

## City Council Chamber, City Hall, Tuesday, July 12, 2005

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, July 12, 2005, Mayor Bill White presiding and with Council Members Carol M. Galloway, Ada Edwards, Addie Wiseman, M. J. Khan, Pam Holm, Adrian Garcia, Carol Alvarado, Mark Ellis, Gordon Quan, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; Ms. Jo Wiginton, Division Chief, Contract Division, Ms. Connie Acosta, Division Chief, Labor Division, Legal Department; Mr. Richard Cantu, Director Mayor's Citizens Assistance Office; Ms. Marty Stein, Agenda Director and Mr. Jose Soto, Assistant Agenda Director present. Council Member Toni Lawrence out of the city on personal business. Council Member Mark Goldberg out of the city on city business.

At 2:17 p.m. Mayor White called the meeting to order and called on Council Member Holm who led all in prayer and in the pledge. Council Members Wiseman, Garcia and Berry absent.

At 2:18 p.m. the City Secretary called the roll. Council Member Lawrence out of the city on personal business. Council Member Goldberg out of the city on city business. Council Members Wiseman, Garcia and Berry absent.

Council Members Khan and Quan moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Member Lawrence out of the city on personal business. Council Member Goldberg out of the city on city business. Council Members Wiseman, Garcia and Berry absent. MOTION ADOPTED.

Council Member Holm moved to suspend the rules for the purpose of hearing Ms. Susan Kellner, Ms. Theresa Kosmoski, Ms. Alisa Dawson, Ms. Lisa Peterson Ms. Melissa Igo, Ms. Colleen McCampbell, Ms. Valerie Johnson and Ms. Becca Eklers out of order, seconded by Council Member Khan. All voting aye. Nays none. Council Member Lawrence out of the city on personal business. Council Member Goldberg out of the city on city business. Council Members Wiseman, Garcia, Alvarado and Berry absent. MOTION 2005-0663 ADOPTED.

Ms. Linda Smith, 6646 Community, Houston, Texas 77005 (713-664-3521) had reserved time to speak but was not present when her name was called. Council Members Wiseman, Garcia, Alvarado and Berry absent.

Mr. Edward Crovo, 16440 Moon Rock Drive, Houston, Texas 77058 (281-486-5668) appeared and spoke in favor of Houston Media Source and stated that he was asking to fully fund them; that they provided public access and it was something to be proud of; that he was shocked Council Member Wiseman wanted to withhold funds to them because of something she saw; that Free Speech TV and Democracy Now were the shows which followed the one referred to by Council Member Wiseman; and asked Council Members to fully fund Houston Municipal Source. Council Members Wiseman, Holm, Garcia and Sekula-Gibbs absent.

Upon questions by Council Member Galloway, Mr. Crovo stated that he had no show on the access channel and no connection with any of their personnel, but he looked forward to their views and benefits. Council Members Wiseman, Holm and Garcia absent.

Council Member Edwards stated that she agreed Houston Media Source should be funded; and upon questions, Mr. Crovo stated that he had no complaints with programming he saw, but even if he disagreed with all of them it was outrageous to consider not funding such a service. Council Members Wiseman, Holm and Garcia absent.

Ms. Kathy Luersen, 910 1/2 W. Drew, Houston, Texas 77006 (713-521-2872) had reserved time to speak but was not present when her name was called. Council Members Wiseman, Holm and Garcia absent.

Ms. Katrechia Johnson, 11606 Lakewood Crossing, Tomball, Texas 77377 (281-773-1405) appeared and spoke in favor of Houston Media Source and stated that they provided something for her and for her church; that she produced a program called The Truth and the Power and on her way to producing a second show for TSU; that she understood there should be some censorship but Houston Media Source was opening opportunities and changing lives. Council Members Wiseman, Holm and Garcia absent.

Upon questions by Council Member Edwards, Ms. Johnson stated that her position on sexual material was it was not acceptable, but other programs were doing something positive and should not be affected. Council Members Wiseman and Holm absent.

Council Member Ellis stated that everyone talked about the program benefits and he would agree the community did benefit from their programs, but the program he watched that Fox news brought to attention and which Council Member Berry brought to view was a sexually explicit program and they did not believe that should be on a public access channel and it was being said Houston Media Source was teaching how to produce and edit films and if that was the case, based on that film, then they would actually be promoting pornography and that industry; and he suggested all the producers with quality shows go to Houston Media Source and say guidelines needed to be set because he was not ready at this time to fund them; that if it was delayed a month and they were able to set guidelines to bring to Council he would be for their funding. Council Member Wiseman absent.

Council Member Berry stated that even those who were the angriest did not want the public access to go away, but they wanted accountability and without it then it was hard to support. Council Members Wiseman and Holm absent.

Council Member Galloway stated that all had a right to change a channel if something was offensive and did not think funding should be held up, but instead that Houston Media Source should view the tapes before viewing. Council Members Wiseman, Holm, Garcia and Berry absent.

Mayor White stated that he would appreciate Ms. Johnson sending her resume to his office as they were looking for board members. Council Members Wiseman, Holm, Garcia and Berry absent.

Ms. Angie Pete, 1303 Crocker, Houston, Texas 77019 (512-796-5866) appeared in favor of Houston Media Source and stated that Houston Media Source was different and the only television access channel which all members of the community could participate in and US Congress guaranteed to the public this access to express their ideas of feelings and art and it was a first amendment forum; and referring to the program which sparked the controversy she saw a little on the news and found it distasteful, but as Council Member Galloway stated the channel could be changed, regarding screening beforehand if Houston Media Source did screen before programs were aired it would violate the Supreme Court ruling on prior restraints; and to stifle free speech was unconstitutional. Council Members Galloway, Wiseman, Holm and Berry absent.

Council Member Edwards stated that pornography was offensive to her; and upon questions, Ms. Wiginton stated that the last time the City was sued they and Media Source was sued but the City was able to get out of it, they would have to defend themselves. Council Member Edwards stated that the producer who put the program on was already suspended and she understood it happened in the past; and upon further questions by Council Member Edwards, Ms. Pete stated that she was not a producer at Media Source and the programming was a potpourri of programming. Council Members Galloway, Wiseman, Holm, Ellis and Berry absent.

Mr. Robert Fickman, 440 Louisiana #2110, Houston, Texas 77002 (713-655-7400)

appeared in favor of Houston Media Source and stated that free speech was the hallmark of a free society and Houston Media Source provided television access to the public and gave meaning to free speech; that the Harris County Criminal Lawyers Association sponsored a weekly show on Houston Media Source called Reasonable Doubts and he was current host; that they discussed concerns to all and voting to eliminate their funding would be voting to silence free speech; that many fought for freedom and paid too high a price to take freedom away; and urged funding. Council Members Galloway, Wiseman, Holm, Ellis and Berry absent.

Upon questions by Council Member Khan, Mr. Fickman stated that he felt if obscene material was to be aired it should be at a time a child would not be watching. Council Member Khan stated that he did not watch the tape with the other Council Members because his definition of nudity may be entirely different; that beach scenes may be nudity to him and he did not want to take the role of censorship but he did expect someone pay attention as to what should be playing; that board members were appointed to Houston Media Source and maybe it was time the board be reviewed and he hoped the Mayor would look into it; and maybe the other producers, etc., should ask why they were being put into such a position. Council Members Galloway, Wiseman, Ellis, Quan and Berry absent.

Upon questions by Council Member Edwards, Mr. Fickman stated that he did not have any information on if anyone was filed on for being out of compliance; that he would think if someone was in serious violation of FCC regulations they would be investigated; and he thought the City was at risk and potentially liable if they tried to impose severe limitations to the channel. Council Members Galloway, Wiseman, Khan, Holm, Ellis, Quan and Berry absent. (NO QUORUM PRESENT)

Council Member Sekula-Gibbs stated that most present tried to maintain good product but there were those who did not produce work the community was proud of and essentially obscenity which happened twice in the last week so was not that uncommon; and Mr. Fickman stated that he understood their concern, but did not know what to tell them; that maybe they should continue the funding and have meetings to not limit free speech but to make things more reasonable. Council Members Galloway, Wiseman, Holm, Quan and Berry absent.

Council Member Edwards stated that at the meeting yesterday it was stated the producer currently being talked about was suspended and Ms. Garlinghouse said she thought at least 20 to 30 producers had been suspended because of what they had done and she would refer colleagues to the tape from yesterday's meeting; and Council Member Sekula-Gibbs stated that both shows emanated from the same producer and after it was technically suspended so technically even after being suspended the companies producing continued to produce; and Mr. Fickman stated that sometimes shows were rebroadcast and it was possible that was what happened. Council Members Galloway, Wiseman, Holm, Quan and Berry absent.

Council Member Garcia stated that as a point of order he wanted to recognize Mr. Max Flores and the team leaders participating in the Urban Youth Development Program, future government leaders, and asked them to stand to be recognized. Council Members Galloway, Holm, Quan and Berry absent.

Council Member Wiseman stated that as a point of personal privilege she wanted to recognize and welcome those present today in the Summer Page Program and introduced Bryce Mooring, Marquis White and Andrea White; and asked them to stand to be recognized. Council Members Galloway, Edwards, Holm, Quan and Berry absent.

