller and did not think she would do anything wrong, but maybe things were looked at different because their contract with the City said they had to show proof of their accounting practices excluding even if there were no vendors at all; and Council Member Edwards stated that she was going to look into it because it troubled her when people made those type of accusations; that regarding an audit trail for accountability they had talked about coupons such as those used at the International Festival; and Mr. Cheesman stated with it so hot people did not want to stand in line for coupons; and Council Member Edwards stated that this was about a partnership between vendors and the Conservancy so they could have a partnership and she would like him to get an answer regarding the union and coupons. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Trent Winters, 7967 W. Airport, Houston, Texas 77071 (713-729-1153) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Holm, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Fredrick Jefferson, 5001 Dolittle, Houston, Texas (713-651-0717) appeared and stated that the City had a building at 5656 E. Belfort he had wanted to use but it had been taken down; that he was trying to open a nonprofit organization for kids at risk and a program for senior citizens and that was why he wanted the building, but he was hoping they may have something else he could use. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Holm, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Edwards thanked Mr. Jefferson for his commitment in working with the community; and upon questions, Mr. Jefferson stated that he had gone to the land building to check on a building and was supposed to be sent information, but it was torn down; and Council Member Edwards stated that they were always looking for partners in her District and upon further questions, Mr. Jefferson stated that he just received his DBA and was trying to get his 501C3; and Council Member Edwards stated that he should contact her office and maybe they

could see how to get his plan going. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Holm, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. George Scott, 5125 Hillman, Houston, Texas 77023 (832-876-5235) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Holm, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Douglas Nichols, 2418 Broad Street, Baytown, Texas (77521) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Holm, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Jerri Boykins-Edwards, 919 Caperton, Houston, Texas 77022 (713-695-8082) appeared, presented information and stated that she was the founder and executive administrator for In Action Shelter, a 501C3 organization, it was a transitional living facility which existed now 11 years; that today she was present trying to partner with the City toward a common goal; that they were suffering financially because last year they lost three of their greatest private contributors by death; that they were at this time housing 15 men, women, boys and girls and they had 2 houses in operation and had 2 more they wanted to get into operation and she was asking the City for assistance; that Mr. Wheat was present with her and spoke for her last week and had a family at her facility; that they had proven themselves and with help could extend themselves further; and Council, Senator Whitmire, Rep. Mario Gallegos and others had recognized her for her work. Mayor White, Council Members Lawrence, Goldberg, Holm, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that Ms. Boykins was a great activist and facilitator; and upon questions, Ms. Boykins stated that she had called her office and her secretary was to schedule her an appointment; and Council Member Edwards stated that she thought Mr. Wilson may be the right place to start and if he was not he could move them expeditiously and that was what she wanted to do set a meeting between them. Mayor White, Council Members Lawrence, Goldberg, Holm, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Garcia stated that illnesses of our society had no boundaries and he knew his staff had been in contact with her; that 11 years in doing what she did with success was great credentials and the CDBG seemed to be the area which helped out other such organizations and it may be important for her to create partnerships with other such agencies, but the information Rebecca gave her would point her in the right direction and then they would help facilitate. Council Members Lawrence, Goldberg, Holm, Quan and Berry absent.

Upon questions by Council Member Green, Ms. Boykins stated that everything had been through private donations, coming though In Action were men who were professional carpenters and that was one thing Conoco Phillips gave them money for was to refurbish the house they were in before they were where they now are; that at that time she saw grant writers but they all wanted money up front, but two months ago they retained a grant writer who was preparing a grant on the ex-offender program and she had a reputation of working with ex-offenders and turning them around. Council Members Lawrence, Goldberg, Holm, Garcia, Quan and Berry absent.

Ms. LaToyia Porter, 7915 W. Fuqua, Missouri City, Texas 77489 (281-437-8049) appeared, presented information and stated that she was executive director and founder of Walk With Me Community Improvement Center and was present asking for help with keeping her doors open for the children as on June 6, 2005, a Fire Marshall came to the facility and was

rude and unhelpful; that she and her colleagues followed him begging he tell them what was needed to make the facility safe and up to code and Mr. Alvin James said to wait for occupancy to come and kept reminding them he was going to close them down; that Occupancy came the next day and they were told things needed to be corrected, however, they had two years to do it and they were instructed to place the yellow receipt in the window showing they were legally in the building, but on June 8<sup>th</sup>, the next day, the Fire Marshall Mr. Alvin James came again and informed them he would be back at 3:00 p.m. to close them down so she contacted the Director of Code enforcement who said they had done everything needed so far and they had two years to get thing corrected but the Fire Marshall came again saying they needed to be under a fire-watch until they had the sprinkler system checked and bids and dates of completion for installation of the fire alarm system and when they received the report the codes were identified but how they referred to their building were not and they were told the report was as specific as it was going to get and yet when contractors walked the building they said things needed to be clarified for decisions to be made. Council Members Lawrence, Goldberg, Holm, Garcia and Berry absent.

Upon questions by Council Member Quan, Ms. Porter stated that they had 500 children enrolled but on any given day they had between 350 and 400; that they had several things already done and the sprinkler system did work and they had estimates on the fire alarm system and it would be one to two weeks to get it installed; and Council Member Quan stated they were concerned anytime young children were involved; and moved to hear from Mr. James the Fire Marshall at this time, seconded by Council Member Khan; and Mayor White invited Mr. James to the podium. Council Members Lawrence, Goldberg, Holm, Garcia, Ellis and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Quan, Mr. James stated that he was familiar with the situation and he tried to explain to Ms. Porter that the two years to comply was to allow her to get her certificate of occupancy, it was what the Building Department allowed, but he was there addressing the Fire Codes and he had been called out because of a complaint filed, one of the first things they do when going out was to ask for the certificate of occupancy and Ms. Porter informed him she did not have one so he began asking questions; that the complaint was there were too many children and not enough exits to accommodate the children; that the Fire Code violations and occupancy were two totally different things and once he did his walk through she informed him the Building Department was coming out so he informed her they would wait and see how the building was classified because depending on that classification there were specific Fire Codes for the particular occupancy, then, when they came and deemed it an assembly, which was like a church, banquet hall, etc., which he disagreed with but then that was not the issue, there was no sprinkler system, no alarm system, no evacuation plan and not enough exits to accommodate; that he pulled up the IMS system to do a history on the facility and it had been a church for 11 years but it did not show them ever having a certificate of occupancy. Council Members Lawrence, Goldberg, Holm, Garcia, Ellis and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Quan, Ms. Porter stated that the inspector came in and said someone was reporting her and it was the fireman across the street who owned a daycare; that he came in letting her know she would be closed down and while she kept asking what she could do he said wait for occupancy so then occupancy came and said they had two years to correct and the receipt showed the building was legal; that she was saying do not come in and say that they would have to close when the children had no place else to go, how safe was that; that if they needed fire-watch could the City provide it. Council Members Lawrence, Goldberg, Holm, Garcia, Ellis and Berry absent. (NO QUORUM PRESENT)

Upon further questions by Council Member Quan, Mr. James stated that basically he was correct Ms. Porter was saying let them stay in business and he was saying the building was not safe; that Ms. Porter said the sprinkler system was corrected, but he spoke with the sales representative for Firetron and he proposed to them a proposal to do the work so he disagreed

with him; that at the point she was at now he explained her two interventions, one was a Fire-watch which was a temporary substitute for Code deficiencies, anytime a business did not come up to Code the City had provisions to put a Fire Marshall in to make up for the deficiencies during operating hours and he explained that on two occasions and once she said she could not afford it and did not follow through on any interventions he gave so he continued with his process of getting the children out of the building; that he gave her second notice Monday which gave her 48 hours, the notice previously gave her 5 days; that he knew this did not give her the time to correct the alarm system, but she had been in the building over a month now and he could not under any circumstances let the children stay in the building under his Fire-watch. Council Members Lawrence, Goldberg, Holm, Garcia, Ellis and Berry absent. (NO QUORUM PRESENT)

Upon further questions by Council Member Quan, Ms. Porter stated that she contacted other places which could hold children in her area and contacted churches and had contacted elected officials to see if firemen or fire marshals could volunteer time and she was told it was unlikely; that the Fire-watch was over \$4,000 a week and she did not have it; and Council Member Quan stated that they wanted to work with her but safety had to be paramount. Council Members Lawrence, Goldberg, Khan, Holm, Garcia, Ellis and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Mr. James stated that there was a daycare and learning center near Ms. Porter's community center and the guy who owned the daycare was a retired firefighter but he had never met him, he did not know him; that he had inspected his facility some months ago, but he was not a personal friend; that he went to the facility upon a complaint; according to the Fire Code standby fire-watch was conducted by a state certified fire marshal and guidelines and procedures to the code stated it had to be a Houston City Fire Marshall so the question of Mr. Davis doing it would not be allowed. Council Members Lawrence, Goldberg, Khan, Holm, Garcia, Ellis and Berry absent. (NO QUORUM PRESENT)

Upon further questions by Council Member Edwards, Ms. Porter stated that they had transportation issues, only one van, and it was their dilemma how the children would get to another facility. Council Members Lawrence, Goldberg, Khan, Holm, Garcia, Ellis and Berry absent. (NO QUORUM PRESENT)

After a very lengthily discussion between the Council Members, Mr. James and Ms. Porter, Mayor White stated that Captain Dupont was present and he felt the appearance of doing things properly was important as well as doing thing properly and if someone called up someone high in the Fire Marshall's Office and said go for these people and they knew the score he would ask them to resign so he needed to know; that they could not have the public think someone was trying to hurt a competing business by calling on them, but if it was a normal routine..., he was not for a good old boy network and he would get who reported what to whom; secondly, it did not mean anyone in the Fire Marshall's office did anything wrong; and he would also say to Mr. James this was a difficult job, there were churches, etc., which had issues and a contact was set up in Public Works, it was a balancing of interests as on one hand they wanted facilities to be safe and on the other hand he was not sure all 300 young people would be going to a safer place if it was shut down; that generally in occupancy they said if there was a historic building in the community center they had to use common sense and say had they already checked all other buildings in town, was this the only one left but then there was different levels of violations and no one was saying to any building permit that they should not go do their job, but there should be a way to figure out how to balance and make a decision and where they did not make things impractical for people to perform things where if they were not performing such things an institution would have to do so; and upon questions, Council Member Edwards stated that with due respect to Mr. James and Ms. Porter the City's responsibility was to say how could they help move this forward whether they were willing to help move the children to another facility until this could get settled or could they waive fees or do a fire-watch and then would this set a precedence where they would have to do so for any facility which came; that she did not

want on her watch any child endangered because they could not find a middle point; that they needed to give Ms Porter answers so she would have a plan of action to follow; and Council Member Khan asked if the Fire Marshall had any discretion to give more time to comply; and Council Member Edwards stated that even if they gave more time it still did not answer what they would do for the in-between time; and Mayor White stated that this was what he would ask Capt. Dupont and the team in the Fire Marshall's Office in connection with Ms. Porter and in a way yes, they would be setting a precedence so they did have to be careful, but what could they do to make this within an acceptable level of safety using their basic common sense, they should reduce the risk that a fire should start and reduce the risk a fire should spread and make sure people were notified if it did and that people were evacuated; that he did not think when using the common sense test just because of Fire Marshall training you would stop the fire because you were there so if they could talk through; and upon questions, Mr. James stated that what he said made a lot of sense, but it took him back, no one was supposed to occupy a building without a certificate of occupancy so if things would have been done correctly from the start they would have never been in the building; that the building had no draft stops in the attic, it had missing ceiling tiles which helped to spread fire, it had no alarm system, no working sprinkler system, not enough exits and over 300 children had been there for over 3 weeks; that if someone was willing, the Fire Chief or Fire Marshall or someone on Council was willing to take responsibility for the unsafe facility he had no problem with it, but right now it was on him and he could not, not do his job as for as addressing the particular problem with the Code; that light bulbs on exits was minor, but they were talking about not enough exits, no panic hardware, no fire stops, no sprinkler and alarm systems and no emergency lights and he could not live with that. Council Members Lawrence, Goldberg, Wiseman, Khan, Holm, Garcia, Alvarado, Ellis, Quan and Berry absent. (NO QUORUM PRESENT)

After still further discussion, Mayor White stated that he heard what they had said and they could not say the City would pay for it, she would need to work through it and they needed to be specific in what she needed to do. Council Members Lawrence, Goldberg, Wiseman, Khan, Holm, Garcia, Alvarado, Ellis and Berry absent. (NO QUORUM PRESENT)

Council Member Sekula-Gibbs moved to hear Mr. Rick Drosche as the next speaker, seconded by Council Member Quan; and Mayor White stated that if there were no objections Mr. Drosche would be the next speaker. Council Members Lawrence, Goldberg, Wiseman, Khan, Holm, Garcia, Alvarado, Ellis and Berry absent. (NO QUORUM PRESENT)

Council Member Green stated that he was not trying to put anyone on the spot, but what had they decided, was there a stay or something; and upon questions by Mayor White, Council Member Green stated that whatever they did would be precedence setting, but for lack of a better term he would like a stay unless it was not legal; that maybe they could assist her in speaking with churches; and Mayor White stated that he respected the professionalism of those in the Fire Marshall's Office; that he did not want to run the Fire Marshall's Office from the Council table and that precedent would not be set; that Council Member Green said where did this put them and to him he would say the types of things he would think about was if it appeared ...; that Mr. James spoke on 4 particular considerations, the exits, sprinkler, alarm and if it appeared these would never get done then the fact of the matter was the organization had to consider its alternatives, but if it was a matter of getting into compliance and having a plan to have something safe then it may be another matter and that was the kinds of considerations the professionals in the Fire Marshall's Office needed to consider; and Council Member Green stated that he agreed and if they could get on the phone tonight and start moving it then maybe that was what they needed to do as they wanted to do nothing to endanger the children and they were also constrained by the law. Council Members Lawrence, Goldberg, Wiseman, Khan, Holm, Garcia, Ellis and Berry absent. (NO QUORUM PRESENT)

After further discussion Mayor White stated that he had given some guidance and every day people used some discretion in all sorts of enforcement and obviously people had to use judgment and discretion and he was calling on the Fire Marshall's Office to do so; that they did

not want people unsafe if there was no plan to fix the problem; that if there was a timetable and people thought the plan would be implemented in bringing them into compliance then there may be something that could be done, but she needed to convince the Fire Marshall and he thought they knew where he was coming from; and also to the Fire Marshall's Office if there was word on the street that an ex-firemen made a complaint then it was almost like people had to bend over backwards because it was a direct result on the integrity ...; that person was doing something to hurt them so they needed to bend over backwards so no one would think the system was manipulated to get a leg up on someone else; and Mr. James stated that this was not something he did on his own people were informed every step of the way; and Mayor White stated that they should sit down and come up with a plan to get it safe and if there was no plan he did not see how they could stay there indefinitely and if there was a plan they needed to use judgment in making sure people had time to run under that; and Mr. James stated that the procedure was once they showed they were in a process of obtaining or complying with the Code that was where the fire-watch came in so then they were again back to that, the fire-watch had to be there as a temporary substitute while they worked on Code deficiencies; and Mayor White stated that if they were to that point someone could explain to him why people were more safe to having that person in blue there as opposed to having someone trained by them and they better be persuasive. Council Members Lawrence, Goldberg, Wiseman, Holm, Garcia, Ellis and Berry absent. (NO QUORUM PRESENT)

Mr. Rick Drosche, One Shell Plaza, Houston, Texas 77002 (713-229-1382) appeared and stated that he was present regarding jaywalking; that he worked downtown for 30 years and thought today people were being scared off thinking they may get a ticket and thinking these tickets were being used as a revenue generator; that he felt the jaywalking initiative would be better served if it was done after all street construction was complete and sidewalks were back to normal; that at this time there was too much construction and things were in disarray and going two blocks out of your way could make you late. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Holm, Garcia, Ellis and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Alvarado stated that she agreed perhaps relaxing the whole initiative until construction was completed, especially around Market Square, it was pretty torn up; that she understood and perhaps they could extend the warning period until that time. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Holm, Garcia, Ellis and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Sekula-Gibbs stated that her office had received a number of complaints about the issue and she thought maybe under the Transportation Committee would be the place to modify this; and Mayor Pro Tem Alvarado stated that perhaps that would be something Council Member Berry could do; and Council Member Sekula-Gibbs stated that she hoped he would and would ask him to do so. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Holm, Garcia, Ellis and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Candice Cato, 7115 W. Fuqua, Missouri City, Texas 77489 (281-437-8049) appeared and stated that she was the education coordinator for the Walk With Me Community Center and was present in support of the Center and asked for any assistance the City could provide; and introduced Ms. Martin who was a parent of children at the center. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Holm, Garcia, Ellis and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Felicia Martin, 7115 W. Fuqua, Missouri City, Texas 77489 (281-437-8049) appeared in support of the Walk With Me Community Center and stated that one of her children did benefit from the program and it would be a travesty if the doors were not opened tomorrow; that they were very diligent in trying to comply and she was comfortable with her child there. Council Members Lawrence, Goldberg, Wiseman, Holm, Garcia, Ellis and Berry absent. (NO QUORUM PRESENT)

PRESENT)

Upon questions by Mayor White, Ms. Cato stated that they were at the corner and Briargate Elementary was near them; that Blueridge was the biggest church near them. Council Members Lawrence, Goldberg, Wiseman, Holm, Garcia, Ellis, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Quan, Ms. Cato stated that some churches also had programs and they were trying to get facilities ready themselves; and Council Member Quan stated that while he was sympathetic to their situation he felt it was dangerous and in violation of the fire Code to allow this to continue; that he would like another facility within their area where the children could temporarily be placed while their corrections were done; that he believed a church, the Greater St. Lukes Missionary Baptist Church, had a community center and maybe they would work with them and if she had any leads he felt the Mayor and Council would make calls and work with her to help. Council Members Lawrence, Goldberg, Wiseman, Holm, Garcia, Ellis, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Ms. Martin stated that she had no problem with her children being in the building as is; that it needed corrections but she was comfortable with her children there; and upon further questions, Ms. Cato stated that she did not think they could operate the program from outside the facility. Council Members Lawrence, Goldberg, Wiseman, Holm, Garcia, Ellis, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Upon questions by Mayor White, Ms. Cato stated that Ms. Porter had information on which churches they contacted; and Mayor White stated that they needed to get the information to Mr. Cantu. Council Members Lawrence, Goldberg, Wiseman, Holm, Garcia, Ellis, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mr. Nelson King, 7115 W. Fuqua, Missouri City, Texas 77489 (281-437-8049) appeared in support of the Walk With Me Community Center and stated that he was one of those at the community center and the program helped to keep teens out of trouble; and urged that the City help keep the center open. Council Members Lawrence, Goldberg, Wiseman, Holm, Garcia, Ellis, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Ms. Teandra Hall, 7115 W. Fuqua, Missouri City, Texas 77489 (281-437-8049) appeared in support of the Walk With Me Community Center and stated that the center helped her and she prayed it would stay open. Council Members Lawrence, Goldberg, Wiseman, Holm, Garcia, Ellis, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Ms. Hall stated that if the center closed for a week and they could stay together while the building was fixed and work in the area together it might work as long as they could go back to the building. Council Members Lawrence, Goldberg, Wiseman, Holm, Garcia, Ellis, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Ms. Lynadria Wallace, 7115 W. Fuqua, Missouri City, Texas 77489 (281-437-8049) appeared in support of the Walk With Me Community Center and stated that she was one of those in the Walk With Me community, it was important to them; and urged Council help to keep it open. Council Members Lawrence, Goldberg, Wiseman, Holm, Garcia, Ellis and Berry absent. (NO QUORUM PRESENT)

Ms. Diamond Richardson, 7115 Fuqua, Missouri City, Texas 77489 (281-437-8049) appeared in support of the Walk With Me Community Center and stated that she was a part of the community center and they were trying everything to make the building safer, the program kept children off the street; and asked for Council's assistance. Council Members Lawrence, Goldberg, Wiseman, Holm, Garcia, Ellis, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

PRESENT)

Ms. Patrice Cookhorne, 7115 Fuqua, Missouri City, Texas 77489 (281-437-8049) appeared in support of the Walk With Me Community Center and stated that the center provided a home away from home; and pleaded with Council to help keep that second home open. Council Members Lawrence, Goldberg, Edwards, Wiseman, Holm, Garcia, Ellis, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mr. Marcus Moore, 7115 Fuqua, Missouri City, Texas 77489 (281-437-8049) appeared in support of the Walk With Me Community Center and stated that he probably would not still be here without the program as he sold drugs, etc., and his Mom had even insisted the police take him, but the Walk With Me Center had a great impact and if it was shut down he and others would be stopped from achieving their goal; and urged assistance to keep all on the right track. Council Members Lawrence, Goldberg, Wiseman, Holm, Garcia, Ellis, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mr. Jurrán Wyman, 7115 Fuqua, Missouri City, Texas 77489 (281-437-8049) appeared in support of the Walk With Me Community Center and stated that he was one of those at the Center; that on the street they were left to get in trouble, but the Center gave peace of mind and meant a lot; and urged Council's assistance. Council Members Lawrence, Goldberg, Wiseman, Holm, Garcia, Ellis, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mr. Darrell North, 7115 Fuqua, Missouri City, Texas 77489 (281-437-8049) appeared in support of the Walk With Me Community Center and stated that he was one of those at the Center which kept him out of trouble, they helped the community; and they too needed help. Council Members Lawrence, Goldberg, Wiseman, Holm, Garcia, Ellis, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mr. Gerald Hardeman, 6231 Sonoma Way, Houston, Texas 77053 (281-416-1565) appeared in support of the Walk With Me Community Center and stated that he was present as a parent and volunteer at the center; that he believed in the program and was satisfied with the work there; and applauded Council for being a part of the solution. Council Members Lawrence, Goldberg, Wiseman, Holm, Garcia, Ellis, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mr./Coach R. J. Bobby Taylor, 3107 Sumpter, Houston, Texas 77020 (202-FA3-4511) appeared and stated behavior toward conspiracy; and continued expressing his personal opinions until his time expired. Council Members Lawrence, Goldberg, Edwards, Wiseman, Holm, Garcia, Ellis, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mr. Francis Burford, 7954 Glenheath, Houston, Texas 77061 (713-705-5594) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Goldberg, Edwards, Wiseman, Holm, Garcia, Ellis, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Ms. Sheila Phillips, 1430 Tarberry, Houston, Texas 77088 (832-309-9664) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Goldberg, Edwards, Wiseman, Holm, Garcia, Ellis, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mr. Byron Taylor, 5620 1/2 I-45, Houston, Texas (no phone) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Goldberg, Edwards, Wiseman, Holm, Garcia, Ellis, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Ms. Michol Rantschler, 1640 E. TC Jester #732, Houston, Texas 77018 (281-787-7436)

appeared and stated that she was present to speak on the killing of homeless dogs and cats in Houston; that she spoke last month on how to reduce the killing and save the City a great deal of money, to review they were killing 100,000 homeless dogs and cats each year which was between 80% and 90% taken in; that Houston's kill rate was the second highest in the nation and only San Antonio was worse; that the most well received aspect of her proposal last month involved procuring an additional \$1,000,000 each year to increase licensing of the animals; that at present only about 4% were licensed and that was well below the national average of 28%, even animals adopted from the Houston SPCA were not licensed and they could easily gain the additional \$1,000,000 by requiring licensing wherever the animals were adopted out or purchased as well as at all veterinary clinics; that Houston needed the money to offer free spay and neuter services and then they would reduce killing by 10% to 30%, the reduction of animals entering the pound would save the City \$176.00 per each animal they no longer needed to hold, destroy and dispose of so the program would not only pay for itself through increased licensing it would come back into the City as savings; and urged something be done now and the killing be stopped. Council Members Lawrence, Goldberg, Edwards, Wiseman, Holm, Garcia, Ellis, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Council Member Quan stated that he and Council Member Goldberg talked about the same issue and he was having a joint committee meeting in Regulatory Affairs Neighborhood Housing and Redevelopment on the issue; that they were disturbed about the low numbers in registration and could use veterinarians to enforce it so they did want to see how to enact something just like she spoke on; that they would put her on their E-mail address and notify her when something was coming up; that he felt they did a tremendous job in upgrading the present facilities but the cost to maintain was very high and he had complained to Mr. Williams about the high kill rate; and Ms. Rantschler stated that if they could license them at the shelters it would make a huge difference. Council Members Lawrence, Goldberg, Wiseman, Holm, Garcia, Ellis, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Council Member Khan stated that he was going to say Council Member Quan could help her and she should provide him with her E-mail address; and Ms. Rantschler stated that she had material with her E-mail address on it and would present that to Council. Council Members Lawrence, Goldberg, Wiseman, Holm, Garcia, Ellis, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

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

Mr. Thomas Birmingham, 1516 Beaconsire, Houston, Texas 77007 (713-465-7415) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Senator Robert Horton, 3714 Bain, Houston, Texas 77026 (713-260-6144) appeared and stated that he was God and continued expressing his personal opinions until his time expired. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Joseph Omo Omuari, 2820 Palm 2B, Houston, Texas 77004 (713-723-3453) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

At 6:08 p.m. City Council recessed until 9:00 a.m., Wednesday, June 22, 2005. Council

Member Galloway absent on personal business. Mayor White, Council Members Lawrence, Goldberg, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, June 22, 2005

The Houston City Council reconvened at 9:00 a.m. Wednesday, June 22, 2005, with 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; Ms. Susan Taylor, Deputy City Attorney; Ms. Judy Gray Johnson, Director, Finance and Administration; Mr. Arturo Michel, City Attorney, Ms. Marty Stein, Agenda Director and Mr. Jose Soto, Deputy Agenda Director present.

