

City Council Chamber, City Hall, Wednesday, July 6, 2005

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, July 6, 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, Mr. Harlan Heilman, Division Chief, Claims and Subrogation Division, Legal Department; Mr. Richard Cantu, Director, Mayor's Citizens Assistance Office; Ms. Marty Stein, Agenda Director and Mr. Jose Soto, Deputy Agenda Director present.

At 8:28 the City Secretary read the descriptions or captions of items on the Agenda.

At 9:18 a.m. Mayor White called to order the meeting of the City Council and called on Council Member Garcia for the prayer and Council Member Garcia invited Reverend David Smith, Pastor of New Bethlehem Missionary Baptist Church, to lead them in prayer and Council Member Garcia lead all in the pledge. Council Members Galloway, Goldberg, Wiseman, Khan, Alvarado and Berry.

Mayor White requested the City Secretary to call the roll. Council Members Galloway, Goldberg, Wiseman and Berry.

Council Members Khan and Garcia moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Members Galloway, Goldberg, Wiseman and Berry. MOTION ADOPTED.

MAYOR'S REPORT

REPORT FROM CITY CONTROLLER AND THE CITY ADMINISTRATION REGARDING THE CURRENT FINANCIAL STATUS OF THE CITY including but not limited to, a revenue, expenditure and encumbrance report for the General Fund, all special revenue funds and all enterprise funds, and a report on the status of bond funds

Mayor White stated that before the public speakers they would proceed to the report from the Controller and F&A Director and recognized Ms. Annise Parker, City Controller. Council Members Galloway, Goldberg, Wiseman and Berry.

Ms. Parker, City Controller, stated that this was the Monthly Financial Report for the period ending May 31, 2005, that the Controller's office had increased it's projection for General Fund Revenues by \$2.8 million, \$1.1 million of the increase was attributed to higher than expected collections of ambulance fees, that the rest of the increase was due to higher year to date receipts in various revenue categories, including indirect cost recoveries for grants in the Health Department and other City departments, that on the expenditure side they were decreasing their projection by \$4.3 million, the change was due to continued true ups at the department level and in General Government and it included \$5 million in personnel costs savings at the Police Department, and that concluded her report. Council Members Galloway, Goldberg, Wiseman, Garcia and Berry.

Mayor White recognized Ms. Judy Gray Johnson, Director of Finance and Administration for her report. Council Members Galloway, Goldberg, Wiseman, Garcia and Berry.

Ms. Johnson, Director, Finance and Administration, stated that they made a few changes in their estimated revenues for the General Fund but not by design, they netted out to almost nothing at \$13,000, that Ambulance Revenues, they were proud to say, had drastically improved in the last few months, they still did not expect to meet the original budget target for Fiscal Year 2005, but they had received the greatest amount of cash collections in any fiscal year to date, so it had been a real turn around on that score, that they had lower than expected

numbers through May for the Police Department Expenditures, the changes in the Meet and Confer contract that was passed in September had led to greater than expected numbers of people in the Phase Down Program which had reduced the spending compared to the previous arrangement which was cash termination pay, that Council Member Quan asked some detailed questions and they had a draft memo that would go out later today explaining those changes in more detail, and that concluded her report. Council Members Goldberg, Wiseman and Berry.

Mayor White asked if ACS paid the liquidated damages that were due the City and Ms. Johnson stated that she would get that information. Council Members Goldberg, Wiseman and Berry.

Council Member Ellis moved to accept the Monthly Financial Report, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Goldberg, Wiseman and Berry. MOTION 2005-0639 ADOPTED.

CONSENT AGENDA NUMBERS 1 through 31

MISCELLANEOUS - NUMBERS 1 through 3

1. REQUEST from Mayor for confirmation of the reappointment of the following to the **CONTRACT COMPLIANCE COMMISSION**, for terms to expire January 1, 2007:

Position One - **MR. IKE ALLEN**
Position Two - **MR. ELIAS DE LA GARZA**

- was presented, moved by Council Member Khan, seconded by Council Member Galloway. All voting aye. Nays none. Council Members Goldberg, Wiseman and Berry. MOTION 2005-0640 ADOPTED.

2. REQUEST from Mayor for confirmation of the appointment of the following to the **HELICOPTER FACILITIES AND APPEALS BOARD**:

Position Six - **MS. EDNA L. RAMOS**
Position Seven - **MR. BLAKE TARTT, III**

- was presented, moved by Council Member Khan, seconded by Council Member Galloway. All voting aye. Nays none. Council Members Goldberg, Wiseman and Berry. MOTION 2005-0641 ADOPTED.

3. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **WESTCHASE DISTRICT BOARD OF DIRECTORS**, for terms to expire June 1, 2009:

Position One - **MR. WILLIAM W. SENGELMANN**, reappointment
Position Two - **MR. MARTIN WILTSHIRE**, reappointment
Position Three - **MS. DONNA J. FLOWERS**, reappointment
Position Four - **MR. JOHN A. HOLLAND**, reappointment
Position Five - **MR. KEITH JOSEY**, appointment
Position Six - **MR. ROBERT G. COLVILL**, reappointment
Position Seven - **MR. DOUG ELLIOTT**, reappointment
Position Eight - **MR. GARY BAKER**, appointment

- was presented, moved by Council Member Khan, seconded by Council Member Galloway. All voting aye. Nays none. Council Members Goldberg, Wiseman and Berry. MOTION 2005-0642 ADOPTED.

Mayor White and Members of Council congratulated the new appointees and asked that they stand and be recognized and thanked them for helping the City by serving on the boards and commissions. Council Members Goldberg, Wiseman and Berry.

PURCHASING AND TABULATION OF BIDS - NUMBERS 8 and 10

8. **HOME & BODY CO. dba DIRECT CHEMICALS (Bid No. 1)** for Chemicals, Hydrocarbon dispersant Contract for Fire Department - \$81,295.00 - General Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Wiseman and Berry absent. MOTION 2005-0643 ADOPTED.
10. **NATIONAL WATERWORKS, INC** for Fittings and Appurtenances Contract for Department of Public Works & Engineering - \$938,065.00 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Wiseman and Berry absent. MOTION 2005-0644 ADOPTED.

ORDINANCES - NUMBERS 12 through 29

12. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of (i) a 10-foot-wide water line and water meter easement (Parcel SY3-047A) and (ii-iv) three 10-foot-wide water line easements (Parcels SY3-047B through 047D), all located within the partial replat of Tract A, Memorial City Subdivision, Section 1; vacating and abandoning said easements to Memorial City Mall, LP, the abutting owner, in consideration of its payment of \$21,954.00 and other consideration to the City - **DISTRICT G - HOLM** – was presented. All voting aye. Nays none. Council Members Wiseman and Berry absent. ORDINANCE 2005-0870 ADOPTED.
13. ORDINANCE approving and authorizing an application through the **US DEPARTMENT OF HOMELAND SECURITY** for assistance in hiring 60 additional firefighters under the Staffing for Adequate Fire and Emergency Response (SAFER) Grant; declaring the city's eligibility for such grant; authorizing the Mayor to act as the city's representative in the application process; authorizing the Chief of the Houston Fire Department to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program; providing a maximum matching grant fund amount – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Council Members Wiseman and Berry absent.
14. ORDINANCE appropriating \$500,000.00 out of the Tax Increment Reinvestment Zone (TIRZ) Affordable Housing Fund (Fund 872) and authorizing spending authority to use the TIRZ Funds to repair homes as mandated by the U. S. Department of Housing & Urban Development (HUD), through the Texas Local Government Purchasing Cooperative, for the Housing & Community Development Department – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Council Members Wiseman and Berry absent.
17. ORDINANCE establishing a ten foot wide utility corridor under Memorial Drive within Memorial Park located in the City of Houston, Texas - **DISTRICT G - HOLM** – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Council Members Wiseman and Berry absent.
20. ORDINANCE appropriating \$250,000.00 out of Airports Improvement Fund, and approving and authorizing amendment No. 1 to construction contract between the City of Houston and **W.W. WEBBER, INC** for SMGCS / Civil Site Work for the Instrument Landing Systems Category III for Runway 4-22, Project No. 566B, CIP A-0385, and Airfield Pavement Rehabilitation Project No. 566, CIP A-0385, at William P. Hobby Airport - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Members Wiseman and Berry absent. ORDINANCE 2005-0871 ADOPTED.

25. ORDINANCE appropriating \$736,038.35 out of Parks Consolidated Construction Fund, awarding construction contract to **TIMES CONSTRUCTION, INC** for Construction of Fonde Park and Nellie Keyes Park, GFS F-504C-18-3 and F504C-22-3; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; providing funding for engineering and testing services, construction management and contingencies relating to the construction of facilities financed by the Parks Consolidated Construction Fund - **DISTRICTS G - HOLM and I - ALVARADO** – was presented. All voting aye. Nays none. Council Members Wiseman and Berry absent. ORDINANCE 2005-0872 ADOPTED.
26. ORDINANCE appropriating \$402,530.00 out of General Improvements Consolidated Construction Fund, awarding construction contract to **CARRERA CONSTRUCTION, INC** for Construction of Law Park, GFS F-504C-27-3; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; providing funding for engineering testing services, construction management and contingencies relating to the construction of facilities financed by General Improvements Consolidated Construction Fund **DISTRICT E - WISEMAN** – was presented. All voting aye. Nays none. Council Members Wiseman and Berry absent. ORDINANCE 2005-0873 ADOPTED.
27. ORDINANCE approving an extension of time for Contract No. 55650 between the City of Houston and the **LENNAR HOMES OF TEXAS LAND AND CONSTRUCTION, LTD.** for Construction of Water, Sanitary Sewer and Storm Water Lines for Section Two of the San Pablo Subdivision **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Members Wiseman and Berry absent. ORDINANCE 2005-0874 ADOPTED.
28. ORDINANCE approving an extension of time for Contract No. 55651 between the City of Houston and the **LENNAR HOMES OF TEXAS LAND AND CONSTRUCTION, LTD.** for Construction of Water, Sanitary Sewer and Storm Water Lines for Section Three of the San Pablo Subdivision **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Members Wiseman and Berry absent. ORDINANCE 2005-0875 ADOPTED.
29. ORDINANCE appropriating \$12,448.43 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Developer Participation Contract between the City of Houston and **NEW VINTAGE HOMES, INC** for Construction of Water Line to serve Development on Legion Street, CIP S-0802-30-03 - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Members Wiseman and Berry absent. ORDINANCE 2005-0876 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

4. RECOMMENDATION from Director Department of Public Works & Engineering to authorize payment of a penalty in the amount of \$40,348.00 stipulated by Texas Commission on Environmental Quality for violations at the 69th Street Wastewater Treatment Plant and Sludge Drying Facility and the Almeda Sims Wastewater Treatment Plant and Sludge Drying Facility Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. Council Members Wiseman and Berry absent.