Mr. Kevin Fine, 440 Louisiana #2110, Houston, Texas 77002 (713-951-9994) appeared in favor of Houston Media Source and stated that he was present asking for continued funding for Houston Media Source; that he was co-host of Reasonable Doubt and he would not expect Council to cut funding because of one 22 year old who wanted to pull a prank or who tried to make a point by running a tape no one would stand up to defend. Mayor White, Council

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

Council Member Wiseman stated that Mr. Fine stated it was a result of one show; and Mr. Fine stated that was why everyone was present. Council Member Wiseman stated that she was glad he said that so she could correct the misconception, it was not about one show; that they were elected to represent their constituency and today they were present discussing this as it was an Agenda item, they were asked to approve a new contract with Houston Media Source and fund to them \$800,000.00 of cable subscribers money for this public access channel and she raised an issue on a program she had seen, which was not the only one she had seen but the only one referenced, and since she had heard from many saying they witnessed programming which was offensive; that it was not a matter of taste or what they liked to see or not see, but people were saying they stumbled upon programming totally outside what they thought to be legally right to air and since then people had come to defend and attack Houston Media Source and that evening a program was aired at 11:00 p.m. and again she heard from people; that they had an obligation to constituents and the channel did not have to be provided; that there was no government newspaper they made available for people to exercise free speech and they did not require existing newspapers such as the Chronicle to carry a public free speech section and people were saying they should not be forced to provide this access; that it was made clear there was no oversight, no accountability and no effort, desire or willingness to have any of it; that Council was now being asked to take action and vote yes or no and she would vote no on behalf of her constituents. Mayor White, Council Members Galloway, Holm, Garcia and Berry absent. Mayor Pro Tem Alvarado presiding.

Mr. Rick Potthoff, 1814 Pine Village, Houston, Texas 77080 (832-247-5302) appeared in favor of Houston Media Source and stated that radio station KPFT had been saying if people wanted to speak to come Wednesday so he was letting them know; that his take was that they were attacking Media Source on the pretty standard for cable channels, but he understood what they were trying to do, they did not want people attacking them for allowing obscenity, but most Houstonians were in favor of free speech. Council Members Galloway, Garcia and Berry absent.

Council Member Wiseman stated that if people did come tomorrow to address Council the rules prohibited it as the opportunity was provided on Tuesday's; that she did not pay for HBO and people who did subscribe to it did so knowing the type of programming they would receive; that a separate identified item on the cable bill was a fee for the access channel and they had no option to refuse it, but the funding was an Agenda item and that was why the item was being addressed now and she spoke on behalf of her constituents. Council Members Galloway, Edwards, Garcia, Green and Berry absent.

Mr. Sibley Cooley, 10878 Westheimer #330, Houston, Texas 77042 (713-765-3701) appeared and stated that he wanted to thank Mayor White, Council Member Sekula-Gibbs and Council Member Wiseman for their support of the Ellington Field Task Force presentation as it was a matter of security, but he was present to address the hypocrisy he saw about Houston Media Source; that his experience was the programming being referred to was not isolated and programs were replayed; that he was a producer, director of films and he found the most diverse category of people in Houston did not get positive coverage they deserved and he was speaking of the military and their families; that he went to Media Source to learn how to do things and found he was not welcome; and thanked Council Member Wiseman and others for their position. Council Members Galloway, Garcia and Green absent.

Upon questions by Council Member Wiseman, Mr. Cooley stated that he spent three months pursuing training and how they operated so he could get veterans on and they did not want that there; that ultimately he wanted to go to Italy with WWII veterans from the Texas 36th Infantry Division, the first American allied division to land, and film them on their battlefields; that everyone wanted to talk about freedom of speech but they did not want anyone who did not fit their template. Council Members Galloway, Garcia and Green absent.

After further discussion Mayor White thanked Mr. Cooley for coming; and upon questions, Mr. Cooley stated that he never got to the point of submitting anything to Houston Media Source; that he did not submit what he got later because they did not want it; that he had help outside the organization and produced his program and got training and now had footage out of his pocket, but they said they did not want to show it. Council Members Galloway, Wiseman and Green absent.

The City Secretary stated that Ms. Linda Smith was now present and would be the last speaker in this section. Council Members Galloway, Wiseman and Green absent.

Mr. Edwin Johnston, 3407 Graustark, Houston, Texas 77006 (713-523-0114) appeared in favor of Houston Media Source and stated that he had been a producer and won awards and was an editor, news paper publisher and artist, etc., he studied media and this was a great country; and people wanted to shut down access TV because they did not want to hear about the war in Iraq. Council Members Galloway, Wiseman, Sekula-Gibbs and Green absent.

Ms. Linda Smith, 6646 Community, Houston, Texas 77005 (713-664-3521) appeared and stated that she thanked Council Member Wiseman for bringing this to attention; that she was a longtime civil rights, human rights and women's rights activist and was deeply concerned about the programming on Houston Media Source, she was concerned about the degradation of women in programming, the violence against women and the ways they were teaching young men to treat women and how women viewed themselves; that she hoped everyone on Council would think this over and if it were degradation of an ethnic group how it would affect them personally; that she was not asking that Houston Media Source be shut down, but that it be cleaned up and that they do all in their power toward the board of directors and funding to stop inappropriate programming at any time. Council Members Galloway, Wiseman, Quan, Sekula-Gibbs and Green absent.

Council Member Edwards stated that she too felt pornography was an assault against women and against families, but if they were going to be consistent with dealing with pornography then they needed to deal with men's clubs, etc., and not pick and choose; that she was encouraged those at Media Source were open; and Ms. Smith stated that she wanted them to hold their feet to the fire and not let them talk out of both sides of their mouth. Council Members Galloway, Wiseman, Quan, Sekula-Gibbs and Green absent.

Upon questions by Council Member Khan, Ms. Smith stated that yes, she wanted nudity banned; and Council Member Khan stated that was a problem for him because his definition of nudity was women on the beach with bikinis, but realistically he thought they could ask the board to have a plan in place so if something was not suitable there should be a policy; and upon questions, Ms. Smith stated she was a teacher for years and taught children who had little supervision; that they watched television 24/7 and they must be protected from anything degrading women or any human being; that they were modeling behaviors and teaching people how to teach others; and the line for Council would be to look at the current programming and programming in the past and then come to conclusions. Council Members Galloway, Wiseman, Sekula-Gibbs and Green absent.

Ms. Polly Ledvina, 2375 Bolsolver, Houston, Texas 77005 (713-524-4578) appeared, presented information and stated that she thanked the Mayor and Council on behalf of the Citizens' Transportation Coalition for their support during the 2005 legislative session; that the Coalition worked to ensure residents and community leaders had a voice in transportation decisions protecting their neighborhoods; that often toll roads were planned with no consideration of citizens and in 2005 many joined them and were pressing the legislature for adoption of new laws that would require basic notification procedures, hearings, etc., that the effort was not completely successful, however, now before a state road could be converted to a toll road approval of affected counties, municipalities and voters in those counties were required

before the project could proceed; that the CTC was very appreciative of the support of Mayor White and Council Members and their lobbying team, in particular Maureen Crocker; that she wanted to say she would not be involved in this any longer as she would be leaving Houston, her husband was being transferred to South Africa and she was looking forward to the adventure but would miss Houston. Council Members Galloway, Wiseman, Sekula-Gibbs and Green absent.

Mayor White stated that she would be missed; and Council Members wanted recognition. Council Members Galloway, Wiseman, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Garcia stated that if they could do a Proclamation on the spot this would be a good time to do it; that it was a true pleasure to work with her on issues of environmental concern and he thanked her for her leadership and for being a great advisor to him. Council Members Galloway, Wiseman, Sekula-Gibbs, Green and Berry absent.

Council Member Holm stated that she did not know of anyone with the heart and passion she had and that was what it took to get things to happen, it was a hard steady process and she thanked her for all her efforts. Council Members Galloway, Wiseman, Sekula-Gibbs, Green and Berry absent.

Council Member Edwards stated that she was the epitome of a small number of people making a difference in the world and not only did she do the work, but she also passed it on to her daughter, who she asked to stand to be recognized, and further stated that she was 10 but could hold hr weight with any adult on any subject dealing with the City of Houston; that she should let her know where she was in South Africa so she could maybe come by. Council Members Galloway, Wiseman, Sekula-Gibbs, Green and Berry absent.

Mayor White stated that being right about information was important; that certain toll roads were permitted some time ago and they brought people towards the Loop, there was a growing awareness that you did not decrease traffic by making it wider if there was a bottleneck and he thought there was a reexamination of some toll road routes; and thanked Ms. Ledvina for being present. Council Members Galloway, Wiseman and Green absent.

Ms. Robin Holzer, 1306 Fairview, Houston, Texas 77006 (713-301-5716) appeared and stated that she would echo Polly's thanks to all who stood with them in making the progress they did; that the CTC, despite Polly's departure, would continue to mobilize Houston leaders and work to make sure neighborhoods had an opportunity to participate in the many transportation projects underway in the City of Houston and allow voices to be heard. Council Members Galloway, Wiseman and Green absent.

Council Member Garcia stated that he referred to her and Polly as the dynamic duo and they had both been tremendous advisors and he thanked her for working with him, his office and all of his community also. Council Members Galloway, Edwards, Wiseman and Green absent.

Ms. Susan Kellner, 10915 Pifer Way, Houston, Texas 77024 (713-461-4194) appeared, presented information and stated that today she and others were present on an important safety issue with the Spring Branch Independent School District and in particular to Valley Oaks Elementary School; and asked those present with her to stand to be recognized. Ms. Kellner further stated that she was an elected trustee with the Spring Branch ISD and they were opposed to the City of Houston taking by eminent domain a corner of the elementary school property for a turn lane; that they wrote four letters asking for data to help them understand the need; that elementary children crossed there daily and an added lane added further complication to a busy vehicle crossing but they never received anything; that today for the first time read via the Houston Chronicle that the City was pursuing a different avenue and the

condemned land would now be taken for an ADA ramp and if that was true it was good news; that today they were asking Council to hold on the condemnation proceedings until all could get to the table and understand the needs and ramifications. Council Members Galloway, Wiseman and Green absent.

Mayor White thanked Ms. Kellner for being present and for her service on the board. Council Members Galloway, Wiseman and Green absent.