At 8:23 the City Secretary read the descriptions or captions of items on the Agenda.

At 9:19 a.m. Mayor White called to order the meeting of the City Council and recognized Council Member Berry for a point of personal privilege. Council Members Goldberg, Edwards, Khan, Holm, Garcia, Ellis, Sekula-Gibbs and Green absent.

Council Member Berry stated that they had a special guest in the City of Houston who was no stranger to many Houstonians, he was a long time member of Universoul, which was the first Black owned and Black operated circus in the Country, that at one point he was the youngest morning DJ in the Country, that he started his own circus which was Casual Cow's Bumpin Big Top, that his show would not start until Friday but he came into town several days early so that he could perform free at some of the local schools and they wanted to thank him for that, and Mayor White stated that on behalf of over 2 million people in the community he proclaimed today, June 22, 2005, was Calvin Casual Cow Dupre Jr. Day in Houston, Texas. Council Members Goldberg, Edwards, Khan, Holm, Garcia, Ellis, Sekula-Gibbs and Green absent.

Mr. Dupre thanked the Mayor and City Council for the presentation, and introduced his sidekick, Zeek, from the HBO special and Ms. Camara from Trinidad, who was the limbo dancer in the show. Council Members Goldberg, Holm, Garcia and Green absent.

#### **MAYOR'S REPORT** - Briefing on 2006-2010 Capital Improvement Plan

Mayor White stated that they would begin the Council session with the Mayor's Report and reviewed a Powerpoint presentation titled 2006-2010 Capital Improvement Plan, a copy of which is on file in the City Secretary's office for review. Mayor White stated that he and Ms. Sara Culbreth were available for questions. Council Members Galloway, Goldberg, Garcia, Alvarado and Berry absent.

Council Member Sekula-Gibbs asked how much money were they going to dedicate to the storm drain maintenance out of the Water Sewer Fund, and Mayor White stated that he thought it was about \$30 million, that it went up last year from what it had been in prior years, and Ms. Culbreth stated that earlier it was in the neighborhood of \$25 million range and last year it was about \$30 million and this year, she believed it was between \$30 million and \$32 million, with some carryover funds, but on the whole it was about \$30 million, that was what the planned transfer was; and Council Member Sekula-Gibbs stated that the other question she had related to funding sources for CIP and looking on page 6 of the presentation it said other agencies in terms of funding, it was 9.2% and asked if that was where Metro funding was placed, and what percentage of the City's CIP was coming from Metro and was that impacted by other programs, such as what they were getting now from SafeClear, was it going to reduce their CIP percentage because they were using it for other programs, or was that stable, was it a discretionary amount or was it something that was set at 9.2%, and Ms. Culbreth stated that the portion in this category did include the Metro funding, of that \$384 million, about \$327 million of

that was specifically provided by Metro funds and that was based on their projected sales tax, as far as the SafeClear Program, it should not have a negative impact on the capitol programming, that as sales taxes begin to increase, which they were seeing over time that sales tax would increase, then that could cover the SafeClear, as far as it having a negative impact on CIP she did not see it having a negative impact, that last year she wanted to say it was \$319 million but she would look in the book and get back with Council Member Sekula-Gibbs, that she wanted to say it was about \$319 million in this category that was coming from Metro, and Council Member Sekula-Gibbs asked if they had discretion to use these funds for other projects, for instance public safety, and Ms. Culbreth stated that as long as it was mobility related; and Council Member Sekula-Gibbs stated that as to the grants, was that where federal funds poured in from the Department of Transportation, and Mayor White stated that grants and a fair amount of Federal Transportation Funds also went through the TXDOT allocation, and Ms. Culbreth stated that TXDOT was under grants, and Council Member Sekula-Gibbs asked for a 10 year trend for the last 10 years so she could see what they had from the source of funds for the CIP and Ms. Culbreth stated yes. Council Members Goldberg, Holm, Garcia and Berry absent.

Council Member Khan stated that one thing he would like to suggest for the future was that maybe they should look into expanding the horizon for CIP planning, the City was growing fast and they really needed to have more focus on the longtime planning, so they may want to consider in the future having a 7 year CIP plan or even longer to make sure that they kept on eye on the future growth of the City, and Mayor White stated that was an excellent point. Council Members Holm, Garcia and Berry absent.

Council Member Quan stated that as to the 20% increase in developer reimbursement, who did they expect to fund that, from what sources would that come from, and Mayor White stated that there were two types of developer reimbursement, that there was developer reimbursement for the water sewer system and a reimbursement plan for the storm sewer system and the storm sewer would be funded in large part with CDBG but with some contribution from the drainage fund, and Ms. Culbreth stated that the water and sewer total was \$12 million and drainage was \$1.5 million and from Housing was a total \$3 million, water and sewer was an enterprise fund, drainage was from the Storm Drainage Program and then Housing, part of that was from Housing bonds and part of it was from TIRZ set aside. Council Member Berry absent.

Council Member Lawrence stated that as they looked at all of the comprehensive plans, toll roads were starting to get more news and thought she had mentioned to the Mayor before that perhaps they needed to start looking at 10 year CIP, even though they were term limited, that she thought it would be a relief to neighborhoods and businesses to know that tomorrow a toll road was not coming in, at least according to the City, and legislation moved toward that direction this legislative session and definitely they would need improvements in the next legislative session, that they had done a lot in the last year and a half but thought the whole City would feel better if they had, at some point, a 10 year CIP out there looking at long range planning of what was going on with a combination of maybe drainage, street and toll roads, what were they really looking at. Council Member Holm absent.

Mayor White stated that the suggestion that they heard from two Council Members was excellent, to have a longer term CIP plan, and Ms. Culbreth stated that she knew that Public Works and Aviation did look out beyond five years, their planning back in the department went out as far as 10 years and sometimes maybe longer, but at least 10 years from the departments planning perspective, it just did not materialize into the CIP book, that they were already making those steps and had been doing it for a while, that they had the beginning stages in the department and they could do it. Council Member Holm absent.

Council Member Edwards stated that on page 8, Crime Laboratory Facility, Vehicle Maintenance Facility, Fire Arms Training Center, were those new buildings or renovations, what exactly were those, and Mayor White stated that they would get that in detail, that the Evidence

Room was a new one, and they were familiar with the relocation of the Mounted Patrol Facility and the jail was their contribution of the capitol improvement of the jail and on the others he believed those were renovations, and Ms. Culbreth stated that she could get Council Member Edwards the detail. Council Member Holm absent.

Council Member Edwards stated the Health Department building on Stadium Drive, they asked if it was really a health building, the elevators might or might not run, it was dingy looking and she would hope that at some time they could do something, she knew they were going to redo the parking lot, but it was not a real shining light for the City, that it needed a lot of renovations or a new center, and Mayor White stated that there were renovations that were planned, various people had great ideas about how they could have more health clinics by relocating the workforce somewhere and selling the building for a big profit, that he had taken the view that City workers and City clients were not second class citizens and why was it more important to have good customer service and good working conditions in a central location in the Medical Center for others rather than the City so he shot those various proposals down, that he thought that maybe some of those renovations were delayed because people came and said they had great idea to save the City money, but now he thought they were at the point where he needed a recommendation on that from the Health Department. Council Members Khan, Holm and Berry absent.

Mayor White stated that concluded his Mayor's Report and he wanted to thank Ms. Culbreth for the hard work that she and Mr. John Silva and others did to try and pull the CIP together.

Council Member Quan moved to suspend the rules to consider Item Numbers 27 and 28 out of order, seconded by Council Member Ellis. All voting aye. Nays none. Council Members Khan, Holm and Berry absent. MOTION 2005-0498 ADOPTED.

Council Member Edwards moved to suspend the rules to consider Item No. 21 out of order, seconded by Council Member Green. All voting aye. Nays none. Council Members Khan, Holm and Berry absent. MOTION 2005-0499 ADOPTED.

27. ORDINANCE approving and authorizing grant agreement between the City of Houston and **JACKSON HINDS GARDEN, INC** to provide \$500,000.00 in Community Development Block Grant Funds to be used for the Rehabilitation of a 90 Unit Single Room Occupancy Complex known as the Jackson Hinds Garden Complex located at 607 Thornton Street - **DISTRICT H - GARCIA** - was presented. Council Members Holm and Berry absent.

Council Member Galloway stated that she was always in support of improving the quality of life, as far as residents living and being able to have a roof over their heads, but she continued to notice that they had CDBG funds for renovation assistance and housing and she was trying to understand why they could not use some of these same funds in order to assist the seniors in their housing where some of the roofs were completely coming off, they had been on the list and they had not gotten to renovate their houses and getting monies for that, that it still seemed to be a slow process, and Mayor White stated that they would get that explanation to her. Council Member Berry absent.

Council Member Quan stated that as they looked at homelessness in the City one of the ways that they were seeking to address it was through single room occupancy, as their studies showed 55% of the homeless really required long term care and a structured environment and this project began to address that with 90 units of single room occupancy, that Ms. Artie Lee Hines was in the audience who had been very generous in providing help on this project as well as Mr. Tom Lord and others, that the item had gone through committee and received a favorable recommendation from the committee. Council Member Berry absent.

Council Member Sekula-Gibbs stated that she also wanted to thank Ms. Hines for her support and other members of the community who worked diligently with the homeless and also underscore for the citizens at home who were watching that they had to provide a place for people to live, for the 10,000 homeless in the community, because many of these people, per the results of the particular survey that Council Member Quan was discussing, were going to be very slow to be able to rehabilitate into main street society. Council Member Berry absent.

A vote was called on Item No. 27. All voting aye. Nays none. ORDINANCE 2005-0779 ADOPTED.

28. ORDINANCE appropriating the sum of \$112,890.00 out of Housing Special Revenue Fund; and amending Ordinance No. 2000-1069 to substitute the \$112,890.00 of funds appropriated herein for \$112,890.00 of Home Investment Partnerships Program ("HOME") Funds used as a funding source in connection with the agreement between the City of Houston and **HOUSTON AREA COMMUNITY DEVELOPMENT CORPORATION**, as modified, relating to a single room occupancy project located at 1414 Congress Street - **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. ORDINANCE 2005-0779 ADOPTED.
21. ORDINANCE approving the Fiscal Year 2006 Budget for the **MIDTOWN REDEVELOPMENT AUTHORITY - DISTRICTS D - EDWARDS and I - ALVARADO** - was presented. Council Member Edwards absent.

Council Member Green stated that he wanted to applaud the structure on the situation, that whenever they had an opportunity, if they were going to issue debt, if they could take the opportunity to save money on that debt, it was an issue, they could cut down on the administrative costs and that was a good thing for the City, and he wanted to say how supportive he was of something that sought to save the City money as they looked for ways to work with their management districts, and he knew that this management district, for one, was doing a good job, and served as a model. Council Member Edwards absent.

Council Member Khan stated that he did not have an issue with the item, but he recalled that the Mayor mentioned that they were not going to approve any TIRZ budget, they were only going to give them 60 days spending and then revisit the whole budget for all the TIRZs in the coming weeks, was that something that they were still going to do. Council Member Edwards absent.

Mayor White stated that this was one of the TIRZ budgets that they had not included in so that the Council could take an overall look at policies concerning the TIRZ in July or August, that some Members of Council spent hours and hours doing it and sort of decided to take the time to make some citywide policies, that here was what they were voting on today, the Midtown TIRZ did have some debt capacity and there were some projects which would otherwise be the type of projects that would be in the CIP, and a third of the money was committed to affordable housing and he believed that the strong belief of F&A Department and the City's financial advisors was that they were, just as a matter of fact, in a pretty historic window of low interest rates, where there was very little difference between the short and long term rates and for giving the bonding authority so that the money could be borrowed for doing the capitol improvements and affordable housing they should at least proceed with that, but that was not to prejudge anything about the level of operating expenses or anything else by the TIRZ, the only thing in the bond covenants was that they could not raise the administrative expenses over a certain level, and that was certainly consistent with what they intended to do with the Council, so that gave them some background on this particular project. Council Member Edwards absent.

Council Member Ellis stated that he had been reading some memos that Dr. Scheps had put out with regard to the issuance of the debt for the particular TIRZs, if something were to happen to those Tax Incremental Reinvestment Zones, would not the City step in, that he was

starting to disagree with the letter that he knew they received back in February or March 2005 with regard that they did not want to assume that risk and he thought that was something that they needed to explore, that with regard to this issue, at first when he looked he thought what were they doing and he talked to the financial advisors and they were not approving their expenses for the Fiscal Year 2006, they were only allowing them to go to market and take advantage of the market at this time, so it was consistent with what they were trying to put together. Council Member Edwards absent.

Council Member Holm stated that there was nothing better for the City of Houston than a really good TIRZ, that she was really interested when they went through the budget hearings, about the funding and the budgeting process of it and was told the same thing, but she did think, at this time, that it just called up that it was vitally important to the TIRZ, that she was voting for the item because she realized the importance of it, and she had talked to the Mayor's office, with a promise that the other TIRZs would be coming forward in the next couple of weeks or so, that she was recommending that they did not have time to go through a huge process and hold up on these TIRZs the vital work that they needed to be doing and the resources that they needed to be able to do it, and Mayor White asked which TIRZ was she talking about, and Council Member Holm stated TIRZ 16, Uptown. Council Member Edwards absent.

Mayor White stated that if there was debt that needed to be issued then, and subject to all the points that they were making, that they were not going to be approving operating budgets, etc., in the case of that particular TIRZ the total amount that the TIRZ spent on administration was, he thought, about 1% of revenues, which was not bad, that he would ask Ms. Johnson what would they recommend in that regard because they were not trying to hold things back. Council Member Edwards absent.

Council Member Ellis stated that he talked to Mr. John Breeding and their financial advisor, Mr. Duncan Lamb, and knew that they came up with the suggestion of the 96 cents, that 32 went back to HISD, 32 was supposed to stay in the area for transportation and mobility and 32 was supposed to be dedicated for low income housing and it was their position that if the City would guarantee that HISD's revenue stream to the Tax Incremental Reinvestment Zone could generate an extra \$15 million for transportation projects in the zone and an additional \$15 million for low income housing throughout the City, and Council Member Holm stated that the item had nothing to do with that but she would really recommend that the committee that they had put it together really work with Uptown, they had some really good suggestions and proposals that operated well, all she was saying at this point was that they move on with the exploration of their budget and getting going so that they could do their projects. Council Member Edwards absent.

Council Member Garcia stated that in regards the TIRZ he wanted to applaud Midtown because if he understood correctly they partnered with SEARCH and he thought that was extremely responsible of them to do that so he just wanted to add his appreciation to them.

A vote was called on Item No. 21. All voting aye. Nays none. Council Member Edwards absent. ORDINANCE 2005-0781 ADOPTED.

### **CONSENT AGENDA NUMBERS 2 through 70**

#### **DAMAGES** - NUMBER 2

2. RECOMMENDATION from City Attorney for settlement of lawsuit titled **PEGGIE LYNN BELL**, individually and on behalf of **JACOB MITCHELL BELL**, Minor vs. City of Houston; Cause No. 2004-60892, in the 333rd Judicial District Court - \$45,000.00 - Property and Casualty Fund - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2005-0500 ADOPTED.

**PROPERTY** - NUMBERS 3 and 4

3. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Patricia K. Joiner of Knudson and Associates, on behalf of Woodway/San Felipe Phase VI, Ltd., a Texas limited partnership [WASF, Inc., a Texas corporation (William C. Morris III, President), general partner] and San Felipe/Woodway, Ltd., a Texas limited partnership [San Felipe on Woodway, L.L.C., a Texas limited liability company (William C. Morris III, President), general partner], for abandonment and sale of a portion of a 10-foot-wide utility easement and the attendant aerial easements in exchange for the conveyance to the City of a 10-foot-wide and a 15-foot-wide sanitary easement, located within Tracts A and B, San Felipe Square Subdivision, Parcels SY5-050, DY5-007 and DY5-009 - **STAFF APPRAISERS - DISTRICT G - HOLM** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2005-0501 ADOPTED.
4. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Shoa Zuri, on behalf of Bernard Zuri, declining the acceptance of, rejecting, and refusing the dedication of a 30-foot-wide easement, from Rasmus Drive south ±130 feet to its dead end, adjacent to Lot 8, Block 4, Ullrich Subdivision, Parcel SY5-054 - **DISTRICT G - HOLM** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2005-0502 ADOPTED.

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 6 through 14

6. **CRASH RESCUE EQUIPMENT SERVICE, INC** for Night Vision Systems with Forward Looking Infrared (FLIR) Technology for Houston Airport System - \$28,185.00 - Enterprise Fund - was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. MOTION 2005-0503 ADOPTED.
7. ORDINANCE appropriating \$52,559.35 out of GRB Consolidated Construction Fund to Furnish Exit Devices and Door Closers at the George R. Brown Convention Center for the Convention & Entertainment Facilities Department - was presented. All voting aye. Nays none. ORDINANCE 2005-0782 ADOPTED.
- 7a. **INDEPENDENT HARDWARE, INC** for Exit Devices and Door Closers for Convention & Entertainment Facilities Department - \$52,559.35 minus a commission fee (2% for Internet-based reverse auction services) for a net award amount of \$51,508.16 - was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. MOTION 2005-0504 ADOPTED.
12. **AMEND MOTION #2002-1255, 10/23/02, TO EXTEND** expiration date from October 23, 2005 to October 22, 2006, for Chemical, Blended Polyphosphate Contract for Department of Public Works & Engineering, awarded to **CALCIQUEST, INC** - was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. MOTION 2005-0505 ADOPTED.
13. **TIKON GROUP, INC** - \$152,843.00 and **DOW PIPE & FENCE SUPPLY COMPANY** - \$78,680.75 for Fence Materials for Various Departments - \$231,523.75, minus a commission fee (2% for Internet-based reverse auction services) for a net award amount not to exceed \$226,893.27 General and Enterprise Funds - was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. MOTION 2005-0506 ADOPTED.
14. **CHEMGUARD (Bid No. 10)** for Chemicals, Polar Solvent/Aqueous Film-Forming Foam for Various Departments - \$409,506.71, minus a commission fee (2% for Internet-based

reverse auction services) for a net award not to exceed \$401,316.58 - General and Enterprise Funds - was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. MOTION 2005-0507 ADOPTED.

**ORDINANCES** - NUMBERS 16 through 70

16. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a 15-foot-wide utility easement, from Durham Drive to North Shepherd Drive, containing 3,375 square feet of land, more or less, situated in the John Austin Survey, Abstract Number 1, Harris County, Texas, and being out of and part of that certain 15-foot-wide public alley of Block 11, Brunner Addition, a subdivision plat of record in Volume 42, Page 26 of the Map Records of Harris County, Texas; vacating and abandoning said tract of land to Feagan Shepherd Ltd., the owner in fee, in consideration of said owner's payment of \$60,750.00 and other consideration to the City - **DISTRICT G - HOLM** - was presented. All voting aye. Nays none. ORDINANCE 2005-0783 ADOPTED.
17. ORDINANCE finding no special benefit to the abutting owner of property described as Lot 6, Block 6, Stude's First Addition, and authorizing refund for certain assessment liens and apparent liens created by Ordinance No. 92-814 passed June 17, 1992, for the initiation of Topping Project 420 for the permanent improvement of portions of Adele, Arlington and various other streets in the City of Houston, Texas, authorizing a refund to the abutting owner - GFS N-0346-01-3 **DISTRICT H - GARCIA** - was presented. All voting aye. Nays none. ORDINANCE 2005-0784 ADOPTED.
18. ORDINANCE approving and authorizing renewal contract for Programming Services between the City of Houston and **HOUSTON COMMUNITY COLLEGE SYSTEM** for Educational Access Channel - had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.
19. ORDINANCE approving and authorizing renewal contract for Programming Services between the City of Houston and **HOUSTON INDEPENDENT SCHOOL DISTRICT** for Educational Access Channel - had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.
20. ORDINANCE approving and authorizing renewal contract for Programming Services between the City of Houston and **HOUSTON MEDIASOURCE** for Public Access Channel - had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.
22. ORDINANCE approving and authorizing interlocal agreement between the City and the **UNIVERSITY OF TEXAS MEDICAL BRANCH AT GALVESTON** for Medical Services for Prisoners of the City of Houston Police Department Jail Division; providing a maximum contract amount - 5 years - \$11,722,200.00 - General Fund - had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.
37. ORDINANCE appropriating \$175,000.00 out of Street & Bridge Consolidated Construction Fund, \$50,000.00 out of Drainage Improvements Commercial Paper Series F, \$175,000.00 out of Water & Sewer Consolidated Construction Fund for Contract between the City of Houston and **EAGLE CONSTRUCTION & ENVIRONMENTAL SERVICES, INC** for Handling & Disposal of Hazardous Materials for Various Departments (as approved by Ordinance No. 98-283) and amending Ordinance No. 98-283 to increase the maximum contract amount - \$228,125.00 General, Police Special Services and Dangerous Building Consolidated Funds - was presented. All voting aye. Nays none. ORDINANCE 2005-0785 ADOPTED.

38. ORDINANCE appropriating \$396,091.20 out of Fire Consolidated Construction Fund as an additional appropriation for construction and concrete Repair Services, GFS C-0089-02-3, under construction contract with **TEXAS STERLING CONSTRUCTION L.P.** (approved by Ordinance No. 2001-0119) - **DISTRICT H - GARCIA** - had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.
40. ORDINANCE appropriating \$93,135.00 out of General Improvements Consolidated Construction Fund; awarding construction contract to **SIA CONSTRUCTION, INC** for Municipal Courts Building Fire Detection and Alarm System; GFS D-0105-03-3; setting a deadline for the bidder's insurance and other required contract documents; holding the bidder in default if it fails to meet the deadline; providing funding for contingencies relating to construction of facilities financed by General Improvements Consolidated Construction Fund - **DISTRICT H - GARCIA** - was presented. All voting aye. Nays none. ORDINANCE 2005-0786 ADOPTED.
41. ORDINANCE appropriating \$24,210.00 out of Police Consolidated Construction Fund for Asbestos Abatement and Demolition Services at Old South Central Police Station, GFS G-0058-02-5 - **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. ORDINANCE 2005-0787 ADOPTED.
42. ORDINANCE appropriating \$1,064,367.00 out of General Improvements Consolidated Construction Fund, and \$260,823.00 out of Fire Consolidated Construction Fund and approving and authorizing professional engineering services contract between the City of Houston and **BOVAY ENGINEERS, INC** for City-Wide Facilities Electrical Upgrade to support New Information Technology Network; GFS D-0119-02-2 and C-0162-02-2; providing funding for contingencies relating to construction of facilities financed by the General Improvements Consolidated Construction Fund and the Fire Consolidated Construction Fund - had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.
46. ORDINANCE deappropriating \$10,277,250.00 from North MacGregor Storm Sewer Relief Project, GFS M-0260-04-3, making these funds available in Series E Commercial Paper Metro Fund; appropriating \$5,277,250.00 from Drainage Improvements Commercial Paper Series F and \$5,000,000.00 from Street & Bridge Construction Fund for North MacGregor Storm Sewer Relief Project, GFS M-0260-04-3 - **DISTRICT D - EDWARDS** - was presented. All voting aye. Nays none. ORDINANCE 2005-0788 ADOPTED.
- 46a. ORDINANCE appropriating \$8,428,845.15 from Series E Commercial Paper Metro Projects Fund, and \$1,670,552.93 from the Water & Sewer System Consolidated Construction Fund, awarding contract to **JFT CONSTRUCTION, INC** for Neighborhood Street Reconstruction Project No. 436B, GFS N-0368-03-3 (SB9002); providing funding for engineering testing, construction management, and contingencies relating to construction of facilities financed by the Series E Commercial Paper Metro Projects Fund, and the Water & Sewer System Consolidated Construction Fund - **DISTRICT G - HOLM** - was presented. All voting aye. Nays none. ORDINANCE 2005-0789 ADOPTED.
50. ORDINANCE appropriating \$9,575,000.00 out of Drainage Improvements Commercial Paper Series F Fund; awarding construction contract to **TEXAS STERLING CONSTRUCTION, L.P.** for Hermann Drive Segment 2, GFS M-0260-02-3 (SM5043-02); 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 Drainage Improvements Commercial Paper Series F Fund - **DISTRICT D - EDWARDS** - was presented. All voting aye. Nays none. ORDINANCE 2005-0790 ADOPTED.