Council Member Sekula-Gibbs stated that she had some questions about Item No. 4 and

would tag the item. Council Members Wiseman and Berry absent.

Mayor White stated that he would ask Mr. Gary Norman, Public Works and Engineering, to make sure they would get the information requested to Council Member Sekula-Gibbs. Council Members Wiseman and Berry absent.

Council Member Holm moved to suspend the rules to consider Item No. 34 out of order, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Wiseman and Berry absent. MOTION 2005-0645 ADOPTED.

34. MOTION by Council Member Khan/Seconded by Council Member Alvarado to adopt recommendation from Director Department of Planning & Development to amend the parking regulations for the south side of the 5700 block of Logan in the Super Neighborhood of Washington Avenue/Memorial Park - **DISTRICTS C - GOLDBERG and G – HOLM – (This was Item 6 on Agenda of June 29, 2005, TAGGED BY COUNCIL MEMBER ELLIS)** - was presented. All voting aye. Nays none. Council Members Wiseman and Berry absent. MOTION 2005-0646 ADOPTED.

5. RECOMMENDATION from Director Building Services Department for approval to delegate authority to the Director Building Services Department to utilize alternative delivery method for Minor Construction, Repair, Rehabilitation, or Alteration of Facilities - was presented, moved by Council Member Khan, seconded by Council Member Holm.

Council Member Khan stated that he was glad to see things happening which brought efficiencies to their way of doing things, but would like somebody to brief him as to what it meant by minor construction, and Mayor White stated that he would ask Mr. Dadoush to get that information to him. Council Members Wiseman and Berry absent.

Council Member Quan stated that like Council Member Khan he was pleased that they were moving forward with job order contract and asked when a contractor was selected would it come back before Council for ratification, and Mayor White stated that it would be selected by an RFP process and Council would have an opportunity to approve it. Council Member Berry absent.

A vote was called on Item No. 5. All voting aye. Nays none. Council Member Berry absent. MOTION 2005-0647 ADOPTED.

ACCEPT WORK

6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,672,104.09 and acceptance of work on contract with **RELIANCE CONSTRUCTION SERVICES, L.P.** for Sanitary Sewer Rehabilitation by Point Repair Method, GFS R-0266-P3-3 (4235-16) - 04.42% over the original contract amount – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Berry absent. MOTION 2005-0648 ADOPTED.

PURCHASING AND TABULATION OF BIDS

7. ORDINANCE appropriating \$246,402.45 out of General Improvement Consolidated Construction Fund for UPS Systems for 611 Walker and 1200 Travis for the Building Services Department, CIP D-0119 - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2005-0877 ADOPTED.

7a. **C. F. MCDONALD ELECTRIC, INC** for UPS Systems for 611 Walker and 1200 Travis for

Building Services Department - \$234,669.00 and contingencies for a total amount not to exceed \$246,402.45 - **DISTRICT I - ALVARADO** – was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Berry absent. MOTION 2005-0649 ADOPTED.

9. **PHILPOTT MOTORS, LTD.** - \$48,085.00 and **GRANDE TRUCK CENTER** - \$47,988.00 for Wrecker Truck and Two Wrecker Bodies for Police Department - Equipment Acquisition Consolidated Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Berry absent. MOTION 2005-0650 ADOPTED.

At 9:32 a.m. Mayor White stated that they would begin hearing from the speakers and today they were blessed to have a former Mayor of the City of Houston present; and called on Mayor Louie Welch. Council Member Berry absent.

Mayor Louie Welch, 3107 Stargate Court, Houston, Texas 77068 (281-537-8892) appeared and stated that the day after tomorrow would be his 61st anniversary in moving to Houston from Dallas; that when he moved here he saw a sign on Preston Avenue which stated “Where sixteen railroads meet the Sea” and he thought that was great as he grew up in a little town where railroad was king; that he moved to Houston during the war and took a bus and at the top it said Welch and that was wonderful to; that he was elected as Mayor in 1950 and after about a year a reporter asked if he and Council thought the City seal should be modernized, but he read all he could on it and it was a seal made before Texas was a state when Houston was an infant city and agriculture was the chief source of income; that they had put a locomotive on it and there was not one railroad track in the county, but when he came it said “Where sixteen railroads meet the Sea” so they had brought sixteen railroads and there was no sea so they brought one in; that the tradition of the locomotive did not exist in Harris County and it was a tradition he hoped other Council’s would remember as long as there was a Houston because tradition was a wonderful thing to hold to in particularly where man with his ingenuity, imagination and faith in a community had brought the sea and the trains together. Council Member Berry absent.

Council Member Lawrence thanked Mayor Welch for coming and stated that there had been movements to change the seal in the past and she thought every City Council needed to hear his passion about the seal; that she appreciated it and she appreciated all his stories; that it was people and Mayor’s like him which made Houston great. Council Member Berry absent.

Council Member Garcia stated that it was an honor having him present and the circle of connectivity was very short and narrow; that years ago his brother did so well in his academic performance in high school he was allowed to be Mayor for a day and he was Mayor for a day with Mayor Welch; and because of Mayor Welch’s leadership at the time it brought fond memories when looked upon; and thanked him for still bringing leadership today. Council Member Berry absent.

Council Member Quan thanked Mayor Welch for coming; and upon questions, Mayor Welch stated that he congratulated the Mayor and Council for keeping the train, Item 16, where it could be seen, admired and climbed on as it had in the past and in a very prominent position as a part of the heritage of the City of Houston; that they could not have better partners than the Jaycees and the Jaycees had the best partner in the world; that he was Mayor Pro Tem when the train was first moved to Hermann Park. Council Member Berry absent.

Council Member Goldberg thanked Mayor Welch for coming and stated that he saw pictures of that ceremony and it showed everyone wearing engineers caps and him cutting the ribbon; and upon questions, Mayor Welch stated that he thought when it arrived it was the end of a hard job, they had to lay track from downtown clear to Hermann Park and move the locomotive on the track by sections; that it would have a wonderful location and be seen by

many people and this tradition was if they haven't got it they were going to get it. Council Member Berry absent.

Mr. Ray Miller, 5729A Logan Lane, Houston, Texas 77007 (713-862-7989) appeared and stated that he was not a native either and had come to Houston from Ft. Worth on the train, he arrived at Union Station and was in the news business and he studied trends and watched the city reporting on changes and eventually he was curious about how things came; that when anything as big as Houston happened you had to be curious about what caused it and how it happened and he came to the conclusion the main factor was the Port; that the Port of Houston made the city what it was and the railroads made the Port of Houston to a large extent; that this was the first railroad hub in this part of the world and that was why the locomotive was on the seal of the City of Houston; that he made some of the pictures while the railroad was being moved and he had a recollection of what it took and was glad he was not taking part in getting it back again, but he was happy the City and Jaycees had made an arrangement where it would be conspicuous and in sight of the Union Depot for a long time to come; that the railroads were still here and working as hard as ever, but the era it represented and symbolized by the old locomotive in Hermann Park was long gone and by moving it to where it will be would help some remember how they got here. Council Member Berry absent.

Mayor White thanked Mr. Miller and Mayor White for coming and helping all remember their past. Council Member Berry absent.

Council Member Goldberg moved to suspend the rules to take Item 16 out of order, seconded by Council Member Khan. All voting aye. Nays none. Council Member Berry absent. MOTION 2005-0651 ADOPTED.

Council Member Goldberg stated that about a year ago the Jaycees came to him saying the train was going to be forced out of Hermann Park and they went through a lot of trial and tribulation trying to find a place for it; that there was an offer to put it in a railroad museum, but it was only open a few months of the year and few would be able to see it; that now there was a great opportunity for the train to go back near the place it originated and more out of town tourist would get to see this symbol of Houston's history and it was a great move and great publicity for the train and being a native Houstonian his parents took him there when he was a kid and Council Member Holm was actually at the ribbon cutting ceremony; and thanked Council Members Quan and Ellis for pushing the Administration to help with this because in the beginning there was not much interest and now all could see it was well worthwhile, it was a great symbol of the City and a great tribute and right where it belonged, near Minute Maid Park whose theme was the train and across from a couple of preserved houses; that he also thanked the Convention and Entertainment Department for making the land available and welcome the addition. Council Member Berry absent.

Council Member Quan thanked Ms. Janet Harrison, the Houston Astros, and Mr. Richard Lathan for all their work, all their efforts in getting this done. Council Member Berry absent.

Council Member Sekula-Gibbs stated that she was pleased to see the recognition and importance of railroads both people and freight movers would continue in Houston. Council Member Berry absent.

Mayor White stated that this was an important thing they were doing preserving the City's history and Council Member Holm was working hard on an issue which could have differences of view on historical preservation ordinances, he thought most around the Council table understood Houston's history needed to be preserved and with this event and others to follow this year would show quite a bit done in preserving their past. Council Members Edwards and Berry absent.

16. ORDINANCE approving agreement with the **HOUSTON JUNIOR CHAMBER OF COMMERCE**

(JAYCEES) for the Relocation and Maintenance of Steam Locomotive Engine 982 and issuing to the Jaycees a consent to encroach into a portion of the public street right of way of Avenida De Las Americas (between Texas Avenue and Capital Avenue) – was presented. All voting aye. Nays none. ORDINANCE 2005-878 ADOPTED.

Mayor White congratulated all on the passage of the Ordinance and thanked the J C's. Council Members Edwards and Berry absent.

Mr. Kevin Maddox, 4315 Dorsby, Houston, Texas 77047 (713-731-7348) appeared in favor of Houston Media Source and stated that he had been a producer for three years and produced for churches; that HMS allowed the churches a chance to expand ministries and membership. Council Members Edwards, Garcia and Berry absent.

Upon questions by Council Member Ellis, Mr. Maddox stated that he produced sermons and variety shows with a gospel feel; and Council Member Ellis stated that he was honored and proud to have shows such as his on Houston Media Source. Council Members Edwards, Garcia and Berry absent.

Upon questions by Council Member Wiseman, Mr. Maddox stated that he provided inspirational, religious programming and he did support Houston Media Source and what they did; and Council Member Wiseman stated that the U S Code was very clear in the fact sheet by the FCC that obscenity was against the law and not protected speech on the airwaves and it was reiterated in the City Code of Ordinances; that the contracts signed with the Cable franchise company again had consistency that they could not do so and so it was not permitted and a violation of the law; and upon further questions, Mr. Maddox stated that he did not support violation of the law but she should not let one incident reflect on the entire.; and Council Member Wiseman stated that it was unfortunate Houston Media Source would jeopardize the opportunity he had to air such programming simply because they refused to abide by the law and what they agreed to abide by; and she would ask him to share with Houston Media Source that he did not want his opportunity jeopardized and to abide by their written agreement. Council Members Holm, Garcia, Green and Berry absent.