Upon questions by Council Member Berry, Ms. Kellner stated that the land was a street corner where children crossed four lanes to get to a bridge where there was a huge development, where they lived; that they were told it would be for a turn lane and that would then be five lanes they would have to cross; that the letter written to them could be held up on a desk somewhere, but they had Counsel representing them in the mediation case and he had been asking City Council to sit down and had no response; and Council Member Berry stated that everyone deserved proper communication and they could use this as a learning tool on how to communicate better. Council Members Galloway, Wiseman and Green absent.

Upon questions by Council Member Ellis, Ms. Kellner stated that there was a unanimous resolution passed by the Board in March of 2004. Council Members Galloway, Wiseman and Green absent.

Upon questions by Council Member Ellis, Mayor White stated that communication was important and the project was on the CIP since 2002; that because of the significant citizen input a portion to expand Pech Road was redesigned; that a new right hand turn was to be on Westview and when it was pointed out it would not be there a letter was sent to the Spring Branch official which they thought everyone had, but he did not give it to people and then he was let go; that this was a legitimate misunderstanding and to get an ADA ramp and turn safely it required use of 20 feet by 20 feet in a triangle, 200 feet, and the school district wanted \$25.00 per square foot and that was \$5,000.00 which was higher than market and that was what was at issue, the 200 square feet to have the ADA ramp and where cars could have a good turning radius; and Council Member Ellis stated that he would like their concerns put in writing; and Ms. Kellner stated that she had copies of letters written. Council Members Galloway and Green absent.

Council Member Holm stated that she was sorry Ms. Kellner had to come down, this was about a public entity filing a lawsuit of eminent domain against another public entity for an ADA ramp; that this was all about communication and it may be they would not come to the conclusion wanted, but they were due their listening and conversation and this was not CIP but the way business was being conducted. Council Members Galloway and Green absent.

Mayor White stated that usually there was a good spirit of cooperation between them and the school districts and they never came to this; and Council Member Holm stated that she would like this put on hold so they could talk and questions could be answered. Council Members Galloway and Green absent.

After a lengthy discussion, Mayor White stated that his Chief of Staff went and drove the area and photographs were brought back and he did not understand until this morning there was a genuine difference of understanding about what they were doing and why. Council Members Galloway and Green absent.

Ms. Theresa Kosmoski, 8855 Merlin Court, Houston, Texas 77055 (713-461-4552) appeared and stated that she was also an elected official on the Spring Branch ISD School Board and also a parent whose children attended the school; that Susan covered most of what she was going to say, but she would say that today for the first time she had opportunity to speak with Mr. Krueger and was impressed as to what seemed to be his concern in the matter and his willingness to work with them; and he assured her he was willing to sit down and come

to a solution meeting the needs of all; and urged that communication be worked on. Council Members Galloway, Wiseman, Alvarado, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Alisa Dawson, 1533 Bayran, Houston, Texas 77055 (713-467-8708) appeared and stated that one parent was to speak for many of them, but she did concur with her two trustees. Council Members Galloway, Wiseman, Alvarado, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Lisa Peterson, 8313 Winningham, Houston, Texas 77055 (no phone) appeared and stated that she was supporting her school board and elementary school in trying to work out this issue. Council Members Galloway, Wiseman, Alvarado, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Melissa Igo, 9002 Pitner Road, Houston, Texas 77080 (713-462-6125) had reserved time to speak but was not present when her name was called. Council Members Galloway, Wiseman, Alvarado, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Coleen McCampbell, 9150 Larston, Houston, Texas 77055 (713-722-9154) appeared and stated that she too came about the right turn lane which was now a moot point, but she was a parent of two at Valley Oaks Elementary and a number of them were in District A and she was sorry that Council Member Lawrence was not present; that they were adamantly opposed to road construction projects surrounding the campus which could possibly endanger their children; that they viewed any transition from two to four lanes of traffic as possible endangerment as well as the possible right turn lane; and they concurred with Ms. Kellner and Ms. Kosmoski and would like to ask that when construction projects were being considered around elementary schools the children and their protection be put at the forefront, the head of an elementary child was lower than the hood of an SUV and there was never anything about who was being effected only regards to traffic. Council Members Galloway, Wiseman, Quan, Green and Berry absent.

Ms. Valerie Johnson, 9834 Canoga, Houston, Texas 77080 (713-465-7058) had reserved time to speak but was not present when her name was called. Council Members Galloway, Wiseman, Quan, Green and Berry absent.

Ms. Becca Ehlers, 9321 Saddle Lane, Houston, Texas 77080 (713-464-5779) appeared and stated that she was present to concur and show support against construction of a right turn lane and now they understood that was not a point, but she did support their school. Council Members Galloway, Wiseman, Quan, Green and Berry absent.

Mr. Max Torres, 3033 Bear Creek, Houston, Texas 77084 (281-855-5600) had reserved time to speak but was not present when his name was called. Council Members Galloway, Wiseman, Quan, Green and Berry absent.

Ms. Marleen Pina, 710 N. Super, Houston, Texas 77011 (713-921-4863) had reserved time to speak but was not present when her name was called. Council Members Galloway, Wiseman, Holm, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Lelarn Robinson, P. O. Box 1963, Houston, Texas 77021 (713-382-7816) had reserved time to speak but was not present when his name was called. Council Members Galloway, Wiseman, Holm, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Otis Jordan, 7663 South Glenwillow, Houston (281-723-3700) had reserved time to speak but was not present when his name was called. Council Members Galloway, Wiseman, Holm, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Joseph Omo Omuari, 2820 Palm 2B, Houston, Texas 77004 (713-723-3453) had reserved time to speak but was not present when his name was called. Council Members Galloway, Wiseman, Holm, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Mr. E. D. Jeneau, 10010 Sussex, Houston, Texas 77041 (713-229-0489) appeared and stated that he was present to commend Mayor White on his leadership and the good work HPD was doing; that they could be a role model for others; and they should continue doing a great job.. Council Members Galloway, Wiseman, Holm, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Garcia thanked Mr. Jeneau for coming and enduring such a long session just to say thanks; that he shared his opinion the men and women were doing in HPD and HFD; and Mr. Jeneau stated that good leadership trickled down and they should continue. Council Members Galloway, Wiseman, Khan and Green absent.

Council Member Quan moved to suspend the rules for the purpose of hearing Mr. Shawn Welling after Ms. Shannon Paige, seconded by Council Member Khan. All voting aye. Nays none. Council Member Lawrence out of the city on personal business. Council Member Goldberg out of the city on city business. Council Members Galloway, Wiseman, Khan and Green absent. MOTION 2005-0664 ADOPTED.

Ms. Shannon Paige, 10431 Rabbit Oak Drive, Houston, Texas 77065 (281-894-0307) appeared and stated that she and her husband served in the armed forces and took their freedom seriously and instilled that pride in their children, but on July 2nd her husband took her son and paid \$85.00 for fireworks and innocently drove from the parking lot to a road leading to their subdivision and was immediately pulled over by an official who confiscated the fireworks and her husband was given a citation; that her husband was shocked and put in an embarrassing situation in front of their son; that he never intended to break any law and after many phone calls could find no one who could explain the new limited purpose annexation; that this was a plan to get unsuspecting people purchasing fireworks watching like a predator and overstepping the democratic process; that again this was not about the fireworks but about the entrapment procedures used against her and other families; and asked to have the citation suspended and the inspector apologize so her son would understand even great entities made mistakes. Council Members Galloway, Wiseman, Khan and Green absent.

Upon questions by Council Member Edwards, Ms. Paige stated that she lived in the county and bought the fireworks in the county, 20 feet from the road her husband pulled over on; that they did not know about the new limited purpose annexation, but the stand was five feet from the road and if you could not drive it you should not be able to buy. Mayor White, Council Members Galloway, Wiseman, Khan and Green absent. Mayor Pro Tem Alvarado presiding.

Mayor Pro Tem Alvarado stated that she knew Mayor White sent his apologies especially when it took place in front of her son; that the whole objective was to make sure they communicated the message effectively regarding dangers of fireworks. Mayor White, Council Members Galloway, Wiseman and Green absent. Mayor Pro Tem Alvarado presiding.

Upon questions by Council Member Berry, Ms. Paige stated that this was a new road annexed as of June 15th on a limited purpose annexation and it was a three mile stretch between 290 past 1960; that it was a fire department inspector with a peace officer from the Arson Department; that they stopped him for illegal transportation, he watched her husband buy them and pull onto the road and then stopped him and it was entrapment; and Council Member Berry stated that she made a point but Council was a policy making body and not on the enforcement side; and upon further questions, Ms. Paige stated that she went back to the stand and posted signs saying not to drive on that road because they would be ticketed and she was told others had been stopped and ticketed; and after calling the Fire Department she spoke with a representative who said there were 53 or 63 tickets given for the same activity; and Council

Member Berry stated that it would be appropriate for them to look at policy and he thought the Administration would. Mayor White, Council Members Galloway, Wiseman and Green absent. Mayor Pro Tem Alvarado presiding.

Council Member Sekula-Gibbs stated that probably they should have a map posted; and thanked Ms. Paige for bringing the matter to Council's attention. Mayor White, Council Members Galloway, Wiseman and Green absent. Mayor Pro Tem Alvarado presiding.

Mr. Shawn Welling, 5731 Logan, Houston, 77007 (281-772-4277) appeared, presented information and stated that he was owner and operator of Planet Funk Academy and his concerns were two fold; that the picture painted was valid to a certain extent of the commercialization on Logan Lane taking over the residential true nature of the neighborhood, but more so a few were interested in pushing his youth dance studio out of the corner of Logan Lane and Birdsall; that secondly the parking was an obstruction of City Code, there was a \$220,000,000.00 project utilizing the space for a leading office and parking lot and the Director of Planning Commission proposed it to be residential and tried to grandfather it; that it was 60% residential and 40% commercial and it required 75% to put up the residential signs. Mayor White, Council Members Galloway and Green absent. Mayor Pro Tem Alvarado presiding.