51. ORDINANCE appropriating \$486,700.00 out of the Drainage Improvements Commercial Paper Series F Fund and approving and authorizing contract between the City of Houston and **SES HORIZON CONSULTING ENGINEERS, INC** for Hermann Drive Relief Storm Sewer Project Segment 2 from Main Street to 600 feet east of Jackson Street; GFS M-0260-02-3 (SM5043-02) **DISTRICT D - EDWARDS** - was presented. All voting aye. Nays none. ORDINANCE 2005-0791 ADOPTED.
52. ORDINANCE appropriating \$206,900.00 out of Drainage Improvements Commercial Paper Series F, Fund No. 49R and approving and authorizing Professional Engineering Services Contract between the City of Houston and **POLYTECH, INC dba PTI, INCORPORATED** for Engineering services associated with the Design of Kirkwyn/Sagmont Drainage Improvements; GFS M-0266-01-2 (SM5054) - **DISTRICT E - WISEMAN** - was presented. All voting aye. Nays none. ORDINANCE 2005-0792 ADOPTED.
53. ORDINANCE appropriating \$1,780,000.00 out of Water & Sewer System Consolidated Fund, \$11,023,000.00 out of Drainage Improvements Commercial Paper Series F Fund; awarding construction contract to **TOTAL CONTRACTING LIMITED** for Kirby Drive Storm Sewer Project Segment 2, GFS M-0771-02-3 (SM5044-02); 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 Drainage Improvements Commercial Paper Series F Fund and Water & Sewer System Consolidated Fund - **DISTRICT C - GOLDBERG** - had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.
54. ORDINANCE appropriating \$3,431,914.26 out of Street & Bridge Consolidated Construction Fund and \$1,016,400.95 from the Water & Sewer System Consolidated Construction Fund, awarding contract to **TOTAL SITE, INC** for Neighborhood Street Reconstruction Project No. 430A, GFS N-0362-02-3 (SB9079); providing funding for engineering testing, construction and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund and the Water & Sewer System Consolidated Construction Fund - **DISTRICT A - LAWRENCE** - was presented. All voting aye. Nays none. ORDINANCE 2005-0793 ADOPTED.
55. ORDINANCE appropriating \$352,203.00 out of Series E Commercial Paper Metro Projects Fund and approving and authorizing contract between the City of Houston and **ISANI CONSULTANTS, INC** for the Neighborhood Street Reconstruction Project - Freeway Manor Subdivision, GFS N-0372-02-3 (SB9039) - **DISTRICT E - WISEMAN** - was pulled from the agenda by the administration and was not considered.
58. ORDINANCE appropriating \$126,100.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation for Professional Engineering Services contract between the City of Houston and **BINKLEY & BARFIELD, INC** for Design of Westview Paving from West Belt to Shadowdale (approved by Ordinance No. 99-334); GFS N-0549-01-2 (N-0549); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT A - LAWRENCE** - was presented. All voting aye. Nays none. ORDINANCE 2005-0794 ADOPTED.
59. ORDINANCE appropriating \$4,460,185.00 out of Series E Commercial Paper Metro Project Fund, Fund No. 49M; and \$710,118.00 from the Water & Sewer System Consolidated Construction Fund No. 755, awarding contract to **CONRAD CONSTRUCTION CO., INC** for Kirkwood Road Pavement Improvements from Bellaire to

Alief Clodine, GFS N-0575-02-3 (SB9066); 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 services and contingencies relating to construction of facilities financed by Series E Commercial Paper Metro Project Fund and Water & Sewer System Consolidated Construction Fund - **DISTRICT F - KHAN** - was presented. All voting aye. Nays none. ORDINANCE 2005-0795 ADOPTED.

61. ORDINANCE appropriating \$300,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing first amendment to Professional Engineering Services Contract between the City of Houston and **TRAFFIC ENGINEERS, INC** for City-Wide On-Call Transportation Engineering Services (approved by Ordinance No. 01-1035 Contract No. C53376); GFS N-0650-06-2; providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - was presented. All voting aye. Nays none. ORDINANCE 2005-0796 ADOPTED.
63. ORDINANCE appropriating \$2,914,898.50 out of Street & Bridge Consolidated Construction Fund, \$1,033,860.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **REYTEC CONSTRUCTION RESOURCES, INC** for San Felipe Reconstruction, GFS N-0750-01-3 (SB9134-01); providing funding for engineering testing, construction management, and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund and the Water & Sewer System Consolidated Construction Fund - **DISTRICT G - HOLM** - was presented. All voting aye. Nays none. ORDINANCE 2005-0797 ADOPTED.
65. ORDINANCE appropriating \$4,201,631.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **REPIPE-TEXAS, INC** for Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method, GFS R-0266-B4-3 (WW4258-19); providing funding for engineering testing services and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - was presented. All voting aye. Nays none. ORDINANCE 2005-0798 ADOPTED.
68. ORDINANCE awarding construction contract to **BIG STATE EXCAVATION, INC** for Construction of Water, Sanitary Sewer and Storm Drainage Systems Serving Section Two of the Kingdom Come Place Subdivision; approving and authorizing assignment of the construction contract to **KINGDOM COME COMMUNITY DEVELOPMENT CORPORATION**, CIP S-0800-56-03 and R-0800-56-03 (DPC-057) - **DISTRICT D - EDWARDS** - was presented. All voting aye. Nays none. ORDINANCE 2005-0799 ADOPTED.
69. ORDINANCE awarding construction contract to **B&D CONSTRUCTION CO., INC** for Construction of Water, Sanitary Sewer and Storm Drainage Systems serving Phase A of Section Eight of the Greenpark Subdivision; approving and authorizing assignment of the construction contract to **LENNAR HOMES OF TEXAS LAND & CONSTRUCTION, LTD.**; CIP S-0800-E6-3 & R-0800-E6-3 (DPC-076) - **DISTRICT D - EDWARDS** - was presented. All voting aye. Nays none. ORDINANCE 2005-0800 ADOPTED.
70. ORDINANCE appropriating \$37,884,300.59 out of Tax Increment Funds for Reinvestment Zone Number One, City of Houston, Texas (Lamar Terrace Zone), Reinvestment Zone Number Two, City of Houston, Texas (Midtown Zone), Reinvestment Zone Number Three, City of Houston, Texas (Market Square Zone), Reinvestment Zone Number Four, City of Houston, Texas (Village Enclaves Zone), Reinvestment Zone Number Five, City of Houston, Texas (Memorial Heights Zone), Reinvestment Zone Number Seven, City of Houston, Texas (Old Spanish Trail/Alameda Corridors Zone), Reinvestment Zone Number Eight, City of Houston, Texas (Gulfgate Zone), Reinvestment Zone Number Nine, City of Houston, Texas (South Post Oak Zone), Reinvestment Zone Number Ten, City of

Houston, Texas (Lake Houston Zone), Reinvestment Zone Number Eleven, City of Houston, Texas (Greater Greenspoint Zone), Reinvestment Zone Number Twelve, City of Houston, Texas (City Park Zone); Reinvestment Zone Number Thirteen, City of Houston, Texas (Old Sixth Ward Zone), Reinvestment Zone Number Fourteen, City of Houston, Texas (Fourth Ward Zone), Reinvestment Zone Number Fifteen, City of Houston, Texas (East Downtown Zone), Reinvestment Zone Number Sixteen, City of Houston, Texas (Uptown Zone), Reinvestment Zone Number Eighteen, City of Houston, Texas (Fifth Ward Zone), and Reinvestment Zone Number Nineteen, City of Houston, Texas (Upper Kirby Zone) for Affordable Housing, Administrative Expenses, Payment of Project Costs, Payments to the Houston Independent School District, the Humble Independent School District, Houston Housing Finance Corporation and Certain Redevelopment Authorities as provided herein - had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.

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

**PROPERTY**

5. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Scott M. Jarrard, on behalf of himself, John Hudson Crane, Jr., and Judith Carlisle Crane Koontz, declining the acceptance of, rejecting, and refusing the dedication of a 10-foot-wide right of way easement, out of Lot 1, Block 2, Chevy Chase Addition, Parcel SY5-058 - **DISTRICT C - GOLDBERG** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2005-0508 ADOPTED.

**PURCHASING AND TABULATION OF BIDS**

8. **PETROLEUM TRADERS CORPORATION (Bid No. 2)** for Fuel, Low Sulfur Diesel and Reformulated Gasoline for Finance & Administration Department - \$64,347,000.00 - Central Service Revolving Fund - was presented, and tagged by Council Member Khan.

Council Member Khan asked if on this contract did they have an MWBE goal and what kind of past history, if any, for this firm on the MWBE program because this was one area where he thought there could be a lot of MWBEs who could participate.

Mayor White stated that perhaps sometime during the Council meeting Mr. Wells, who was familiar with the item, could provide the information to the Council Member.

Council Member Wiseman stated that she would add her tag to the item.

9. **IDEXX DISTRIBUTION, INC** for Colilert Reagent Water Test Kits for Health & Human Services and Public Works & Engineering Departments - \$986,125.00 - General and Enterprise Funds - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2005-0509 ADOPTED.
10. ORDINANCE approving and authorizing an Interlocal agreement between the City of Houston and **HARRIS COUNTY** for Leased Vehicles and related items for Houston Police Department 3 Months with four one-year options - was presented. All voting aye. Nays none. ORDINANCE 2005-0801 ADOPTED.
- 10a. **CAPPS RENT A CAR, INC** for Leased Vehicles and related items for Houston Police Department \$4,834,400.00 - General, Grant, Auto Dealers and Asset Forfeiture Funds - was presented, moved by Council Member Khan, seconded by Council Member Alvarado.

Council Member Khan asked what were the vehicles going to be used for, were they replacing some vehicles, if somebody could just give him the answer, he was not going to tag the item, and Mayor White stated that they would follow up with Council Member Khan.

A vote was called on Item No. 10A. All voting aye. Nays none. MOTION 2005-0510 ADOPTED.

11. **DALLAS AIRMOTIVE, INC, dba PREMIER TURBINES** for Rolls-Royce Turbine Engine Replacement, Overhaul, and Exchange Parts for Police Department - \$1,653,683.00 - General Fund - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2005-0511 ADOPTED.

## **ORDINANCES**

15. ORDINANCE repealing Section 603.9.3 of the City of Houston Fire Code, relating to Automatic Excess Flow Gas Shut-off Devices - was presented, and tagged by Council Members Green and Garcia.
23. ORDINANCE approving and authorizing contract between the City and the **UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT HOUSTON** for Environmental Public Health Services Through September 29, 2006 with two one-year renewals - \$27,622.50 - Grant Fund - was presented. All voting aye. Nays none. ORDINANCE 2005-0802 ADOPTED.
24. ORDINANCE approving and authorizing submittal of an application to the **U. S. DEPARTMENT OF HEALTH AND HUMAN SERVICES, CENTERS FOR DISEASE CONTROL** for the City's Morbidity and Risk Behavior Surveillance (the "Grant"); declaring the City's eligibility for such grant; authorizing the Director of the Health and Human Services Department to act as the City's representative in the application process; authorizing the Director of Health and Human Services Department to accept the grant and the grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the grant - was presented.

Council Member Sekula-Gibbs stated that she would like to reiterate a request, that she would like to have information from the Health Department on the 10 year trends on the grants regarding the particular grant fund, that she was not going to tag the item but would like to have the 10 year trend on it for HIV funding as well as any pertinent related grant sources.

Mayor White stated that they made a note of that and Ms. Stein would make sure they would get Council Member Sekula-Gibbs that information.

A vote was called on Item No. 24. All voting aye. Nays none. ORDINANCE 2005-0803 ADOPTED.

25. ORDINANCE approving and authorizing first amendment to contract between the City and **JAY H. ROSENFELD** for Redesign of Administrative Support Services within the Health and Human Services Department; providing a maximum contract amount - \$147,000.00 - General Fund - was presented, and tagged by Council Member Khan.

Council Member Khan stated that both on Item Numbers 25 and 26 he had this question, there seemed to be a consulting services contract, and for Item No. 25 they were spending \$230,000 and were increasing it by \$147,000, what were these services which they could not get in house, that it was quite a bit of money to spend on consultants and there always seemed to be an issue that they were using consultants too much in their department, so if someone could give him a briefing on that he would appreciate it, that he would tag both Item Numbers 25 and 26.

Council Member Sekula-Gibbs stated that she had concerns about the item as well and would like to add her tag, that she was provided some information in a timely fashion from the Health Department and thanked them for that but it needed further elaboration and would like someone to tell her again what the real goals of this were, that she understood from the Health Department budget, as expressed by Mr. Williams, that there was going to be a cut of 51 employees from the Health Department, that it was not really expressed in the summation from the consultant, that she did not know if the consultant actually led to the conclusion that those employees could be removed, it was not clear from the report, that she would also like to understand how they were going to continue to deliver or try to increase their level of service in the Health Department with this report and also by trimming 51 employees from the Health Department and why they needed a consultant who was expensive and pay him an exorbitant amount of money to tell them to cut people and also cut services.

Mayor White stated that in a lot of City departments they wanted to offer more services at the point of contact with the public with the most efficient providers and that meant that various City departments had to look at doing their overhead and administration functions in a most efficient possible manner and there were some people who were good at that and knew a lot about management of organizations and how to carry that about, that everybody had their strengths and weaknesses and having a road map of how to do that so they could offer more service to the public through providers which offered the best benefit so they could offer more to the customers, fewer people in headquarters and more in the field, that was generally the direction in which they were trying to head.

Council Member Sekula-Gibbs stated that she agreed 100% but she had a 10 year trend that she was provided by Mr. Williams that showed that the clinical services from 1996 to 2004 had dropped from 555,000 services down to 187,000 services and projected in 2005 down to 183,000 services and yet they were going to spend \$200,000 on the consulting service and she found that unacceptable, that she would like for the Mayor to see the trend, it was very discouraging.

After further discussion, Mayor White stated that if they took the total number of dollars and divided them in the number of services one of the best ways that any provider could provide more services to the public was less overhead and more people in the field and thought that was where Mr. Williams was going, but she would get a briefing on it.

After further discussion, Council Member Khan stated that if there was a need for consulting services maybe they could do some internal consulting instead of spending a quarter of a million dollars for an outside consultant to tell them how to reorganize their departments.

26. ORDINANCE amending Ordinance Number 2004-0491 to increase the maximum contract amount; approving and authorizing first amendment to contract between the City and **HOUSTON ADVANCED RESEARCH CENTER** for Environmental Public Health Services - \$59,218.19 Grant Fund - was presented, and tagged by Council Members Khan and Sekula-Gibbs.
29. ORDINANCE appropriating \$273,000.00 out of Airport System Improvement Fund (561); authorizing purchase of 3.5 acres of land out of the A. R. Bodman Survey, A-141, Houston, Harris County, Texas, for Expansion of Bush Intercontinental Airport, CIP A-0421-05.1; approving purchase and sale agreement with the owner of the land (QAS, LTD.) - **DISTRICT B - GALLOWAY** - was presented, and tagged by Council Member Wiseman.
30. ORDINANCE approving and authorizing Duty Free Concession Agreement by and between the City of Houston and **THE NUANCE GROUP (HOUSTON) LLC** at George Bush Intercontinental Airport/Houston - Revenue - **DISTRICT B - GALLOWAY** - was presented, and tagged by Council Members Galloway, Wiseman, Khan, Holm, Sekula-

Gibbs and Green.

Council Member Khan stated that he had an opportunity to look into the contract and an opportunity to visit with some people on the contract who told him the process and thought that in the transportation committee Mr. Vacar made a presentation giving them all the information but he still had some serious concerns about the way they handled the contract, the criteria to evaluate different companies did not seem to be very objective, also when he looked into the offers that different people made one of the companies, who did not get the contract, their proposal was to pay \$1.05 per passenger at the international terminal versus The Nuance Group, who he believed, was only offering 55 cents, so there seemed to be somewhere that they were really not being objective or so it seemed to him, that he would like to meet with people some more to fully understand that, that it was a huge contract and was going to effect their international passengers quite a bit, that there were some concerns that he had and hoped that someone could give him an explanation or take a look again as to whether they were doing the right thing in this fashion. Council Member Goldberg absent.

31. ORDINANCE appropriating \$733,000.00 out of Airports Improvement Fund and approving and authorizing contract between the City of Houston and **WHITLOCK DALRYMPLE POSTON & ASSOCIATES, INC** for Professional Engineering Services at William P. Hobby Airport (Project No. 592); CIP A-0310 and A-0422; providing funding for the Civic Art Program financed by the Airports Improvement Fund - **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2005-0804 ADOPTED.
32. ORDINANCE appropriating \$96,791.96 out of Public Health Consolidated Construction Fund for Furnishings and Equipment for the Houston Department of Health and Human Services' Bureau of Animal Regulation and Care (BARC) Animal Control Center located at 2700 Evella, GFS H-0011-06-4 - **DISTRICT H - GARCIA** - was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2005-0804 ADOPTED.
33. ORDINANCE approving and authorizing second amended and restated Major Freeway Tow Agreements with Towing Company Operators and authorizing the Chief of Police to enter into contracts between the City of Houston and **ALLIED COLLISION CENTER, CANNINO WEST, INC, CORPORATE AUTO SERVICES, INC, FIESTA WRECKER SERVICE, KTL ENTERPRISES, INC, MILAM STREET AUTO STORAGE, INC, NATIONAL AUTO COLLISION, INC, NORTH HOUSTON MOTORS, INC, T & T MOTORS, UNIFIED AUTO WORKS** and **WESTSIDE WRECKER SERVICE, INC**, for Major Freeway Towing and Emergency Road Service \$1,500,000.00 - HPD Police Special Services Fund - was presented, and tagged by Council Members Wiseman and Sekula-Gibbs. Council Member Goldberg absent.

Council Member Sekula-Gibbs stated that she received a memo from Mr. Lewis that indicated that he had a conversation with Ms. O'Ryan and perhaps some other representatives from AAA and would ask if there as anything else that Mr. Lewis had to share with them. Council Member Goldberg absent.

Mayor White stated that he wanted to thank Mr. Lewis for his leadership and clear words in highlighting the fact that they needed a right balance, they did not need anybody getting a windfall and as he read Mr. Lewis's memo and then they finally identified somebody who might have authority to do something in California, that they said they would work with the City, they heard that before, and he thought maybe the Transportation Committee ought to get a briefing on this in due course from Mr. Lewis. Council Members Goldberg and Ellis absent.

Council Member Sekula-Gibbs moved to suspend the rules to hear from Mr. Richard Lewis, seconded by Council Member Khan. Council Members Goldberg and Ellis absent.

After further discussion by Council Members, a vote was called on the motion to suspend the rules to hear from Mr. Richard Lewis. Council Members Galloway and Quan voting no, balance voting aye. Council Members Goldberg and Ellis absent. MOTION 2005-0512 ADOPTED.

Upon questions by Council Member Sekula-Gibbs, Mr. Lewis stated that AAA Vice President of National Regulatory Affairs, based in California, Ms. Alice Boisno, called and they had a little bit of combative conversation in the beginning but towards the end it was constructive, they expressed a desire to be treated equitable or consistently with others in the industry and he assured them that was the City's intent and he suggested that there was so much mobility and safety benefits from the program and that they had been able to reduce their cost for towing services in the Houston area, that there was a strong case that they should support the program in a number of ways, direct pay being one of those, so he was optimistic that they were going to get a proposal from them (AAA) that they could begin to work with and work with the insurance companies, that they even offered to contact the manufacturer warranty providers, which was a source that he had not been able to corral yet, so he viewed it as optimistic but it had a lot of work to do with, that he told them that he would report to the Mayor the results of the conversation, they owed him an email that would kick around some ideas on how they could financially support the program and they were going to have a meeting with the other insurance providers and the tow operators as soon as he could schedule it. Council Members Lawrence, Goldberg, Alvarado and Ellis absent.

#### **APPROXIMATELY 10:15 A. M.**

Mayor White stated that the next item of business, they had posted for 10:15 a.m. Item Numbers 1 and 1A and asked the Controller to join them and they would take those items next before proceeding with the balance of the agenda, and recognized Ms. Parker, City Controller. Council Members Lawrence, Goldberg, Alvarado and Ellis absent.

1. Announcement by City Controller of the results of the electronic auction-style bidding for the sale of \$180,000,000.00 Tax and Revenue Anticipation Notes, Series 2005 - was presented. Council Members Goldberg and Ellis absent.

Ms. Annise Parker, City Controller, stated that they had just completed an online bid for the sale of their TRANS 2005 (Tax Revenue Anticipation Notes Series), that Council Members should have received a copy of the bids that were submitted and the winning three bidders were, JP Morgan Securities, \$50,000,000, a True Interest Cost of 2.62856%, Bank of America Securities, \$100,000,000, a True Interest Cost of 2.64799% and JP Morgan Securities, \$30,000,000, a True Interest Cost of 2.64857%, the Weighted Average True Interest Cost was 2.64269%, that they respectfully request that the Council accept the bids and approve the item.

- 1a. MOTION awarding the Sale of \$180,000,000.00 Tax and Revenue Anticipation Notes, Series 2005, based on the lowest true interest cost - was presented.

Council Member Khan moved to accept the award to JP Morgan Securities for \$50,000,000, Bank of America Securities for \$100,000,000 and JP Morgan Securities for \$30,000,000, seconded by Council Member Holm. All voting aye. Nays none. Council Members Goldberg and Ellis absent. MOTION 2005-0513 ADOPTED.

Mayor White stated that he wanted to thank the Controller for all of her good work. Council Members Goldberg and Ellis absent.

34. ORDINANCE approving and authorizing contract between the City of Houston and **JOHN L. WORTHAM & SON, L.P** for Insurance Broker of Record Services; providing a maximum contract amount - 5 Years - \$907,500.00 Insurance Revolving Fund - was presented, and tagged by Council Member Green. Council Members Goldberg and Ellis

absent.

35. ORDINANCE approving and authorizing second amendment to contract between the City and **MERCER HUMAN RESOURCES CONSULTING, INC** for Actuarial Valuation and Consulting Services; providing a maximum contract amount - \$400,000.00 - General Fund - was presented, and tagged by Council Member Wiseman. Council Member Ellis absent.

Council Member Holm stated that she understood where the contract was coming from but would request consideration in the future as they had the Pension Review Committee set up now and they met regularly, that items such as this, before they appeared on the agenda, go before the committee just for discussion so they were all on the same page and would know where the information was coming from and what the need was and they could all work together on it.

36. ORDINANCE approving and authorizing Professional Litigation Services Contract between the City of Houston and **ANDREWS & KURTH, L.L.P.** for Professional Litigation Support Services \$300,000.00 - Enterprise Fund - was presented. All voting aye. Nays none. ORDINANCE 2005-0806 ADOPTED.

Mayor White stated that as to the point that Council Member Holm made, they were looking for that person that was recommended by both the task force and the Council committee, and the search was being done in a thorough and professional manner, that when that individual comes on board, he thought, a lot of that type of responsibility would be able to be handled in a regular routine manner with a regular committee.

39. ORDINANCE appropriating \$3,056,000.00 out of General Improvements Consolidated Construction Fund; awarding construction contract to **MORGANTI TEXAS, INC** for Construction of Southwest Multi-Service Center; GFS D-0072-02-3; providing a maximum contract amount; setting a deadline for the bidder's insurance and other required contract documents; holding the bidder in default if it fails to meet the deadline; providing funding for engineering and testing, Civic Art Program, and contingencies relating to construction of facilities financed by General Improvements Consolidated Construction Fund - \$1,136,000.00 - Community Development Block Grant Funds - **DISTRICT F - KHAN** - was presented.

Council Member Quan stated that he had proposed the E library for this multi service center and the comments that they got back, the Mayor indicated that it was included and he just wanted to make sure as they approved the contract that would in fact happen.

Mayor White stated that it was his understanding, there was a term that he was not familiar with, but that they were going to have a deductive change order to reduce the amount and that amount would be set aside for a procedure for contracting for the construction of the E library, that one thing that he was curious about was that they had non profits who largely funded a prototype design and what he was interested in was making sure, that sometimes the way that design professionals, in good faith, charged to much was by reinventing the wheel on something that was done generically, that he would trust that Mr. Dadoush and his people and Council Members Quan and Khan, would make sure that if they had a generic design that they would not start from scratch.

Council Member Quan stated that he had spoken with Mr. Dadoush and had given him a copy of the CD of the design and he was familiar with the architectural firm and indicated that he would follow up in looking at that design so he would not start from scratch.

Council Member Khan stated that the deductive change order just meant that they would be taking something out of the design in order to accommodate the future E library, so there would be a reduction in the scope of work, that he thought that everybody who was part of the

process was in favor of the E library and the constituents in the area. Council Members Goldberg and Holm absent.

Council Member Sekula-Gibbs stated that it was a well deserved and very needed project for District F and she supported it, that she met with Mr. Dadoush and Council Member Khan and members of the Library Department as well over a year ago and they discussed the funding mechanisms for the project as well as the opportunities for design and at that time it looked like it was very difficult to come up with the funding and she was happy to see that it was going to happen in the near term. Council Members Goldberg and Holm absent.

A vote was called on Item No. 39. All voting aye. Nays none. Council Members Goldberg and Holm absent. ORDINANCE 2005-0807 ADOPTED.