Upon questions by Council Member Quan, Mr. Maddox stated that it was required he go through an orientation program before becoming a member of Houston Media Source; that when they submitted programs there was a contract and they checked whether it held anything offensive; and it was the programming director who checked; that the program was not edited and he tried to make sure his was quality programming. Council Members Holm, Garcia and Berry absent.

Ms. Janice McNeil, 3939 North Freeway, Houston, Texas 77022 (no phone) had reserved time to speak but was not present when her name was called. Council Members Goldberg, Holm, Garcia and Berry absent.

Ms. Mamie Ndawah-Massauoi, 7261 Chasewood Dr., Missouri City, Texas 77489 (281-835-0554) had reserved time to speak but was not present when her name was called. Council Members Goldberg, Holm, Garcia and Berry absent.

Mr. James Schriver, 1808 Lubbock, Houston, Texas 77007 (713-882-1831) appeared, presented information and stated that he was present to share his perspective about the I-45 Parkway and twin tunnels concept; that he served as chair of the Transportation Committee in the Old Sixth Ward Historic District, on the board of directors of Citizens' Transportation Coalition and was on the Steering Committee of I-45 Coalition and he thought the concept deserved rapt attention; that METRO had the opportunity to partner with TxDOT to create an incredible 21st century transportation model and garner worldwide acclaim; that through traffic would be routed into tunnels with connections at major freeways and downtown while local traffic would enjoy the use of an express street system similar to Allen Parkway with opportunity

to connect both airports with downtown through a METRO express mass transit route. Council Members Goldberg, Khan and Alvarado absent.

Council Member Garcia thanked Mr. Schriver for coming and stated that with Houston's growth they needed to think creatively and when he saw this concept there was tremendous benefits. Council Members Goldberg, Khan and Alvarado absent.

Mr. C. J. Harrison, 2615 McGowen, Houston, Texas 77004 (713-654-7772) had reserved time to speak but was not present when his name was called. Council Members Goldberg, Khan and Alvarado absent.

Council Member Holm moved to suspend the rules to hear Mr. Shawn Welling out of order, seconded by Council Member Green; and Mayor White stated that with no objections it was so ordered. Council Members Goldberg, Khan and Alvarado absent.

Mr. Shawn Welling, 5731 Logan, Houston, Texas 77007 (281-772-4277) appeared, presented information and stated that he had a great appreciation for this city for making his company so prosperous over the past 10 years; that his status now was a situation on Logan Lane; that Planet Funk was an outreach program and he had difficulty on the corner of maintaining his position and he need the city to say integration was imperative and secondly was the parking situation passed earlier this morning; that he felt it was in defiance of Section 45-401 of the City Code, according to the Code it stated you needed 75% residential and on the left and right side it was 60% commercial. Council Members Goldberg, Khan and Alvarado absent.

Council Member Lawrence extended Mr. Welling's time by 30 seconds; and Mr. Welling stated that there was 60% commercial and 40% residential and you must have 75% residential to make their signage happen and why it was not taken into consideration he did not know. Council Members Goldberg and Khan absent.

Upon questions by Council Member Edwards, Mr. Welling stated that he was speaking on Item 34 which was previously voted on; that there was not 75% residential and he was notified of a hearing and had gone and he presented himself as residential because his house was split and Mr. Litke informed him he was commercial; that he did not have the same background information at the hearing he did now; and Council Member Edwards stated that if he was correct it would not qualify for decal parking and her concern further was the issue had come up several times and they were supposed to be working on it and she wondered what the status was; and Mayor White stated that he did receive a description earlier today from Mr. Welling and he had asked Legal to report back. Council Members Goldberg and Khan absent.

Council Member Holm stated that she and Mr. Welling had met on numerous occasions and talked about this and basically this was correcting an error from an appropriately applied for petition for a year ago; that when they applied it was 75% residential, Planning had checked, and they did comply, but it came before Council and was posted inaccurately and so this was correcting an error from last September; that they were not 75% residential today, but at the time of application it was. Council Member Goldberg absent.

Council Member Ellis stated that there seemed to be an argument and he would request Mr. Litke send a memo to all Council Members because if they did something in violation of the Code he would like to know. Council Member Goldberg absent.

Council Member Edwards stated that she would join with Council Member Ellis for the request, but she was still confused; that the last time this was brought up during the budget she was told the new Parking Manager was handling this, reviewing the whole process, and she would like someone to explain the status of decal parking. Council Member Goldberg absent.

Council Member Holm stated that Mr. Litke would have no problem coming forth with the statement as her office asked the very same thing; and Planning went back, reviewed it and came up with a determination; that they were not supporting anyone's interpretation, but what Planning determined to be the accurate answer. Council Member Goldberg absent.

Mayor White stated that he would ask that maybe the memo he requested and what Council Member Ellis requested could be answered jointly; and he was making a note to get Council Member Edwards information to her. Council Member Goldberg absent.

Ms. Katherine Heim, 2447 White Oak Drive #2, Houston, Texas 77009 (832-607-0375) appeared, presented information and stated that the last time she was present was regarding police action at the Halliburton protest and Mayor White stated that he shared some of the activist concerns about war profiteering and she felt it was timely to come back as the House and Senate had been holding hearings on Halliburton and its misuse of taxpayers funds; that the US Army Corp of Engineers said Halliburton was given contracts without their oversight, 5 year contracts when one year was normally the norm; that she knew it was Council's stand to not intervene in foreign relations but these issues affected all and she thought Council had a commitment to Houston businesses and taxpayers; and stated that they were asking for a measure against war profiteering in general and that they could call for an independent audit as they were concerned another Enron was on the way. Council Members Lawrence, Goldberg, Wiseman, Holm, Ellis and Berry absent.

Mr. Keith Koski, 907 Woodcrest, Houston, Texas 77018 (713-697-8032) appeared and stated that he would like to put the subject Ms. Heim just spoke of into perspective for Houston; that Houstonians spent on the Iraq war \$1.2 billion and that was more than it took to build Reliant, Toyota and Minute Maid stadiums and the rebuilding of the Loop 610 all together; that he would not argue if the war was right or wrong, but it was important to pay attention to where money came from and where it went; that KBR a division of Halliburton held recruitments for people to go to Iraq and work and aid the military and he and a few others went there to give information KBR did not give to them such as the division they would be working for was actually a company based in the Cayman Island and if they get insured they would not qualify for unemployment; that they were also told they did not pay income tax if they stayed long enough, but what they did not tell them was if they came back to the states and worked one day they would have to pay income tax and people had come up to him telling him they had gone to Iraq to work and come back and now faced tax troubles and was even worse off than before they left. Council Members Lawrence, Galloway, Goldberg, Wiseman, Holm and Ellis absent.

Council Member Ellis stated that he understood his concerns; and upon questions, Mr. Koski stated that he would like an audit of the Halliburton Company, track where the money went and what happened to the people who came back and were in trouble; and Council Member Berry stated that they did not generally get involved in military activity or federal issues like that Congress did; that he respected his opinions, but it was not an issue for Council; and upon further questions, Mr. Koski stated that they needed to spend time to find out what they could do and he and those with him would give time to do so; that people came up to him and they had no recourse and he was giving the information to those he thought could help most. Mayor White, Council Members Galloway, Goldberg, Wiseman and Holm absent. Mayor Pro Tem Alvarado presiding.

Council Member Edwards stated that she thought his concerns were legitimate especially knowing the history of Enron, people kept saying check into this and others kept saying it was not their responsibility; that she respectfully disagreed with the position people did not try to influence, several congressional people came to Council all the time trying to give their opinion and impress upon Council to support or not to vote for a certain measure; that they may have no legal position, but she felt he was asking for a symbolic.; his representative was Council and it was appropriate he start with them even if they could not help; that she was not sure what he was asking other than for them to call for an internal audit or financial audit of Halliburton and

KBR and they could ignore it or throw it away, but she felt the issue they were talking about was who was going to be responsible for doing it proactively as opposed to if it fell into an Enron situation then it would be their responsibility to try and find services for them and she would like to discuss it further with him. Mayor White, Council Members Galloway, Goldberg, Wiseman and Holm absent. Mayor Pro Tem Alvarado presiding.

The City Secretary stated that she was advised Mr. C. J. Harrison had come in and he would be called on to speak at this time. Mayor White, Council Members Galloway, Goldberg, Wiseman and Holm absent. Mayor Pro Tem Alvarado presiding.

Mr. C. J. Harrison, 2615 McGowen,, Houston, Texas 77004 (713-654-7772) appeared and stated that he was present to give a tribute to former Mayor Bob Lanier who had helped the City so much in his administration; that he and others took on the homeless program and now were conducting the Meat Warehouse, a program setup to help social security, disability and Lone Star; that it would help individuals obtain a certain amount of a grant which would be executed and the Meat Warehouse was to be located at 2615 McGowen. Mr. Harrison reviewed other projects they had in effect and stated that they were asking the Mayor and Council Member of the Third Ward to come to their grand opening. Mayor White, Council Members Galloway, Edwards, Wiseman, Sekula-Gibbs and Green absent. Mayor Pro Tem Alvarado presiding.

Mr. James Davis, 1447 Yale, Houston, Texas 77008 (713-724-2433) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Galloway, Edwards, Wiseman, Sekula-Gibbs and Green absent. Mayor Pro Tem Alvarado presiding.

Mr. Roy Cross, P. O. Box 1521, Trinity, Texas 75862 (936-594-9502) appeared and spoke in favor of Houston Media Source and stated that he had a video show where he played videos and did interviews with major artist; that he was a member of Houston Media Source since about 1999; that they took classes and paid their money and started and now because of that show he had many opportunities and met many people; that many were taking classes and touring the facilities and they gave a voice and representation and that was what the access channel was about; that it changed his life and could change others and should not be shut down because of a few producers with questionable programming. Mayor White, Council Members Galloway and Garcia absent. Mayor Pro Tem Alvarado presiding.

Upon questions by Council Member Quan, Mr. Cross stated that he did music videos and some were suggestive, but the access channel had a strong policy and if you had something questionable you had to sign off on it and be responsible and most of the time it would show after 2:00 a.m.; that if a producer did not catch something a viewer would and he had a friend who was suspended and not allowed to do his show; that he received many good comments on his show. Mayor White, Council Members Galloway and Garcia absent. Mayor Pro Tem Alvarado presiding.

Council Member Wiseman stated that he made a comment Houston Media Source monitored but it was unfortunate Pat Garlinghouse was not present to address the issue because she made it clear through the media she did not preview, review or monitor a single tape and her position was anything that they wanted to put on would be put on regardless of content; that what was required by the contractual obligation she signed was that obscenity would not be aired; that she had caught his show and agreed it was a good production, as far as content some she liked and some she did not but that was different from what was legally allowable; and urged that he let Houston Media Source know he did not want his opportunities jeopardized in that manner. Mayor White, Council Members Galloway, Garcia and Quan absent. Mayor Pro Tem Alvarado presiding.

