

City Council Chamber, City Hall, Tuesday, August 9, 2005

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, August 9, 2005, Mayor Bill White presiding and with Council Members Toni Lawrence, Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, M. J. Khan, Pam Holm, Adrian Garcia, Carol Alvarado, Mark Ellis, Gordon Quan, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; Mr. Arturo Michel, City Attorney, Ms. Jo Wiginton, Division Chief, Contract Division, Legal Department; Ms. Debra Dillard, Mayor's Citizens Assistance Office; Ms. Marty Stein, Agenda Director; Mr. Jose Soto, Assistant Agenda Director present

At 1:58 p.m. Mayor White stated that Council Member Alvarado would begin the presentations; and Council Member Alvarado stated that Ms. Lillian Villarreal had been very involved with the Mayor's Committee on People with Disabilities and today she was present and they were honoring individuals; and invited Ms. Villarreal and those present to the podium and presented with them certificates and scholarships; and Ms. Villarreal stated that they were volunteers who worked in the business community and they awarded scholarships to seniors with disabilities; and thanked the volunteers and sponsors and Council Members Alvarado and Garcia and the parents who encouraged the youth to go to college when it could have been very easy to say, "I can't." Council Members Lawrence, Galloway, Goldberg, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Council Member Green stated that he wanted to recognize local winners from the National NAACP Act So Competition held in Milwaukee, Wisconsin, it provided a forum which African American youth demonstrated academic, artistic and scientific expertise and it was a year long program; and today they were recognizing the winners and invited all to the podium and presented them with Certificates; and a spokesperson stated that on behalf of the NAACP Act So Program she thanked the Mayor and Council for the acknowledgement of such wonderful talent in the Houston area. Council Members Lawrence, Galloway, Goldberg, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Council Members Edwards and Galloway congratulated the students and thanked and congratulated the NAACP for keeping the students in the mix and giving them the opportunity to shine. Council Members Lawrence, Goldberg, Wiseman, Holm, Garcia, Sekula-Gibbs and Berry absent.

Council Member Edwards stated that as a point of personal privilege there were some real true young leaders who worked hard in District D present and asked them to stand to be recognized. Council Members Lawrence, Goldberg, Wiseman, Holm, Garcia, Sekula-Gibbs and Berry absent.

At 2:10 p.m. Mayor White called the meeting to order and called on Council Member Khan who invited Mr. Mubeen Khoublia, a sophomore of the U of H who recently completed the Holy Koran to lead all in prayer and Council Member Khan led all in the pledge. Council Members Lawrence, Goldberg, Wiseman, Holm, Garcia, Sekula-Gibbs and Berry absent.

At 2:14 p.m. the City Secretary called the roll. Council Members Lawrence, Goldberg, Wiseman, Sekula-Gibbs and Berry absent.

Council Members Khan and Green moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Members Lawrence, Goldberg, Wiseman, Sekula-Gibbs and Berry absent. MOTION ADOPTED.

Council Member Green moved that the rules be suspended for the purpose of hearing Ms. Ivy Spivey out of order and Ms. Robin Holzer to the bottom of the two minute non-Agenda portion of the speakers list, seconded by Council Member Khan. All voting aye. Nays none.

Council Members Lawrence, Goldberg, Wiseman, Sekula-Gibbs and Berry absent. MOTION 2005-0753 ADOPTED.

Council Member Edwards moved that the rules be suspended for the purpose of hearing Mr. R. Michael Lee out of order, seconded by Council Member Khan. All voting aye. Nays none. Council Members Lawrence, Goldberg, Wiseman, Sekula-Gibbs and Berry absent. MOTION 2005-0754 ADOPTED.

Ms. Ivy Spivey, P. O. Box 11755, Houston, Texas 77293 (281-590-8677) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Goldberg, Wiseman, Sekula-Gibbs and Berry absent.

Mr. R. Michael Lee, 5504 Ardmore, Houston, Texas 77021 (713-748-6973) appeared, presented information and stated that they had been meeting with the Mayor's Office and Council Member Edwards on the Columbia Tap and they were wanting to delete a 1/4 mile extension to Dixie Drive. Council Members Lawrence, Goldberg, Wiseman, Sekula-Gibbs and Berry absent.