43. ORDINANCE appropriating \$545,536.00 out of Public Health Consolidated Construction Fund; awarding construction contract to **ROYAL AMERICAN SERVICES, INC** for Roof Replacement at La Nueva Casa De Amigos and Sunnyside Health Center; GFS H-0018-03-3; setting a deadline for the bidder's insurance and other required contract documents; holding the bidder in default if it fails to meet the deadline; providing funding for contingencies relating to construction of facilities financed by Public Health Consolidated Construction Fund - **DISTRICTS D - EDWARDS and H - GARCIA** - was presented. All voting aye. Nays none. Council Members Goldberg and Holm absent. ORDINANCE 2005-0808 ADOPTED.
44. ORDINANCE appropriating \$1,224,112.00 out of Public Health Consolidated Construction Fund; awarding construction contract to **PARALLAX BUILDERS, INC** for Repairs to Parking Garage at 8000 North Stadium Drive; GFS H-0031-03-3; setting a deadline for the bidder's insurance and other required contract documents; holding the bidder in default if it fails to meet the deadline; providing funding for contingencies relating to construction of facilities financed by Public Health Consolidated Construction Fund - **DISTRICT D - EDWARDS** - was presented. All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2005-0809 ADOPTED.
45. ORDINANCE appropriating \$2,683,000.00 out of Public Health Consolidated Construction Fund; awarding construction contract to **TIMES CONSTRUCTION, INC** for Renovation of West End Health Center and West End Multi-Service Center; GFS H-0068-01-3; setting a deadline for the bidder's insurance and other required contract documents; holding the bidder in default if it fails to meet the deadline; providing funding for engineering and testing services, environmental services, construction management services and contingencies relating to construction of facilities financed by Public Health Consolidated Construction Fund - **DISTRICT H - GARCIA** - was presented. All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2005-0810 ADOPTED.
47. ORDINANCE appropriating \$11,771,339.00 out of Drainage Improvements Commercial Paper Series F, Fund 49R and approving and authorizing the purchase of Parcel LY3-002 and payment of the costs of such purchase and/or condemnation of such real property and associated costs for Appraisal Fees, Title Policy/Services, Recording Fees, Court Costs and Expert Witness Fees, for and in connection with and finding a public necessity for the **BRAYS BAYOU MITIGATION SITES PROJECT**; CIP M-0260-06-1 - **DISTRICT C - GOLDBERG** - was presented.

Council Member Goldberg stated that he wanted to thank the administration and Public Works for putting the item together, it was an incredible opportunity, that the land was where the mansion of the Meyer Family was, that they were able to agree on a price and it was going to be a great opportunity for the City to alleviate some flooding in that area, that one thing he would like to ask was that a lot of the retention ponds served a dual purpose of also incorporating a park and he would like to see if the Parks Department could look at this piece of property and

possibly make a park out of the 11 acres also, and Mayor White stated that they would make sure that was communicated to Mr. Turner, Director, Parks and Recreation Department. Council Member Holm absent.

A vote was called on Item No. 47. All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2005-0811 ADOPTED.

48. ORDINANCE appropriating \$594,550.00 out of Street & Bridge Consolidated Construction Fund for Local Match Funds for Construction of Texas Department of Transportation (TxDOT) Bikeway Project Columbia Tap Rails to Trails, GFS N-0420-22-3 (SB9155-01); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICTS D - EDWARDS and I - ALVARADO** - was presented, and tagged by Council Member Edwards. Council Member Holm absent.
49. ORDINANCE appropriating \$3,069,943.91 out of Drainage Improvements Commercial Paper Series F Fund; \$910,700.00 out of Water & Sewer System Consolidated Construction Fund; \$1,793,156.09 from the Community Development Block Grant Funds; awarding construction contract to **BEARDEN CONTRACTING COMPANY**, for Storm Sewer Improvements for the Kashmere Area, GFS M-0184-01-3 (SM-5034); 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 Drainage Improvements Commercial Paper Series F Fund, Water & Sewer System Consolidated Construction Fund and Community Development Block Grant Fund - **DISTRICT B - GALLOWAY** - was presented.

Council Member Galloway stated that she wanted to thank the administration and Mayor White for getting the project underway in the 2005 budget year and was sure the community was going to be excited about alleviating some of the flooding problems over there. Council Member Holm absent.

A vote was called on Item No. 49. All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2005-0812 ADOPTED.

56. ORDINANCE appropriating \$3,937,330.52 out of Street & Bridge Consolidated Construction Fund and \$419,779.08 from the Water & Sewer System Consolidated Construction Fund, awarding contract to **TOTAL SITE, INC** for Neighborhood Street Reconstruction Project No. 452, GFS N-0384-01-3 (SB9045); providing funding for engineering testing, construction and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund and the Water & Sewer System Consolidated Construction Fund - **DISTRICT C - GOLDBERG** - was presented. All voting aye. Nays none. Mayor White and Council Member Holm absent. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-0813 ADOPTED.
57. ORDINANCE appropriating \$837,767.85 out of Street & Bridge Consolidated Construction Fund No. 437, awarding contract to **NBG CONSTRUCTORS, INC** for Rehabilitation to Elysian Viaduct Bridge, GFS N-0445-05-3 (SB9005-03); providing funding for engineering testing, construction management, and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund No. 437 - **DISTRICT H - GARCIA** - was presented, and tagged by Council Member Garcia. Mayor White and Council Member Holm absent. Mayor Pro Tem Alvarado presiding.
60. ORDINANCE appropriating \$860,800.00 out of Street & Bridge Consolidated Construction Fund; awarding contract to **JERDON ENTERPRISE, L.P.** for Safe Sidewalk Program H1 Work Order Project, GFS N-0610A-H1-3 (SB9214-1); providing funding for engineering

testing, construction management, and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - was presented. All voting aye. Nays none. Mayor White and Council Member Holm absent. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-0814 ADOPTED.

Council Member Galloway stated that she would like to request the locations where they were going to restructure the sidewalks, and Mayor Pro Tem Alvarado stated that they would follow up on that. Mayor White and Council Member Holm absent. Mayor Pro Tem Alvarado presiding.

62. ORDINANCE appropriating \$1,200,000.00 out of Series E Commercial Paper Metro Projects Fund, Fund 49M, and \$490,000.00 out of Street & Bridge Consolidated Construction Fund, Fund No. 437, awarding contract to **JERDON ENTERPRISE, L.P.** for Construction of On-Call Intersection & Safety Improvements, GFS N-0662-25-3 (SB9139-07); providing funding for engineering, testing, project management, and contingencies relating to construction of facilities financed by the Series E Commercial Paper Metro Projects Fund - was presented. All voting aye. Nays none. Mayor White and Council Member Holm absent. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-0815 ADOPTED.

64. ORDINANCE appropriating \$1,465,800.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **RJ CONSTRUCTION COMPANY, INC** for West Belfort No. 3 Lift Station Replacement, GFS R-2011-27-3 (WW4808-01R); 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 C - GOLDBERG** - was presented. All voting aye. Nays none. Mayor White and Council Member Holm absent. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-0816 ADOPTED.

66. ORDINANCE appropriating \$6,206,980.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **INSITUFORM TECHNOLOGIES, INC** for Sanitary Sewer Rehabilitation by Cured-in-Place Pipe Method, GFS R-2013-12-3 (WW4258-17); providing funding for engineering testing services and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - was presented, and tagged by Council Member Galloway. Mayor White and Council Member Holm absent. Mayor Pro Tem Alvarado presiding.

Council Member Galloway stated that she was tagging the item, that she wanted some information, that it was approved by Affirmative Action at only 16% and normally it was a minimum of 17%, that she thought they needed to come up with a better MWBE goal requirement on this particular contract. Mayor White and Council Member Holm absent. Mayor Pro Tem Alvarado presiding.

67. ORDINANCE awarding construction contract to **C. E. BARKER, LTD.** for Construction of Water, Sanitary Sewer and Storm Drainage Systems serving Section Five of the Southway Subdivision; approving and authorizing an assignment of the construction contract to **SOUTHWAY BUSINESS PARK, LTD.**; CIP S-0800-D8-03 & R-0800-D8-03 (DPC-071) - **DISTRICT E - WISEMAN** - was presented, and tagged by Council Member Wiseman. Mayor White and Council Member Holm absent. Mayor Pro Tem Alvarado presiding.

#### **Items received during the meeting**

Council Member Khan moved to suspend the rules to consider Item Numbers 18, 19 and 70 at this time, seconded by Council Member Quan. All voting aye. Nays none. Mayor White

and Council Member Green absent. Mayor Pro Tem Alvarado presiding. MOTION 2005-0514 ADOPTED.

18. ORDINANCE approving and authorizing renewal contract for Programming Services between the City of Houston and **HOUSTON COMMUNITY COLLEGE SYSTEM** for Educational Access Channel - was presented. All voting aye. Nays none. Mayor White and Council Member Green absent. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-0817 ADOPTED.
19. ORDINANCE approving and authorizing renewal contract for Programming Services between the City of Houston and **HOUSTON INDEPENDENT SCHOOL DISTRICT** for Educational Access Channel - was presented. All voting aye. Nays none. Mayor White and Council Member Green absent. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-0818 ADOPTED.
70. ORDINANCE appropriating \$37,884,300.59 out of Tax Increment Funds for Reinvestment Zone Number One, City of Houston, Texas (Lamar Terrace Zone), Reinvestment Zone Number Two, City of Houston, Texas (Midtown Zone), Reinvestment Zone Number Three, City of Houston, Texas (Market Square Zone), Reinvestment Zone Number Four, City of Houston, Texas (Village Enclaves Zone), Reinvestment Zone Number Five, City of Houston, Texas (Memorial Heights Zone), Reinvestment Zone Number Seven, City of Houston, Texas (Old Spanish Trail/Almeda Corridors Zone), Reinvestment Zone Number Eight, City of Houston, Texas (Gulfgate Zone), Reinvestment Zone Number Nine, City of Houston, Texas (South Post Oak Zone), Reinvestment Zone Number Ten, City of Houston, Texas (Lake Houston Zone), Reinvestment Zone Number Eleven, City of Houston, Texas (Greater Greenspoint Zone), Reinvestment Zone Number Twelve, City of Houston, Texas (City Park Zone); Reinvestment Zone Number Thirteen, City of Houston, Texas (Old Sixth Ward Zone), Reinvestment Zone Number Fourteen, City of Houston, Texas (Fourth Ward Zone), Reinvestment Zone Number Fifteen, City of Houston, Texas (East Downtown Zone), Reinvestment Zone Number Sixteen, City of Houston, Texas (Uptown Zone), Reinvestment Zone Number Eighteen, City of Houston, Texas (Fifth Ward Zone), and Reinvestment Zone Number Nineteen, City of Houston, Texas (Upper Kirby Zone) for Affordable Housing, Administrative Expenses, Payment of Project Costs, Payments to the Houston Independent School District, the Humble Independent School District, Houston Housing Finance Corporation and Certain Redevelopment Authorities as provided herein - was presented. All voting aye. Nays none. Mayor White and Council Member Green absent. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-0819 ADOPTED.

#### **NON CONSENT AGENDA** - NUMBER 71

#### **MISCELLANEOUS**

71. RECEIVE nominations for new Positions 10 and 11 of the **MUNICIPAL EMPLOYEES PENSION SYSTEM BOARD OF TRUSTEES**, for three year terms to expire June 30, 2008 - was presented.

Council Member Sekula-Gibbs nominated Mr. Doug Cannon for Position 11 of the Municipal Employees Pension System Board of Trustees and had passed out his resume.

Mayor Pro Tem Alvarado nominated Mr. Richard Badger for Position 11 of the Municipal Employees Pension System Board of Trustees and had passed out his resume.

Council Member Ellis moved to close nominations for Position 11 of the Municipal Employees Pension System Board of Trustees, seconded by Council Member Garcia. All voting aye. Nays none. Mayor White absent. Mayor Pro Tem Alvarado presiding. MOTION

2005-0515 ADOPTED.

Council Member Green nominated Mr. Alfred Jackson for Position 10 of the Municipal Employees Pension System Board of Trustees and had passed out his resume.

Council Member Holm moved that nominations close for Position 10 of the Municipal Employees Pension System Board of Trustees, seconded by Council Member Quan. All voting aye. Nays none. Mayor White absent. Mayor Pro Tem Alvarado presiding. MOTION 2005-0516 ADOPTED.

**MATTERS HELD** - NUMBERS 72 through 74A

72. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,278,601.51 and acceptance of work on contract with **HORSESHOE CONSTRUCTION, INC** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods, GFS R-0266-11-3 (4257-27) - 02.72% under the original contract amount **DISTRICTS A - LAWRENCE; B - GALLOWAY; C - GOLDBERG; D - EDWARDS; F - ELLIS; G - HOLM; H - GARCIA and I - ALVARADO** - (**This was Item 37 on Agenda of June 15, 2005, POSTPONED BY MOTION #2005-496**) - was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Mayor White absent. Mayor Pro Tem Alvarado presiding. MOTION 2005-0517 ADOPTED.

73. ORDINANCE providing for the continuation of appropriations for the support of the City Government pursuant to the requirements of Article VIa, Section 1 of the City Charter; making other provisions related to the subject; containing a severability clause - (**This was Item 33 on Agenda of June 15, 2005, TAGGED BY COUNCIL MEMBER HOLM**) - was presented. Mayor White and Council Member Galloway absent. Mayor Pro Tem Alvarado presiding.

Council Member Ellis moved to postpone Item No. 73 at the end of the Council session, seconded by Council Member Khan. All voting aye. Nays none. Mayor White and Council Member Galloway absent. MOTION 2005-0518 ADOPTED.

At 10:55 a.m. Council Member Ellis moved to take a 10 minute recess, seconded by Council Member Khan. All voting aye. Nays none. Mayor White and Council Member Galloway absent. Mayor Pro Tem Alvarado presiding.

At 11:13 the City Council reconvened and Mayor White stated that there were some students present in the audience who were working with the Affirmative Action and Compliance Office and asked that they stand and be recognized.

Council Member Ellis moved to suspend the rules for the one minute rule per item for Item No. 74, seconded by Council Member Galloway. All voting aye. Nays none. Council Member Berry absent. MOTION 2005-0519 ADOPTED.

Mayor White stated that he wanted to make two points, that first, the administration agreed with the thrust or not, they would not agree with anybody increasing spending without something else cut, which he thought was consistent with the policy of the Fiscal Affairs Committee, and if they agreed with certain things, where certain works or studies needed to be done he would commit to them if they did not want to do it in an amendment form and would rather do it as a statement of administration policy they would be willing to be held accountable for those things he committed to in open session. Council Member Berry absent.

Mayor White asked if everyone had a copy of the Matrix that was prepared by the Director of F&A and requested the City Secretary to call the items as listed in the Matrix. Council

Member Berry absent.

74. Consideration of proposed amendments to Item 74A below, submitted in writing on June 15, 2005 by Council Members Quan, Sekula-Gibbs, Green, Berry, Lawrence, Goldberg, Edwards, Wiseman, Khan, Holm, Garcia and Alvarado as set forth in the attached Exhibits A through L – was presented.

74 - Exhibit G - 9.15 - Increase the current level of funding by \$50,000 for additional staffing in the Disabilities Department (Edwards) - was presented.

Mayor White asked Ms. Judy Gray Johnson, Director, Finance and Administration, if they had increased the funding year to year, and Ms. Johnson stated that there was an increase but it was not as much as \$50,000, she was not sure exactly how much but would find out. Council Member Berry absent.

Mayor White stated that he recalled directing that some increase be made in this budget because Ms. Kim King used money as about as effectively as he knew and if there was somebody who could give to Ms. Johnson the increase, he did not want to have the items passing where they increased an amount without identifying an offsetting amount. Council Member Berry absent.

Council Member Edwards stated that the only quantitative she would add was that Ms. King had a long waiting list primarily because she had staffing issues, she could not get to all of the people, they serviced the entire disabled community for the City of Houston, that she thought it was something that they should look at more closely as to how they serviced the people with disabilities and their access to City and Municipal services. Council Member Berry absent.

Mayor White asked that they attempt to identify additional funding and asked if there was any objection to an amendment to the amendment by Council Member Edwards, "to identify additional funding for additional staffing for the Disabilities Department", and if there was no objection the amendment was so amended, and with that they did not oppose it and he would ask the F&A Department to report to Council the amount of the year to year increase, seconded by Council Member Alvarado. Council Member Berry absent.

A vote was called on 74 - Exhibit G - 9.15 as amended. All voting aye. Nays none. Council Member Berry absent. MOTION 2005-0520 ADOPTED.

74 - Exhibit G - 9.8 - Increase the current level of funding by \$450,000 to the West Gray Multi-Service Center for playground equipment, programming, and staffing (Edwards) - was presented.

Council Member Edwards stated that she would pull the item down, that she was told the amendment was a more appropriate CIP and would submit it as a CIP, that she did not want it to be district specific so someone would have to tell her how to do that if it was just a general CIP item.

Council Member Ellis moved to table Item 74 - Exhibit G - 9.8, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2005-0521 ADOPTED.

Mayor White stated that they would follow through on the amendment, that in particular there was a task force that Ms. King was familiar with and following their meeting he had asked Mr. Turner, Ms. Marks, Ms. King and Mr. Dadoush to explore doing it or create another one for this purpose and he would ask that group report back to Council Member Edwards.

- 74 - Exhibit F - 8.9 - Appropriate any necessary funds to the Building Services Department that would provide for a database that will maintain a master list of all City of Houston properties (Goldberg) - was presented.

Mayor White stated that this was concerning the master database listing all City properties and asked Council Member Goldberg if he was able to find any additional information, and Council Member Goldberg stated that there was a sketchy list that each department maintained separately, there was not one combined list and since he made the amendment, which he did not know at the time, it cost over \$200,000 to put a master list of all departments together and Building Services did a zero based budget and did not budget for this money so he was going to withdraw the amendment, however he thought it was in the City's best interest to have one master list that all departments could go through.

Council Member Goldberg moved to table 74 - Exhibit F - 8.9, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2005-0522 ADOPTED.

- 74 - Exhibit G - 9.1 - Maintain the current level of funding for the arts (Edwards)- was presented.

Mayor White stated that the administration agreed with the amendment and a vote was called on 74 - Exhibit G - 9.1. All voting aye. Nays none. MOTION 2005-0523 ADOPTED.

- 74 - Exhibit G - 9.14 - Increase the current level of funding by \$100,000 to fund two (2) additional staff positions for Parades/Street Functions (Edwards) - was presented.

Council Member Edwards stated that she was not sure why they had to wait until the ordinance passed because it seemed obvious to her that there was a need for some structure and personnel dedicated to the department.

Mayor White stated that he understood it might have to do with who the people reported to, and Council Member Goldberg stated that it seemed like a catch 22 but it was not, in the Parade Ordinance they were going to put that responsibility in the Mayor's office, Special Events, but they could not handle it because they did not have the two FTEs so they did not put it in the Parade Ordinance it was still in Public Works, that the Parade Ordinance had not been passed yet and in the draft they could change it, they could put it in Mayor's Office of Special Events when they had two funded FTEs, or they could put in a provision that the Mayor's Office of Special Events would get to use the two FTEs when the Parade function was put in their department.

After further discussion by Council Members, Mayor White asked if Council Member Edwards would consider amending her amendment.

Council Member Edwards moved to substitute "the administration shall fund additional staff positions for parade street functions and report back to Council concerning the plan", seconded by Council Member Alvarado, and Mayor White stated that if there was no objection it was so ordered.

After further discussion a vote was called on 74 - Exhibit G - 9.14 as amended. Council Members Wiseman, Holm and Garcia voting no, balance voting aye. MOTION 2005-0524 ADOPTED.

#### **RELATING TO TRANSFER OF DEPARTMENTAL RESPONSIBILITIES**

- 74 - Exhibit K - 13.1 - C&E pays for Special Ops related to downtown patrol budget (Garcia) - was presented.

Council Member Garcia moved to substitute the following written amendment for 74 - Exhibit K - 13.1 - "HPD Special Ops looks to establish a policy for recovery of cost related to downtown policing responsibilities through the establishment of a stakeholders steering committee.", seconded by Council Member Berry.

Mayor White asked Council Member Garcia if he would accept by consent a substitution of the word "the administration" for "HPD Special Ops", and Council Member Garcia stated that he would and moved to allow him to substitute his proposed amendment, seconded by Council Member Berry.

A vote was called on the motion to allow Council Member Garcia to substitute a written motion for 74 - Exhibit K - 13.1. All voting aye. Nays none. MOTION 2005-0525 ADOPTED.

A vote was called on 74 - Exhibit K - 13.1 as substituted and amended. All voting aye. Nays none. MOTION 2005-0526 ADOPTED.

#### **Convention and Entertainment**

74 - Exhibit L - 14.1 - Direct CEFD to analyze event-parking rates in the Theater District and the surrounding area and make a recommendation regarding possible rate increases as a means of reducing theater-operating losses (Alvarado) - was presented.

Mayor White stated that the item was self explanatory and the administration did not oppose the item and a vote was called on 74 - Exhibit L - 14.1. All voting aye. Nays none. MOTION 2005-0527 ADOPTED.

74 - Exhibit B - 3.6 - The City of Houston shall facilitate efforts to create a public health district, the first step in the process of restructuring the city and county health departments into a comprehensive, integrated system (Sekula-Gibbs) - was presented.

Council Member Sekula-Gibbs stated that she thought it was an important concept that the Greater Houston Partnership had been supportive of by way of an executive level task force that had been working on the issue of how to better deliver health care with limited resources through the City, County, Hospital District and MHMRA and they needed to move forward. Council Member Garcia absent.

Mayor White stated that the administration opposed the amendment as it was drafted, that there was work being done every day to create a more integrated system in terms of customer service, neither the City nor the County believed it was efficient to merge functions as opposed to coordinating and defining functions.

After further discussion by Council Members, Council Member Goldberg moved to call the question, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Berry absent. MOTION 2005-0528 ADOPTED.

A roll call vote was called on 74 - Exhibit B - 3.6.

ROLL CALL VOTE:

Mayor White voting no	Council Member Garcia voting no
Council Member Lawrence voting no	Council Member Alvarado voting no
Council Member Galloway voting no	Council Member Ellis voting aye
Council Member Goldberg voting aye	Council Member Quan voting aye
Council Member Edwards voting no	Council Member Sekula-Gibbs voting aye
Council Member Wiseman voting no	Council Member Green voting no
Council Member Khan voting no	Council Member Berry voting absent.
Council Member Holm voting no	MOTION 2005-0529 FAILED

74 - Exhibit B - 3.5 - The Health and Human Services department Fiscal Year 2005 budget surplus of \$850,000 will be added to the Fiscal Year 2006 HHS budget in an effort to provide adequate health services to Houstonians (Sekula-Gibbs) – was presented.

Council Member Sekula-Gibbs stated that the services in the Health Department had been steadily reduced over the last 10 years, particularly since 1996 to the current time they had lost services, immunizations, well child visits and pregnant women checks, from about 550,000 to 180,000 a year and that was a serious loss of care for their patients throughout the City, that she was asking for her colleagues to restore the \$850,000 to the Health Department budget, that was going to cost 51 employees and they had the data to clearly show that those 51 employees were desperately needed to provide immunizations.

Mayor White stated that the administration opposed the amendment for the following reasons, first, they were not trimming the budget by \$850,000, the Council passed a budget and they had instituted a rule that just because somebody did not spend money that would not create a deduction when they went to submit their budget for the next fiscal year, on the other side they asked, how were those unexpended funds carried over, they were carried over in what was called the cash balances of the City, the cash balances were set at a level that was significantly up from historical levels designed to enhance the credit worthiness of the City, that essentially there was no magic way to increase a department's budget without taking it out of something that was currently budgeted to reserves of the City.

Council Member Ellis moved to call the question, seconded by Council Member Goldberg. Mayor White stated that if there was no objection it was so ordered.

A vote was called on 74 - Exhibit B - 3.5. Council Member Sekula-Gibbs voting aye, balance voting no. MOTION 2005-0530 FAILED.

74 - Exhibit C - 4.5 - Increase, by \$100,000, the Health and Human Services Department's current funding amount, for HIV prevention, for FY2006 (Green) - was presented.

Council Member Green stated that he would table 74 - Exhibit C - 4.5 until they could identify the funding source, that he had been working with the people with the Health Department to see where they could get the funds, seconded by Council Member Galloway. Mayor White stated that if there was no objection it was so ordered.

74 - Exhibit G - 9.6 - Increase the current level of funding to \$500,000 for HIV/AIDS outreach, and prevention services (Edwards) – was presented.

Council Member Edwards moved to table 74 - Exhibit G - 9.6 and 74 - Exhibit G - 9.7, seconded by Council Member Goldberg. All voting aye. Nays none. MOTION 2005-0531 ADOPTED.