Council Member Goldberg stated that he wanted to remind everyone that Monday July 11th at 1:30 p.m. the executive director of Houston Media Source Pat Garlinghouse agreed to

come to the Council Committee and they would discuss all the issues with her; that also the chairman of the board of Houston Media Source Garth Jewitt and other members of the board would also be there and he invited all Council Members; and Council Member Ellis stated that he would ask the contract for Houston Media Source be provided and he would like to look at the restrictions put forth on the Municipal Channel and Educational Channel and see the restrictions and guidelines the four channels had to follow; and Council Member Goldberg stated that he felt Legal would join them also and provide those documents. Mayor White, Council Members Galloway, Garcia and Quan absent. Mayor Pro Tem Alvarado presiding.

Council Member Edwards thanked Mr. Cross for coming and stated that she and some friends were in the first producers class; and upon questions, Mr. Cross stated that they still did the orientation class where they explained the rules and how the facility worked and from there it was your decision as to what classes you took, etc., if you wanted to use their equipment you had to take classes to have access; that from his understanding he turned in his tapes and they were reviewed, it was about nine days before it aired and within that time it was reviewed; that you also signed off on the back to alert of your type of material. Mayor White and Council Member Galloway absent. Mayor Pro Tem Alvarado presiding.

Council Member Lawrence stated that she was interested in the classes; and upon questions, Mr. Cross stated that to his understanding they asked you what type of program you had, talk show, religious, community based, etc., and there were boxes to check for everything regarding content; and Council Member Lawrence stated that when Council Member Goldberg had his meeting she would like information regarding regulations during early morning hours for cable television. Mayor White and Council Member Galloway absent. Mayor Pro Tem Alvarado presiding.

Mr. James Moore, 4900 Floyd, Houston, Texas 77007 (832-687-2510) appeared and spoke in favor of Houston Media Source and stated that in 2004 he was awarded a programming excellence award; that the first show he ever saw on Houston Media Source did have sexual content and showed late at night and early morning; that the shows were 100% produced locally by and for Houstonians and less than 1% was what Council Member Wiseman would consider obscene; that he would clear up there was no review of programming before it went onto the air, it was policy and he would clear that up; that the delay in funding brought about by Council Member Wiseman was an attempt to curb favor with conservative constituents and now Council Member Sekula-Gibbs had jumped on; that he hoped the Mayor and others would recognize this as a pitiful display of a political dog and pony show. Mayor White and Council Members Lawrence, Galloway, Holm and Garcia absent. Mayor Pro Tem Alvarado presiding.

Mayor Pro Tem Alvarado stated that before she recognized Council Members the Chair was going to enforce the five minute rule and to remind colleagues it was five minutes collectively during public speaking and there were about 17 other speakers on this subject; and she would ask they be mindful. Mayor White and Council Members Lawrence, Galloway, Holm and Garcia absent. Mayor Pro Tem Alvarado presiding.

Council Member Wiseman stated that there were limitations in free speech and the FCC and the U. S. Code stated clearly what was and was not permitted; that they were being asked as a body to vote on an item dealing with Houston Media Source and the federal law, the City Code and the contract Ms. Garlinghouse signed had laws for such programming; that this was not a dog an pony show she was doing her job and she did her homework. Mayor White and Council Members Lawrence, Galloway, Holm and Garcia absent. Mayor Pro Tem Alvarado presiding.

Upon questions by Council Member Khan, Mr. Moore stated that as far as he was aware federal laws on obscenity were very vague for a reason and it was a matter for the courts to decide and this was not a matter for Council, but for the courts. Mayor White and Council

Members Lawrence, Holm and Garcia absent. Mayor Pro Tem Alvarado presiding.

Mr. Durrel Douglas, 14551 Beechnut #6107, Houston, Texas 77083 (281-983-3512) appeared in favor of Houston Media Source and stated that he was a longtime viewer of Houston Media Source and he enjoyed many of their shows; that every now and then he may see something he thinks is weird but who was he to say what was weird or obscene and what was not; that it was a huge collective amount of culture and there was a remote people could use if they did not like what was on. Mayor White and Council Members Holm and Garcia absent. Mayor Pro Tem Alvarado presiding.

The City Secretary stated that she was asked to remind the audience of the rules of council which stated "No person within any public isles or seating area of the City Council Chamber shall applaud, boo, clap or otherwise audibly express approval or disapproval of actions being taken at the Council Table or the public speakers podium in a loud or ranchos manner calculated to disturb the meeting except for public recognition initiated by City Council"; and Council would appreciate observance of those rules. Mayor White and Council Members Holm and Garcia absent. Mayor Pro Tem Alvarado presiding.

Upon questions by Council Member Edwards, Ms. Taylor stated that there were no tax dollars, no city revenues which went to support Houston Media Source or the municipal channel; that it was funded entirely through a user fee required in city franchises; that the City awarded production of the public access channels and there was an RFP for the particular contract with four proposals. Mayor White and Council Members Holm and Garcia absent. Mayor Pro Tem Alvarado presiding.

Mr. Robert Zipp, 12018 Meadowfair, Houston, Texas 77076 (713-205-3693) appeared in favor of Houston Media Source and stated that he was a producer at Houston Media Source and as their name implied they were Houston's only source for independent media and he believed that should not be compromised; that politicians did not remember air waves belonged to the people; that what sparked this was a program Council Member Wiseman viewed in the middle of the night as was every program with foul language and they did their best they could to ensure such programs were on late where most would not see the programming; and nothing was said about what Houston Media Source did for the youth. Mayor White and Council Members Edwards, Holm and Garcia absent. Mayor Pro Tem Alvarado presiding.

Council Member Wiseman stated that she was not doing this because of something she found objectionable, but what she found objectionable was the law was being violated, contractual obligations were being dismissed and it was clear that it was a violation to broadcast obscene programs at anytime; that free speech did have its limits and she was asking laws be adhered to. Council Member Garcia absent.

Mr. Ray Hill, P. O. Box 3624, Houston, Texas 77253 appeared in favor of Houston Media Source and stated that he was the host, not producer, of sex, truth and video tape a media source program which had received much attention lately and he thanked Council Member Wiseman for promoting his show; that he and his lawyers knew of the First Amendment and in two separate cases taught the City of Houston a great deal; that obscenity appeared only and always when it was adjudicated obscene in a court, there was no prior restraint on the First Amendment; that he litigated the First Amendment against this City on two separate federal occasions and it became easier to deal with him across the desk than the court room. Council Member Garcia absent.

Upon questions by Council Member Khan, Mr. Hill stated that he was host to a show not producer and it was only played on Houston Media Source, Channel 17 Houston, they produced many local programs and some were played in other cities, but his was not and he did not know if the show in question was viewed elsewhere. Council Member Garcia absent.

Council Member Galloway stated that she was sure the attorneys for the City were aware of the meaning of freedom of speech and what was a violation of the law; and Mr. Hill stated that prior restraint was not permitted under the FCC Code, if you did it wrong then they took you to court and the FCC Code only applied to broadcast media and not to anything in your house through a copper wire or over a satellite; and upon questions by Council Member Galloway, Ms. Taylor stated that she had not seen the program, but the City as a franchising entity was prohibited from entering into any sort of restriction on the content of the programming; that Houston Media Source was prohibited from entering into restrictions of content of programming other than as to obscenity and obscenity was a relatively well defined concept in the law and it was not the use of inappropriate language. Council Member Garcia absent.

Ms. T. C. Smythe, 12922 Avenida Vaquero, Houston, Texas 77077(832-715-5226) had reserved time to speak but was not present when her name was called. Council Member Garcia absent.

Mr. Michael Fjetland, 2302 Texas Avenue, Houston, Texas 77002 (713-213-5080) appeared in favor of Houston Media Source and stated that as a result of him being in the negotiating arena he saw a lot of information in the world not too many Americans had so he discovered Access Houston in the mid '90s and he did programming with one being about potential of terrorist attack coming to the U. S.; and he was concerned about obscenity and did not think producers believed in allowing obscenities over the airwaves and his point was to not punish all producers because of one or two; and would ask Council to support them and their programming. Council Members Holm and Garcia absent.

Upon questions by Council Member Goldberg, Ms. Taylor stated that there were federal acts and FCC regulations applicable, but terminology when it dealt with broadcast was not applicable to a cable franchise; that the penal code explicitly set out what was obscene and it was Section 43.21. Council Member Holm and Garcia absent.

Council Member Wiseman stated that Chapter 18 of the U. S. Code Section 1468 referred to distributing obscene material by cable or subscription television and that the penalty was punishable by imprisonment by not more than 2 years or by a fine in accordance with this title or both and that was clear and easy to understand; and from this point on every program crossing the line she would be filing a complaint to make sure they received the punitive action necessary. Council Members Lawrence, Holm, Garcia and Berry absent.

Ms. Monica Parks, 2919 Ebbtide, Houston, Texas 77014 (713-433-0719) appeared in favor of Houston Media Source and stated that she was cofounder and president of Expression Media which was a group of deaf and hard of hearing people who did video tapes and programs for community television; that their programming was too boring and not commercial viable; that Houston Media Source being penalized would penalize all. Council Members Lawrence, Holm, Garcia and Berry absent.

Upon questions by Council Member Edwards, Ms. Taylor stated that when Janet Jackson had her wardrobe malfunction at the Superbowl that the City of Houston underwrote the FCC had jurisdiction over broadcast media and there were penal code provisions as Council Member Goldberg indicated to obscenity; that the FCC did not contact Legal as to what should be done; that ultimately it would be the courts decision as to whether something shown on Media Source was obscene or not and she did not think Council would not have authority to raise such a case for the courts review other than potentially if there was a sense of breach of contract between Houston Media Source and the City of Houston; and Council Member Edwards encouraged colleagues to be consistent in how they dealt with constituents. Council Members Holm, Garcia and Berry absent.

Upon questions by Council Member Edwards, Ms. Parks stated that Houston Media Source began with a federally funded program through Elimination Theater with the Deaf to do

programs and classes and accommodations were provided so deaf and hard of hearing could participate; that they did not censor her program and to have censorship would control what she could discuss. Council Members Garcia and Berry absent.

Mr. Larry Parks, 2919 Ebbitide, Houston, Texas 77014 (713-433-0719) appeared and spoke in favor of Houston Media Source and stated that he was 16 years old and was a producer at Houston Media Source since he was 13 years old and discussed his accomplishments since joining them. Council Members Khan, Garcia, Alvarado, Ellis and Berry absent.

Council Member Galloway thanked Mr. Parks for coming, congratulated him on his accomplishments and stated that Houston Media Source did offer much information. Council Members Khan, Alvarado and Berry absent.