Council Member Quan stated that he presented a letter to him from Mr. Litke to Mr. Mark Kosmoski dealing with the nature of the neighborhood, to have residential parking you had to have 75% of the neighborhood residential; and upon questions Mr. Welling stated that clearly it was not; and when the designation was requested it was clearly not; and if they were going to go with what was on the computer and not look beyond that he would ask Council and the Planning Commission to get further information; that the pursuit of sticking to City Code was imperative, especially for an outreach program. Mayor White, Council Members Galloway and Green absent. Mayor Pro Tem Alvarado presiding.

Upon questions by Council Member Berry, Mr. Welling stated that he owned his property for 4-1/2 to 5 years now; that he believed there were a few neighbors who had the ability to maneuver politicians to start an operation against his studio and it was a clear inability for them to open their arms to integration; that most were children dropped off, but on Saturday they needed around 12 parking spaces; and Council Member Berry stated that if they did go back and revisit this he should tell his people to be good neighbors as all would have to get along to make it work and he would hate to see him leave the neighborhood. Mayor White, Council Members Galloway and Green absent. Mayor Pro Tem Alvarado presiding.

Upon questions by Council Member Edwards, Mr. Welling stated that the proposed parking hours were originally 9:00 a.m. to midnight but then were approved for 9:00 a.m. to 4:00 p.m. and the signs went up 9:00 a.m. to 9:00 p.m. and they requested they go down to meet code. Mayor White, Council Members Galloway and Green absent. Mayor Pro Tem Alvarado presiding.

Council Member Garcia moved to suspend the rules for the purpose of hearing Ms. Doris Murdock out of order, seconded by Council Member Khan. All voting aye. Nays none. Council Member Lawrence out of the city on personal business. Council Member Goldberg out of the city on city business. Mayor White, Council Members Galloway and Green absent. Mayor Pro Tem Alvarado presiding. MOTION 2005-0665 ADOPTED.

Mayor Pro Tem Alvarado stated that she again would remind her colleagues the five minute rule was for Council collectively and not for each Council Member. Mayor White, Council Members Galloway and Green absent. Mayor Pro Tem Alvarado presiding.

Ms. Doris Murdock, 330 W. 22nd, Houston, Texas 77008 (713-880-0369) appeared and stated that she was 60 years old and weight 98 pounds and had been attacked in the Hobby Airport parking garage and it was a very terrifying experience; that she was present asking for

funds to be moved from security inside the terminal to the garage; that security cameras and a regular patrol and an emergency phone going directly to 911 would be very helpful; that what she went through she would not want any other to go through and the next one may be hurt or killed; that this was very important and should be addressed. Mayor White, Council Members Galloway, Wiseman, Holm, Quan, Sekula-Gibbs and Green absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Garcia thanked Ms. Murdock for coming and stated that after the situation was described to him he contacted Mr. Mancuso and one situation was one too many; that she was fortunate to get out of it and he asked Mr. Mancuso to check into the phone system which was not working, the poor lighting...; that he was surprised there were no cameras in the parking garage; and he thanked her for bringing this to his attention. Mayor White, Council Members Galloway, Wiseman, Holm, Quan, Sekula-Gibbs and Green absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Khan stated that because of her there may now be changes and he was hopeful they would do it; and he would request of Council Member Berry to see if he would address the issue. Mayor White, Council Members Galloway, Wiseman, Holm, Ellis, Quan, Sekula-Gibbs and Green absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Berry stated that what happened to her should not happen and some changes had already been made; that the security phones were being changed over and there would be a security escort service to take people out if requested and landscaping was being trimmed; that they would be dealing with airport security and Mr. Mancuso, the Deputy Director of Aviation and head of security would be briefing Council Thursday morning and it would be good if she was there; that he was sorry it happened to her; and Ms. Murdock stated that he did leave her a message about the escort but what about from your car to the terminal; and Council Member Berry stated that she should come to the meeting and bring up her issues. Mayor White, Council Members Galloway, Wiseman, Holm, Ellis, Quan, Sekula-Gibbs and Green absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. John J. Cieslewicz, 1250 Dunbarry, Houston, Texas 77018 (713-683-0703) appeared, presented information and stated that he wanted to know if the City was lying to the public when persons inquiring about bikeway funding were sent to a website giving information which was correct 8 years ago but not updated to show present funding figures; that they were leading the public to assume the 1997 figures were correct; that Public Works was using smoke and mirrors. Mayor White, Council Members Galloway, Edwards, Wiseman, Holm, Ellis, Quan, Sekula-Gibbs and Green absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Alvarado stated that they had his statement and it would be forwarded to the bike coordinator and make sure he received information back. Mayor White, Council Members Galloway, Edwards, Wiseman, Holm, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Sammie Jones, 8700 Custine, Houston, Texas 77031 (no phone) appeared and stated that he was present on two issues, first was when you boil wieners there was a white skim which formed at the top of the water and around the pot and he contacted the Water Department; that they came out and tested the water, but the skim was still there and he wanted something done about the quality of water in southwest Houston; that the most important issue was his nephew and a friend was arrested last year, his nephew was driving a friend's car and drugs were found and his nephew was charged because he was the driver; that later the friend came forth and admitted the drugs and car and all in the car was his, but they could not get the Judge's attention or the attention of his nephew's counsel; and inmates called and said he was being beaten by Harris County deputies and when they went they were not allowed to see him,

but he told his nephew to just do what he was told and he pleaded guilty. Mayor White, Council Members Galloway, Edwards, Wiseman, Holm, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Garcia stated that he was sorry he had to go through this but the situation was in the county facility and would be handled and investigated by the Sheriff's Department; that Council had no jurisdiction there; and that he should go to the Harris County Commissioner's Court to lodge his complaint and have this investigated. Mayor White, Council Members Galloway, Edwards, Wiseman, Holm, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Khan stated that there were also organizations which worked in civil rights protection such as LULAC and the NAACP; and he may want to approach them. Mayor White, Council Members Galloway, Edwards, Wiseman, Holm, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Juan Alvarez, 402 Busch, Houston, Texas 77060 (832-282-6997) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Galloway, Edwards, Wiseman, Holm, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Clyde Sisk, 1407 W. Alabama #12, Houston, Texas 77006 (713-865-6326) appeared, presented information and stated that he was present regarding the bicycle ordinance which was enacted in 1985; that it needed to be updated as fees and penalties for registration and noncompliance were unrealistic; that it was a good ordinance but not being enforced as fines were too low to be enforced. Mayor White, Council Members Galloway, Edwards, Wiseman, Holm, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Garcia stated that he found his comments useful and this Mayor and Mayor Pro Tem were bicyclist and promoted bicycling not only for health purposes but for another mode of transportation; that he saw many more on the road in the future; and requested that Mr. Sisk help him since he was Chair of the Public Safety Committee; that he would like it brought into committee on how to better improve and enhance the ordinance. Mayor White, Council Members Galloway, Edwards, Wiseman, Holm, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Alvarado stated that as a cyclist she had done some PSA's for bike safety and also welcomed his comments. Mayor White, Council Members Galloway, Edwards, Wiseman, Holm, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Germaine James, 16647 Gold Ridge, Houston, Texas 77053 (281-416-3922) appeared and stated that she wanted to wait and speak when Council Member Edwards returned; and Mayor Pro Tem Alvarado stated that she was in a meeting and did not know if she would return; that if she wanted she could wait until all speakers were heard; and Ms. James stated that she would wait. Mayor White, Council Members Galloway, Edwards, Wiseman, Holm, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Darrell Joyner, 818 Pinemont #65, Houston, Texas 77018 (281-650-1271) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Galloway, Edwards, Wiseman, Holm, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Steven Williams, no address (no phone) had reserved time to speak but was not