74 - Exhibit G - 9.7 - Increase the current level of funding to \$500,000 for Hepatitis C education, outreach, and prevention services (Edwards) – was tabled by MOTION 2005-0531

74 - Exhibit E - 6.5 - Given growth in the Mobile Food Vendor Industry, increase the Mobile Food Unity Medallion Permit Fee to hire six additional sanitarians/food inspectors, which would fully ensure adherence to the City of Houston's Health Code and would mirror the six regions of the Neighborhood Protection Corps (Lawrence) – was presented.

Council Member Lawrence stated that she had meetings with the Police Chief and Health Department and both saw the need for the amendment, it was not only health inspectors increased for various things, green swimming pools and restaurants, the City basically had lost over half of their inspectors due to budget cuts in the last 8 years so they were down to a minimum amount and they could not service the neighborhoods and businesses properly and there was a definite need to increase, that she believed that the administration had said they would agree to evaluate but there were funding sources in other amendments.

Mayor White asked if it increased within the amount of fees, and Council Member Lawrence stated that could be looked at, that basically they were looking at inspectors going out into the quadrants set up by the neighborhoods. and help out in different things that maybe the code enforcement inspectors could not do or did not have time to do, that it may be a coordination one day a week depending on what was needed, that it needed to be looked at very seriously because of the cuts they had made, that she thought they had 65 inspectors about 8 years ago and now the numbers varied.

After a lengthy discussion Council Member Berry suggested that they come back to the item in an hour or so because he had a couple of questions that he would like answered that may address the item or would affect his vote on the item and asked how many permits did they have outstanding and what was the cost per FTE as a budgetary device for one of the inspectors, that it was a real Neighborhood Protection issue and thought there were a number of issues triggered by some of it, and moved to delay 74 - Exhibit E - 6.5 until the end of the agenda, seconded by Council Member Alvarado.

Mayor White stated that they added in the last fiscal year more food inspectors and he needed a little report on it, and Council Member Berry asked if they could get the amount of the fee for a mobile vendor as well.

A vote was called on the motion to postpone Item 74 – Exhibit E – 6.5 to the end of the agenda. All voting aye. Nays none. MOTION 2005-0532 ADOPTED.

Council Member Green moved to remain in session beyond the scheduled noon recess to complete the agenda, seconded by Council Member Wiseman. All voting aye. Nays none. MOTION 2005-0533 ADOPTED.

74 - Exhibit B - 3.7 - The City of Houston Health Department shall study the feasibility and financial structure of combining the Harris County Rabies/ Animal Control and the City of Houston Bureau of Animal Control and Care (Sekula-Gibbs) – was presented.

Mayor White stated that the administration agreed with the item, and a vote was called on 74 - Exhibit B - 3.7. All voting aye. Nays none. MOTION 2005-0534 ADOPTED.

74 - Exhibit F - 8.4 - Present to the appropriate Committee within 90 days of the

passage of the City of Houston Budget, a City Ordinance that would require all pet adoption facilities and pet sales enterprises to collect the City of Houston pet license fee (Goldberg) – was presented.

Council Member Goldberg stated that he thought the administration misunderstood, he was not asking for an ordinance within 90 days he was asking for a draft of a possibility of an ordinance in 90 days, just to bring a draft to the committee after the budget passed.

Mayor White stated that was a good point and the administration was not opposed, and a vote was called on 74 - Exhibit F - 8.4. All voting aye. Nays none. MOTION 2005-0535 ADOPTED.

74 - Exhibit F - 8.6 - Appropriate any necessary funds to the Health Department that would allow BARC to accept free chip scanners in order to scan all incoming stray animals collected (Goldberg) - was presented.

Mayor White stated that the people who manufactured the chips were willing to give to the City free of charge the appropriate scanners, that he saw the procedure and this would add another 30 seconds to that and there was no reason it could not be incorporated.

Mayor White stated that they agreed to accept the donated items and they did not object to this item, and a vote was called on 74 - Exhibit F - 8.6. All voting aye. Nays none. MOTION 2005-0536 ADOPTED.

#### **Health and Human Services**

74 - Exhibit L - 14.5 - Conduct a review of all fees charged by BARC to ensure that costs are covered and that fees designed to incentivize behavior are appropriately set (Alvarado) - was presented.

Mayor White stated that the administration agreed to the item, and a vote was called on 74 - Exhibit L - 14.5. All voting aye. Nays none. MOTION 2005-0537 ADOPTED.

74 - Exhibit A - 2.1 - Reduce the Houston Fire Department budget by \$7,000,000 by reducing the role of the HFD Academy. Hire only firefighters and paramedics who have already earned certification by the state of Texas. Train only fast track classes. Rationale: State provides funds for training of firefighters, emergency medical technicians and paramedics. The Texas Work Service pays tuition for minority students to attend training through Houston Community College. The teachers are HFD officers. We do not need to pay cadets during training. Graduates have 60 degree credits and an associate degree for the future. Local colleges providing this training include San Jacinto, College of the Mainland and Houston Community College, among others (Quan) – was presented.

After discussion by Council Members, Council Member Quan stated that he was willing to amend the budget amount that he was proposing to accommodate the people they had but he really wanted a true study, that he thought they needed to look carefully at how they did the training because they were sending more money to the Fire Academy and rebuilding burned buildings and they had the same thing, their officers were training their own people through HCC.

Mayor White asked Council Member Quan if he was suggesting to alter the amendment, and Council Member Quan stated that he did not know if he wanted to leave it open, and Mayor White stated that he would suggest an amendment as follows, "that within 90 days the Fire Department present an estimate of it's cost and effectiveness of training in the current system compared to other alternatives that may be available, and that the administration make a recommendation concerning whether to recommend what changes, if any, should be made to training to assure the greatest effectiveness, economies and the diversity of the individuals entering that training". Council Member Galloway absent.

Council Member Quan stated that he would be for that and would like a committee that would independently review that with the administration, that they needed fresh eyes looking at it. Council Member Galloway absent.

Mayor White asked if anyone objected to the amendment that he articulated as further amended by Council Member Quan. Council Member Galloway absent.

Council Member Green stated that he just wanted to be clear, he had taken the approach with Council Member Quan, if it was done by the Fire Department, with all due respect, he did not think that should be the group doing the study, he thought it should be coming from the Controller's office or some independent group and he would support that amendment. Council Member Galloway absent.

Council Member Quan stated that Council Member Green was right, he would like "an independent review" on it so he would accept that amendment. Council Member Galloway absent.

Mayor White stated that in that case he would restate the amendment to give them a little bit more time, he understood what they were saying and thought it was a good point, but to get an independent group together with people with knowledge and not shoot from the hip, and it also included people who may have fought fires somewhere, then it would take them more than 90 days and Council Member Quan stated that they only had a limited time on City Council and would like to see it before he left office, and asked that they aim at 90 days with maybe a possible extension if they just could not get it done, that he thought the data was there and the community colleges as well as the Fire Department could present that data to them pretty quickly, seconded by Council Member Khan. Council Member Galloway absent.

Mayor White stated that they would use their best efforts within 90 days to do an estimate with some independent evaluation and that could make recommendations concerning further data that they needed. Council Member Galloway absent.

Council Member Garcia stated that he did not oppose the amendment and asked whether the amendment still included a joint Fiscal Affairs and Public Safety Committee process, and Mayor White stated yes. Council Member Galloway absent.

Council Member Edwards stated that she would support the amendment if that was what the Council wanted to do, but it was the same old routine, they had the Tri Data studies and all the studies and had the information and did not know what they were going to study, that they took people from Fast Track and everywhere else and did not know why certification from HCC, since they trained them anyway, would be any different, and Mayor White stated that they would take it seriously. Council Member Galloway absent.

Mayor White stated that if there was no objection to the substitute amendment, hearing no objections, it was so substituted. Council Member Galloway absent.

A vote was called on 74 - Exhibit A - 2.1 as substituted. Council Member Edwards voting no, balance voting aye. Council Member Galloway absent. MOTION 2005-0538 ADOPTED AS

SUBSTITUTED.

- 74 - Exhibit G - 9.13 - Fund a study that speaks to the Management of HFD; to include, but not limited to, an Assessment Center for Sensitivity Training (Edwards) - was presented.

Council Member Edwards stated that she understood that the Tri Data Study had been done, and if there was an implementation of sensitivity training she had not seen it, that she had talked with Chief Boriskie in her office with some of his folks and they were talking about looking at some training programs and processes and what they would encompass, if they were in place she would like to know where they were and who was doing them, that also the assessment center, she did not know how long they could continue to do business as usual in the Fire Department and if it was all based upon a contract, then basically, they could do what they wanted to do as long as they did not have a contract and asked if that was correct, and Mayor White stated that right now there was a statute and they supported changes in the promotional system. Council Members Galloway, Holm and Berry absent.

After further discussion, Council Member Edwards stated that the Tri Data Study, as far as she had been able to determine, there were not too many things that they had adopted out of that recommendation, unless somebody could give her an updated list of what had been adopted. Council Members Galloway, Holm and Berry absent.

Mayor White stated that he understood what Council Member Edwards was saying and the administration would not oppose her amendment, so long as he was acting in good faith to her, they were going to scope it in a way that did not reinvent the wheel and builds upon what was done and one of those things would be to access those things in the Tri Data Study that could be implemented and which had not been implemented. Council Members Galloway, Holm and Berry absent.

A vote was called on 74 - Exhibit G - 9.13. All voting aye. Nays none. Council Members Galloway, Holm and Berry absent. MOTION 2005-0539 ADOPTED.

Council Member Edwards asked who determined what recommendations were implemented, was it the Fire Department or the administration, and Mayor White stated that it was some of both, to be very specific, that Chief Boriskie reported to him and Mr. Hall. Council Members Galloway, Holm and Berry absent.

- 74 - Exhibit H - 10.1 - Amend the Budget to replace previous staffing levels at Fire Station No. 94 by December 30, 2005 (Wiseman) – was presented. Council Members Galloway, Holm and Berry absent.

Council Member Wiseman stated that the amendment was to put back in place the companies of Fire Station No. 94 upon completion of the renovation of Fire Station No. 94, that it was extremely important for the Clear Lake community that they have this service. Council Members Galloway, Goldberg, Khan and Berry absent.

Council Member Sekula-Gibbs stated that she wanted to speak in support of Council Member Wiseman amendment, that they did need the service in the Clear Lake area. Council Members Galloway, Goldberg, Khan and Berry absent.

Mayor White stated that the administration opposed the amendment, that on December 30, 2005 the station would be fully staffed and operational, the estimates from Building Services and the Fire Department were April 2006, after a Certificate of Substantial Completion, that adoption of reassigning staff at a particular time and keeping the particular staff in tact as opposed to being reassigned to other stations who would be servicing that area was a

procedure that had been done in many different Council districts and every fire station was important, that they had to account for the cost of that, that he was completely sympathetic with what Council Member Wiseman was doing in representing her district and the people in Clear Lake and they were proud to be building a station there, but they had to live within budgets as they were reconstructing stations and for that reason the administration opposed the amendment. Council Members Galloway, Khan and Berry absent.

A roll call vote was called on 74 – Exhibit H - 10.1.

**ROLL CALL VOTE:**

Mayor White voting no	Council Member Garcia voting no
Council Member Lawrence voting no	Council Member Alvarado voting no
Council Member Galloway voting no	Council Member Ellis voting no
Council Member Goldberg voting no	Council Member Quan voting aye
Council Member Edwards voting no	Council Member Sekula-Gibbs voting aye
Council Member Wiseman voting aye	Council Member Green voting aye
Council Member Khan voting absent	Council Member Berry voting aye
Council Member Holm voting aye	MOTION 2005-0540 FAILED

74 - Exhibit H - 10.2 - Amend the Budget to reassign Company 94 to the Clear Lake area until such a time as Station No. 94 is reopened (Wiseman) – was presented. Council Member Khan absent.

Council Member Wiseman stated that the amendment was to address the need to reassign the company out in the Clear Lake area until such time that they were ready to occupy the building. Council Member Khan absent.

Mayor White stated that the administration opposed the amendment.

After further discussion by Council Members, a vote was called on 74 – Exhibit H – 10.2. Council Members Wiseman and Sekula-Gibbs voting aye, balance voting no. Council Member Khan absent. MOTION 2005-0541 FAILED.

**RELATING TO STUDIES AND POLICY DEVELOPMENT**

74 - Exhibit K - 13.10 - Conduct a pilot project where HFD & Health Department officials target neighborhoods with disproportionate number of emergency calls for EMS calls reduction in to dependency to 911 (Garcia) - was presented. Council Member Khan absent.

Council Member Garcia stated that as they knew they had been having a great deal of discussions regarding the amount of EMS calls that the Fire Department was having to deal with, 80% of the calls that came to the Houston Fire Department were EMS related, that he had been having discussions with the Fire Chief and Dr. Persse and Mr. Williams and they had done already quite a bit of work in terms of gathering data and thought there was tremendous opportunity to potentially affect the rate of calls by approximately 20% to 35% just by some input from paramedics and better utilizing the health clinics and by better coordinating area non profits that were providing medical related services in the community that they were already doing right now, so the amendment was an opportunity for them to change the way they were doing some business but provide some support to their paramedics and help take some pressure off of them and keep them at a more ready status and continuing to provide immediate response to critical medical emergencies. Council Members Galloway, Khan and Berry absent.

Mayor White stated that the administration was in support of doing such a pilot. Council Members Galloway, Wiseman, Khan and Berry absent.

After further discussion by Council Members, a vote was called on 74 - Exhibit K - 13.10. All voting aye. Nays none. Council Members Galloway, Wiseman, Ellis, Quan and Berry absent. MOTION 2005-0542 ADOPTED.

#### **RELATING TO SPECIFIC EXPENDITURE REDUCTIONS**

74 - Exhibit K - 13.9 - HFD pay raise with no increase in number of shifts to be worked (Garcia) – was presented. Council Members Galloway, Ellis, Quan and Berry absent.

Council Member Garcia stated that he thought they could gain a great deal of good faith and progress in the relationship between the political administration of the City and the Fire Department over the past years by giving them a pay raise in the budget without an increase in shifts to be worked and offered the following written substitute amendment to 74 – Exhibit K – 13.9:

“In Fiscal Year 2006, 12% HFD pay raise as proposed in budget maintaining current shifts and hours and require full minimum staffing of four fighters per apparatus.” Council Members Galloway, Ellis, Quan and Berry absent.

After discussion by Council Members, Mayor White stated that Council Member Garcia was proposing a substitute for his amendment and the administration and asked if anybody would object to the substitution and hearing none it was so ordered.

After further discussion by Council Members, a vote was called on 74 - Exhibit K - 13.9 as substituted. Council Members Lawrence, Garcia and Sekula-Gibbs voting aye, balance voting no. Council Members Galloway, Wiseman, Holm and Berry absent. MOTION 2005-0543 FAILED.

74 - Exhibit C - 4.3 - Require the Housing and Community Development Department to provide City Council with quarterly reports on available Homeless & Housing Bond Funds (Green) – was presented. Council Members Galloway, Wiseman, Holm and Berry absent.

Mayor White stated that the administration agreed with 74 - Exhibit C - 4.3, and a vote was called. All voting aye. Nays none. Council Members Galloway, Holm and Berry absent. MOTION 2005-0544 ADOPTED.

74 - Exhibit G - 9.5 - Fund a study on the local income median in relation to the income median used in the formula that determines Affordable Housing Requirements (Edwards) - was presented. Council Members Galloway, Holm and Berry absent.

Mayor White stated that the administration agreed with the amendment, but believed they could do it without consultants, and a vote was called on 74 – Exhibit G – 9.5. All voting aye. Nays none. Council Members Galloway, Holm and Berry absent. MOTION 2005-0545 ADOPTED.

74 - Exhibit B - 3.1 - The City of Houston will cap city spending for the Safe Clear program at the current level (Sekula-Gibbs) - was presented. Council Members Galloway, Holm and Berry absent.

Council Member Sekula-Gibbs stated that the Council, per proposal of Council Member Holm, issued a cap of about \$25,000 a month or \$300,000 a year on General Funds for SafeClear and that was currently in effect, but the Controller had indicated that the next year's budget on SafeClear was \$879,000 in General Fund dollars for SafeClear, today on the Council

agenda there was an item that indicated the administration's intentions of moving \$1.5 million in Metro money into the SafeClear Program for the upcoming fiscal year and this amendment to the budget was simply an attempt to reconcile all of those different amounts that the SafeClear budget was growing into, so her suggestion was that the SafeClear program be capped at current amounts, which were the \$879,000 that the Controller had indicated it would cost for Fiscal Year 2006, it would be a raise in the amount that Council Member Holm helped to pass at \$300,000, it would bring it up to the \$879,000, which was the more realistic number that the Controller had said. Council Members Holm, Garcia, Ellis, Green and Berry absent.

Mayor White asked if it was exclusive of the amounts reimbursed from Metro and the amounts collected in the fees from the drivers, and Council Member Sekula-Gibbs stated that was the total General Fund amount that would be paid by the taxpayers, it was inclusive of all revenues that they were going to get, not grant monies and not Metro money, and Mayor White stated that not the money that would be paid in as part of the fees for the drivers, the tow operators, and Council Member Sekula-Gibbs stated that was correct, it would be exclusive of that, and Mayor White stated that he wanted to understand it, excluding reimbursements for General Mobility Projects for the Metropolitan Transit Authority or monies collected by the individual operators she would cap it at the \$800,000 from the General Fund, and Council Member Sekula-Gibbs stated that yes, it was an attempt to state that they were going to try to stop the every growing increase in the amount of General Fund dollars for SafeClear, and Mayor White stated that if it was exclusive of the amounts identified by Metro, and exclusive amounts that were paid by the operators and using that \$800,000 figure by the Controller out of General Fund he thought that was a reasonable amount of financials and they did not disagree with that amendment. Council Members Holm, Garcia, Ellis, Green and Berry absent.

Council Member Wiseman stated that while she personally did not wish to see a dime of their General Fund go to that program she certainly supported a cap of any kind, so she appreciated the Council Member bringing it forward and would support her amendment. Council Members Holm, Garcia, Ellis, Green and Berry absent.

A vote was called on 74 - Exhibit B - 3.1. All voting aye. Nays none. Council Members Holm, Garcia, Ellis, Green and Berry absent. MOTION 2005-0546 ADOPTED.

74 - Exhibit B - 3.2 - Safe Clear shall be phased into a user pay system, requiring motorists who carry auto club, insurance and dealership towing coverage to reimburse the city for "free tows." (Sekula-Gibbs) - was presented. Council Members Holm, Garcia, Ellis, Green and Berry absent.

Council Member Sekula-Gibbs stated that this item was an attempt to bring some fairness to the SafeClear Program for the taxpayers who were now shouldering an unfair burden in many opinions that they were paying for the free tows with taxpayer dollars, that the citizens should be allowed to have the City collect on their behalf on auto clubs and from insurance that they had already paid for to provide these tows, that they had a good discussion of the issue yesterday, various companies like AAA, who provided about 300,000 policies to the citizens of Houston, they were collecting basically a windfall because of the SafeClear Program and this item would allow the City to go forward and begin to collect on the auto club and insurance products and begin to direct bill so it would be a user pay program from now onward, that she believed that Mr. Richard Lewis had indicated that there was a willingness on the part of the AAA executive level to work with the City on it. Council Members Holm, Ellis, Green and Berry absent.

Council Member Goldberg asked how would the City know which cars that they tow, the owners who had memberships and who did not, that he guessed they would have to do it on the honor system, that he did not know how to support it because he did not know how it would work. Council Members Lawrence, Holm, Ellis and Green absent.

Council Member Galloway stated that on the SafeClear and the tow she did not know how anyone could work it to go from free tow to go to a pay tow where they reimbursed. Council Members Lawrence, Holm, Ellis and Green absent.

Council Member Edwards stated that they had it with a \$50 tow that everybody paid that would cover it and they went through it all about how the poor people would not be able to do anything and if they had insurance they would pay the \$50 and AAA and all those people would reimburse their own clientele and they voted that down, that she agreed that there was no free tow, it would be paid for by the taxpayer and people still voted for it so she did not know what the problem was. Council Members Holm and Ellis absent.

Council Member Khan asked if it was not the administration's position that they were working with the insurance companies and the auto club companies like AAA to work out a direct billing system or something of that nature to address the issue, and Mayor White stated that yes, they were working on that, that they opposed this particular language because there was yet work to be done. Council Members Holm and Ellis absent.

After further discussion by Council Members, Council Member Berry moved to call the question, seconded by Council Member Green. No vote was called. Council Members Holm and Ellis absent.

Council Member Sekula-Gibbs moved to refer 74 - Exhibit B - 3.2 back to the administration, and Mayor White stated that they in turn would refer it to the transportation committee, seconded by Council Member Khan. All voting aye. Nays none. Council Members Holm and Ellis absent. MOTION 2005-0547 ADOPTED.

74 - Exhibit H - 10.4 - Amend the Police Special Services Fund to separate and adequately explain all funds associated with the SafeClear program and the red light camera program (Wiseman) - was presented. Council Member Holm absent.

Mayor White stated that the administration agreed to 74 - Exhibit - 10.4. Council Members Edwards and Holm absent.

Council Member Wiseman stated that she appreciated Mayor White's support of the item to make sure they had an easy way to understand exactly where the funds were coming from and going to with respect to the SafeClear Program and the Red Light Program. Council Members Edwards and Holm absent.

A vote was called on 74 - Exhibit - 10.4. All voting aye. Nays none. Council Member Edwards absent. MOTION 2005-0548 ADOPTED.

74 - Exhibit I - 11.2 - Analyze and develop a policy to allocate a percentage of Public Safety revenue to graffiti, gang violence, and prostitution enforcement (Khan) - was presented. Council Members Edwards and Berry absent.

Council Member Khan stated that he fully understood the explanation that the administration had given to him and he did not want to tie the Police Chief's hands and hinder his flexibility to meet the community's needs, that his only concern was when they were increasing the Police budget that they should also make sure that they were increasing the budget for crime prevention accordingly rather than increasing the budget only in some administrative area which did not emphatically result in additional crime fighting situations. Council Members Edwards and Berry absent.

Mayor White asked if Council Member Khan would consider referring 74 - Exhibit I - 11.2

back to the administration. Council Members Galloway, Quan and Berry absent.

Council Member Khan moved to refer 74 - Exhibit I - 11.2 back to the administration to ask the committee to look into it, seconded by Council Member Alvarado. Council Members Galloway and Quan absent.

After further discussion by Council Members, Council Member Goldberg stated that he wanted to know exactly the dollar figure of the allotment that was being increased. Council Members Galloway, Holm and Quan absent.

A vote was called on the motion to refer 74 - Exhibit I - 11.2 back to the administration. All voting aye. Nays none. Council Members Galloway, Holm and Quan absent. MOTION 2005-0549 ADOPTED.

74 - Exhibit I - 11.3 - Reclassify Police Department job code 4300 (Chief Technology Officer) to job code 4311 (Data entry operator) (Khan) - was presented. Council Members Galloway, Holm and Quan absent.

Council Member Khan moved to table 74 - Exhibit I - 11.3, and Mayor White stated that if there was no objection it was so ordered. Council Members Galloway, Holm and Quan absent.

### Police

74 - Exhibit L - 14.8 - Transfer the Lyons Ave. HPD Storefront (District H) to Denver Harbor Multi-Service Center (District I). CM Garcia is in agreement (Alvarado) - was presented. Council Members Galloway, Holm and Quan absent.

Mayor White stated that the administration had agreed to evaluate the transfer.

After further discussion by Council Members, a vote was called on 74 - Exhibit - 14.8. All voting aye. Nays none. Council Members Galloway, Goldberg, Khan and Quan absent. MOTION 2005-0550 ADOPTED.

74 - Exhibit H - 10.3 - Reduce line item 3330, Legal Services, in the Legal Department General Fund to the FY05 estimate - \$1,444,294 (Wiseman) - was presented. Council Members Galloway, Goldberg, Khan and Quan absent.

Council Member Wiseman moved to table 74 - Exhibit - 10.3, seconded by Council Member Ellis. All voting aye. Nays none. Council Members Galloway, Goldberg, Khan and Quan absent. MOTION 2005-0551 ADOPTED.

74 - Exhibit C - 4.1 - Municipal Court Administration must seek reimbursement of State court costs on Non-Sufficient Funds (NSF) checks. When a fine check is received, the COH pays the State court costs, up to \$73 per offense. If the check comes back as NSF, MCA does not seek reimbursement of the court costs from the State. This amount totaled nearly \$1 million in un-reimbursed payments to the State, over the past 5 years. The State credits current year obligations, with a credit up to 5 years prior (Green) - was presented. Council Members Galloway, Goldberg, Khan and Quan absent.

Council Member Green stated that he understood that once the new integrated case

management system was in place it would help with the issue and he just wanted to codify it so if the administration was unopposed they could just pass it and move on. Council Members Galloway, Goldberg, Khan and Quan absent.

Mayor White stated that they agreed with it, when the new integrated case management system was in effect and with that qualification that they would not do it until they had the capabilities of doing it there was no opposition to the item. Council Members Galloway, Goldberg, Khan and Quan absent.