Council Member Wiseman stated that she was glad he appeared today and had the opportunity to build a skill, it was unfortunate some would jeopardize his opportunity by airing things that according to the law people should not be subjected to; and upon questions, Mr. Parks stated that at his school they did have security measures in place; and Council Member Wiseman stated that it was because of terrible acts of others that everyone had to comply with measures to secure his school and no one would suggest he would harm anyone yet he was subjected to those measures and that was the problem they were having with this channel; that they knew they were in violation and still put it out there; that she hoped he would let them know he should not be in a situation to lose an opportunity because they could not follow the law. Council Members Alvarado and Berry absent.

Council Member Edwards stated that she was encouraged with young people coming today and speaking out; that she wished him the best of luck and wanted to remind all of what Ben Franklin Said, "Those who were willing to curtail central freedoms or security deserved neither one." Council Members Alvarado and Berry absent.

Council Member Khan stated that he was so proud of Mr. Parks; that people like him were future leaders. Council Members Alvarado and Berry absent.

Ms. Mary Jane Hancock, 3914 W. Alabama #1, Houston, Texas 77027 (713-621-9561) appeared in favor of Houston Media Source and stated that she taught a class at Houston Media Source which Council asked about earlier today and had taught it about a year, it was called the Legal Ins and Outs of Your TV Show; that many producers they saw today had not been in her class, however, Mr. and Mrs. Parks had; that in the contract the producer took full responsibility for the program; and she would like recommendations from Council on what they would like to see in the class. Council Members Galloway, Garcia, Alvarado, Ellis and Berry absent.

Council Member Wiseman stated that she appreciated her trying to educate producers to their responsibility and again the objection is the obscenity which is clearly in violation of the law; that according to the contractual obligation Houston Media Source had with the City of Houston and the Code of Ordinances it was the PEG (Public Education and Government) channel programmer who was responsible and to pass the responsibility to producers was not in compliance with the agreement, obviously no one was minding the store; and Ms. Hancock stated that she felt she had a point; and Council Member Wiseman stated that some programs she felt were weird but it was not what she liked or disliked it was what was legal and if this contract was approved she would like to work closely with her. Council Members Galloway, Edwards, Garcia and Alvarado absent.

Council Member Lawrence stated that she appreciated Ms. Hancock coming and would like to look at the contract she had if possible; and Ms. Hancock presented copies to Mr. Cantu for distribution. Council Members Galloway, Edwards, Garcia and Quan absent.

Ms. Tj Baker-Holm, 9420 Bassoon Drive, Houston, Texas 77025 (832-212-7824) appeared and spoke in favor of Houston Media Source and stated that she had a television show she called the Constitution and was proud of her success; that Houston Media Source opened their arms and they were helping her become a producer and was present on behalf of other producers. Mayor White, Council Members Galloway, Khan, Holm, Garcia and Quan absent. Mayor Pro Tem Alvarado presiding.

Council Member Wiseman stated that the programming she witnessed violated the law and since her comments she had heard from others and obviously it was occurring because by the director, Ms. Garlinghouse, they were doing nothing to monitor and make sure they were in compliance with the law and if no one was doing so it was easy that such programs were being shown and Houston Media Source was not living up to their contractual obligations; that she would not be present Monday at Council Member Goldberg's committee meeting as she would be in San Antonio for a BRAC Commission Hearing but she would be present for the vote and understood her colleague Council Member Goldberg would not be present for that, but she hoped Ms. Garlinghouse would be present Tuesday, the public deserved to hear from her as to why Houston Media Source was not living up to their responsibility. Mayor White, Council Members Galloway, Khan, Holm and Garcia absent. Mayor Pro Tem Alvarado presiding.

Upon questions by Council Member Edwards as to whether Council could determine if Houston Media Source was in compliance with their contract and or programming, Ms. Taylor stated that not with any finality; that they may have an issue as to whether Houston Media Source did or did not, but the only potential violation they may have would be that obscene material was shown in violation of their contract and a determination of whether it was or was not obscene would have to ultimately be determined by the courts, it was not a finding Council could make; that all she had seen of their contract suggest an effort on their part to be sure the contract was complied with, however, because the nature of a public access channel being a first amendment free speech forum there were strict limitations on what she could do and she could not exercise prior restraint over the content and only deal with it after the fact and she had fairly precise standards about how that would be done in their process and procedure. Mayor White, Council Members Galloway, Wiseman, Khan, Holm and Garcia absent. Mayor Pro Tem Alvarado presiding.

Council Member Green moved to extend the meeting beyond the noon hour to complete by 1:00 p.m., seconded by Council Member Ellis. All voting aye. Nays none. Mayor White, Council Members Galloway, Wiseman, Khan, Holm and Garcia absent. Mayor Pro Tem Alvarado presiding. MOTION 2005-0652 ADOPTED.

Mr. Warner Marsh, 1012 English, Houston, Texas 77009 (713-695-6978) appeared in favor of Houston Media Source, presented information and stated that he worked as an educator and shared concerns about the degrading and vulgar content which filled so many television channels, however, he was surprised to read of the suspension of funding for Houston Media Source, public access television was the last place he expected to encounter degrading material; that public access was valuable and should be protected from political wrangling; and requested that programmers violating the law be suspended from broadcasting but no harm come to their public forum. Mayor White, Council Members Galloway, Wiseman, Khan, Holm and Garcia absent. Mayor Pro Tem Alvarado presiding.

Ms. Cybil Pallugna, 2601 Bellefontaine #A304, Houston, Texas 77025 (713-894-1836) appeared in favor of Houston Media Source and stated that she was a producer at Houston Media Source since 2002 and present to say that Houston Media Source educated, trained and inspired and provided a forum for freedom of expression without segregating or censoring and it could be watched any hour of the day or night. Mayor White, Council Members Galloway, Wiseman, Khan, Holm and Garcia absent. Mayor Pro Tem Alvarado presiding.

Ms. Dawn Jackie Madison, 6606 De Moss #113, Houston, Texas 77074 (281-748-6228) appeared in favor of Houston Media Source and stated that it had allowed her to work on short videos, etc., and felt Council Member Wiseman was being a bit harsh and hoped she would talk to the individual and not throw out the show. Mayor White, Council Members Galloway, Wiseman, Khan, Holm and Garcia absent. Mayor Pro Tem Alvarado presiding.

Mr. Lyman (Tony) Hall, 4125 River Drive, Houston, Texas 77017 (713-649-4960) appeared in favor of Houston Media Source and stated that he was a producer and host of a program entitled Hall and the Arts and they featured dance shows, bands, etc., and without Houston Media Source many would not have a voice to the public; that a procedure was in place to watch programming though much was after the fact you would be notified if you had any violations. Mayor White, Council Members Lawrence, Galloway, Wiseman, Khan, Holm and Garcia absent. Mayor Pro Tem Alvarado presiding.

Mr. Randall Morton, 4826 Palmetto, Bellaire, Houston, Texas 77401 (713-664-0020) appeared in favor of Houston Media Source and stated that he owned an advertising and PR agency called Randall Morton International for about 30 years and had produced an exciting event and Houston Media Source became his partner and they would begin broadcasting his event every three weeks for one year; that Houston Media Source broadcast his Oilfield Breakfast Forum for years; and they reached out for diversity. Mayor White, Council Members Galloway, Wiseman, Khan, Holm, Garcia and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Quan thanked Mr. Morton for his efforts in educating citizens on major issues affecting the community and stated that he looked forward to such other events and agreed with him on the role of Houston Media Source getting the information to others. Mayor White, Council Members Galloway, Wiseman, Khan, Holm, Garcia and Berry absent. Mayor Pro Tem Alvarado presiding.

Mr. Charles Snider, 333 Clay #1170, Houston, Texas 77002 (281-630-6074) appeared in favor of Houston Media Source and stated that as a producer he could attest the station did broadcast programs which served public interest and close to Council and some shows entertained or attempted to entertain; that he apologized if Council Member Wiseman was offended and in his opinion that was rare; and hoped Council would consider all merits. Mayor White, Council Members Galloway, Wiseman, Holm and Berry absent. Mayor Pro Tem Alvarado presiding.

Upon questions by Council Member Khan, Mr. Snider stated that he had a late night show but no obscene language nor innuendo; that he would prefer individuals in question be held or their shows scrutinized and he felt there were restrictions in place by virtue of each signing off on whether their show contained adult material which was to air at night and he thought that sufficed. Mayor White, Council Members Galloway, Wiseman, Holm and Berry absent. Mayor Pro Tem Alvarado presiding.

Mr. Leo Womack, 1617 Fannin, Houston, Texas 77002 (832-236-5671) appeared in favor of Houston Media Source and stated that Council Member Wiseman was trying to obscure the issue by hiding behind statutes and regulations, but they were debating people's access to airwaves they owned; and asked Council to weigh the real consequences of allowing public speech in a public forum to exist. Mayor White, Council Members Galloway, Holm, Quan and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Wiseman stated that as a point of clarification paid channels were not mandated by federal law and did not have to be provided; that in the franchise agreement it spelled out that they could not broadcast obscenity and it was their responsibility to catch it and pull it off the air; that they did not have the right to have uncensored programming on the public access channel and it was the law; that if you signed a contract you had to abide by it and she

was raising the issue the contract was not abided by. Council Members Quan and Berry absent.

Mr. Sean Hayball, 3207 Fontaine, Pearland, Houston, Texas 77584 (832-423-7698) appeared in favor of Houston Media Source and stated that he appreciated Council Member Wiseman's convictions, values and reasonableness of which she served the community daily, but he would propose Council Member Wiseman exercise her right to free speech and produce her own television show to the counterargument of what she found offensive and not infringe on others in the community. Council Members Garcia, Quan and Berry absent.

Upon questions by Council Member Edwards relative to media television being broadcast on Time Warner, Ms. Taylor stated that she was correct and under their franchise they were to provide certain channels for education and public access programming; that the City's cable franchises require each franchisee to provide the programming; that in another environment she may have something other than one of those franchise cable companies; that it was not on regular television but cable and on cable you could usually block channels you did not want available in your home; and Council Member Edwards stated that she was encouraged with the level and passion of young people speaking on this; that what she felt they should be mindful they were putting people's personal lives into jeopardy when they accused them of not being in compliance and violating contracts when it had not been adjudicated, she did not think it was Council's authority or responsibility to adjudicate that and if there was a serious concern it should be given to the appropriate body to make the adjudication. Council Members Garcia, Quan and Berry absent.

Council Member Galloway stated that she felt Council Member Edwards expressed it clearly and she would like to suspend the rules and take items out of order; and Council Member Wiseman stated that as a point of order she wanted to speak and was still on the previous five minutes; that it was unfortunate Mr. Hayball had left and she did not have the opportunity to tell him to his face that she would live up to her sworn oath to uphold the law and if he would violate it then it was his issue and she wondered if and how much he violated it as it seemed he did support it. Council Members Garcia, Quan and Berry absent.