Upon questions by Council Member Quan, Mr. Lee stated that the yellow line shown on the map he presented, from Dixie to Almeda was a duplicate bicycle trail which included on road trail and the Mayor was trying to develop a trail focusing on a non road trail system and that would be the Columbia Tap from Polk along Brays Bayou, he was saying to concentrate on the green line not the yellow line in his presentation. Council Members Lawrence, Goldberg, Wiseman, Sekula-Gibbs and Berry absent.

Upon questions by Council Member Quan, Mayor White stated that he anticipated Council Member Edwards would move to defer an item on tomorrow's Agenda so they could look at something which would meet the criteria he set forth; and he thought it was constructive and they were looking at this very seriously. Council Members Wiseman, Garcia, Sekula-Gibbs, Green and Berry absent.

Council Member Edwards stated that this was submitted to the Mayor and Public Works and at this time they were scrutinizing the alternative plan and doing an analysis; that Grocers Supply and other officials had sent letters of support in finding an alternative to the current plan the City and TxDOT had. Council Members Wiseman, Garcia, Sekula-Gibbs, Green and Berry absent.

Ms. Ramona Davis, 712 Main #110, Houston, Texas 77002 (713-261-5000) appeared and spoke in favor of Agenda Item 14 and stated that this was the first improvement to the preservation ordinance coming forward and they were very happy to fully support it, it was a gift to permanently landmark buildings and others would be able to apply for the same status; and it was the only real protection for historic buildings. Council Members Wiseman, Garcia, Sekula-Gibbs, Green and Berry absent.

Council Member Quan stated that the sense at the Quality of Life Committee Meeting was it looked okay but they needed to digest what it said, basically these were owned by the city and being designated and protected as long as the city kept the ordinance in place. Council Members Wiseman, Garcia, Alvarado, Sekula-Gibbs, Green and Berry absent.

Mayor White thanked Ms. Davis for her help and stated that to be successful they would have to greatly expand the number who came forward and identified through their spirit of wanting to enhance the value of their property to preserve their property and get out of the line of fire and convince people to participate in the program; and Ms. Davis stated that they did have their support. Council Members Wiseman, Garcia, Alvarado, Sekula-Gibbs and Green absent.

Council Member Lawrence moved that the rules be suspended for the purpose of hearing Mr. Jack Lee and Mr. Ray Bush out of order, seconded by Council Member Khan. All voting aye. Nays none. Council Members Wiseman, Garcia, Alvarado, Sekula-Gibbs and Green absent. MOTION 2005-0755 ADOPTED.

Ms. Minnette Boesel, 2504 Stanmore Drive, Houston, Texas 77019 (713-291-4757) appeared and spoke in favor of Agenda Item 14 and stated that she owned the 1889 Foley dry goods building in the downtown historic district and she was present to say they fully supported the effort being put forward; that it sent a loud message Houston was supportive of preservation; and encouraged other buildings to be considered. Council Members Galloway, Wiseman, Garcia, Alvarado, Sekula-Gibbs and Green absent.

Mr. Antoine Bryant, 3409 Dowling, Houston, Texas 77004 (713-521-2600) appeared and spoke in favor of Agenda Item 14 and stated that he was with Project Row Houses and wanted to say they supported the amendment to the preservation ordinance as it would add to the value the City already had. Council Members Galloway, Wiseman, Garcia, Alvarado, Sekula-Gibbs and Green absent.

Ms. Larissa Lindsay, 1816 Kane, Houston, Texas 77007 (713-831-6526) appeared, presented information and spoke in favor of Agenda Item 14 and thanked Mayor White for recognizing that preservation was vital to the community and stated that she was president of the Old Sixth Ward Neighborhood Association and lived in a recorded landmark home; that the significance of .03 was it was the percentage of the City of Houston designated historic, less than one-half of 1% was covered by the current voluntary preservation ordinance; that the proposed ordinance gave more protection, but her house even being a recorded landmark would not meet the criteria. Council Members Galloway, Wiseman, Alvarado and Sekula-Gibbs absent.

Upon questions by Council Member Holm, Ms. Lindsay stated that about 300 homes in Sixth Ward were probably 100 years old and there were a total of about 330 homes there; that what they presented was a friendly amendment to the ordinance. Council Members Galloway, Wiseman, Alvarado and Sekula-Gibbs absent.