present when his name was called. Mayor White, Council Members Galloway, Edwards, Wiseman, Holm, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Harwood Taylor, 2501 Sunset Blvd., Houston, Texas 77005 had reserved time to speak but was not present when his name was called. Mayor White, Council Members Galloway, Edwards, Wiseman, Holm, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Toni Harris, 4701 LaBranch, Houston, Texas 77004 (713-521-3383) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Galloway, Edwards, Wiseman, Holm, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Bridget Barnes, P. O. Box 262661, Houston, Texas 77207 (832-752-8991) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Galloway, Edwards, Wiseman, Holm, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Andrew Green, 14914 Silver Sands, Houston, Texas 77095 (281-451-8702) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Galloway, Edwards, Wiseman, Holm, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Mario Jaramillo, 506 Woolworth, Houston, Texas 77020 (832-859-0650) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Galloway, Edwards, Wiseman, Holm, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Tesia Truitt, 12800 Briar Forest, Houston, Texas 77088 (832-969-4048) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Galloway, Edwards, Wiseman, Holm, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Donard Marshall, 7222 Bellerive, Houston, Texas 77036 (832-251-3001) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Galloway, Edwards, Wiseman, Holm, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Josh Bullard, 3328 McGowen, Houston, Texas 77004 (281-236-7518) appeared and stated that he discovered a level of fraud unbeknown to the Code Enforcement Department; that a lot of independent home builders and some commercial builders were going back to the City and applying for a percentage refund once they were through with a project; that they were claiming the construction loan was not their original estimate and it was factual Annise Parker was just writing checks; that they were telling the city there was an overage on their original estimate from half a million to \$250,000.00 and wanted the percentage difference back and that was stealing; and it was amazing Council was never made aware of it; and asked Mayor Pro Tem Alvarado to order an investigation. Mayor White, Council Members Galloway, Edwards, Wiseman, Holm, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Michael Fjetland, P. O. Box 17075, Sugarland, Texas 77496 (713-213-5080) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Galloway, Edwards, Wiseman, Holm, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Durrell Douglas, 14551 Beechnut #6107, Houston, Texas 77083 (281-983-3512) appeared in favor of Houston Media Source and stated that he was passionate about this and wanted to say they had done a lot for people and allowed many to voice their opinion; that the gentleman who came and said he was not allowed to put his show on was exactly what Council would be doing if they cut funding or censored it; and urged a yes vote on allocation of their funding. Mayor White, Council Members Galloway, Edwards, Wiseman, Holm, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr./Coach R. J. Bobby Taylor, 3107 Sumpter, Houston, Texas 77020 (202-FA3-4511 had reserved time to speak but was not present when his name was called. Mayor White, Council Members Galloway, Edwards, Wiseman, Holm, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Senator Robert Horton, 3714 Bain, Houston, Texas 77026 (713-260-6144) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Galloway, Edwards, Wiseman, Holm, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Galloway, Edwards, Wiseman, Holm, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Jerri Boykins-Edwards, 919 Caperton, Houston, Texas 77022 (713-695-8082) appeared, presented information and stated that she and those with her were present to extend an invitation to their opening fund raiser; that drugs, alcohol and homelessness plagued this city and she was asking Council to partner with her in her efforts; and presented a Certificate of Appreciation to Council Member Garcia for his outstanding contributions and participation in Action Shelters. Mayor White, Council Members Galloway, Edwards, Wiseman, Holm, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Upon questions by Mayor Pro Tem Alvarado, Ms. Boykins-Edwards stated that the event would be at the location, the houses would be open and they could walk through, it was located at 919 Caperton. Mayor White, Council Members Galloway, Edwards, Wiseman, Holm, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Germaine James, 16647 Gold Ridge, Houston, Texas 77053 (281-416-3922) was recalled and appeared, presented information and stated that she did commend every officer who worked in the line of duty within integrity and respect for human life and laws; that she was not present to attack officers but to restore her faith in them; that in 2004 she was falsely arrested and filed with Internal Affairs, but they refused to investigate that an officer conspired to file a false report to incarcerate her; that they were going to wait until the court entered their final disposition on her case, but the IA complaint and the court matter were two separate issues and IA knew their investigation was independent of the court and they should conduct their own investigation; and she came so Council could say why IA had not included her witnesses and accused as a part of their investigation. Mayor White, Council Members Galloway, Edwards, Wiseman, Holm, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Alvarado thanked Ms. James for waiting and stated that she knew the Council Member's staff was listening to her comments and she would ask Capt. Reddy to visit with her and address her specific comments and questions. Mayor White, Council Members Galloway, Edwards, Wiseman, Holm, Ellis, Quan, Sekula-Gibbs, Green and Berry absent.

Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. James stated that she wanted their comments to be on record; and Council Member Garcia stated that this was recorded and she was on record; that the Mayor Pro Tem's authority at this time allowed her to direct her to the representative of the Police Department; and upon further questions by Ms. James, Mayor Pro Tem Alvarado stated that the Mayor's office and his staff responded to every correspondence which came to him; and again suggested that she visit with Capt. Reddy and if she would like someone from the Mayor's staff could also sit in. Mayor White, Council Members Galloway, Edwards, Wiseman, Holm, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

At 5:41 p.m. City Council recessed until 9:00 a.m., Wednesday, July 13, 2005. Council Member Lawrence out of the city on personal business. Council Member Goldberg out of the city on city business. Mayor White, Council Members Galloway, Edwards, Wiseman, Holm, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, July 13, 2005

The Houston City Council reconvened at 9:00 a.m. Wednesday, July 13, 2005, with Mayor Bill White presiding and with Council Members Carol M. Galloway, Ada Edwards, Addie Wiseman, M. J. Khan, Pam Holm, Adrian Garcia, Carol Alvarado, Mark Ellis, Gordon Quan, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; Mr. Anthony Hall, Chief Financial Officer, Mayor's Office; Mr. Arturo Michel, City Attorney, Ms. Marty Stein, Agenda Director and Mr. Jose Soto, Deputy Agenda Director present. Council Member Toni Lawrence out of the city on personal business. Council Member Mark Goldberg out of the city on city business.

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

At 9:24 a.m. Mayor White called to order the meeting of the City Council and stated that they were honored to have a group of students who were involved in a summer academic program for youth, many from neighborhoods where kids were at risk, that it was a fine program and they would be touring City Hall today and asked that the students with Summer Bridge stand and be recognized, that included with the group was Mr. Winston Nguyen, the recipient of the 2005 Mayor's Volunteer of the Year Award. Council Members Wiseman and Garcia absent.

## **MAYOR'S REPORT**

### **CONSENT AGENDA NUMBERS 1 through 31**

#### **MISCELLANEOUS** - NUMBERS 1 through 4

2. REQUEST from Mayor for confirmation of the appointment of **MR. TIMOTHY P. DOUGLASS** as a **SEXUALLY ORIENTED BUSINESS HEARING OFFICER** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Lawrence out of the city on personal business. Council Member Goldberg out of the city on city business. Council Members Wiseman and Garcia absent. MOTION 2005-0666 ADOPTED.
  
4. RECOMMENDATION from Director Building Services Department for approval of Computer Image for dedication plaque for Squatty Lyons Park, GFS F-504B-00-3 - **DISTRICT B - GALLOWAY** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Lawrence out of the city on personal business. Council Member Goldberg out of the city on city business. Council Members Wiseman and Garcia absent. MOTION 2005-0667

ADOPTED.

**ACCEPT WORK** - NUMBER 6

6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,334,595.96 and acceptance of work on contract with **GARVER CONSTRUCTION, LTD.**, for Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method, GFS R-0266-17-3 (4258-9) - 05.16% under the original contract amount - **DISTRICTS A - LAWRENCE; B - GALLOWAY; C - GOLDBERG; D - EDWARDS; E - WISEMAN; F - KHAN; H - GARCIA and I - ALVARADO** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Lawrence out of the city on personal business. Council Member Goldberg out of the city on city business. Council Members Wiseman and Garcia absent. MOTION 2005-0668 ADOPTED.

Council Member Khan asked if on Item No. 6, if someone could let him know later on why they came under their MWBE goal. Council Members Wiseman and Garcia absent.

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 7 through 16

7. **SUNGARD AVAILABILITY SERVICES LP** for Citywide Disaster Recovery Plan through the City's Master Agreement with the Texas Procurement Center (TPC), Contract #C51399, for Texas CISV Master Catalog Purchases under Chapter 2157 of the Government Code - \$203,385.00 Grant Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Lawrence out of the city on personal business. Council Member Goldberg out of the city on city business. Council Members Wiseman and Garcia absent. MOTION 2005-0669 ADOPTED.
8. **PHILPOTT MOTORS, LTD.** for Pickup Trucks and a Command and Support Vehicle through the Texas Local Government Purchasing Cooperative for Fire Department - \$298,030.10 - Grant Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Lawrence out of the city on personal business. Council Member Goldberg out of the city on city business. Council Members Wiseman and Garcia absent. MOTION 2005-0670 ADOPTED.
9. **AMEND MOTION #2005-176, 2/23/05, TO INCREASE** award to purchase nineteen additional utility vehicles for Fire and Police Departments, awarded to **PHILPOTT MOTORS, LTD.** for a total increase of \$445,058.00 - Grant and Fire Department Consolidated Construction Funds – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Lawrence out of the city on personal business. Council Member Goldberg out of the city on city business. Council Members Wiseman and Garcia absent. MOTION 2005-0671 ADOPTED.
10. **GALLS, INC** for Duty Gear for Houston Police Department - \$194,415.00 - Grant Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Lawrence out of the city on personal business. Council Member Goldberg out of the city on city business. Council Members Wiseman and Garcia absent. MOTION 2005-0672 ADOPTED.
11. **SUR-TEC, INC** for Surveillance Equipment from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for the Police Department - \$106,798.33 - Grant Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays

none. Council Member Lawrence out of the city on personal business. Council Member Goldberg out of the city on city business. Council Members Wiseman and Garcia absent. MOTION 2005-0673 ADOPTED.

12. **ABHE & SVOBODA, INC** for Repair of Communication Towers for Police Department \$223,770.00 and contingencies for a total amount not to exceed \$234,958.50 - General Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Lawrence out of the city on personal business. Council Member Goldberg out of the city on city business. Council Members Wiseman and Garcia absent. MOTION 2005-0674 ADOPTED.
14. **TOTER INCORPORATED** for Automated Refuse Carts from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for Solid Waste Management Department - \$42,060.00 - Equipment Acquisition Consolidated Fund - had been pulled from the Agenda by the Administration, and was not considered. Council Members Wiseman and Garcia absent.
15. **FISHER SCIENTIFIC, LLC** for Laboratory Equipment for Various Departments - \$83,800.00 Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Lawrence out of the city on personal business. Council Member Goldberg out of the city on city business. Council Members Wiseman and Garcia absent. MOTION 2005-0675 ADOPTED.
16. **TURTLE AND HUGHES, INC** - \$729,344.72 and **VOSS LIGHTING** - \$494,488.63 for Electrical Lighting, Parts and Fixtures for Various Departments - General and Enterprise Funds – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Lawrence out of the city on personal business. Council Member Goldberg out of the city on city business. Council Members Wiseman and Garcia absent. MOTION 2005-0676 ADOPTED.