A vote was called on 74 - Exhibit C - 4.1. All voting aye. Nays none. Council Members Galloway, Goldberg, Khan and Quan absent. MOTION 2005-0552 ADOPTED.

74 - Exhibit C - 4.2 - Municipal Courts Administration must change their policy on Non-Sufficient (NSF) checks to include sending a certified letter, which cites the Penal Code and states that in 10 days, if payment is not received, that matter will be referred for criminal prosecution (Green) - was presented. Council Members Galloway, Goldberg, Khan and Quan absent.

Council Member Green stated that he understood that they had not referred any defendants and they did not have to refer them, but he just wanted to make sure that they codified it and send a message that they were trying to do some internal collections on the NSF checks because he did not think they were doing that. Council Members Galloway, Khan and Quan absent.

Mayor White asked Council Member Green if he thought they should be referring them criminally, and Council Member Green stated that he did not want to send the message that they were just trying to prosecute everybody but there were some people who obviously if they had a "hot check" they may call and make arrangements and there were some who totally disregarded it, and Mayor White stated that they did not oppose it. Council Members Galloway, Khan and Quan absent.

A vote was called on 74 - Exhibit C - 4.2. All voting aye. Nays none. Council Members Galloway and Khan absent. MOTION 2005-0553 ADOPTED.

74 - Exhibit G - 9.4 - Fund a study of Public Parking in Urban and/or Dense Communities, relating to accessibility, creation and development (Edwards) - was presented. Council Members Galloway and Khan absent.

Council Member Edwards stated that this was put forth to look at parking availability in urban dense communities, where they were looking at challenges before commercial entities and residential areas and it was her understanding that Ms. Rambo was the person who was going to be doing that, and Mayor White stated that yes she was and stated that Council Member Alvarado was familiar with that and asked her to comment on it. Council Members Galloway and Khan absent.

Council Member Alvarado stated that a draft ordinance would be coming to a committee soon that entailed the responsibilities of the commission with oversight on parking between the Parking Commission and then the Parking Sub Committee of the Planning Department, between those two organizations there would be some oversight that had not been worked out exactly to which one on the residential, but those parking issues would be covered. Council Members Galloway, Khan and Holm absent.

After further discussion, Mayor White stated that he was not going to judge whether it was in house or outside but his instinct was that it was going to be a fair amount of both because

they had a lot of work to do in Montrose, Midtown and on parts of the Central Business District, and Council Member Edwards asked if she could meet with Ms. Rambo to give her some concerns up front and the conversations that they had in the community regarding the issue. Council Members Galloway, Goldberg, Khan and Holm absent.

Mayor White stated that with that clarification the administration did not oppose the item. Council Members Galloway, Goldberg, Khan and Holm absent.

A vote was called on 74 - Exhibit - 9.4. All voting aye. Nays none. Council Members Galloway, Goldberg, Holm and Khan absent. MOTION 2005-0554 ADOPTED

### **Municipal Courts**

74 - Exhibit L - 14.6 - Support increasing the technology fee on municipal court dispositions from \$4 to \$8 in the next legislative session (Alvarado) - was presented. Council Members Galloway, Goldberg, Holm and Khan absent.

Mayor White asked Ms. Johnson if there was any reason to oppose this amendment and Ms. Johnson stated no there was not. Council Members Galloway, Goldberg, Holm and Khan absent.

A vote was called on 74 - Exhibit - 14.6. Council Members Galloway, Goldberg and Holm absent. MOTION 2005-0555 ADOPTED

### **RELATING TO POLICY DIRECTIVES**

74 - Exhibit K - 13.7 - Formalize as a City program District H (Community Alliance for Responsibility Empowerment and Safety) C.A.R.E.S. right of way and weeded lot program (Garcia) - was presented. Council Members Galloway, Goldberg, Wiseman and Berry absent.

Council Member Garcia stated that he had this program in place for a about three months and it was, he thought, an important direct service program that would aid communities a great deal, that it started off with a relationship with the Probation Department to put probationers to work for their community service hours and had grown to a work and resume builder for homeless people and they had collected a great deal of trash and debris out of right-a-way and ditches and helping the elderly and disabled, that he was inclined to pull the item because he understood that the administration was not sure whether it was a budget item or not, that he wanted to put it into the budget because once they see the data and evidence on how they were changing business they would realize that there was a tremendous opportunity to really bring change to some of their most challenged neighborhoods.

Mayor White asked Council Member Garcia who he thought should have ownership, based on his knowledge of City government, of taking a look at what he was doing and seeing if it should be scaled up and how would they scale it up, and Council Member Garcia stated that he thought it would probably be Neighborhood Protection. Council Members Galloway, Goldberg, Wiseman and Alvarado absent.

After further discussion, Council Member Garcia moved to refer 74 - Exhibit K - 13.7 back to the administration, seconded by Council Member Quan. All voting aye. Nays none. Council Members Galloway, Goldberg, Wiseman and Alvarado absent. MOTION 2005-0556 ADOPTED

- 74 - Exhibit C - 4.4 - Increase of \$50,000, in the Parks Department's funding, for after-school enrichment programs for FY2006 (Green) - was presented. Council Members Galloway, Goldberg and Alvarado absent.

Council Member Green moved to table 74 - Exhibit C - 4.4, seconded by Council Member Quan. All voting aye. Nays none. Council Members Galloway, Goldberg and Alvarado absent. MOTION 2005-0557 ADOPTED

- 74 - Exhibit G - 9.2 - Maintain the FY00 level of funding for the City's After School Program (Edwards) - was presented. Council Members Galloway, Goldberg and Alvarado absent.

Mayor White asked if they had gotten an answer to the question they had on 74 - Exhibit G - 9.2, and Ms. Johnson stated that when they went back to the Year 2000 there was another grant that was used to enhance the program that particular year so the funding that year was a little higher than some of the other years, that was a one time grant that was used, and Mayor White asked if Ms. Johnson knew how much and Ms. Johnson stated yes, but asked if they could come back to that. Council Members Goldberg and Alvarado absent.

Council Member Edwards stated that she did not know what it meant that funding level for the program was adequate to meet program objectives, that was not the information she had and asked that someone give her something to show where that was she would like to see it.

Mayor White stated that they had not cut back on the program over the prior year, if they could refer 74 - Exhibit G - 9.2 back to the administration then they could help identify and get information going back historically as well as measuring deliverables, that Mr. Earl and Ms. McKenzie helped make five particular program changes earlier in the year and it was probably time that they got a report back on what the effectiveness of that had been.

Council Member Edwards moved to refer 74 - Exhibit G - 9.2 back to the administration, and would like to broaden the scope with the referral to include programs for children with disabilities because there were no after school programs, that she should have been more specific in that request because even if they decentralized it from West Gray and put it into all Parks and Recreation or something there needed to be some look at what they were doing to provide services for children with disabilities, seconded by Council Member Quan.

A vote was called on the motion to refer 74 - Exhibit G - 9.2 back to the administration. All voting aye. Nays none. Council Member Galloway absent. MOTION 2005-0558 ADOPTED

- 74 - Exhibit A - 2.5 - Increase budget of the Planning and Development Department to provide \$200,000 for acquisition of software, hardware and personnel for plan review of historical properties. Reduce current processing time of 30 days to 10 days (Quan) - was presented. Council Members Galloway

Council Member Quan stated that as they knew the way that they grew their City was by developing more properties and he consulted with the Greater Houston Builders Association about what concerns they had and one was dealing with areas where there may some type of historical significance for a property, that they only had one inspector to look at these and it took over 30 days before they came back with a report as to whether they could build or if there was a problem with it, that he was asking for more funding for that to reduce it to 10 days, but at this point he was willing to refer it back to the administration to work with them on that, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Galloway absent. MOTION 2005-0559 ADOPTED

Mayor White stated that the issue of historical preservation and what a database was, separate and apart from the ordinance, what properties they historically preserved, he thought that in the next fiscal year they needed to make a lot of improvements on this, that they had a Historical Commission and they ought to just make it a major thrust of what they did at Council, that he hoped Council Member Holm would take a look at the matter raised by Council Member Quan, what was their database and if they needed to devote resources to it, they should do it, and Council Member Holm stated that she appreciated that. Council Member Galloway absent.

74 - Exhibit A - 2.7 - Reallocate funds from mature TIRZ to assume cost of funding amendments 2.3 to 2.6 as allowed by amendments to state law (Quan) - was presented. Council Members Galloway and Green absent.

Council Member Quan stated that he agreed with the Mayor's principle that they could not propose anything or ask for any funding unless they had a source for the funding, that he had looked at his proposals and as far as funding, since they were all dealing with development and how they could revitalize communities, he was looking at TIRZ funding, that as they knew Senate Bill 771 passed and it allowed them to reevaluate the TIRZs where they could look at their budgets, for instance the Midtown TIRZ had unrestricted funds of over \$11 million and they knew that there were about three or four other TIRZs that also matured, the City did not have to go with the full participation that it had in the past, they could free potentially millions of dollars to fund other things, that was why he was looking for a funding source for his amendments and proposed that, that the comment from the administration was that TIRZ funding was not appropriate for these programs, they were dealing with development and TIRZ were created to help facilitate development and kind of thought they were consistent with the same purposes.

Mayor White stated that this would be the subject of Council Member Quan committee and the Fiscal Affairs Committee, a more thorough review of TIRZ that they had in the City.

Council Member Quan moved to table 74 - Exhibit A - 2.7 only to the extent that he had other amendments coming up that asked for funding and this was where the funding that he was looking at was coming from, so if Mayor White would consider that 74 - Exhibit A - 2.7 was a potential source for that funding, seconded by Council Member Khan. All voting aye. Nays none. Council Members Galloway, Alvarado and Green absent. MOTION 2005-0560 ADOPTED

74 - Exhibit A - 2.6 - Allocate \$1,000,000 to create a citywide database for all deed restrictions to improve the enforcement of deeds by the Planning Department and the Neighborhood Protection section of HPD (Quan) - was presented. Council Members Galloway, Alvarado and Green absent.

Council Member Quan stated that they had talked about it ever since he had been on Council, they needed to computerize their database dealing with deed restrictions, that people were misrepresenting whether there were deed restrictions or not, he proposed just to say that they get serious and put the problem away, that he looked to funding from potentially the TIRZ to help fund it. Council Members Galloway, Alvarado and Green absent.

After a lengthy discussion by Council Members, Council Member Edwards stated that she wanted to see if she could include her amendment in whatever decision was made on Council Member Quan's amendment regarding deed restrictions and planning, that they had Mr. Day at the rules and regulations committee talking about doing an ordinance to limit what could be done on private commercial properties, which was basically the same thing that the citizens were asking them to help them protect their homes, they were not asking for an ordinance they were just asking for a file where they could show people that they did have valid and legal deed restrictions on file and they were up to date and current, that she wanted to put her amendment

in with Council Member Quan's. Council Members Galloway and Goldberg absent.

Council Member Quan stated that he would be happy to consolidate the amendments, that a user fee could be applied if they needed to, just as they did title searches, do a deed search and they would charge them \$10 to recoup their cost. Council Members Galloway and Goldberg absent.

After further discussion by Council Members, Mayor White stated that he thought the most appropriate thing would be to have the administration report back to Council on a plan including increased resources to improve the enforcement of deed restrictions and to improve the accessibility of information for citizens who seek to enforce deed restrictions, that he thought that within 90 days was a reasonable amount of time and it would require someone senior from Legal and Planning and maybe some people from the outside and maybe some outside stakeholders who were knowledgeable in law and asked if Council Member Quan would consider that, and Council Member Quan stated that he would consider that, that the reason he had put a million dollars was that he wanted to show how serious they were about it, and Mayor White stated that it would make all of their life's better if they did more and could show that they did more, so now the only issue at the table was to identify involving more resources, their point was not to spend money but to say they would put the resources in, and Council Member Quan stated that if he could have that commitment from the Mayor he was willing to delete the amount of money at this stage.

After further discussion, Council Member Edwards stated that she did not support a 90 day period, that she though they had done enough studies through the years and would like to recommend that the administration give the charge to Council Member Quan as Chair of the Housing Committee to get this thing on the go, that they talked about it even to the point of saying there needed to be a deed restriction department that dealt with all of the inspectors and legal aspects and all of the recording aspects and all of the fee aspects were included into one department, that they had done the studies.

Council Member Edwards moved to ask Council Member Quan, as Chair of the Housing Committee, to take the leadership on it and have a statement of fact or paper analysis on it within 30 days, and Council Member Quan stated that they were willing to take it on under the Mayor's auspices, that he would need Mr. Walsh and Mr. Litke and others to work with them. Council Member Berry absent.

Mayor White stated that he thought it was a great idea, it was unconventional, that he wanted a task force and then they would concentrate their efforts, that he thought 30 days may be a little light, but that they figure out what it was and just recommend what they would do and Council Member Quan stated that they would work together on a task force and Mayor White could suggest the names of people to work with. Council Members Garcia and Berry absent.

Mayor White stated that Council Member Quan had made a substitute amendment along the lines of having a task force and recommendations back to the administration and Council, that they had already discussed how it would be constituted and if they could substitute that for 74 - Exhibit A - 2.6, which also consolidated, by consent, Council Member Edwards amendment, 74 - Exhibit G - 9.3 and if there was no objection to the substitution for 74 - Exhibit A - 2.6, by consent it was so ordered. Council Members Garcia and Berry absent.

A vote was called on 74 - Exhibit A - 2.6 as amended and substituted. All voting aye. Nays none. Council Members Garcia and Berry absent. MOTION 2005-0561 ADOPTED.

74 - Exhibit G - 9.3 - Develop and implement software for maintaining a Deed Restrictions Database (Edwards) - was presented. Council Members Garcia and Berry absent.

Council Member Edwards moved to table 74 - Exhibit G - 9.3 inasmuch as Council Member Quan agreed to include in Motion 2005-0561, seconded by Council Member Khan. All voting aye. Nays none. Council Members Garcia and Berry absent. MOTION 2005-0562 ADOPTED.

### **Public Works Department**

- 74 - Exhibit L - 14.9 - Implement an ordinance revision establishing a grease trap permitting process, which establishes trap cleaning standards (Alvarado) - was presented. Council Member Garcia absent.

Mayor White stated that the administration agreed with the amendment and a vote was called on 74 - Exhibit L - 14.9. All voting aye. Nays none. Council Member Garcia absent. MOTION 2005-0563 ADOPTED.

- 74 - Exhibit E - 6.1 - Create and fund two Hydrology Engineer positions, two Flooding and Drainage Inspector positions and one flood plain Plan Reviewer position within PWE (Lawrence) - was presented. Council Member Garcia absent.

Council Member Lawrence stated that the amendment was already in the budget and moved to table 74 - Exhibit E - 6.1, seconded by Council Member Khan. All voting aye. Nays none. Council Member Garcia absent. MOTION 2005-0564 ADOPTED.

- 74 - Exhibit G - 9.10 - Funding to hire two (2) Hydrologists/Engineers with backgrounds in Hydrology (Edwards) - was presented. Council Member Garcia absent.

Council Member Edwards moved to table 74 - Exhibit G - 9.10, 74 - Exhibit G - 9.11 and 74 - Exhibit G - 9.12, seconded by Council Member Quan. All voting aye. Nays none. Council Member Garcia absent. MOTION 2005-0565 ADOPTED.

- 74 - Exhibit G - 9.11 - Funding to hire two (2) Full-time Inspectors for the Office of Flood Plain Management (Edwards) - was presented, and tabled by MOTION 2005-0565. Council Member Garcia absent.

- 74 - Exhibit G - 9.12 - Funding to hire a Plan Reviewer for the Office of Flood Plain Management (Edwards) - was presented, and tabled by MOTION 2005-0565. Council Member Garcia absent.

### **RELATING TO POLICY DIRECTIVES**

- 74 - Exhibit K - 13.8 - All drainage & infrastructure projects be submitted to Council Flood & Drainage Committee for approval (Garcia) - was presented. Mayor White and Council Member Garcia absent. Mayor Pro Tem Alvarado presiding.

Council Member Edwards stated that she thought Public Works was already giving them a quarterly update on flooding and drainage projects and they reviewed them, and Mayor Pro Tem Alvarado stated that was correct.

Council Member Garcia stated that the intention of the amendment was as how he had seen how the Housing and Community Development Committee had operated working jointly with the Housing and Community Development Department and how there was a great deal of coordination and awareness with what Housing and Community Development was doing in

reaching the goals of that program then he was in strong support of making sure that the Flooding and Drainage Committee had some particular respect and authority in this regard as well, that they often got complaints from the neighborhoods that their drainage and flooding seemed to go unaddressed and un-responded to and that way it had an opportunity to get some review and recommendation to the administration in that regard, so his amendment was the same with the exception of changing "committee for review and recommendation" and not "for approval", seconded by Council Member Khan, and Mayor Pro Tem Alvarado stated that the administration accepted that motion to amend 74 - Exhibit K - 13.8. Mayor White absent. Mayor Pro Tem Alvarado presiding.

After further discussion, Council Member Garcia moved to table 74 - Exhibit K - 13.8, seconded by Council Member Quan. All voting aye. Nays none. Mayor White absent. Mayor Pro Tem Alvarado presiding. MOTION 2005-0566 ADOPTED.

- 74 - Exhibit A - 2.3 - Increase Planning and Development Department training budget by \$250,000 to provide accelerated training program for building permits to eliminate variation in interpretation of the building codes (Quan) - was presented. Mayor White absent. Mayor Pro Tem Alvarado presiding.

Council Member Quan stated that they all heard the stories of builders who came back and said they turned in their plans and then were told to fix some things and they fixed them and when they came back were told they had to do these things to and they came back, that it seemed there was a disparity in training or something and knew the administration had made a commitment that they only wanted the plans reviewed 1.2 times, they wanted a standard of 4 out of 5 on customer service, so they had asked that they increase their training budget to make sure the people were trained properly. Mayor White absent. Mayor Pro Tem Alvarado presiding.

Council Member Quan moved to refer 74 - Exhibit A - 2.3 back to the administration with the recommendation that they look into and follow the committee's recommendation, seconded by Council Member Khan. All voting aye. Nays none. Mayor White absent. Mayor Pro Tem Alvarado presiding. MOTION 2005-0567 ADOPTED.

- 74 - Exhibit A - 2.4 - Increase the budget of the Planning and Development/Water Department budget by \$500,000 to acquire software, hardware and provide data entry to update "As Built Plan" maps for builders and developers to properly locate water and sewer lines. This is especially required as redevelopment occurs in older portions of the city (Quan) - was presented. Mayor White absent. Mayor Pro Tem Alvarado presiding.

Council Member Quan stated that he was also hearing that when they were building things they suddenly ran into lines that were not there before and that the maps that the City had were outdated, so they needed to make a concerted effort to make sure that things were really where they were supposed to be, that he had talked to Mr. Paul Nelson and he had advised that they were spending as indicated, \$500,000 at this time, but to do the complete thing would take \$3 million. Mayor White and Council Member Edwards absent. Mayor Pro Tem Alvarado presiding.

Council Member Quan moved to refer 74 - Exhibit A - 2.4 back to the administration, seconded by Council Member Khan. All voting aye. Nays none. Mayor White and Council Member Edwards absent. Mayor Pro Tem Alvarado presiding. MOTION 2005-0568 ADOPTED.

- 74 - Exhibit D - 5.3 - Implement the expansion joint/crack sealing program in the

Public Works Department (Berry) - was presented. Mayor White and Council Member Edwards absent. Mayor Pro Tem Alvarado presiding.

Council Member Berry stated that he thought the administration had agreed to do \$500,000, and thought it was a great plan and thought they should do it.

A vote was called on 74 - Exhibit D - 5.3. All voting aye. Nays none. Mayor White and Council Member Edwards absent. Mayor Pro Tem Alvarado presiding. MOTION 2005-0569 ADOPTED. Note: On the matrix prepared by the administration the comment was "Public Works and Engineering will prepare a plan for an expansion joint/crack sealing program for FY06, to be funded from the Street & Bridge Construction Fund (no. 405) for \$500,000."

Council Member Wiseman stated that Council Member Berry should have amended 74 - Exhibit D - 5.3 and Mayor Pro Tem Alvarado stated that he had, but he did not state so, and Council Member Berry stated that he meant to and was hereby doing that and moved that MOTION 2004-0569 be amended to reflect the amount of \$500,000, seconded by Council Member Quan. All voting aye. Nays none. Mayor White and Council Member Edwards absent. Mayor Pro Tem Alvarado presiding. MOTION 2005-0570 ADOPTED.

74 - Exhibit J - 12.5 - The city will develop a policy for Fund 405 that restricts expenditures exclusively for street and bridge projects (Holm) - Mayor White and Council Member Edwards absent.

Council Member Holm stated that the amendment was an attempt to establish a usage for Fund 405 which she thought the administration was doing that and would amend 74 - Exhibit J - 12.5 to say the City was developing a policy within 90 days that would establish usage under Street and Bridge Projects for Fund 405, seconded by Council Member Khan.

Mayor White stated that they agreed with the motion to amend, and a vote was called on a motion to allow Council Member Holm to amend 74 - Exhibit J - 12.5. All voting aye. Nays none. MOTION 2005-0571 ADOPTED.

A vote was called on 74 - Exhibit J - 12.5 as amended. All voting aye. Nays none. MOTION 2005-0572 ADOPTED.

74 - Exhibit I - 11.5 - Develop a policy to gradually expand the scope of the Safe Sidewalk program to include areas where high pedestrian traffic exists (Khan) - was presented.

Council Member Khan stated that he just needed clarification, that he wanted as a priority to have the Safe Sidewalk Program extended to cover heavy pedestrian traffic area, and Mayor White stated that they had so much money for sidewalks and they were telling him that they did not know if they had good traffic pedestrian traffic counts, that he knew where Council Member Khan was coming from on the amendment.

Council Member Khan moved to refer 74 - Exhibit I - 11.5 back to the administration, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Quan absent. MOTION 2005-0573 ADOPTED.

#### **Public Works Department**

74 - Exhibit L - 14.10 - Consider an asphalt recycling process to repave major arterial roads. The process recovers two inches of the existing roadway and processes it as reconditioned asphalt. Machines are used to heat, mill, and rejuvenate the top two inches of a road

surface and then redistribute the material (Alvarado) - was presented. Council Member Quan absent.

Mayor White stated that the administration supported the amendment and a vote was called on 74 - Exhibit L - 14.10. All voting aye. Nays none. Council Member Quan absent. MOTION 2005-0574 ADOPTED.

74 - Exhibit G - 8.7 - Present to the appropriate Committee within 90 days of the passage of the City of Houston Budget a written policy regarding Storm Damage Clean-up procedures (Edwards) - was presented.

Council Member Goldberg stated that right now when there was storm damage people put their debris out in front but if the Mayor or administration had not declared that area as a storm damaged area they got ticketed for having their heavy trash out too early, that they needed a policy so people would know when their areas had been established as storm damaged so they would not be ticketed, and Mayor White stated that the administration supported the amendment.

A vote was called on 74 - Exhibit G - 8.7. All voting aye. Nays none. Council Member Quan absent. MOTION 2005-0575 ADOPTED.

74 - Exhibit H - 10.5 - Reduce line item 3335, Consulting Management Services, to the FY05 estimate - \$3,369,899 (Wiseman) - was presented. Council Members Holm and Quan absent.

Council Member Wiseman stated that the amendment was an effort to reduce the consulting management services which the Mayor had identified had been increased for the purposes of \$1.2 million for HPD Crime Lab review, of which they had already spent millions for that process, \$130,000 for HEC, \$200,000 for Mercer Actuarial Studies and \$1 million for the Red Light Camera Program, consulting services for that, that for that reason she thought their priorities should be placed elsewhere. Council Members Holm and Quan absent.

Upon questions by Mayor White, Ms. Johnson stated that the HEC Center one was related to the tower and radio communications and the interoperability efforts there, and Mayor White stated that the actuarial study was making sure they had actuaries looking over the shoulder of the pension to do it right, that the issue was on the additional funds, that he did not like consulting contracts hardly at all, but they had the \$1 million for the Photo Red Light Program and asked Ms. Johnson to explain that, and Ms. Johnson stated that the line item 3335 might not have been the best line item to use for that, it became one of those that was hard to say what the character of that program was but that was the cost of the whole program that had started and it of course it would indeed be paid for with the revenues that were coming in but they still needed to have a budget to get started with that program, but it was not consulting related to the program, that was the funding for the Red Light Project, it was not consulting related to it, it was the project. Council Members Khan, Holm, Quan and Green absent.

Mayor White stated that they opposed 74 - Exhibit H - 10.5 for the reasons of the need for the various programs, that they had already approved the Project Manager in the HPD Crime Lab. Council Members Khan and Green absent.

A vote was called on 74 - Exhibit H - 10.5. Council Member Wiseman voting aye, balance voting no. Council Members Khan and Green absent. MOTION 2005-0576 FAILED

74 - Exhibit B - 3.9 - The City of Houston shall amend the FY06 budget to retain the budgetary and accounting functions for city council on a full-time basis within the Finance and Administration Department

Budget and Evaluation Division (Sekula-Gibbs) - was presented. Council Members Khan and Green absent.