Upon questions by Council Member Garcia, Ms. Lindsay stated that houses in the neighborhood would not meet the three criteria, what made them unique was their collection as a whole, they did not stand up alone; that if they allowed houses already designated and those over 100 years old to be granted the protected landmark it would help save those in the historic districts; that with the proposal they could end up with 50 or so protected landmarks and no historic districts. Council Members Galloway, Wiseman, Alvarado, Ellis and Sekula-Gibbs absent.

Council Member Edwards stated that she had similar concerns she addressed; that many historic houses would not meet the current criteria for landmark and they were trying to figure something out and would like to speak with her. Council Members Galloway, Edwards, Wiseman, Alvarado, Ellis and Sekula-Gibbs absent.

Mayor White stated that people who raised awareness and pushed the issue like Council Member Holm, herself and others were doing a good thing; and upon questions, Ms. Lindsay stated that on houses 100 years or more she thought there were around 250 in the Sixth Ward, but they could get back with him on the exact number. Mayor White stated that he asked Mr. Michelle, Ms. Juitt and Ms. Stein to do some things as he wanted the best estimate he could get on the 100 year plus structures in Houston; and upon further questions, Ms. Lindsay stated that there might be some over 100 years that would not be worth saving, but a home in their area was boarded and sold as a teardown and Mr. Cox bought it, restored it and researched it and took it back to 1866 and it was the oldest privately owned house in the City of Houston at this time, but no one would have known if he had not taken time and effort; and Mayor White stated

that he would add a fourth criteria which would be on the new system if someone designated a building and nothing was done and years went by and neighbors began complaining about the poor condition maybe they should have a stakeholder process; and Ms. Lindsay agreed to help him with that. Council Members Galloway, Edwards, Ellis and Sekula-Gibbs absent.

Upon questions by Council Member Garcia, Ms. Lindsay stated that on selling amount per square foot the restored properties far exceeded new construction in part because they were hardwood buildings; that the Texas Historic Commission did have grants available but Houston did not qualify because they had a voluntary ordinance and they did not want to put money toward something that could be torn down in 90 days. Council Members Galloway, Edwards, Ellis and Sekula-Gibbs absent.

Mayor White stated that if someone did get a grant and passed through a process of historical preservation designation maybe this was one way to shoehorn them into the category and they would not have to jump through two sets of hoops; that one thing Council Member Holm's ordinance would do would be to allow a grant; and they may do a process for a remodeling permit and they could see if Mr. Walsh could work on how to streamline. Council Members Galloway, Goldberg, Edwards, Ellis and Sekula-Gibbs absent.

Upon questions by Council Member Berry, Ms. Lindsay stated that you have to love the house to restore it; that some people wanted to place a large home across from smaller ones because it made them stand out on the block, but by just putting loving care into a home it could stand out; and Council Member Berry stated that he agreed and loved old houses; and suggested this might be a multifaceted approach with one being it was difficult to get permits to restore an old home and hard to get loans; that it was easier to demolish and rebuild and if they were serious on redevelopment this was part of it; and suggested the president of the Historical Association be brought into this as he knew who made grants, etc. Council Members Galloway, Ellis and Sekula-Gibbs absent.

Mayor White stated that he would like Mr. Michelle to consult with Mr. Walsh, what he was thinking was there would have to be certain people qualified because you did not want people coming in, renovating it and calling it a 100 year old structure, that was fraud; that a quaint 110 year old structure in the Heights was not that it was torn down and something put up; that they needed a certification, maybe an architect, to plan renovation and that certification would sufficiently get the permit, it needed to be made as easy as possible for historic renovation. Council Members Galloway, Alvarado, Ellis, Sekula-Gibbs and Berry absent.

Ms. Jane Cahill, 2112 Lubbock, Houston, Texas 77007 (832-721-9080) appeared and spoke in favor of Agenda Item 14 and stated that she also lived in the Old Sixth Ward Historic District and was on that board; that she thanked the Mayor and Council Member Holm for bringing forward the first amendment to the historic preservation ordinance; that they were very appreciative and their friendly amendment was that a structure would also qualify if it was 100 years old or listed on the National Register of Historic Places by the Secretary of Interior. Council Members Galloway, Alvarado, Ellis, Sekula-Gibbs and Berry absent.