Ms. Linda Kilbourne, 2300 Old Spanish Trail #2026, Houston, Texas 77054 (713-795-9323) appeared in opposition to Houston Media Source and stated that she read this morning about Council Member Wiseman's experience and so she came today; that studies showed the profound effect television had on the minds of young adults, children or anyone; that prison records showed where people got ideas and their sick minds; that she turned on the television and saw two, a male and female necked and on a board and her mouth was on his male anatomy; that sexual intimacy was a beautiful gift as fire was as long as it was kept where it should be; that it was to be an educational channel and turned it on several times and what she saw was the two people doing sexual forms and timing to see how long before physiological secretions came from his body and it was before 10:00 p.m. Council Members Garcia, Alvarado, Quan, Green and Berry absent.

Council Member Wiseman stated that it took great courage to come before Council and describe what she witnessed and it was unfortunate people were so ready to dismiss allegations rather than looking seriously at what was there and chose to think it was just someone saying they did not like what was there; that she did not think anyone could say that what she saw was protected by federal law, it was clearly a violation; and thanked her for coming and describing what she had to witness. Council Members Garcia, Quan, Green and Berry absent.

Council Member Galloway moved to suspend the rules to take Items 33 through 33e and Item 17 out of order, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2005-0653 ADOPTED.

33. WRITTEN Motion by Council Member Goldberg to amend Item 33E below as follows:

That CIP N-0622 (Project: Buffalo Speedway Paving) be moved up to FY 06 and that the scope of work be changed to include the extension of Willowbend from Buffalo Speedway to South Main. Buffalo Speedway construction from Willowbend to Holmes Road be deleted. Attached is an outline for funding sources at this time. (Outline on file in the Office of the City Secretary) – **(TAGGED BY COUNCIL MEMBER GOLDBERG)** – was presented.

Council Member Goldberg presented the following written motion to amend Item No. 33:

“I move that ~~Agenda Item 3~~ Agenda Item 33 be amended as follows:

That CIP N-0622 (Project: Buffalo Speedway Paving) ~~be moved up to FY 06 and that the scope of work be changed to~~ read that Buffalo Speedway Paving begin at W. Bellfort and extend to Willowbend Blvd. and include the extension of Willowbend Bldv. from Buffalo Speedway to South Main. That Buffalo Speedway ~~construction paving~~ paving from Willowbend Blvd. to Holmes Road be deleted. ~~Attached is an outline for funding sources at this time.~~ “

Mayor White stated that the Administration had no objection to this and called for a vote on the amendment. All voting aye. Nays none. MOTION TO AMEND CARRIED.

Mayor White called for a vote on Item 33 as amended. All voting aye. Nays none. MOTION 2005-0654 ADOPTED AS AMENDED.

33a. WRITTEN Motion by Council Member Wiseman to amend Item 33E below as follows:

Amend the Fiscal Year 2006-2010 Capital Improvement Plan Project N-0574 Monroe Paving: Alameda Genoa to Fuqua to reflect the adopted Fiscal Year 2005-2009 Capital Improvement Plan funding schedule – **(TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented.

Council Member Wiseman stated that the motion was submitted on a project which was repeatedly delayed and she received written information from the department that attempting to move it up was not possible, the work could not feasibly be done in the time frame, but it would continue to undergo design process and then construction; and she appreciated the commitment to move forward and moved to table Item 33a, seconded by Council Member Holm. All voting aye. Nays none. MOTION 2005-0655 ADOPTED.

33b. WRITTEN Motion by Council Member Garcia to amend Item 33E below as follows:

Motion #1

Motion to add a 3,000 sq. foot community room at the Moody Park Recreation Center.

Fiscal Note: \$450,000 -to be put in FY09 Parks Undetermined funding – **(TAGGED BY COUNCIL MEMBER GARCIA)** – was presented.

Council Member Garcia stated that the Northside Community looked to expanding its capacity to holding activities at the Moody Park Recreation Center and it was a huge priority and he would appreciate discussions with the Administration, but he did respect the fact there was an extremely tight budget focusing on public safety and asked for a commitment of discussion on getting there; and moved to table Item 33b, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2005-0656 ADOPTED.

33c. WRITTEN Motion by Council Member Garcia to amend Item 33E below as follows:

Motion #2

Motion to add North Lindale Subdivision street reconstruction, consisting of 41,370 feet of streets to have new pavement, storm sewer, water and waste water, and sidewalks.

Fiscal Note: \$20,612,439 – **(TAGGED BY COUNCIL MEMBER GARCIA)** – was presented.

Council Member Garcia stated that North Lindale thought they had complied with a street reconstruction application in 1998 and had gathered over 120 signatures but never

received information the process was not done adequately and now nothing was coming; that again he hoped the Administration would work with them toward a process; and moved to table Item 33c, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2005-0657 ADOPTED.

- 33d. WRITTEN Motion by Council Member Sekula-Gibbs to amend Item 33E below as follows: 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 – **(TAGGED BY COUNCIL MEMBER SEKULA-GIBBS)** – was presented.

Council Member Sekula-Gibbs presented the following written motion as a substitute for Item No. 33d:

“The City of Houston shall adopt a policy to make it our highest priority to maintain 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.”

Mayor White stated that he supported the amendment to the amendment; and after a lengthy discussion Council Member Sekula-Gibbs stated that if Council would like to refer this to a committee for policy development and work it into something they could support she thought it would be appropriate; and moved to table the amendment to be referred to committee, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2005-0658 ADOPTED.

- 33e. MOTION by Council Member Khan/Seconded by Council Member Alvarado to adopt recommendation for adoption of **CAPITAL IMPROVEMENT PLAN** for Fiscal Years 2006 through 2010 – **(This was Item 3 on Agenda of June 29, 2005, TAGGED BY COUNCIL MEMBERS SEKULA-GIBBS and WISEMAN)** – was presented.

A vote was called on the main item as amended by Motion 2005-0654. All voting aye. Nays none. MOTION 2005-0659 ADOPTED.

Mayor White stated that people told him this was the earliest a CIP was adopted in a longtime and it gave a chance to get started on projects a lot sooner.

17. ORDINANCE establishing a ten foot wide utility corridor under Memorial Drive within Memorial Park located in the City of Houston, Texas - **DISTRICT G – HOLM** – was presented. All voting aye. Nays none. ORDINANCE 2005-879 ADOPTED.

Council Member Lawrence stated that many people around the table wore different hats and presented Mayor White with a bicycle helmet with the title “Mayor” on it so he would be recognized.

Council Member Wiseman moved to suspend the rules to continue with the Council session until such time as all business was completed, seconded by Council Member Galloway. All voting aye. Nays none. MOTION 2005-0660 ADOPTED.

Mayor White stated that the citizens and Agenda were important but there was a meeting he must go to on the strong efforts to obtain substantial funding to improve the situation of freight rail going through the City and excused himself from Council.

Mr. John Hall, 2710 Pecan Court, Missouri City, Texas 77459 (281-416-9836) had reserved time to speak but was not present when his name was called. Mayor White absent. Mayor Pro Tem Alvarado presiding.

Mr. Andy Wiltshire, 12210 Wood Bayou, Houston, Texas 77013 (713-445-8875) had

reserved time to speak but was not present when his name was called. Mayor White absent. Mayor Pro Tem Alvarado presiding.

Ms. Fanethia Cox, 3711 Southmore #719, Houston, Texas 77004 (no phone) – appeared and stated that she was born in Houston and attended school in Houston at Texas Southern University and also attended Atlanta University and worked toward two Doctorates in Bio Chemistry, as well as Curriculum Instruction, however she found that when she returned to Houston she had experienced some situations where she found herself in a position where when it was time to complete her Doctorate some political reasons would come up to prevent her from ever accomplishing her goal, that there had been days in the past that Houstonians like herself were not allowed to be educated in Texas Schools without a special identification number and they had changed since then in their lives, that she came from grandparents who were not allowed to go to school, they did not know how to read and write and she was the first in her family who was allowed to go to the university and complete, however as a teacher she found that on many occasions she had gone through some incidents that had been quite unusual and she worked in North Forest, the last time was in 2002 and she found herself being escorted from the district, after that occurred, what she did was go to EEOC and explained to them that from 2002 to 2004 she had been trying to work in the district and she found that when she wrote educational articles concerning how she felt that she as an individual and other people like herself should go through the educational process it seemed to offend others who had not gone through the process, so she learned that in Houston they had to change because after they had educated so many different people in their universities from so many different groups they had changed regardless if they wanted to or not, so she had found herself, when she moved into Third Ward, after she came from Atlanta, she found that her lifestyle, which she expected to live, was changed drastically because every time she expressed that her needs and lifestyle should be improved people did not want to hear that, so her child now was attending DeBakey High School and she found once again a Vanguard student, who had always been an “A” student and honor student, received three “f’s” and what she did was voice her opinion, she said her child had always been Vanguard and should not get three “fs”, that it happened during the election, that she received calls from three teachers and they thought it was quite funny to tell her that her child had no logic in geometry and could not write and that he also did not know a thing about geography, that strangely enough it was during the time when Kerry was in Houston, so she realized she was in a political situation, what she did was involve herself as part of the PTA and had to express to the PTA President that when parents came to DeBakey and expressed their needs they had to address them. Mayor White and Council Members Galloway, Goldberg and Kahn absent. Mayor Pro Tem Alvarado presiding.

Upon questions by Council Members, Ms. Cox stated that she had taken her complaints to HISD and had talked to the representatives for Dr. Saavedra and had also taken her complaints to North Forest because she had been a teacher at North Forest, that she was asking the Council to do was to understand that in Houston when they went away to get their degrees and work toward their education they expected to come back to Houston and live a fulfilling life, different from what their parents had to go through and people were not recognizing the fact that they were spending a lot of money in private schools and coming back to Houston and not being allowed to actually work in the school districts and also educate their children. Mayor White and Council Members Galloway, Goldberg, Kahn and Ellis absent. Mayor Pro Tem Alvarado presiding.

Ms. Deirdreia Cox, 9333 Cathedral, Houston, Texas 77051 (no phone) appeared and stated that she used to work at the City of Houston however she found that when she worked in Council Member Robinson’s office she did not receive her last check and when she went and talked to the people at 611 Walker they told her that was a procedure that took place and she had to accept the procedure, however she did not accept the response that they gave her, that she just got fired and to move on, that she did not get an explanation, she moved to Ms. Mary Hammer’s office and went through the same situation, that she went to the District Attorney for assistance and did not get a response, that she had put her resume through the City of Houston

and knew she was qualified to do all kinds of things however she had not received any responses, that she came back to where the problem started to see if she could resolve the situation and now needed advice on what to do or where to go and if they could give it to her she would appreciate it. Mayor White and Council Members Galloway, Goldberg and Ellis absent. Mayor Pro Tem Alvarado presiding.