**RESOLUTIONS AND ORDINANCES** - NUMBERS 17 through 31

20. ORDINANCE renaming **NORTHMONT PLAZA DRIVE** to **JUSTICE PARK DRIVE** between Retton Drive and W. 43rd - **DISTRICT A - LAWRENCE** – was presented. All voting aye. Nays none. Council Member Lawrence out of the city on personal business. Council Member Goldberg out of the city on city business. Council Members Wiseman and Garcia absent. ORDINANCE 2005-0889 ADOPTED.
24. ORDINANCE amending Ordinance No. 2005-0758 to reallocate the sum of \$20,000 for Design Services under contract (Contract #54045) with **ENGLISH + ASSOCIATES ARCHITECTS** for Renovations to the Lakewood, Flores, and Pleasantville Branch Libraries, GFS E-0057-01-3, E-0010-01-3 and E-0061-01-3 - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Lawrence out of the city on personal business. Council Member Goldberg out of the city on city business. Council Members Wiseman and Garcia absent. ORDINANCE 2005-0890 ADOPTED.
28. ORDINANCE awarding construction contract to **TOTAL SITE, INC** for Construction of Water, Wastewater and Drainage Facilities serving Section One of the Brentwood Village Subdivision; approving and authorizing assignment of contract to 4468 W. Airport I, LTD., CIP S-0800-E2-03 and R-0800-E2-03 (DPC-075) - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Lawrence out of the city on personal business. Council Member Goldberg out of the city on city business. Council Members Wiseman and Garcia absent. ORDINANCE 2005-0891 ADOPTED.
29. ORDINANCE appropriating \$550,000.00 out of General Improvement Consolidated

Construction Fund, CIP D-0080-01-1, and approving and authorizing purchase of easements and other interests in real property and payment of the costs of such purchases and/or condemnations of such real property and associated costs for relocation costs, Appraisal Fees, Title Policies/Services, Recording Fees, Court Costs and Expert Witness Fees, for and in connection with, and finding a public necessity for, the Magnolia Multi-Service Center Expansion Project **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Lawrence out of the city on personal business. Council Member Goldberg out of the city on city business. Council Members Wiseman and Garcia absent. ORDINANCE 2005-0892 ADOPTED.

30. ORDINANCE No. 2005-885, passed first reading July 6, 2005  
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 **SECOND READING** – was presented. All voting aye. Nays none. Council Member Lawrence out of the city on personal business. Council Member Goldberg out of the city on city business. Council Members Wiseman and Garcia absent. ORDINANCE No. 2005-0885, PASSED SECOND READING IN FULL
31. ORDINANCE No. 2005-886, passed first reading July 6, 2005  
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 **SECOND READING** – was presented. All voting aye. Nays none. Council Member Lawrence out of the city on personal business. Council Member Goldberg out of the city on city business. Council Members Wiseman and Garcia absent. ORDINANCE No. 2005-0886, PASSED SECOND READING IN FULL

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

**MISCELLANEOUS**

1. REQUEST from Mayor for confirmation of the appointment of **MS. NICOLE C. WEST**, to Position Three of the **HOUSTON CONVENTION CENTER HOTEL CORPORATION BOARD OF DIRECTORS**, for a term to expire December 31, 2005 – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Lawrence out of the city on personal business. Council Member Goldberg out of the city on city business. Council Members Wiseman and Garcia absent. MOTION 2005-0677 ADOPTED.

Mayor White asked Ms. Nicole West to stand and be recognized and thanked her for agreeing to serve in this important capacity for the community. Council Members Wiseman and Garcia absent.

Council Member Holm moved to suspend the rules to consider Item No. 17 out of order, seconded by Council Member Khan. All voting aye. Nays none. Council Member Lawrence out of the city on personal business. Council Member Goldberg out of the city on city business. Council Members Wiseman and Garcia absent. MOTION 2005-0678 ADOPTED.

17. RESOLUTION in support of using Memorial Park as a Sports Events Venue in the bid proposal for the 2008 NCAA Division II National Championships Festival - **DISTRICT G – HOLM** – was presented. Council Members Wiseman and Garcia absent.

Council Member Holm offered the following written motion to amend Item No. 17:

"I move that Agenda Item 17 be amended as follows:

That the third recital paragraph be deleted and replaced with the following paragraph:

WHEREAS, if the NCAA accepts the Sport Authority's proposal to hold the 2008 NCAA Division II National Championships Festival in the City, final definitive agreements will remain to be negotiated between the parties thereto, such agreements will, among other matters, provide that all reimbursement monies paid to the Parks and Recreation Department for lost revenue will be allocated to Memorial Park (except that reimbursements for Park Department employee costs will be allocated to the appropriate Department funds), and all such agreements to which the City is a party will be subject to approval by City Council; and". Council Members Wiseman and Garcia absent.

Mayor White stated that the administration supported the amendment to Item No. 17. Council Members Wiseman and Garcia absent.

Council Member Edwards stated that she supported the resolution, but would really encourage the Sports Authority to once again look into an organized youth sports authority program or process so that they would have an organized plan for youth sports, that she would like to them to look at how they could develop a substantive youth program in the City, and Mayor White stated that he agreed with that. Council Members Wiseman and Garcia absent.

Council Member Ellis stated that he assumed the resolution was supported by the Memorial Park's Board and was glad to see that they were in support of them trying to hold events at Memorial Park, that three years ago the Houston Golf Association came to the City and wanted to give them \$4 million to redo the golf course and the park board was adamantly opposed to it, and to this day he was taken back as to why they did not want to showcase their City by redeveloping the golf course, that he was glad to see that they were becoming more open with the park and trying to help in promoting the City. Council Member Garcia absent.

A vote was called on Council Member Holm's written motion to amend Item No. 17. All voting aye. Nays none. Council Member Lawrence out of the city on personal business. Council Member Goldberg out of the city on city business. Council Member Garcia absent. MOTION 2005-0679 ADOPTED.

A vote was called on Item No. 17 as amended. All voting aye. Nays none. Council Member Lawrence out of the city on personal business. Council Member Goldberg out of the city on city business. Council Member Garcia absent. RESOLUTION 2005-0012 ADOPTED.

3. REQUEST from Mayor for confirmation of the appointment of **MR. DOUG DYESS** as a **SEXUALLY ORIENTED BUSINESS HEARING OFFICER** – was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Lawrence out of the city on personal business. Council Member Goldberg out of the city on city business. Council Members Wiseman and Garcia absent. MOTION 2005-0680 ADOPTED.

Council Member Edwards moved to suspend the rules to consider Item No. 33 out of order, seconded by Council Member Quan. All voting aye. Nays none. Council Member Lawrence out of the city on personal business. Council Member Goldberg out of the city on city business. Council Members Wiseman and Garcia absent. MOTION 2005-0681 ADOPTED.

33. ORDINANCE appropriating \$594,550.00 out of Street & Bridge Consolidated Construction Fund for Local Match Funds for Construction of Texas Department of Transportation (TxDOT) Bikeway Project Columbia Tap Rails to Trails, GFS N-0420-22-3 (SB9155-01); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICTS D - EDWARDS and I - ALVARADO** – **(This was Item 70 on Agenda of June 29, 2005, POSTPONED BY**

**MOTION #2005-621**) – was presented.

Council Member Green stated that there had been a lot of discussion about one portion of the Columbia Tap Trail and in full disclosure he could tell everyone that most of the people who came to Council against that portion were his neighbors, that in the interest of fairness they needed to let the citizens know that they were going to continue to examine it because it was going to be a lengthy process in building this portion of the trail and he wanted the citizens to know that they had taken into consideration their concerns and had attempted to do what they could to exclude that part or either to reexamine that part. Council Member Wiseman absent.

Council Member Edwards stated that their office had been involved in the Columbia Tap situation ever since she came into office and they worked with several groups in the community regarding what the bike trail would mean and most of the people in that area supported and wanted the tap, that the South MacGregor Civic Club group wanted the bike trail, they were just concerned about the routes, and they were concerned about their being excluded from the process, that TXDOT had two meetings and as she understood they were not meetings and were more like open houses where there was no dialog given, that it was something that the voters of the State needed to be aware of, that she wanted to thank the Mayor and his staff for working with them and wanted to thank the staff of Public Works for working with them, that Lillie Beth had been excellent, that for a year and a half they were told that if they changed the process the City would be out of compliance and then a month or so ago they said maybe not but now it was to late for the constituents to have any voice in the process, that they would work with the process to come up with a program that was best for all of the citizens concerned, not just for their neighborhood, that they were going to have a voice at the table and nobody had the right to tell them that they could not. Council Member Wiseman absent.

Council Member Garcia stated that there was a hike and bike trail currently being planned in his district as well, from 26<sup>th</sup> Street on Nicholson all the way down to 7<sup>th</sup> Street on Nicholson, that there were a lot of different concerns and they had a lot of townhall meetings on it and had about 300 people show up and expressing support for the trail but concern about the particular alignment, that he asked the engineer and Lillie Beth Andre to walk the entire trail with him and they did and some of the residents were extremely diligent and laid down stripes on their driveways where the trail would go through and it did not make any sense, that he really respected all of the work that a lot of the folks did on it but one thing that occurred to him was that this particular trail had been initiated in 1993 and as they were walking through there the engineer was looking at the plans and was confused because there were buildings that they had allowed building permits for that were not on the plan, that the walk was extremely helpful to put an actual face to the plan and there were places where it really needed modification, that he was engaging Ms. Rambo to help them look at it, and the Planning chair to take a look at it.

Mayor White stated that their goal was to build the best bike trail in the Country that served a lot of needs but they did not want to do anything wrong, and were not going to do something dumb in haste, that the administration strongly supported moving forward on the project, that they would pay attention to detail and would be flexible and he personally would deal with senior officials at TXDOT if there was something that they as a body agreed ought to be modified in the plan.

A vote was called on Item No. 33. All voting aye. Nays none. Council Member Lawrence out of the city on personal business. Council Member Goldberg out of the city on city business. Council Members Wiseman and Garcia absent. ORDINANCE 2005-0893 ADOPTED.