Council Member Khan stated that he thought their friendly amendment was reasonable; and upon questions, Ms. Cahill stated that the Old Sixth Ward Association had worked years trying to preserve the neighborhood character; that since 1978 it lost more than 50% of its structural integrity; that the oldest neighborhoods had no protection against development and the historic designation was an economic tool. Council Members Galloway, Ellis and Sekula-Gibbs absent.

Mayor White stated that he appreciated her leadership. Council Members Lawrence, Galloway, Goldberg, Ellis and Sekula-Gibbs absent.

Ms. Catherine Roberts, P. O. Box 130726, Houston, Texas 77219-0726 (713-294-3338)

appeared, presented information and spoke in favor of Agenda Item 14 and stated that the proposed amendment would create a new category of landmark structure which should be protected; that she was representing the Rutherford Yates Museum and more protection was needed; that they would like protection for currently nationally registered properties. Council Members Lawrence, Galloway, Khan and Sekula-Gibbs absent.

Mr. David Bush, 15711 Fathom, Houston, Texas 77062 (281-450-8650) appeared and spoke in favor of Agenda Item 14 and stated that he was program director for the Greater Houston Preservation Alliance and lived in the Clear Lake area; he was letting them know others outside the loop also cared about preservation; that the local ordinances was the only protection and at this time there was no real protection for Houston's landmark buildings; that the amendment could not be imposed but did offer real protection and it was not a perfect amendment but much better than a 90 day delay; and urged all to vote for it. Council Members Galloway, Khan and Sekula-Gibbs absent.

Ms. Pam Tilley, 7722 Eight Willows Road, Missouri City, Texas 77489 (281-437-4733) appeared and spoke in favor of Agenda Item 14 and stated that she was the historiographer for the African American Episcopal Church Organization and was supporting the friendly amendments made; that their concern was how communities such as theirs would be included in information, how they could be a part of the process; that they had witnessed destruction of historical information and they were concerned no ordinance helped with that so they were concerned the ordinance was not strong enough, not protective enough and they needed input so the AME churches, those historical properties, would be protected. Council Members Galloway and Sekula-Gibbs absent.

Council Member Edwards thanked Ms. Tilley for her work and stated the AME churches were a pillar in the African American community as far as restoration and holding onto its history; and would like to speak with her further; and upon questions, Ms. Tilley stated that they did not have time to bring an amendment but were preparing one. Council Members Galloway, Garcia and Sekula-Gibbs absent.

Mayor White stated that he did see how other cities were doing this and some thought to make progress you had to have a confrontation, but he thought to make progress you just needed to get the job done; that he thought one big radical thing they were doing here was putting the decision to designate something within certain criteria within the hands of the owner as opposed to someone at City Hall doing it. Council Members Galloway, Garcia and Sekula-Gibbs absent.

Council Member Quan thanked Ms. Tilley for coming and stated that they did welcome everyone's voice in the process; and if they could get her E-mail address they would be glad to put her on the list. Council Members Galloway, Garcia and Sekula-Gibbs absent.

Pastor Hunt L. Harris, 3401 Hondo, Houston, Texas 77051 (713-734-6001) appeared and spoke in favor of Agenda Item 14 and stated that he was president of the AME Ministers Alliance, Houston Gulf Coast Area, and also had concerns; that his concern was they did not want to be overlooked and in low-income areas there were limited resources and those needs should be addressed so they could meet certain criteria; that maybe it should be tabled so there could be more dialogue and a clear understanding. Council Members Galloway, Garcia and Sekula-Gibbs absent.

Mayor White stated that he appreciated him coming and any comments he had on the ordinance would be welcome; that they did want to establish criteria to give organizations such as his more power over their own destiny; and he heard what he said about resources and he had been brainstorming on how to create some credit facility or something that would be available for groups or individuals to do historic preservations in areas that had been historically neglected, this was the beginning of good times on historic preservation in Houston; and he

asked the AIA and had interns working with Mr. Walsh pulling out of the libraries so there would be an archive for the community the original plans and drawings used for Sunnyside, Independence Heights and he believed Trinity Gardens so they could be guidelines for renovation. Council Members Galloway, Garcia and Sekula-Gibbs absent.