Mayor White stated that the administration agreed with the amendment.

Council Member Berry stated that he did not understand what they were trying to accomplish, and Mayor White requested that Ms. Johnson respond.

Ms. Johnson stated that in the proposed budget they had funded within the Mayor Pro Tem's office a person to assist with the budget work and advise Council Members of what their budget status was, that they had been doing that within Finance and Administration and wanted to improve that, that what they had decided to do instead was to have that person remain an employee of the Finance and Administration Department but they would set up an office in the Council area in the City Hall Annex so they would be more able to keep up with what was going on with the Council budgets. Council Members Khan and Green absent.

After further discussion by Council Members, a vote was called on 74 - Exhibit B - 3.9. All voting aye. Nays none. MOTION 2005-0577 ADOPTED.

74 - Exhibit G - 8.2 - Transfer all City Property Acquisition and Disposition responsibilities to Building Services Department except property acquisitions related to the Public Works and Engineering Department (Edwards) - was presented.

Council Member Goldberg stated that he had a discussion with Mayor White and he understood the seriousness of the problem and he was satisfied that Mayor White was going to take the proper procedures to remedy it so he would withdraw the amendment, and Mayor White stated that if there was no objection 74 - Exhibit G - 8.2 was withdrawn.

74 - Exhibit G - 8.8 - Place CIP Program Management for 2007-2011 in the Building Services Department (Edwards) - was presented.

Council Member Goldberg stated that instead of saying to put it in the Building Services Department to put it under direct control of the Mayor's office as Mayor White had suggested, that they all knew in the past that it had been two people that did not work under the Mayor's office, they worked in Aviation and C&E, Enterprise Funds, that he would like to see one person, full time, manage the CIP so when any Council Member called up and asked what stage was their project in, when was it going to happen, when was it going to be on the agenda, the CIP manager would know the answer and could file quarterly reports on all the CIP projects.

Mayor White stated that they would agree that there should be a designated person in charge of the CIP every year, that with that understanding and with that amendment as amended by consent, a vote was called on 74 - Exhibit G - 8.8 as amended. All voting aye. Nays none. MOTION 2005-0578 ADOPTED.

**RELATING TO TRANSFER OF DEPARTMENTAL RESPONSIBILITIES**

74 - Exhibit K - 13.2 - Building Services Department takes over HAS CIP Projects (Garcia) - was presented.

Council Member Garcia stated that he was hopeful that Mayor White had heard him and understood what his concerns were, and moved to table 74 - Exhibit K - 13.2, seconded by Council Member Lawrence. All voting aye. Nays none. MOTION 2005-0579 ADOPTED.

74 - Exhibit A - 2.8 - Adopt a policy requiring Strategic Purchasing to utilize the Reverse Auction process on commodities procurement contracts on as many opportunities as possible. Currently,

Reverse Auction has been used on approximately 42% of eligible procurement contracts (23 of 55). Indicates a potential savings of hundreds of thousands of dollars (Quan) - was presented.

Council Member Quan stated that for the longest they had been trying to implement a policy of using reverse auction more and more, that it seemed like it worked well and Council Member Ellis was also a strong proponent of reverse auction and the Purchasing Agent of the City had now adopted it more and more, that he would like that to be kind of their standard and only when it was not appropriate to use that they would not use it, that they had been able to save thousands, if not millions of dollars, because of it.

Mayor White stated that when somebody says to use it as much as possible, well possible was tough, so that what he thought was the difference, and Council Member Quan stated that he would amend the word "as possible" to "as practical", and Mayor White stated that if there was no objection it was so amended, that the administration did not oppose the amendment. Council Member Alvarado absent.

A vote was called on 74 - Exhibit A - 2.8 as amended. All voting aye. Nays none. Council Member Alvarado absent. MOTION 2005-0580 ADOPTED.

74 - Exhibit B - 3.4 - The City of Houston shall adopt a master plan for all departments that do not currently have a master plan in place (Sekula-Gibbs) – was presented. Council Member Alvarado absent.

Council Member Sekula-Gibbs stated that she would like to suggest that the departments, such as Fire, Police and Health, work within their own budgets to develop a Master Plan, such as they had with libraries and parks currently and thought that there would be funding available if they chose to direct and prioritize it, that it could be done over a period of time and they could look for those sources of funding from within the department and it would be a savings, that she would restructure the amendment in any way that the Mayor thought would be appropriate. Council Member Alvarado absent.

Mayor White stated that he thought it would be appropriate and based on what Council Member Sekula-Gibbs stated for the administration to report back in some time, certainly before year end, concerning the multi year budgets and planning processes within each of the departments, and they talked about to the extent that they had Capitol Improvements longer than five years, customer service goals and tie in with the operating budget, that he thought it would be an improvement in the procedure, so if Council Member Sekula-Gibbs would consider amending 74 - Exhibit B - 3.4.

Council Member Sekula-Gibbs moved to amend 74 - Exhibit B - 3.4 it to say "the administration should report back to Council within a year for each department for the department's multi year budget goals and planning processes, to include facility use", seconded by Council Member Khan. Mayor White stated that if there was no objection it was amended by consent.

A vote was called on 74 - Exhibit B - 3.4 as amended. All voting aye. Nays none. Council Member Alvarado absent. MOTION 2005-0581 ADOPTED.

74 - Exhibit D - 5.1 - Reduce the 2005 property tax rate by the equivalent of projected revenue reductions that would have resulted if a 7% cap on homestead valuations had been implemented in FY05 (Berry) – was presented. Council Member Alvarado absent.

Council Member Berry stated that Mayor White and the current City Council, as a majority, had the intention last year of reducing homestead tax increases to a 7% cap and knew that State Legislature would not let them do that, but they had effectively done that with a rate decrease, so he had the numbers from the administration and was convinced that they had achieved what they intended to achieve and was happy that taxpayers were paying less, as a percentage, than they were before due to the cap increase, that he appreciated the administration's support on that, that he did not know if he had to pull the amendment or they could vote on it.

Mayor White stated then when they said it was 2005 property tax rates, that they did what they did in 2005 and their property tax growth in 2006 that they were using for this budget, which was about 2%, and Council Member Berry stated that they actually did it in 2004, and Mayor White asked Council Member Berry what he wanted to do and Council Member Berry stated that he wanted to stay at 65, and Mayor White stated that would come up in September. Council Member Alvarado absent.

Council Member Ellis stated that he knew what his colleague wanted to do with the 7% cap on the homestead, but he did not understand the administration's explanation, their comments with regard to that because they reduced the tax rate but some people's appraisal values went up 10% on homestead and some remained at zero.

Council Member Berry stated that he thought the administration agreed with the spirit of what he was trying to do which was total revenues for the City, so he was comfortable with that.

Council Member Berry moved to table 74 - Exhibit D - 5.1, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Alvarado absent. MOTION 2005-0582 ADOPTED.

74 - Exhibit D - 5.2 - Require that private source funds paid to either enable or accelerate participation in a City program be used to increase the program budget unless otherwise authorized by City Council (Berry) - was presented. Council Member Alvarado absent.

[For example: The speed hump program has a finite budget used to install speed humps that have been requested by a neighborhood and verified by the Public Works Department to be necessary. Due to budget constraints, there can be significant delays in getting speed humps installed. Some constituents have expressed a desire to pay for the speed humps in their neighborhoods themselves to avoid delays. When this occurs, their speed humps are bumped up on the waitlist for installation. The private funds paid for speed humps do not, however, go towards increasing the number of speed humps installed. Instead, the private funds are deposited into the general fund to be used for any purpose. As a result, the speed humps for a neighborhood that chooses not to, or in most cases cannot, pay for speed humps get pushed further down the list. Private funds that are paid to enhance a program should be dedicated to that program and remain in that program's budget. While the City should always be willing to pay for and install necessary infrastructure, we should also encourage voluntary private contributions that will expand the amount of infrastructure that can be provided]

Council Member Berry stated that they had some constituents who wanted to pay for their

own speed humps, they were not willing to wait for the CIP and they thought it would be great, that it was \$2,200 to do it but what they found was that the money went to the General Revenue Fund and somebody that was in the CIP got bumped down, so his point was to dedicate those dollars in there and let them speed their project up because they were going to pay for it but not to penalize someone else in the order by throwing it into the General Fund where it would get diluted, if they were going to pay the \$2,200 that would go directly to Public Works where that expense was incurred, so it was a question of some accounting to do that, that would give people an incentive, if they had the money, to want to pay for their own, that it was great program and thought all of his colleagues should support it. Council Member Alvarado absent.

Mayor White stated that he was all for making sure that if citizens wanted to accelerate things or put money on things that would be done that they make it as user friendly as they possibly could. Council Members Edwards and Alvarado absent.

Council Member Berry moved to refer 74 - Exhibit D - 5.2 to the TIA Committee (Transportation Infrastructure and Aviation) and they could take it up then, seconded by Council Member Ellis. All voting aye. Nays none. Council Members Edwards and Alvarado absent. MOTION 2005-0583 ADOPTED.

74 - Exhibit E - 6.2 - Concerned with the Texas Municipal League's lack of consultation with the City leadership before this legislative session and their support and lobbying of legislation in direct opposition of the stated City goals and legislation. Therefore, I recommend the City of Houston withdraw its membership from the Texas Municipal League (Lawrence) – was presented. Council Members Edwards and Alvarado absent.

Council Member Lawrence stated that last year before the budget she had requested to meet with Texas Municipal League and they had a whole year to meet with her and they did not, that she and the Mayor met a couple of months ago on the group and it was recommended that they come back with her concerns and they had yet to call her office, that they pay over \$62,000 per year, that on their legislative session not one thing was asked, what did the City want them to carry, they went forth the first day of the legislative session and were against a property cap, they did not consider them in any way and had their own agenda, that the City paid more than anybody else and she thought they ought to pull out for at least one year and find out how much the City's membership meant to them, seconded by Council Member Berry.

After a lengthy discussion by Council Members, Council Member Goldberg moved to call the question, seconded by Council Member Alvarado. (NOTE: NO VOTE WAS CALLED)

A roll call vote was called on 74 - Exhibit E - 6.2

ROLL CALL VOTE:

Mayor White voting no	Council Member Garcia voting no
Council Member Lawrence voting aye	Council Member Alvarado voting no
Council Member Galloway voting no	Council Member Ellis voting aye
Council Member Goldberg voting aye	Council Member Quan voting no
Council Member Edwards voting no	Council Member Sekula-Gibbs voting aye
Council Member Wiseman voting no	Council Member Green voting no
Council Member Khan voting no	Council Member Berry voting aye
Council Member Holm voting aye	ORDINANCE 2005-0584 FAILED

Mayor White stated that he thought by the vote, and he would ask Ms. Travis to communicate, some source of dissatisfaction and concern by the City of Houston that with the dialog with the municipal league and thought they ought to have, as soon as the special session was over, a senior person with the municipal league come to the elected representatives of the

largest City in the State.

- 74 - Exhibit E - 6.3 - Direct the Finance and Administration Department to create an ordinance, for a fee based uniform process, to allow the placement of Cell Phone Antennas on City property. (Potential revenues of up to 5 million dollars a year for the City of Houston.) (Lawrence) – was presented.

Council Member Lawrence stated that they had a handout passed out which was the average antenna, that they met extensively with the cell phone companies, and what they had a chance of doing was now with technology antennas could be within a foot apart and most of the providers would put in the flagpole and five or six companies could use that flagpole, they did not have to have the ugly towers anymore, that on the second page they would see a picture of one of the flagpoles, if they had five providers that was \$7,500 a month that the City could be making, that they could ask the for three flagpoles and they would gladly do that.

Mayor White stated that the administration agreed with the amendment.

Council Member Holm asked if this was expanding in any way the ordinance of where the cell phone towers could go, was it just about the funding mechanism of it, and Mayor White stated that was correct.

A vote was called on 74 - Exhibit E - 6.3. All voting aye. Nays none. MOTION 2005-0585 ADOPTED.

- 74 - Exhibit E - 6.4 - Direct the Finance and Administration and Information Technology Departments to investigate and place a RFP to consolidate the repairs of all Motorola Radios within the City Departments such as HPD, HFD, Emergency Services and PWE. (Potential savings of 2 million annually) (Lawrence) – was presented.

After discussion by Council Members, a vote was called on 74 - Exhibit E - 6.3. All voting aye. Nays none. MOTION 2005-0586 ADOPTED.

- 74 - Exhibit G - 8.1 - Present to the appropriate Committee an outline of guidelines and policies for below fair-market leases or rentals of City property within 30 days of the passage of the City of Houston Budget (Edwards) – was presented.

Mayor White stated that the administration did not oppose the amendment, that it was a good idea.

Council Member Goldberg stated that he would amend 74 - Exhibit G - 8.1, instead of 30 days, 90 days, that since the task force had been working on it for a year and a half they would need that much time, but they told him that they still needed 90 days and he would accept that, seconded by Council Member Holm.

Mayor White stated that it would be sooner than 90 days, but if Council Member Goldberg gave them 90 days then everybody would have a cut at it, and if there was no objection it would be amended to 90 days, and asked that Ms. Johnson bring it up at next Tuesday's senior staff meeting and they would figure out who needed to do what next.

A vote was called on 74 - Exhibit G - 8.1 as amended. All voting aye. Nays none. MOTION 20-05-0587 ADOPTED.

- 74 - Exhibit G - 8.3 - Remove all expenditures for any City Employee's membership in an organization unless it is essential to their employment position (Edwards) - was presented.

Council Member Goldberg moved to withdraw 74 - Exhibit G - 8.3 because he thought that Council Member Holm had a more specific amendment, and Mayor White stated that if there was no objection 74 - Exhibit G - 8.3 was withdrawn.

- 74 - Exhibit G - 8.5 - Present to the appropriate Committee within 90 days of the passage of the City of Houston Budget, a plan to combine all City of Houston permits into one application and allow applicants to receive permits for a three-year period (Edwards) - was presented.

Council Member Goldberg stated that he wanted to amend 74 - Exhibit G - 8.5 to say that the City would study it, that there were permits like the Dumpster Permit that the store owners and people who had to apply for the permit would just as soon pay for three years and get that paperwork out of the way, that he was not saying they had to offer all of the permits like that but if they offered a three year permit, even on a voluntary basis, he thought it would help, that he wanted to amend that "the administration would study the issue".

Mayor White stated that they wanted somebody to compile what permits the retail merchants did, so they would start some where, and what they could do to consolidate that so that they could pay for everything once every three years.

Mayor White stated that if there was no objection to Council Member Goldberg motion to amend 74 - Exhibit G - 8.5 it was so ordered.

A vote was called on 74 - Exhibit G - 8.5 as amended. All voting aye. Nays none. MOTION 2005-0588 ADOPTED.

- 74 - Exhibit I - 11.1 - Analyze and develop a policy to revise the competitive procurement process to give preference to qualified local vendors (Khan) - was presented.

Council Member Khan stated that after talking to the administration he would like to make an amendment to take the word "and develop" out, seconded by Garcia. Council Member Wiseman absent.

Council Member Garcia stated that he wanted to speak in support of Council Member Khan amendment and it was in line to discussions they had about Aviation and other departments, that he thought they owed it to their local business partners who were contributing to their tax base, contributing to the quality of life, volunteering for the City and the communities and having children in the public schools, that he thought they owed a great deal to them and giving them some weight of preference. Council Members Wiseman and Berry absent.

Mayor White stated that he saw a one sentence comment and asked if it was entirely accurate, and Ms. Susan Taylor, Legal Department, stated that it was a shorthand summary of a page long memo, but it was in those procurements that were required to be done by statutory competitive bidding process, there were Attorney General opinions that indicated that a local preference in that environment was not allowed, but in other context it could be, that there had been and continued to be additional means of procurement methods that created some additional flexibility's for them that did not exist in the past. Council Members Wiseman, Quan and Berry absent.

Mayor White stated that he would ask that somebody in the Legal Department take a look

at the current case law on those things that were not, the lowest lump sump bidder, and tell them what general guidance and direction should be given to the department heads, that his mantra, value for the dollar, including track record of performance, commitment to diversity and commitment to Houston, and the third one they just needed to make it short and sweet on the third one, what they could and could not consider and he would tell them what they should and should not consider. Council Members Wiseman, Quan and Berry absent.

Mayor White asked if there was no objection to the amendment by Council Member Khan, hearing none a vote was called on 74 - Exhibit I - 11.1 as amended. All voting aye. Nays none. Council Members Goldberg, Quan and Berry absent. MOTION 2005-0589 ADOPTED.

74 - Exhibit I - 11.4 - Analyze and develop a policy that ensures that expenditures in the Civic Art Program are maintained within the district from where the funds are generated (Khan) - was presented. Council Members Goldberg, Quan and Berry absent.

Council Member Khan stated that a lot of projects were done in the district and they did not get to see the Civic Art Program funds back in the district, so after talking to the administration there were some changes they were proposing, "analyze for the development of a policy that increased expenditures in the Civic Art Program for the district from where the funds were generated", seconded by Alvarado. Council Members Goldberg, Quan and Berry absent.

Mayor White stated that it sounded that they should spend more in the districts, and Council Member Khan stated that when they had projects in the district, the Civic Art Program portion of it, most of the time the districts did not see those dollars back, what happens was that all of those dollars were lumped into a pool and then used at the Airport and things like that, that all he was asking was for them to take a look as to how they could increase Civic Art Program funding in the districts where the projects generated the money, and Mayor White stated that as he understood it the purpose would be to make recommendations concerning how more of the Civic Art Projects may be funded out in the community and Council Member Khan stated that was correct, and Mayor White stated that was the amendment being offered and asked if there was no objection to the substitute language and heard none. Council Members Goldberg, Quan and Berry absent.

A vote was called on 74 - Exhibit I - 11.4 as amended. All voting aye. Nays none. Council Members Goldberg, Quan and Berry absent. MOTION 2005-0590 ADOPTED.

No. 12.1 - The city will adopt the following policy for all departments for Memberships and Professional Fees to be implemented and reflected in every department's budget for FY05:

- The membership must be required in order for the employee to perform the duties for which he/she was hired.
- The employee must be an active participant in the organization (75% attendance at meetings).
- The membership must promote professional development.
- The membership must benefit the specific City of Houston department.
- The membership must be recommended by the Assistant Director with concurrence by the Deputy Director.
- Membership will be limited to employees per the following:
  - Pay grade 15 through pay grade 24, a maximum of one membership per employee.
  - Pay Grade 25 and above, a maximum of 2 memberships per employee (except pay grade 30 and

above may have third membership if appropriate and to the city's benefit. Must be approved by the director.)

- Membership must be limited to 1 per employee per Fiscal Year unless written justification for an additional membership is approved in writing by the department director.

74 - Exhibit J - 12.1 - The city will adopt the following policy for all departments for Memberships and Professional Fees to be implemented and reflected in every department's budget for FY05:

- The membership must be required in order for the employee to perform the duties for which he/she was hired.
- The employee must be an active participant in the organization (75% attendance at meetings).
- The membership must promote professional development.
- The membership must benefit the specific City of Houston department.
- The membership must be recommended by the Assistant Director with concurrence by the Deputy Director.
- Membership will be limited to employees per the following:
  - Pay grade 15 through pay grade 24, a maximum of one membership per employee.
  - Pay Grade 25 and above, a maximum of 2 memberships per employee (except pay grade 30 and above may have third membership if appropriate and to the city's benefit. Must be approved by the director.
- Membership must be limited to 1 per employee per Fiscal Year unless written justification for an additional membership is approved in writing by the department director (Holm) - was presented. Council Members Goldberg, Quan and Berry absent.

Council Member Holm moved to table 74 - Exhibit J - 12.1, 74 - Exhibit J - 12.2, 74 - Exhibit J - 12.3 and 74 - Exhibit J - 12.4, seconded by Council Member Galloway. All voting aye. Nays none. Council Members Goldberg, Quan and Berry absent. MOTION 2005-0591 ADOPTEDL

74 - Exhibit J - 12.2 - The city will adopt the following policy for all Licenses to be implemented and reflected in every department's budget for FY05:

- The license must be directly related to the employee's specific job requirements.
- The license must be certified by the State of Texas (Holm) – was presented and tabled by MOTION 2005-0591. Council Members Goldberg, Quan and Berry absent.

74 - Exhibit J - 12.3 - The city will adopt the following policy for all Travel to be implemented and reflected in every department's budget for FY05:

- Travel will be related to a current membership with direct benefit to current assigned position.

- The employee must be an active participant in the organization (75% attendance at meetings, active committee member, etc.).
- The travel must have an established value in networking with other governmental agencies.
- The absence of the employee will not impede his/her assigned duties.
- Out of town travel will be limited to executive personnel only (pay grade 30 and above) unless travel is approved in writing by the department director.
- Travel must be limited to no more than 1 trip per Fiscal Year (Holm) - was presented and tabled by MOTION 2005-0591. Council Members Goldberg, Quan and Berry absent.

- 74 - Exhibit J - 12.4 - The city will adopt the following policy for all local training (during duty hours) to be implemented and reflected in every department's budget for:
- The training must be required to perform assigned duties (i.e. defensive driving).
  - The subject must be relevant to specific job performance (Holm) - was presented and tabled by MOTION 2005-0591. Council Members Goldberg, Quan and Berry absent.

- 74 - Exhibit J - 12.6 - The city will conduct a meeting six months into FY 2006 to confirm that amendments approved during the budget process have been Implemented (Holm) - was presented. Council Members Goldberg, Quan and Berry absent.

Council Member Holm stated that she was asking that they actually have a firm meeting in six months to reevaluate and confirm that all the amendments approved today had been implemented, and Mayor White stated that they agreed with that. Council Members Goldberg, Quan and Berry absent.

A vote was called on 74 - Exhibit J - 12.6. All voting aye. Nays none. Council Members Goldberg, Quan and Berry absent. MOTION 2005-0592 ADOPTED.

- 74 - Exhibit J - 12.7 - The city will establish a process for program funding of nonprofit organizations:
- No more than 5 percent of the organization's operating budget will be funded using any combination of city funds.
  - All funding must be designated for specific programs (no administrative or operating costs).
  - Establish program criteria for nonprofits to apply for funding from the city (Holm) - was presented. Council Members Goldberg, Quan and Berry absent.

Council Member Holm stated that the amendment was about some of the funding mechanisms, they had so many incredible non profit organizations in the City that did outstanding work and they also had a lot of needs in the City that they were unable to fund, that as times got tougher, more and more, she thought, people were going to be looking to the City to fund some of their programs, no matter how good they were, so she would amend 74 - Exhibit J - 12.7 to withdraw items 1 and 2, that dealt with the percentage of funding and how it

was funded, but would maintain item 3 because she thought as they were approached more and more to be grantor's, basically, they had to have a program that sets the criteria and each of the non profits needed to be able to come forward and meet that criteria before they could apply and be accepted for funding by the City. Council Members Quan and Berry absent.

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Mayor White asked for if there was any objection to the substitute amendment and hearing none, so ordered. Council Members Khan, Quan and Berry absent.

Council Member Garcia stated that he supported the item but just to be sure on the program criteria that they really emphasize business plans, that SEARCH was a great example of someone who really did a tremendous amount of due diligence and it appeared that the City was their last option rather than the first. Council Members Khan, Quan and Berry absent.

Council Member Edwards stated that she agreed in principle but thought they already had criteria, that she was not aware that they did not have one, that she thought all the agencies that did funding had criteria, and Council Member Holm stated that she thought they absolutely had criteria and met general guidelines, that she thought it was probably true with some of the grant money, but money that came out of the General Fund was not. Council Members Quan and Berry absent.

Council Member Galloway stated that she had the same concern that Council Member Edwards had, and wondered if Council Member Holm meant prioritizing the most needy, to make sure they got the funding first, because she did not understand Council Member Holm's criteria because it particularly stated that in order for them to be eligible to receive any funds, was that not already in place. Council Members Quan and Berry absent.

Mayor White stated that the biggest hole that he knew of had to do with the use of property and sub market leases, that was where there was a hole in the criteria.

A vote was called on 74 - Exhibit J - 12.7 as amended. Council Member Edwards voting no, balance voting aye. Council Members Quan and Berry absent. MOTION 2005-0593 ADOPTED.

#### **RELATING TO POLICY DIRECTIVES**

74 - Exhibit K - 13.3 - Implementation of departmental performance measures as it relates to total days from inception of 3-1-1 calls to corrective action taken (Garcia) - was presented. Council Members Quan and Berry absent.

Council Member Garcia stated that when he looked at the budget he saw particular performance measures but did not see the number of days that it took for a citizen to call and make a department aware of something and the corrective action that occurred with that call, that he understood that there may be some systemic abilities to measure, but when they talked about the value of government and the value of budgeting he thought that citizens were looking for them to measure their ability to effectively deliver service and deliver it in a meaningful way, that was the intent of his amendment, to measure the number of days it took for corrective action to happen. Council Members Alvarado, Quan and Berry absent.

Council Member Lawrence stated that she agreed with Council Member Garcia, that she thought 311 had made leaps and bounds in the last year and she looked for that to be the next thing, that a constituent could call it in and in a week could go to the 311 site or some designated site and find out what had been or a little more information. Council Members Goldberg, Alvarado, Quan and Berry absent.