**DAMAGES**

5. RECOMMENDATION from City Attorney for settlement of lawsuit styled **SWB TELEPHONE** vs. City of Houston; in the County Civil Court at Law No. Four (4) of Harris County, Texas; Cause No. 788,899 - \$50,000.00 - Property and Casualty Fund – was

presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Lawrence out of the city on personal business. Council Member Goldberg out of the city on city business. Council Member Galloway absent. MOTION 2005-0682 ADOPTED.

Council Member Berry asked if someone from Public Works could speak with him privately on what their policy was, that he did not have a problem with what the City did and how they were compensating them, but what their policy was in a situation like that to make sure they did have one. Council Member Galloway absent.

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

13. **KEMIRON COMPANIES, INC** for Chemical, Inorganic Metal Salt Coagulants Contract for Department of Public Works & Engineering - \$12,735,525.00 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Lawrence out of the city on personal business. Council Member Goldberg out of the city on city business. Council Member Galloway absent. MOTION 2005-0683 ADOPTED.

### **RESOLUTIONS AND ORDINANCES**

18. ORDINANCE ordering and setting a public hearing, pursuant to the provisions of Chapter 26, Texas Parks & Wildlife Code, regarding the proposed permanent use of up to approximately 6.676 acres of land out of Mason Park and up to approximately 9.327 acres of land out of Gus Wortham Park and Golf Course by Harris County Flood Control District for Flood Control and Drainage purposes; authorizing and directing that notice of such hearing be given, stating in substance the form of such notice; finding and stating other matters generally relating thereto **DISTRICT I – ALVARADO** – was presented. All voting aye. Nays none. Council Member Lawrence out of the city on personal business. Council Member Goldberg out of the city on city business. ORDINANCE 2005-0894 ADOPTED.
19. ORDINANCE approving and authorizing the execution of an application to a Federal Agency to apply for a matching grant for the acquisition of approximately 12 to 14 acres of land along the Buffalo Bayou-Lockwood Corridor between Turkey Bend and Jensen Drive; declaring the city's eligibility for such grant; authorizing the Director of the Parks and Recreation Department to act as the city's representative in the application process, with the authority to execute the grant agreement with the National Oceanic and Atmospheric Administration Coastal Estuarine Land Conservation Program, if the grant application is awarded to the City, and to approve, accept, reject, alter or terminate such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program – was presented. All voting aye. Nays none. Council Member Lawrence out of the city on personal business. Council Member Goldberg out of the city on city business. ORDINANCE 2005-0895 ADOPTED.
21. ORDINANCE approving and authorizing interlocal agreement between the City of Houston and **HARRIS COUNTY FLOOD CONTROL DISTRICT** for use of property for the purpose of Fire Protection Training Programs – was presented. All voting aye. Nays none. Council Member Lawrence out of the city on personal business. Council Member Goldberg out of the city on city business. ORDINANCE 2005-0896 ADOPTED.
22. ORDINANCE amending Ordinance No. 01-260 to increase the maximum contract amount to contract between the City of Houston and **LION APPAREL** for Fire Fighter Personal Protective Equipment for Houston Fire Department - \$1,917,880.30 - Equipment Acquisition Consolidated Fund – was presented. All voting aye. Nays none. Council Member Lawrence out of the city on personal business. Council Member Goldberg out of the city on city business. ORDINANCE 2005-0897 ADOPTED.

23. ORDINANCE amending Ordinance No. 01-260 to increase the maximum contract amount; and approving and authorizing first amendment to contract between the City of Houston and **MORNING PRIDE MANUFACTURING, LLC** for Fire Fighter Personal Protective Equipment for Houston Fire Department - \$1,016,309.40 - General Fund – was presented. All voting aye. Nays none. Council Member Lawrence out of the city on personal business. Council Member Goldberg out of the city on city business. ORDINANCE 2005-0898 ADOPTED.
25. ORDINANCE appropriating \$1,400,840.00 out of Street & Bridge Consolidated Construction Fund, awarding contract to **JERDON ENTERPRISE, L.P.** for Safe Sidewalk Program E1 Project, GFS N-0610A-E1-3 (SB9136-01); setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, construction management, and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICTS D - EDWARDS; G - HOLM and H – GARCIA** – was presented, and tagged by Council Member Galloway.

Council Member Galloway stated that she was tagging the item because she did not understand the explanation and had not seen one like that given before as it related to MWBE participation and it seemed like it was just another means of skirting around the participation of MWBE.

26. ORDINANCE appropriating \$1,786,100.00 out of Street & Bridge Consolidated Construction Fund, awarding contract to **SPAWGLASS CIVIL CONSTRUCTION, INC** for Safe Sidewalk Program 01 Project, GFS N-0646H-01-3 (SB9185-1); setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering testing, construction management, and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT H - GARCIA** – was presented, and tagged by Council Member Galloway.
27. ORDINANCE appropriating \$1,473,313.00 out of Street & Bridge Consolidated Construction Fund, awarding contract to **SPAWGLASS CIVIL CONSTRUCTION, INC** for Safe Sidewalk Program 02 Project, GFS N-0646H-02-3 (SB9185-2); setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering testing, construction management, and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT H - GARCIA** – was presented, and tagged by Council Member Galloway.

**MATTERS HELD** - NUMBERS 32 through 38

32. ORDINANCE approving and authorizing renewal contract for Programming Services between the City of Houston and **HOUSTON MEDIASOURCE** for Public Access Channel – **(This was Item 61 on Agenda of June 29, 2005, POSTPONED BY MOTION #2005-637)** – was presented.

After a lengthy discussion by Council Members, Council Member Wiseman moved to postpone Item No. 32 for four weeks, seconded by Council Member Ellis.

After further discussion, Mayor White stated that he supported the delay, that nobody here was against the First Amendment, that nobody was for obscenity and violations of the criminal

law, that there were three concerns that he would have with the channel and the non profit and they would be generic and would be the case regardless of whether or not there was an incident that occurred on one evening on one week and that was improvement, continuing to seek to prove the quality of the programming and reaching out to make sure that there were a diverse group of producers that were submitting and that they had things that people wanted to look at, that second, to make sure there was outreach, to make sure it was not us versus them with other cultural and educational and non profit programmers, facilities and institutions, that third, that there was compliance with the legal standards that were involved and procedures that had consequences for those who did not comply with the legal standards, that those would be the things that they would be working on within the next 30 days, that there were a number of people who served on the access channel well over the years and it was easy for them to blast this person or that person, etc. and he doubted whether the board members were over compensated for their service, that it had been his policy in his administration to have a mix of newcomers and some continuity on boards, except for some boards on occasion where he would change out everybody on the board where there may be a need or perception for a new direction, that his intention, not because of any bad people but for those terms that were expired, was to seek new people on the boards, there was something good for the community when they did that, that was what he intended to do and he would really solicit the input of the Council Members, that it ought to be people who understood the arts and culture and video photography and community.

After further discussion by Council Members, Council Member Galloway moved to call the question on the discussion of Item No. 32. Mayor White stated that if there was no objection it was so ordered. Council Members Holm, Garcia and Berry absent.

A vote was called on Council Member Wiseman motion to postpone Item No. 32 for four weeks. Council Members Edwards, Quan and Galloway voting no, balance voting aye. Council Member Lawrence out of the city on personal business. Council Member Goldberg out of the city on city business. Council Members Garcia and Berry absent. MOTION 2005-0684 ADOPTED.

34. MOTION by Council Member Khan/Seconded by Council Member Alvarado to adopt 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 Alameda Sims Wastewater Treatment Plant and Sludge Drying Facility Enterprise Fund – **(This was Item 4 on Agenda of July 6, 2005, TAGGED BY COUNCIL MEMBER SEKULA-GIBBS)** – was presented. Council Member Berry absent.

Council Member Sekula-Gibbs stated that she had asked for some more information and met with Jeff Taylor of the Public Works Department and he provided her with information on the item and she just wanted to acknowledge that she had received most of it and was still waiting for the information from TCEQ regarding their new standards and some of the complaints that were issued and the compliance that they were going to be able to maintain, that she wanted to acknowledge that the Public Works Department had made a strong effort to look at alternatives to the drying of sludge such as composting and would continue to look for alternatives for the treatment of wastewater and all forms and would be open to those methods as they became cost affective and available in the future.

A vote was called on Item No. 34. All voting aye. Nays none. Council Member Lawrence out of the city on personal business. Council Member Goldberg out of the city on city business. MOTION 2005-0685 ADOPTED.

35. WRITTEN Motion by Council Member Sekula-Gibbs to amend Item 35A below as follows:  
Renummer 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)** - was presented. Council Member Berry absent.

Council Member Garcia moved to postpone Item Numbers 35 and 35A for three weeks, seconded by Council Member Alvarado. Council Member Berry absent.

After discussion by Council Members, a vote was called on the motion to postpone Item Numbers 35 and 35A for three weeks. All voting aye. Nays none. Council Member Lawrence out of the city on personal business. Council Member Goldberg out of the city on city business. MOTION 2005-0686 ADOPTED.

- 35A. ORDINANCE **AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to ambulance fees, drivers, inspections and penalties – **(This was Item 11 on Agenda of July 6, 2005, TAGGED BY COUNCIL MEMBERS SEKULA-GIBBS, WISEMAN and QUAN)** – was presented and postponed by MOTION 2005-0686.
36. 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 – **(This was Item 13 on Agenda of July 6, 2005, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. All voting aye. Nays none. Council Member Lawrence out of the city on personal business. Council Member Goldberg out of the city on city business. ORDINANCE 2005-0899 ADOPTED.
37. 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 – (This was Item 21 on Agenda of July 6, 2005, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. All voting aye. Nays none. Council Member Lawrence out of the city on personal business. Council Member Goldberg out of the city on city business. ORDINANCE 2005-0900 ADOPTED.
38. 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 – **(This was Item 22 on Agenda of July 6, 2005, TAGGED BY COUNCIL MEMBERS WISEMAN and QUAN)** – was presented. All voting aye. Nays none. Council Member Lawrence out of the city on personal business. Council Member Goldberg out of the city on city business. ORDINANCE 2005-0901 ADOPTED.