Dr. Ruben Braziel, 3201 Washington Avenue, Houston, Texas 77007 (713-862-8718) appeared and spoke in favor of Agenda Item 14 and stated that he was Pastor at Brown Chapel AME Church in the Sixth Ward and they just celebrated 124 years of existence; that they were present expressing concerns that the proposed ordinance may tend to weaken an already weak ordinance and if it passed in its present form would it be viewed as a sin against the people and opportunity to suppress them from knowing what was going on. Council Members Galloway, Quan, Sekula-Gibbs and Berry absent.

Council Member Garcia stated that his concerns would be shared and he believed there was opportunity to make this a much better ordinance; and thanked him for his concerns. Council Members Galloway, Quan and Berry absent.

Mr. Thomas McWhorter, 416 North Hutcheson, Houston, Texas 77003 (713-216-5000) appeared and spoke in favor of Agenda Item 14 and stated that he was a Second Ward resident and owned a house built in 1866; that he had invested much in his house and wanted to be able to landmark it and feel good about it when he moved on to his next restoration; and urged passage of the amendment and then supplement it in the future. Council Members Galloway, Quan and Berry absent.

Upon questions by Mayor White, Mr. McWhorter stated that he redid the house himself and he did not find the permitting process a nightmare, but he took the slow route. Council Members Galloway, Ellis, Quan and Berry absent.

Council Member Garcia stated that he appreciated Mr. McWhorter's assistance in Independence Heights and upon questions, Mr. McWhorter stated that the current ordinance was passed in 1995 and the amendment was about 10 years late; that this amendment was going smoothly and he hoped they could continue while the iron was hot; and Council Member Garcia stated that his concern was moving too quickly would keep out great suggestions and then it may take another 10 years to make it better so he agreed they needed to move forward but wanted to do it in a more complete way. Council Members Galloway, Ellis, Quan and Berry absent.

Council Member Edwards stated that the whole issue gave an opportunity to look at challenges in the Fourth Ward; that they were losing Freedmen's Town brick by brick and as stated before they were finding areas of historic proportion which needed to at least be identified; and upon questions, Mayor White stated that he had good news, his concern was that preserving history was not simply preserving structures and in fact they could not appreciate the history if the City did not better appreciate its citizens and their history, why could they not go on a web site and click a map and see history of that community so he asked Ms. Betty Chapman, Mr. Frank Michelle and all members of Council to get him names in the great diversity of Houston of people who were experts in the micro history of the City in communication and educational institutions and among the charge would be working with school districts to prepare something on Houston history, creating a web base for a citizen to go in and access the historic resources of the neighborhood and the initial meeting would be in September and rules were anyone wanting to be a part of the taskforce and was willing to work and they had about 35 people at this time and he would ask that they report back in six months of the meeting on each of the topics he mentioned and include hers. Council Members Galloway, Holm, Garcia, Ellis, Quan and Berry absent.

Mr. Stephen Clark, 2070 Castle Bend, Katy, Texas 77450 (281-492-6928) appeared, presented information to Council Members and stated that he was president of Information

Technology Associates, a Houston based enterprise, and was addressing Agenda Item 25; that they had presented a bid on the item and he was going to read from an E-mail sent to the Mayor and Council which was the contract would be a 3 to 5 year contract with Proofpoint, Inc. supplying an anti-spam equipment to stop viruses from entering the City's E-mail environment, but they ignored alternative proposals that were less expensive to the City; that they were rated much higher than Proofpoint and that they were a Houston based reseller; and asked that they not pass the ordinance until an objective evaluation could be conducted; and to add his comments, this was a question of value per dollars. Council Members Galloway, Holm, Garcia, Ellis, Quan, Green and Berry absent.

Council Member Alvarado stated for clarification was he present because he was representing the company who was not awarded the job; and Mr. Clark stated that he was an alternative to Powerpoint. Council Members Galloway, Holm, Garcia, Ellis, Quan, Green and Berry absent.

Mayor White stated to clarify there was another bidder; and Mr. Clark stated that Info Tech was him; and Mayor White stated that he was not the recommended bidder. Council Member Alvarado stated that he was present because his company was not the recommended bidder and Mr. Clark stated that was correct. Council Members Galloway, Holm, Garcia, Ellis, Green and Berry absent.