Upon questions by Council Members, Ms. Cox stated that she never got her last paycheck and when she went back to find out what was going on they stated that they always retained the last paycheck, that it was personnel at 611 Walker, that she turned in all of her timesheets, and Council Member Quan stated that they would check and see why she had not been reimbursed for her time, and Ms. Cox stated that she did not receive due process for a grievance, and Council Member Quan stated that there was an office of Inspector General if she had a grievance of something irregular with the City, but thought the personnel department should also accept those grievances as well. Mayor White and Council Members Goldberg, Garcia and Ellis absent. Mayor Pro Tem Alvarado presiding.

Mr./Coach R. J. Bobby Taylor, 3107 Sumpter, Houston, Texas 77026 (713-409-2578) had reserved time to speak, but was not present when his name was called. Mayor White and Council Members Goldberg, Garcia and Ellis absent. Mayor Pro Tem Alvarado presiding.

Mr. Steven Williams, no address (no phone) had reserved time to speak but was not present when his name was called. Mayor White and Council Members Goldberg, Garcia and Ellis absent. Mayor Pro Tem Alvarado presiding.

Mr. Robert Horton, 3714 Bain, Houston, Texas 77026 (no phone) had reserved time to speak but was not present when his name was called. Mayor White and Council Members Goldberg, Garcia and Ellis absent. Mayor Pro Tem Alvarado presiding.

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (832-453-6376) appeared and stated that he was addressing his unofficial crime victim case that had been pending with HPD for some years, and continued with his personal opinions until his time expired. Mayor White and Council Members Goldberg, Garcia and Ellis absent. Mayor Pro Tem Alvarado presiding.

At 1:19 p.m. Mayor Pro Tem Alvarado stated that they would go back to the agenda. Mayor White and Council Members Goldberg, Garcia and Ellis absent. Mayor Pro Tem Alvarado presiding.

ORDINANCES

11. **ORDINANCE AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to ambulance fees, drivers, inspections and penalties – was presented. Mayor White and Council Members Goldberg, Garcia and Ellis absent. Mayor Pro Tem Alvarado presiding.

Council Member Sekula-Gibbs stated that she had submitted an amendment that basically allowed the particular change in the fee structure for their private ambulance inspection fees to be directed towards a funding of inspectors in the Health Department and presented the following motion to amend Item No. 11, that she would tag the main item and her amendment and moved to refer the whole issue to the Public Safety Committee so that it could be further discussed in a public forum:

Re: Agenda Item No. 11 (7/6/2005)

I move to amend Item 11 as follows:

“Renumber Sections 6 and 7 as Sections 7 and 8, respectively, and add a new Section 6, as

follows:

Section 6. That Chapter 4 of the Code of Ordinances, Houston, Texas is hereby amended by adding a new Section 4-19, to read as follows:

Sec. 4-19. Disposition of certain fees.

All fees collected under Sections 4-3 and 4-16 of this Code shall be allocated to the health and human services department to fund the inspection of ambulances and permitting of ambulance operators as required by this chapter.” – Tagged by Council Members Sekula-Gibbs, Wiseman and Quan. Mayor White and Council Members Goldberg and Ellis absent. Mayor Pro Tem Alvarado presiding.

After further discussion by Council Members, Mayor Pro Tem Alvarado stated that Item No. 11 had been tagged by Council Members Sekula-Gibbs, Wiseman and Quan. Mayor White and Council Members Goldberg and Ellis absent. Mayor Pro Tem Alvarado presiding.

15. ORDINANCE approving and authorizing contract between the City of Houston and **TALENTO BILINGUE DE HOUSTON**, to provide \$170,000.00 in Community Development Block Grant Funds to fund an addition to a public facility located at 333 South Jensen - Grant Fund **DISTRICT H – GARCIA** – was presented. All voting aye. Nays none. Mayor White and Council Members Goldberg and Ellis absent. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-0880 ADOPTED.

Council Member Garcia stated that he wanted to thank the administration for their support in putting the item on the agenda and also wanted to recognize Mr. Jose Soto for his work on the item. Mayor White and Council Members Goldberg and Ellis absent. Mayor Pro Tem Alvarado presiding.

Council Member Quan stated that he also wanted to thank all those who had worked on the item, that he wanted to extend his thanks to the Fraga Family for all of their work and to the Council Members who participated in this. Mayor White and Council Members Goldberg and Ellis absent. Mayor Pro Tem Alvarado presiding.

18. ORDINANCE altering maximum prima facie speed limits in certain school zones in the City of Houston; making various findings and containing other provisions relating to the subject; declaring certain conduct to be unlawful and providing a penalty; providing for severability; containing a repealer; containing a savings clause – was presented. All voting aye. Nays none. Mayor White and Council Members Goldberg and Ellis absent. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-0881 ADOPTED.
19. ORDINANCE approving and authorizing lease agreement between the City of Houston and **ATLANTIC AVIATION CORPORATION** for certain premises at William P. Hobby Airport **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Mayor White and Council Members Goldberg and Ellis absent. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-0882 ADOPTED.
21. ORDINANCE appropriating \$550,000.00 out of Houston Airport System Consolidated 2001 AMT Construction Fund, and approving and authorizing amendment No. 1 to Construction Contract between the City of Houston and **VANDERLANDE INDUSTRIES, INC** for Terminal E/FIS EDS Interim In-Line Baggage Conveying Equipment at George Bush Intercontinental Airport/Houston; Project 612C, CIP A-0486 & A-0422 - **DISTRICT B - GALLOWAY** – was presented, and tagged by Council Member Wiseman. Mayor White and Council Members Goldberg and Ellis absent. Mayor Pro Tem Alvarado presiding.
22. ORDINANCE approving and authorizing contract between the City of Houston and **BOOTH RESEARCH GROUP, INC** for Professional Services in connection with

Developing and Delivering a Written Test and Assessment Center Process for promotion to the rank of Police Sergeant in the Houston Police Department - \$163,900.00 - General Fund – was presented. Mayor White and Council Member Ellis absent. Mayor Pro Tem Alvarado presiding.

Council Member Khan asked how many tests would \$163,900 get and why were they using them now, was it a proper use of the City funds and could the tests be done in-house, and Mayor Pro Tem Alvarado stated that they would get that information for him in the next few days. Mayor White and Council Member Ellis absent. Mayor Pro Tem Alvarado presiding.

Council Member Quan stated that he would add his tag to the item, that he had gotten some information from the Police Department but there were two other bids that were lower on the testing, that he wanted to see the matrix that was used to determine how they selected the company and how they compared to the two others that were the lower bids. Mayor White and Council Member Ellis absent. Mayor Pro Tem Alvarado presiding.

Council Member Wiseman stated that she would tag Item No. 22. Mayor White and Council Member Ellis absent. Mayor Pro Tem Alvarado presiding.

Mayor Pro Tem Alvarado stated that Item No. 22 had been tagged by Council Members Wiseman and Quan. Mayor White and Council Member Ellis absent. Mayor Pro Tem Alvarado presiding.

23. ORDINANCE approving and authorizing amendment to sponsorship agreement approved by Ordinance No. 05-0125 with **CITY PARK HOMEOWNERS ASSOCIATION, INC** for Solid Waste Collection Services - 1 Year - \$72.00 - **DISTRICT D – EDWARDS** – was presented. All voting aye. Nays none. Mayor White and Council Member Ellis absent. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-0883 ADOPTED.
24. ORDINANCE appropriating \$236,025.00 out of Police Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **J. F. THOMPSON, INC** for Replacement of HVAC System, Police Communications Building, GFS G-0109-01-2; providing funding for contingencies relating to construction of facilities financed by the Police Consolidated Construction Fund - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. Mayor White and Council Member Ellis absent. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-0884 ADOPTED.
30. ORDINANCE granting to **O. P. ENTERPRISE WASTE SERVICES, INC, a Texas Corporation**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions **FIRST READING** - was presented. All voting aye. Nays none. Mayor White and Council Member Ellis absent. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-0885 PASSED FIRST READING IN FULL
31. ORDINANCE granting to **REPUBLIC WASTE SERVICES, L.P., a Texas limited partnership**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions **FIRST READING** - was presented. All voting aye. Nays none. Mayor White and Council Member Ellis absent. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-0886 PASSED FIRST READING IN FULL

Items received during meeting.

13. ORDINANCE approving and authorizing an application through the **US DEPARTMENT OF HOMELAND SECURITY** for assistance in hiring 60 additional firefighters under the Staffing for Adequate Fire and Emergency Response (SAFER) Grant; declaring the city's eligibility for such grant; authorizing the Mayor to act as the city's representative in the application process; authorizing the Chief of the Houston Fire Department to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program; providing a maximum matching grant fund amount – was presented, and tagged by Council Members Wiseman. Mayor White and Council Member Ellis absent. Mayor Pro Tem Alvarado presiding.
14. ORDINANCE appropriating \$500,000.00 out of the Tax Increment Reinvestment Zone (TIRZ) Affordable Housing Fund (Fund 872) and authorizing spending authority to use the TIRZ Funds to repair homes as mandated by the U. S. Department of Housing & Urban Development (HUD), through the Texas Local Government Purchasing Cooperative, for the Housing & Community Development Department – was presented, and tagged by Council Member Wiseman. Mayor White and Council Member Ellis absent. Mayor Pro Tem Alvarado presiding.

After discussion by Council Members, Council Member Wiseman stated that she would release her tag on Item No. 14 but wanted to visit with the department on the item.

Mayor Pro Tem Alvarado stated that the tag had been removed and a vote was called on Item No. 14. All voting aye. Nays none. Mayor White and Council Member Ellis absent. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-0887 ADOPTED.

NON CONSENT AGENDA - NUMBER 32

PROPERTY

32. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Doug O. Williams of Doug O. Williams Consulting, on behalf of South Main Baptist Church (Tom Williams, church administrator), for abandonment and sale of: (a) 15-foot-wide alley, between Isabella Avenue and Truxillo Avenue; (b) Travis Street, from Branard Street/Isabella Avenue to Truxillo Avenue; (c) Brandt Street, from Richmond Avenue to Colquitt Street; (d) Bute Street, from Richmond Avenue to the Southwest Freeway, (e) Colquitt Street, from S. Main Street to the Southwest Freeway; and (f) Brandt Street, from Colquitt Street to the Southwest Freeway, in exchange for the conveyance to the City of storm sewer and/or drainage easements, all located within the Kirby Main Street Addition and/or the Bute Addition, Parcels SY5-052A through F and LY5-006 - **TWO APPRAISERS and one ALTERNATE APPRAISER - DISTRICT D – EDWARDS** - was presented. Mayor White and Council Member Ellis absent. Mayor Pro Tem Alvarado presiding.

Council Member Edwards named Mr. Samuel Stewart and Mr. John Chambliss as appraisers and Mr. George Coleman as alternate appraiser and moved approval of the recommendation, seconded by Council Member Khan. All voting aye. Nays none. Mayor White and Council Member Ellis absent. Mayor Pro Tem Alvarado presiding. MOTION 2005-0661 ADOPTED.