**MATTERS TO BE PRESENTED BY COUNCIL MEMBERS**

Council Member Galloway stated she wanted to thank Chief Hurtt and Constable Gary Freeman along with Assistant Chief Edwards and HPD officers for participating this past Saturday at the Pleasantville Crime Prevention Forum, that they did an outstanding job in answering questions and giving information to that community. Council Member Wiseman absent.

Council Member Galloway stated that today they would be having their MWBE and Small Contract Compliance Committee meeting at 2:00 p.m. in Council Chambers. Council Member Wiseman absent.

Council Member Green stated that day before yesterday there was a meeting held at the Sunnyside Multi Purpose Center regarding reverse mortgages and the adverse effect it was having on a lot of seniors in the Sunnyside area and really all over the City, that it was a type of mortgage that allowed a homeowner to cash out the equity in their home and receive cash, that many of these individuals were elderly and these mortgages required 10 and sometimes 20 year repayments, that there were a lot of individuals who were out recruiting people to participate in the mortgage scam and he would encourage individuals who were being approached to contact either his office in City Hall or contact the Houston Bar Association at 713-759-1133 and to also report any abuses regarding reverse mortgage to HUD at 1-888-466-3487. Council Member Wiseman absent.

Council Member Edwards stated that tomorrow would be the first meeting of the Montrose Task Force who would be working towards a solution to the issues of homelessness and street activity in the Montrose area. Council Member Wiseman absent.

Council Member Edwards stated that regarding Item No. 32, the only thing that she would like to suggest regarding the 30 day delay was that they come with a clear FCC ruling as to what the policy was, if Houston Media Source could review tapes before screening or not, and also the statement by her colleague that they could use the \$800,000 for a right-of-way, that she did not know they could use that money, if they could use it for other issues she would like for somebody to tell her because she had some places they could use it, and Mayor White stated that it was his understanding that the money could be used for public educational and public access; and Council Member Edwards stated that she was concerned also with the statement that the young man made yesterday concerning the veterans and what she was told by Media Source was that the refusal came when he wanted to take the equipment to Italy and they could not take Houston equipment outside the City of Houston let alone to Italy. Council Member Wiseman absent.

Council Member Edwards stated that as to Item No. 33, if Mr. Krueger or someone could come to their office and explain how they could work with them in making sure the issues were addressed and whatever they could do to make this thing move forward in a way that all the constituents would feel they had a place at the table. Council Member Wiseman absent.

Council Member Wiseman stated that she wanted to commend the State Legislature for their swift movement on the eminent domain situation that was proposed by the Supreme Court ruling, that especially she wanted to thank State Representative Garnet Coleman for his help in getting the bill passed so quickly and swiftly. Council Members Wiseman and Alvarado absent.

Council Member Garcia stated that he to wanted to express his appreciation to Lillie Beth for taking time out to have walked his hike and bike trail alignment and wanted to thank his staff member, Ms. Rebecca Reyna, for all the work she did in organizing the walk. Council Members Galloway, Wiseman and Alvarado absent.

Council Member Garcia stated that on Saturday would be their townhall meeting on the Metro Rail concerns at Northline Mall from 10:00 a.m. to 11:30 a.m. and would encourage people who were interested and wanted to hear details to please be in attendance. Council

Members Galloway, Wiseman and Alvarado absent.

Council Member Garcia stated that this evening was a soccer game between Mexico and Jamaica and Guatemala and South Africa at Reliant Stadium. Council Members Galloway, Wiseman and Alvarado absent.

Council Member Garcia stated that he wanted to wish Ms. Stella Ortega, Agenda Office, a happy birthday. Council Members Galloway, Wiseman and Ellis absent.

Council Member Garcia stated that he wanted to invite everyone tomorrow evening to the Officer Foundation Fund Raiser at the Meridian at 7:30 p.m. Council Members Galloway, Wiseman and Ellis absent.

Council Member Holm stated that next Wednesday, July 20, 2005, at 6:30 p.m. at the Tracy Gee Community Center the Neighborhood Advisory Council for District G would meet, that the council had a representative from neighborhood and community in District G and they met regularly to define their goals and priorities, that they now had current records and information on probably 60 to 70 of their neighborhoods and asked if it would be possible for their to be some coordination between the Mayor's Assistance office and the District G offices to kind of work together on some of those things to get them updated for the whole City as well as for each district, and Mayor White stated that it was something that he thought there was room for improvement particularly as they had the ability to do online communications between 3-1-1, Citizens Assistance and designated and trained people on the staffs of the Council Members, that they do that making sure that they had ownership and responsibility so things would get done without creating a new level of bureaucracy, but he thought Council Member Holm was right. Council Members Galloway, Wiseman and Ellis absent.

Council Member Alvarado stated that shortly after she arrived at Council she started looking at the whole issue of their franchise fees that related to telecom and wire phones versus wireless and she predicted that eventually they would have more wireless subscribers than people who had landlines and it was official, today the FCC announced that there were more wireless subscribers than the traditional telephone lines in Texas and nationwide, that it meant a lot of municipalities because they still had the inequities and inefficiencies with the way the whole franchise fees were collected and even the way the 911 funds were accounted for, that she hoped they continued to be vigilant in their efforts with Congress and their team that was lobbying in Washington and in Austin as they had some telecom things that were on the agenda. Council Members Galloway, Wiseman and Ellis absent.

Council Member Sekula-Gibbs stated that she wanted to wish the crew and all of NASA and best wishes on the launch of STS114, which was scheduled to launch at 2:51 p.m. today. Council Members Galloway, Wiseman, Holm and Ellis absent.

Council Member Sekula-Gibbs stated that she wanted to welcome and encourage people in the Northside area to attend a health fair and back to school drive that would be in the Trinity Gardens area at the Greater Northside Plaza, 6915 Curry Road, on Saturday, July 16, 2005, 9:00 a.m. to 4:00 p.m., that it would be an opportunity for parents to bring their children in for immunizations and they should bring their shot record. Council Members Galloway, Wiseman, Holm and Ellis absent.

Council Member Sekula-Gibbs stated that she wanted to congratulate the oldest law school in Houston, South Texas College of Law, which had recently been acknowledged by US News and Law Report as the number one school in the United States for Trial Advocacy. Council Members Galloway, Wiseman, Holm and Ellis absent.

Council Member Khan stated that they were in the middle of the summer and all the children were enjoying the outdoors and swimming use had gone up but there had been a lot of

incidents in the swimming pools around the City and they had lost a lot of innocent lives, so he did not know if anything could be done, maybe the inspectors could be more vigilant and make sure there was compliance with the ordinances. Council Members Galloway, Wiseman, Holm and Ellis absent.

Council Member Quan stated that as they knew this month they would celebrate the 40<sup>th</sup> anniversary of the Equal Employment Opportunity Commission, that this afternoon they would have a softball game and everyone was welcomed to attend at the University of Houston. Council Members Galloway, Wiseman, Holm and Ellis absent.

Council Member Quan stated that the Houston International Jazz Festival would be coming up August 6, 2005 and would feature for the first time an Asian Jazz Night, the group Hioshima would be coming and the Latin Jazz Night would have Tito Puente Jr. Council Members Galloway, Wiseman, Holm and Ellis absent.

Council Member Berry stated that he looked forward to Ms. Marlene Gafrick taking over as the Acting Planning Director as his office had many occasions to work with her and she was responsive, professional, competent and pleasant; and Mayor White stated that he had asked for her to serve as Planning Director when Mr. Litke retired; and Council Member Berry stated that it was a tough job and she was very reasonable, she understood they wanted growth in the community consistent with neighborhood standards. Council Members Galloway, Wiseman, Holm and Ellis absent.

Council Member Berry stated that he said it before, but Ms. Cristina Cabral must make a concerted effort to tell committee nominees they needed to contact Council Members, that he thanked her for that happening as it made things run smoother. Council Members Galloway, Wiseman, Holm and Ellis absent.

Council Member Berry stated that the Transportation Infrastructure and Aviation Committee Meeting was tomorrow morning in the Chamber and they would cover un-served areas, people who were residents and not getting Houston services, and the airport security. Council Members Galloway, Wiseman, Holm and Ellis absent.

Council Member Berry stated that all he said about Ms. Gafrick he would also say about Mr. Gary Norman, he was extremely responsive and he appreciated his diligent efforts. Council Members Galloway, Wiseman, Holm and Ellis absent.

Council Member Edwards stated that she wanted to mention Congressman Al Green, he had the opportunity to have a Bill passed which he authorized and that was an amazing feat for a freshman Congressperson; and she wanted to congratulate him.

Council Member Edwards stated that she would encourage a meeting with the Transportation Committee regarding the extension of Highway 35 through the Houston area and it would be going through Districts D, E and I; and Council Member Berry stated that with her assistance they would be glad to coordinate it; and Council Member Edwards stated that on the City's side Mr. Latham was probably the most well versed and for TxDOT it would be Mr. Hecock. Council Members Galloway, Wiseman, Holm and Ellis absent.

There being no further business before Council, the City Council adjourned at 10:50 a.m. Council Member Goldberg out of the city on city business. Council Members Galloway, Wiseman, Holm and Ellis absent.

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

MINUTES READ AND APPROVED

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Anna Russell, City Secretary