Council Member Khan stated that if anyone had trouble with an award they should come to Council as he could not know everything; and upon questions, Mr. Clark stated that he had the interest of the City and wanted them to get their money's worth; that he came to the conclusion the award would not be the best for the money; and he was asking for due diligence to make sure the rational or recommendation was correct; and Council Member Khan stated that they could not micromanage so they needed to show confidence in people running the departments, but it was equally important to make sure they were getting the best for the taxpayers. Council Members Galloway, Holm, Garcia, Ellis, Green and Berry absent.

Mr. Bob Neal, 17934 Loving Lane, Spring, Texas 77388 (832-725-4675) appeared and spoke in favor of Houston Media Source and stated that he taught and shared with children from ages 5 to 14 at summer camps on media literacy and he found they watched anything and everything on television and at the movies; that he wanted them to look at what was shown to them differently and taught them to view their program like never before; that the resources from Houston Media Source had been invaluable and afforded him and many others tools to communicate; that they had forums laying out rules and regulations and had certifications; that when concerns were raised the impact cast a dark cloud on all and comments threw doubt to many which needed to be overcome; that he was with Community Cinema and a producer at Houston Media Source and he was asking the contract be renewed, follow bylaws and correct the board. Mayor White, Council Members Galloway, Holm, Garcia, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Lawrence thanked Mr. Neal for coming; and upon questions, Mr. Neal stated that he would first recommend the board put nominations forward for Council to review and with the new board allow them to problem solve; that to him the show that was being talked about was on because the producer overstepped the line, maybe he did not understand, but now when he went out he had to explain and overall it was made difficult for him. Mayor White, Council Members Galloway, Garcia, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Goldberg stated that if they did change the board of directors how would the programming be any different; and Mr. Neal stated that it would be the emphasis once again of the producer and what was expected of them; that he would make programming expectations clear. Mayor White, Council Members Galloway, Garcia, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Wiseman stated that when rules were put out you expected them to be followed and the City set out rules, conditions for the contract with Houston Media Source, but the rules were not followed; that responsibility did lie with those who set rules to ensure they were being adhered to so to suggest this was an issue with producers was approaching it backwards, this was an issue of where responsibility lied and it lied with the City because they entered into the contract with Houston Media Source and it also lied with Houston Media Source because they signed a commitment to follow rules so they could not pass the buck. Mayor White, Council Members Galloway, Garcia, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding.

Ms. Noel Bharadwaja, 21323 Park Mill, Katy, Texas 77450 (832-651-4746) appeared and spoke in favor of Houston Media Source and stated that she was in the Educational Psychology Department at the U of H and instructor in Human Development Family Studies and she collaborated with Houston Media Source to tailor make a literacy program to develop critical thinking skills, etc., and she had written a grant to fund the program for a couple of years; that when police violated rules they did not get rid of the Police Department and this was a community access channel and the only place that could offer media literacy to her children. Mayor White, Council Members Lawrence, Galloway, Garcia, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding.

Upon questions by Council Member Wiseman, Ms. Bharadwaja stated that she lived in Katy and did not get cable for that very reason, she had five children; and Council Member Wiseman stated that cable gave opportunity to have quality reception of programming they wanted to see such as educational, etc., with respect to a bad officer and not getting rid of the Police Department, no, what they did was get rid of the bad officer; that they could still have access programming but go with another and that was their right and that was why they were being asked to vote on a new contract. Council Members Galloway, Edwards, Holm, Garcia, Ellis, Green and Berry absent.

Council Member Goldberg moved that the rules be suspended for the purpose of hearing Ms. Carla Thompson out of order, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Galloway, Edwards, Holm, Garcia, Ellis, Green and Berry absent. MOTION 2005-0756 ADOPTED.