After further discussion, Mayor White stated that they would have a Mayor's Report on it and they could tell him what they wanted to see. Council Members Goldberg, Quan and Berry

absent.

Council Member Garcia moved to refer 74 - Exhibit K - 13.3 back to the administration pending the Mayor's Report, seconded by Council Member Khan. All voting aye. Nays none. Council Members Goldberg, Quan and Berry absent. MOTION 2005-0594 ADOPTED.

Mayor White stated that they would do a Mayor's Report on it. Council Members Goldberg, Quan and Berry absent.

#### **RELATING TO POLICY DIRECTIVES**

74 - Exhibit K - 13.4 - Performance Measures must remain the same when departmental dollars are transferred, unless Council approval is given (Garcia) - was presented. Council Members Goldberg, Quan and Berry absent.

Council Member Garcia stated that this was pretty much in line with Council Member Holm amendment, 74 - Exhibit J - 12.6, that when they passed the budget he wanted to be confident that the directors knew what they were doing when they gave them the budgets, that he thought the City Council, because they had to answer to their constituency, deserved some ability to hold the department directors accountable. Council Members Goldberg, Ellis, Quan and Berry absent.

Mayor White asked Ms. Johnson if there was any reason why they should object to Council Member Garcia amendment, and Ms. Johnson stated no, that the way Council Member Garcia explained it was talking about making sure that the departments were doing what they set out to do. Council Members Goldberg, Ellis, Quan and Berry absent.

Council Member Khan stated that they had to be careful when they say the performance measures should remain the same, that many times they transfer tasks and they expect improvement, so it was limited if the department wanted to take care of some new task, it limited their opportunity to improve it because the performance measures were going to remain the same, that he thought they had to look at it that way also. Council Members Goldberg, Ellis, Quan and Berry absent.

Council Member Edwards stated that she appreciated what Council Members Holm and Garcia were attempting to do and were doing, but did they not address that issue in the monthly MOFAR meetings and when they looked at the reports that F&A and the Controller gave them, that they did not have performance measures tied to it but maybe they could just add it to that process. Council Members Goldberg, Ellis, Quan and Berry absent.

Mayor White stated that he thought that as drafted and explained and with the qualifications that they did not want to hinder additions or changes the amendment was something that they could support. Council Members Goldberg, Ellis, Quan, Sekula-Gibbs and Berry absent.

A vote was called on 74 - Exhibit K - 13.4. All voting aye. Nays none. Council Members Goldberg, Ellis, Quan, Sekula-Gibbs and Berry absent. MOTION 2005-0595 ADOPTED.

#### **RELATING TO POLICY DIRECTIVES**

74 - Exhibit K - 13.5 - Require oversized commercial truck vehicles to purchase special permit and use money to fund:  
A) Truck Enforcement Unit overtime and equipment  
B) PWE to provide for repairing routes most frequently taken by such vehicles (Garcia) - was presented.

Council Members Goldberg, Ellis, Quan, Sekula-Gibbs and Berry absent.

Council Member Garcia moved to refer 74 - Exhibit K - 13.5 back to the administration because it was a work in progress, seconded by Council Member Holm. All voting aye. Nays none. Council Members Goldberg, Quan, Sekula-Gibbs and Berry absent. MOTION 2005-0596 ADOPTED.

#### **RELATING TO POLICY DIRECTIVES**

74 - Exhibit K - 13.6 - Partner with Harris County on a regional centralized radio Management system (Garcia) – was presented. Council Members Goldberg, Quan, Sekula-Gibbs and Berry absent.

Council Member Garcia offered the following substitute amendment:

“Conduct a study to determine feasibility of a regional centralized radio Management system partnering with Harris County and other public safety agencies.” Council Members Goldberg, Quan, Sekula-Gibbs and Berry absent.

Council Member Garcia stated that he had discussed the substitute with Chief Storemski and he was in agreement. Council Members Goldberg, Quan and Berry absent.

Mayor White asked if there was any reason to oppose the item, and heard none.

Mayor White stated that Mr. Hall had been a strong right hand on some of the radio things because vendors came at them in waves and they did not always have the interest of the public entities in mind, that he wanted to make sure that they did the right thing with the right people, that if they said ‘conduct a study’ that would be acceptable, that he just did not have the benefit of his advice right now.

Council Member Garcia stated that the original intent was to consolidate the City of Houston radio systems, and then secondly since their system was so antiquated they were looking at \$150 million in possible expenses to upgrade their system and Harris County already had something in place and he was just trying to push them in the direction of having meaningful discussions with the County.

Mayor White stated that they did not oppose 74 - Exhibit K - 13.6 as substituted, and a vote was called on 74 - Exhibit K - 13.6. All voting aye. Nays none. Council Members Goldberg, Quan and Berry absent. MOTION 2005-0597 ADOPTED.

#### **Finance and Administration**

74 - Exhibit L - 14.2 - Future Cable TV agreements must serve entire city (Alvarado) – was presented. Council Members Goldberg, Quan and Berry absent.

Council Member Alvarado stated that Council Members Goldberg and Garcia had addressed this when they did the last franchise agreement, she was trying to put a policy in place by asking the administration to put something together and thought there was already a draft out there, that this would effect all future cable franchise agreements, that she knew there was talk that the issue might come back during the special session so she would ask that the administration try to bring something forward as soon as possible. Council Member Quan absent.

Mayor White stated that if they could understand that they should develop a policy

requiring the build out of franchisees, and asked if there was any reason they should have an objection to it.

Council Member Ellis stated that they had some cable franchises that did not build out the complete City, and Ms. Johnson stated that the policy would apply to future agreements.

Council Member Alvarado moved to call the question.

Mayor White stated that in general they wanted services to be available to all the citizens, for example the original cable was originally awarded as five franchises but they had a requirement of universal coverage for the whole City.

A vote was called on 74 - Exhibit L - 14.2. All voting aye. Nays none. Council Member Quan absent. MOTION 2005-0598 ADOPTED.

#### **Finance and Administration**

- 74 - Exhibit L - 14.3 - Expand COH fleet programs to reduce emissions – (PWE and Solid Waste already implementing these initiatives)
- a. Retrofits with exhaust after-treatment devices
  - b. use of alternative fuels
  - c. Repowering engine replacement)
  - d. Scrapping and replacing older equipment
  - e. engine repairs and rebuilds to maximize performance
- (Alvarado) - was presented. Council Member Quan absent.

Mayor White stated that the administration agreed with 74 - Exhibit L - 14.3, and a vote was called. All voting aye. Nays none. Council Member Quan absent. MOTION 2005-0599 ADOPTED.

#### **Finance and Administration**

- 74 - Exhibit L - 14.4 - Request TABC to increase fees associated with alcohol licenses – new and renewals (Alvarado) - was presented. Council Member Quan absent.

Council Member Alvarado stated that she understood this could not be done unless something had been done through the Legislature and she had not gotten an answer back if there was something that was approved in the Legislature to raise these fees and if there had been she would ask that the City request, she was not sure exactly what the process was once it had gone through the Legislature, if it was automatic or if the City had to make the request to TABC, and would refer to Council Member Lawrence. Council Member Quan absent.

Council Member Lawrence stated that this came forward and was defeated in the last Legislative session so it was something they might want to consider next time and bring it forward.

Council Member Alvarado moved to table 74 - Exhibit L - 14.4, seconded by Council Member Khan. All voting aye. Nays none. Council Member Quan absent. MOTION 2005-0600 ADOPTED.

- 74 - Exhibit A - 2.2 - Expand the new Southwest Multi-service Center on Highstar to include an E-Library of between 5,000 and 6,000 sq. feet. Funding of the library shall be through general funds or a Community Development Block Grant for up to \$1,000,000 (Quan) - was

presented. Council Member Quan absent.

Council Member Khan stated that this was the same as 74 - Exhibit I - 11.6, that he understood that Mayor White agreed to have the E library in that facility and just wanted Mayor White to comment on it and decide which way he wanted to handle the two amendments. Council Members Goldberg and Quan absent.

Mayor White stated that he would just table, it was going to be in the CIP and was going to be done in a contract, which they discussed at Council. Council Members Goldberg and Quan absent.

Council Member Khan moved to table 74 - Exhibit A - 2.2 and 74 - Exhibit I - 11.6, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Goldberg and Quan absent. MOTION 2005-0601 ADOPTED.

74 - Exhibit I - 11.6 - Expand the new Southwest Multi-service Center on Highstar to include an E-Library. Funding of the library shall be through general funds or a Community Development Block Grant (Khan) - was tabled by MOTION 2005-0601. Council Member Quan absent.

74 - Exhibit B - 3.3 - The City of Houston shall adopt a policy to put all our efforts into maintaining our existing buildings and to provide the funding necessary to bring the structures to their highest standards before constructing new buildings unless a clear need is demonstrated (Sekula-Gibbs) - was presented. Council Members Goldberg and Quan absent.

Council Member Sekula-Gibbs stated that the item related to a policy issue of establishing good service for existing buildings before they initiated more construction, whether it be multi service centers or health clinics or libraries and it just implements good management of existing structures and Mayor White stated that it was related to CIP.

Council Member Sekula-Gibbs moved to refer 74 - Exhibit B - 3.3 back to the administration, seconded by Council Member Khan. All voting aye. Nays none. Council Members Goldberg and Quan absent. MOTION 2005-0602 ADOPTED.

Mayor White stated that they got the point on the amendment and it was important. Council Members Goldberg and Quan absent.

74 - Exhibit B - 3.8 - The administration shall authorize a study to create a tunnel connecting the new Superblock Park to its proposed underground parking garage, the George R. Brown Convention Center and the Hilton Americas Hotel. The tunnel will also serve as a work of art or a showcase for art. Artwork would be included in the civic art plan and would be purchased with a portion of the 1.75% set aside in the CIP for civic art (Sekula-Gibbs) - was presented. Council Members Goldberg and Quan absent.

Council Member Sekula-Gibbs stated that 74 - Exhibit B - 3.8 related to the concept that she had actually discussed with Council Member Alvarado and also with Council Member Goldberg because he was such an initiator of the Superblock Park many years ago and the concept was that they would begin the process of a tunnel that would be a connector to the garage that would go under the Superblock and the tunnel would actually be a work of art, that perhaps more than one tunnel would be funded by the Civic Art Program and the project would

be somewhat similar in concept to the tunnel that connected the Beck Building to the Carolina Wise Law Building in the Museum of Fine Arts, that it was just a concept and she thought if the administration would support it through the Downtown Conservancy there was an opportunity to really enhance the downtown district.

Mayor White stated that he would take it mean that this would authorize them to encourage as consideration by the Downtown Park Conservancy, including C&E's participation and others, and Council Member Sekula-Gibbs stated yes, and Mayor White stated that they did not oppose the amendment.

A vote was called on 74 - Exhibit B - 3.8, All voting aye. Nays none. Council Member Quan absent. MOTION 2005-0603 ADOPTED.

74 - Exhibit G - 9.9 - Fund the development of a Multi-Service Facility focused on accessibility for the disabled. Facility will be similar to the City of Houston Metropolitan Multi-Service Center located at 1475 West Gray. The facility is not district specific (Edwards) - was presented. Council Member Quan absent.

Council Member Edwards stated that after thought her position was to not necessarily build a new center for people with disabilities, but to encourage programming in all of the multi service centers currently on line to start to have programming for people with disabilities so it was more decentralized and the centers were currently on line would be more available to people with disabilities.

Council Member Edwards moved to refer 74 - Exhibit G - 9.9 back to the administration, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Quan absent. MOTION 2005-0604 ADOPTED.

#### **Parks & Recreations**

74 - Exhibit L - 14.7 - Implement a season pass program for municipal golf courses (Alvarado) – was presented. Council Member Quan absent.

Council Member Alvarado offered the following substitute for 74 - Exhibit L - 14.7.

“Review the pricing structure of all municipal golf courses to ensure that they are economical and competitive”.

Mayor White stated that if there was no objection to the substitute it was so ordered.

Mayor White stated that the administration did not oppose the amendment, and a vote was called on 74 - Exhibit L - 14.7 as substituted. All voting aye. Nays none. Council Member Quan absent. MOTION 2005-0605 ADOPTED.

74 - Exhibit E - 6.5 - Given growth in the Mobile Food Vendor Industry, increase the Mobile Food Unity Medallion Permit Fee to hire six additional sanitarians/food inspectors, which would fully ensure adherence to the City of Houston's Health Code and would mirror the six regions of the Neighborhood Protection Corps (Lawrence) – was again before Council. Council Member Quan absent.

Council Member Lawrence moved to refer 74 - Exhibit E - 6.5 back to the administration, that they did talk to the director and the numbers they passed out he was very much agreeable with them so she would like to see this brought forward, with the Mayor's recommendation, to

the Fiscal Affairs Committee within the next 90 days to talk about the increase in vendor medallion fees for mobile vendors in order to increase the number of inspectors to six, seconded by Council Member Khan.

Mayor White stated that it would be referred back to the administration with direction to have a report back within 90 days.

Council Member Berry stated that they got some good information from the department and he sure appreciated that on short notice, that they charged rodeo vendors, they put a cap on it at \$600, that it was \$60 per day for the rodeo vendors, that whether or not somebody could pay it or not was one issue, but it was not inexpensive for the City to do it, that they had 1,300 permits out there, a minor increase in fees, that the people were averaging \$200 and \$300 a day in revenues and the City was charging them \$200 a year for their fee, that the people who owned these companies were making out like bandits, that they were stationary restaurants and he thought they were giving them a free pass given how many complaints they get on them so he thought it was worth continuing to study. Council Member Quan absent.

Council Member Garcia stated that the issue that he heard from his district on the mobile food vendors was how they were coexisting with neighborhoods and with brick and mortar restaurants, because he had a number of restaurant owners that were paying a tremendous amount of property taxes and fees and permits and things of that nature, so he was looking for something more comprehensive than just an increase in permit fees, he was looking at maybe some better regulation, like they did with the cantinas. Council Member Quan absent.

Mayor White stated that he was glad that Council Member Garcia stated that because if they decided to go forward in a particular direction it would be based on what they thought was a matter of public policy.

Council Member Lawrence stated that her main concern was that they did not necessarily set a criteria for the new inspectors, they were needed in a lot of different ways and to incorporate what her colleague stated, that they also just needed to look at things needed in the Neighborhood Protection Corp. and that was where the 311 calls and everything would come into play and the number six was chosen because the City was divided into six quadrants, so it would just put an extra one there on the days they were needed, they were not saying they were only going to do one particular thing, they were going to leave that up to the Health Department to whatever assistant chief was running a Neighborhood Protection Corp., that it just gave another person out there to increase the quality of life for businesses and neighborhoods.

Mayor White stated that with the manner that he recited that they would report back within 90 days a recommendation concerning the funding of additional. enforcement consistent with the discussions that had been held, a vote was called on the motion to refer 74 - Exhibit-E- 6.5 back to the administration, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2005-0606 ADOPTED.

Council Member Ellis stated that there were two budget amendments that the administration was already working on and they should really be in ordinance form, that he had passed them out and they dealt with the budget policies with Tax Incremental Reinvestment Zones and setting up an economic development policy which the administration was already working on, so they needed to be in ordinance form and not as a budget amendment; that to everybody that had budget amendments that really dealt with policy, those only lasted for one year, that he wanted to make sure that everybody understood that, unless it was brought in ordinance form it did not carry through to the next budget cycle.

74A. ORDINANCE related to the Fiscal Affairs of the City; approving the annual budgets of the City of Houston, Texas, for Fiscal Year 2006 for the General, Enterprise, Special Revenue, Internal Service and Revolving Funds; providing for future adjustment to the beginning

fund balances; making various amendments to the proposed budgets; re-designating a cash reserve in the fund balance; establishing a cost for copies of the budget; making other provisions related to the subject; making certain findings related thereto; providing a repealing clause; providing for severability - **(This was Item 34 on Agenda of June 15, 2005, TAGGED BY COUNCIL MEMBER WISEMAN)** - was presented as amended. Council Members Garcia and Quan absent.

Council Member Garcia offered the following written amendment to Item No. 74a.

74 - 13.11 - Related to SB 771, all additional TIRZ funds to be only used for Public Safety. Council Member Quan absent.

Council Member Garcia stated that as they knew it was an item that he had been advocating for since the beginning of their administration and he was proud that the administration had been able to affect some legislative change in that regard, and with the pressures facing the public safety budgets and consequently the rest of their other important City services this was a great opportunity to begin to give some relief back to those other important departments while maintaining or improving an increase in public safety funding, tagged by Council Member Galloway. Council Member Quan absent.

Council Member Garcia offered the following written amendment to Item No. 74a.

74 - 13.12 - Transfer the Wesley House & Irvington Village HPD Storefront's to a new Carnegie Library/3-1-1/HPD Storefront. Council Member Quan absent.

Mayor White stated that he thought that had been agreed to by the Police Department and Council Member Garcia stated that was correct and the community supported it.

A vote was called on Council Member Garcia amendment 74 - 13.12. All voting aye. Nays none. Council Member Quan absent. MOTION 2005-0607 ADOPTED.

Council Member Lawrence stated that she had passed out a written amendment to Item No. 74a as follows:

74 - 6.6 - Amend the proposed FY2006 budget to include \$1,851,840 funding for three (3) additional Advanced Life Support squads within the Houston Fire Department. This amendment is required to standardize the level of Advanced Life Support services throughout the City, and is the next step in a three-year plan to complete the squad program as recommended by the December 2000 TriData Study". Council Member Quan absent.

Council Member Lawrence stated that the TriData Study in 2000 was made and a recommendation that squad car funding take place, that they have 30 of them and right now they only had 18 of them in place, that when an emergency call came in they were sending pumper trucks and ladder trucks and there was tremendous wear on that, and they established that 82% of those calls made were medical so they needed to increase those vans or squad cars, that she thought someone else would have brought this forward so it was late coming in for that reason, and she yielded some time to Council Member Sekula-Gibbs. Council Member Quan absent.

Council Member Sekula-Gibbs stated that that had passed around a substitute amendment that they had actually passed last year, that for those who remembered, it was basically transformed from the amendment that said they would have an ambulance or a squad in each fire station to a study of how they would implement an ambulance or a squad in each station, that was the best they could do at the time, but really not much came of it and now they

had an effort on the part of Council Member Lawrence to do exactly that again. Council Member Quan absent.

Mayor White stated that he was reluctant to vote on something adding \$1.8 million to somebody's budget without taking it out of something else, that he respected enormously the Fire Department. Council Member Quan absent.

After further discussion, Council Member Galloway stated that she would tag the amendment to see if they could do a further study and find out where the funding would come from. Council Member Quan absent.

Council Member Khan offered the following written amendment.

74 - 11.7 - City Departments shall reduce the size of City contracts where it will be effective and feasible to allow smaller contractors a better opportunity to compete; And where it will be effective, feasible and without undue interference with contract needs, City departments shall attempt to divide contracts into separate components in each case where there exists sufficient available capacity or qualified MWBEs to compete for the separated contract services. (Pursuant to Executive Order 1-2, Section 4, a and b)

Council Member Khan stated that he had already talked to the administration about 11.7 and had their support for the amendment.

Mayor White stated that they would review the executive order.

After further discussion, Council Member Khan moved to refer 74 - 11.7 back to the administration, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Members Goldberg and Quan absent. MOTION 2005-0608 ADOPTED.

Council Member Khan offered the following written amendment.

74 - 11.8 - Increase CIP planning from 5 year rolling cycle to 7-10 year rolling cycle.  
Council Member Quan absent.

Mayor White stated that they agreed with the amendment, and a vote was called. All voting aye. Nays none. Council Members Garcia and Quan absent. MOTION 2005-0609 ADOPTED.

After discussion by Members of Council a roll call vote was called on 74A as amended.

ROLL CALL VOTE:

Mayor White voting aye	Council Member Garcia voting aye
Council Member Lawrence voting aye	Council Member Alvarado voting aye
Council Member Galloway voting aye	Council Member Ellis voting aye
Council Member Goldberg voting aye	Council Member Quan voting absent
Council Member Edwards voting aye	Council Member Sekula-Gibbs voting no
Council Member Wiseman voting no	Council Member Green voting aye
Council Member Khan voting aye	Council Member Berry voting aye
Council Member Holm voting aye	ORDINANCE 2005-0820 ADOPTED AS AMENDED.

73. ORDINANCE providing for the continuation of appropriations for the support of the City Government pursuant to the requirements of Article VIa, Section 1 of the City Charter; making other provisions related to the subject; containing a severability clause - **This was**

**Item 33 on Agenda of June 15, 2005, TAGGED BY COUNCIL MEMBER HOLM** - was presented. Mayor White and Council Member Quan absent. Mayor Pro Tem Alvarado presiding.

Council Member Ellis stated that the Legal Department brought it to their attention that they needed to amend the item, to add a Section 2 and presented the following written motion:

"I move to amend Item No. 73.

The City Council hereby appropriates an addition to the amounts appropriated in Section 1 above, any and all funds, actually received during Fiscal Year 2006 into the respective Tax Incremental Funds for each TIRZ set out in Section 1 above, not to exceed in the aggregate for each TIRZ the amount of the approved Fiscal Year 2006 budget for the TIRZ". Mayor White and Council Members Quan and Berry absent.

Council Member Ellis stated that the reason he did it was because some of the bond lawyers were having some issue with whether or not the financial markets would receive it without knowing that there was going to be money to back it up, so what they were saying was that they would put the money into their budgets for Fiscal Year 2006 for the increments that were needed in that budget, but they could establish the expenses in the budget, it was more legal and financial jargon, but it basically affirmed what they already did. Mayor White and Council Members Quan and Berry absent.

A vote was called on the motion to amend Item No. 73. All voting aye. Nays none. MOTION 2005-0610 ADOPTED.

#### **Items received during the meeting**

20. ORDINANCE approving and authorizing renewal contract for Programming Services between the City of Houston and **HOUSTON MEDIASOURCE** for Public Access Channel - was presented, and tagged by Council Member Wiseman. Mayor White and Council Members Quan and Berry absent.
38. ORDINANCE appropriating \$396,091.20 out of Fire Consolidated Construction Fund as an additional appropriation for construction and concrete Repair Services, GFS C-0089-02-3, under construction contract with **TEXAS STERLING CONSTRUCTION L.P.** (approved by Ordinance No. 2001-0119) - **DISTRICT H - GARCIA** - was presented, and tagged by Council Member Wiseman. Mayor White and Council Members Quan and Berry absent.

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

Council Member Khan stated that he wanted to congratulate his colleagues and all of the people who worked on the budget, that they all did a wonderful job and they achieved a lot today, they agreed that the City should give preference to local companies, that was a very important step, they agreed that the City should have a long time focus where they were going to have the CIP on a 10 year rolling cycle, and besides all of the other amendments he thought those were very important issues that they addressed today so the citizens of Houston should be proud of the City Council and the Mayor. Mayor White and Council Members Lawrence, Galloway, Wiseman, Garcia, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Khan stated that he wanted to bring it to their attention the crime situation in District F, they conducted a townhall meeting last Wednesday at the restaurant banquet room in District F at Hillcroft and the Southwest Freeway and there were over 100 constituents and residents, that he wanted to thank member of HPD who were in attendance and participated in conducting the townhall meeting, that he wanted to thank the restaurant owner for providing the facilities, that speaker after speaker spoke about the horrible crime situation in Southwest Houston, there was a lot of focus on the prostitution activities going on and the residents said it

was so blatant and happening during daytime and all odd hours and people were reluctant to go out of their driveways because that was what they saw all the time, that one of the factors they mentioned were the motels in the area which were renting their rooms on an hourly basis, that he thought they needed to really have more focus on crime prevention, especially when it came to prostitution and those illegal activities. Mayor White and Council Members Lawrence, Galloway, Edwards, Wiseman, Holm, Garcia, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Khan stated that they received letters from ninth grade students at Sharpstown High School and all they talked about was crime and the criminal activities in their neighborhoods and read the following letter from Nicole Nunez, "I am writing this letter to request your assistance in efforts to improve our neighborhood, gang related issues were becoming an increasingly large problem, especially around the Sharpstown High School, out of all the departments the graffiti was the biggest, action has to be taken, something should be done about this, we should focus more on washing off graffiti and planting more trees, not only with this improve the appearance of the community but other schools will take notice and acknowledge, we need your support, individual efforts were not in vain, we could make this school worth visiting, a school that colleges would come running to, we can change everyone saying Sharpstown a school that accepts anybody, we can make this schools reputation one to be proud of, however we can not embark on this journey alone, we need your help, help us make this a school that would make the student eager to learn, I hope that this letter concerns you or at least put the thought in your mind about helping us help our school", that this was typical of the 50 letters they received and he hoped that they put more emphasis on crime prevention in the coming weeks and months. Mayor White and Council Members Lawrence, Galloway, Edwards, Wiseman, Holm, Garcia, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 3:59 p.m. Mayor White and Council Members Lawrence, Galloway, Edwards, Wiseman, Holm, Garcia, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (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