MATTERS HELD - NUMBERS 33 through 36

35. MOTION by Council Member Khan/Seconded by Council Member Alvarado to adopt recommendation from Finance & Administration Department to award to **DON MCGILL TOYOTA** for Automotive, Toyota (OEM) Car/Light Truck Replacement Parts and Service for Various Departments - \$816,000.00 - General and Fleet Management Funds – **(This was Item 13 on Agenda of June 29, 2005, TAGGED BY COUNCIL MEMBER**

GOLDBERG) – was presented. All voting aye. Nays none. Mayor White and Council Member Ellis absent. Mayor Pro Tem Alvarado presiding. MOTION 2005-0662 ADOPTED.

Council Member Goldberg stated that he had a chance to look into the item, that it was for maintenance of hybrids, that they heard in the news that there were a lot of recalls for the hybrids yet their City did not even get the notices and were making a lot of repairs that probably should have been paid for by the manufacturer, they had \$500,000 worth of cars and did not have one person in charge of seeing if there was a recall or if the manufacturer should make the repair and looking if the different departments wanted to swap cars, that he hoped the administration would hire someone and put them in charge of half a million dollars worth of inventory so they could save on some of the repairs. Mayor White and Council Members Ellis and Berry absent. Mayor Pro Tem Alvarado presiding.

36. ORDINANCE appropriating \$494,250.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **BARNHART ENGINEERING** for Design of Two Bike/Pedestrian Bridges Across Brays Bayou; GFS N-0420-07-2 (SB9211); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund **DISTRICT D - EDWARDS – (This was Item 47 on Agenda of June 29, 2005, TAGGED BY COUNCIL MEMBER LAWRENCE)** – was presented. All voting aye. Nays none. Mayor White and Council Member Ellis absent. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-0888 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Goldberg stated that he was pleased to see that the item passed today regarding the relocation of the locomotive but he knew that with all their good intentions the Junior Chamber of Commerce fell short of some money and he would like to see if they could have all of the proceeds from the City of Houston birthday party go to help defray some of those costs. Mayor White and Council Members Lawrence, Ellis and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Goldberg stated that they would discuss the Media Source contract on Monday, July 11, 2005 at 1:30 p.m. Mayor White and Council Members Lawrence, Ellis and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Wiseman stated that she wanted to extend thanks to Mr. Steve Gerardi with Building Services and their group, that they had assisted them in delivering several items to fire stations in District E that they were able to obtain for them; that she also wanted to thank Mr. Ray Drousseau and his group with F&A and Ms. Regina Patrick who assisted them in filling out all of the proper paperwork to make it happen. Mayor White and Council Members Lawrence, Holm, Garcia, Ellis and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Wiseman stated that two of the four children that were selected to visit the World Golf Village in San Augustine, Florida by the First Tee were from their very own Law Park, that Ms. Malorie Luna and Mr. Remington Scott were both going into the 11th grade and were affiliated with the local First Tee Chapter, that the two young golfers were selected from among 200 First Tee clubs across the Country. Mayor White and Council Members Holm, Garcia, Ellis and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Galloway stated that on Saturday, July 9, 2005 she would be hosting a Crime Prevention Forum in the Pleasantville Community from 11:00 a.m. to 1:00 p.m. at the Howell Middle School, 1600 Gelhorn, that Chief Hurtt would be present along with other law enforcement agencies as well. Mayor White and Council Members Holm, Garcia, Ellis, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Galloway stated that she wanted to thank Mr. Dadoush for his hard work and effort in correcting the problems at a couple of the fire stations in District B. Mayor White and Council Members Holm, Garcia, Ellis, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Green stated that on June 30, 2005 members of his office and Council Member Lawrence office participated in a meeting with Judge Mejia and Ms. Yolanda De Leon, the new Chief Prosecutor at the Municipal Courts and several HPD representatives and it dealt with the issue of curb stoning, which passed in the House, House Bill 2509, and they were working to inform both the judges and City prosecutors about how to handle the curb stoning violations, that the combined efforts would increase the public safety and quality of life for many of their neighborhoods, that they were excited that the law had passed and the implementation of that, that it had been a big issue for the District Council Members so the enforcement of it should be well under way. Mayor White and Council Members Holm, Garcia, Ellis, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Green stated that the publication of the Green Report was going out this week and if any of the Council Members had information they had to share with the public to let him know. Mayor White and Council Members Holm, Garcia, Ellis, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Green stated that he wanted to encourage the administration to look very closely at some of the findings that were found in the Houston Emergency Center audit, that many of the items that were pointed out were things that they had all been talking about for the last year and a half around the Council table. Mayor White and Council Members Holm, Garcia, Ellis, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Green stated that he wanted to wish Mike Wills, one of his interns a happy birthday. Mayor White and Council Members Holm, Garcia, Ellis, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Edwards stated that she wanted to congratulate Ms. Susan Christian and the Special Events Department for an awesome July 4th presentation and celebration, that she wanted to commend HPD and HFD and all of the City employees who were responsible and all of the corporate sponsorships of the fine program. Mayor White and Council Members Holm, Garcia, Ellis, Quan, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Edwards stated that she wanted to commend the Montrose Community that was involved in District D, they had a townhall meeting last night that tired to be skewed as something very confrontational and non solvable but they had almost 300 plus people show up, including the Mayor and Chief Hurtt and in a 3 hour meeting there was always respect for the speakers and the speakers respected the format and they came out of it with a taskforce and were hopeful that they could come up with a process and a solution that would start it on a mend. Mayor White and Council Members Galloway, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that regarding the HEC center she thought they needed to address the issue not just on television with 30 second spins, but they needed to have a full hearing or whatever they needed to have because they had spent quite a number of dollars on the center and she thought it provided an excellent and well needed service and if they had problems there they really needed to investigate it. Mayor White and Council Members Galloway, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that she knew Mayor Pro Tem Alvarado was having a

meeting tonight on the Metro issue and they had several meetings in District D and the last meeting that they held about two weeks ago Mr. Wilson and Mr. Sedlak were present and there was a formation of a taskforce that included most of the institutions in that area and their charge was to work with Mr. Wilson and Metro to try to come to an alignment plan that would be agreeable to most of the people and it was her understanding that it was done and the plan was presented to Metro and now she was hearing rumors that something was askew, that if the rumor was true they needed to address it and if it was not true they needed to squash it because it was causing confusion, that she would appreciate the administrations support on that. Mayor White and Council Members Galloway, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that the Houston Comets had two members in the All Star Game and she wanted to congratulate them. Mayor White and Council Members Galloway, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that the Astros were coming back, that Mr. Backe pitched an awesome game last night. Mayor White and Council Members Galloway, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that she wanted to thank Ms. Taylor for the information that she afforded her today in the public session. Mayor White and Council Members Galloway, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Lawrence stated that she wanted to thank the Parks Department for what they did in different parks in District A to make celebrations of the Fourth of July a little special, that in less than a few days notice they went out to Lee Park and placed some table and garbage cans. Mayor White and Council Members Galloway, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Lawrence stated that she wanted to thank Ms. Christian and her staff for a great celebration in the City. Mayor White and Council Members Galloway, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Lawrence stated that she was excited about the movement of the locomotive to Minute Maid Park, she just hoped they would not see oranges put into the locomotive. Mayor White and Council Members Galloway, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Lawrence stated that the TML Executive Director had in the past week criticized a bipartisan group for trying to prevent the taking of private property on behalf of private property owners to increase taxes, she hoped TML would consult their members, like the City of Houston, before they came out with policy. Mayor White and Council Members Galloway, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Alvarado stated that she took congratulated Ms. Christian and the entire Special Events staff and the many volunteers. Mayor White and Council Members Galloway, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Alvarado stated that last week Bishop Fiorenza was in the Vatican and he was honored and they were honored, Houston now had a new Arch Diocese and he was now the new Arch Bishop, which would be the largest in Texas, that she wanted to congratulate Arch Bishop Fiorenza and the Catholic Community in Houston. Mayor White and Council Members Galloway, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Alvarado stated that Council Member Edwards made reference to it, but she and Congressman Green and State Senator Gallegos were hosting a Metro townhall meeting today from 6:00 p.m. to 8:00 p.m. at the Cape Center at 4501 Leeland. Mayor White and Council Members Galloway, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Alvarado stated that one of the people who led Metro for nine years passed away today, Mr. Robert McClinton, that he served longer than any other CEO or Chairman, and asked for a moment of silence in memory of Mr. McClinton. Mayor White and Council Members Galloway, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Khan stated that he had some comments on behalf of Council Member Sekula-Gibbs, that she joined everybody in congratulating NASA on the scheduled launch of the space shuttle Discovery which was set to launch next Wednesday at 2:00 p.m., that it was the first flight since the loss of the Columbia crew and they all wished them a successful flight. Mayor White and Council Members Lawrence, Galloway, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Khan stated that on behalf of Council Member Quan, next Sunday at 6:00 p.m. at the Museum of Natural Science there was a moving showing by the name of Mystic India by a group called BAPS and all the Council Members were invited to join. Mayor White and Council Members Lawrence, Galloway, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Khan stated that he wanted to thank all of the people involved in the first convention in Houston for the Pakistani Physicians, that it was their 28th convention but the first time in Houston. Mayor White and Council Members Lawrence, Galloway, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Khan stated that he wanted to acknowledge Council Member Edwards who was the main speaker for the symposium regarding the flight of women in Pakistan against domestic abuse. Mayor White and Council Members Lawrence, Galloway, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Khan stated that last Sunday they held the first ever Engineering University Alumni Dinner, that it was the first time in Houston and two of the honored guests came from Pakistan. Mayor White and Council Members Lawrence, Galloway, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Khan stated that he wanted to acknowledge the efforts by the Houston Library System, that their office made contributions to two public libraries in District F. Mayor White and Council Members Lawrence, Galloway, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

PRESENT)

Council Member Khan stated that he wanted to raise the issue of the Dunlap project, the water main project on Dunlap Street parallel to Hillcroft Street, the contractor, CTI, filed for bankruptcy and all the neighbors who lived on that street and were affected by the construction were really frustrated with so much time being taken for the completion of the project, that he wanted to acknowledge that the Houston Public Works Department was doing all they could and trying to find a way to complete the project as soon as possible, that they planned to hold a townhall meeting to give the residents an updated report about the progress on the project. Mayor White and Council Members Lawrence, Galloway, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that the South East Coalition raised over \$2,000 for the Johnson Library, that she wanted to thank Ms. Swindle and her group for their leadership and taking charge of their community and their library's needs. Mayor White and Council Members Lawrence, Galloway, Wiseman, Holm, Garcia, Ellis, 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 1:57 p.m. Mayor White and Council Members Lawrence, Galloway, Wiseman, Holm, Garcia, Ellis, 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

Anna Russell, City Secretary