Pastor John McCrutchin, 9746 Kirk Falls Drive, Houston, Texas 77089 (713-649-2000) appeared in opposition to Houston Media Source and stated that he was present with Pastor Elmo Johnson and the show viewed was moral filth and he wanted to know how much Council was going to put up with, it was not about First Amendment rights or Houston Media Source but about the public safety and issue of public trust being violated; that a moral standard needed to be raised and it was Council's responsibility; that what was going on was desensitizing and going against the fabric of society and affecting men and women; that he was challenging the men on Council to speak up and say it would not be allowed to happen; that he had heard from the women, and about the baby and the bathwater the baby was public access and the bathwater was Media Source and he was saying the water was dirty and they needed to pull the plug on the water. Council Members Lawrence, Galloway, Holm, Garcia, Ellis, Green and Berry absent.

Council Member Wiseman thanked Pastor McCrutchin for coming and stated that his points were well made; that they received information from many who did not get that programming, did not live in Houston and did not want their children to see such programming and yet wanted to expose other peoples children to the problem which did erode the fabric of society; that it was wrong and as he pointed out it was Council's responsibility and she appreciated his efforts to come down and stand; and Pastor McCrutchin stated that he also wanted to thank her for standing up and taking a lead on the whole issue and to realize it was not a First Amendment issue but a contractual issue. Council Members Lawrence, Galloway,

Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent.

Council Member Khan stated that he appreciated his passion on the issue and he would get no argument from him on keeping high moral standards; and upon questions, Pastor McCrutchen stated that there was a national standard for decency and obscenity and also state standard for it and there was a community standard and he believed if they had people with a strong moral conscious they would seek out those sources. Council Members Galloway, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent.

Ms. Carla Thompson, 10497 Town and Country Way #550, Houston, Texas 77024 (713-335-2851) appeared and stated that her purpose in being present was to ask for Council's help; that she had been seeking certification as a woman owned business since January 26, 2005, 194 days, and fully familiarized herself with City ordinances and the CFR which pertained to the process and was certain she met all requirements; that she purchased 55% of a construction management company and her husband had worked there, but she purchased and controlled the company; that she submitted application to Affirmative Action and Contract Compliance Division and the process was to take 90 days but had taken her 194; that today she met with the director again and believed she was preparing a final denial letter; that she was asking for Council's intervention before the denial letter was issued; that ordinance provided the Mayor to appoint a mediator and she believed things cited in the tentative denial were not valid. Council Members Galloway, Edwards, Wiseman, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that she should provide a copy of the letter to Ms. Dillard. Council Members Galloway, Edwards, Wiseman, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Lawrence stated that she had conversation with the director twice now with once being on her situation and she hoped it could be resolved; that perimeters get resolved and it be clear and they move faster; and she appreciated her bringing it to everyone's attention; and Ms. Thompson stated that they had an RCA coming before Council and they would probably be taken off the job because she still had no certification and it would be a shame to lose a project because of a poor interpretation of ordinance. Council Members Galloway, Edwards, Wiseman, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White thanked Ms. Thompson for coming; and stated that he and several colleagues were interested in the issues; that he did not have a report in front of him but had just received a report in the last week where in January of 2004 there were 450 certification applications pending and about a week ago the number was down to 48; that he set a particular 90 day goal for Affirmative Action or if they could not meet the goal they would change out the people there; that they were saying there was a 20 day turnaround time, but she said she applied in January and the explanation he received was sometimes the department was slow to give a denial; that he would guess the 20 day turnaround was to tell someone if they were certified but they did not have an average time to tell people no, you were not certified or what was needed to be certified; that he was getting many facts in a short time; that if she had multiple issues he would get Ms. Stein to get her letter and he would take a look at the situation so he could be more familiar with the substance on the issues. Council Members Galloway, Edwards, Wiseman, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Quan thanked Mayor White for taking this on and taking a look at it, Ms. Thompson had been pretty frustrated in trying to get this resolved; and upon questions, Ms. Thompson stated that in Ms. Law's tentative denial letter there were four main issues raised and after she met and went through the issues with her she raised an additional issue; that in information the Affirmative Action Contract Division put out it stated if you were denied you

could appeal and if still denied appeal to Department of Transportation, however, in City ordinances it indicated the Mayor could appoint someone objective to hear both sides and make a decision; and Council Member Quan stated that he would like Mayor White to consider that because he understood an appeal went back to the person who made the initial decision and as an attorney he knew you would rarely get a reversal if it went to the original arbiter; and Mayor White stated that he would look at those procedures; and upon questions, Ms. Thompson stated the tentative denial letter was dated June 23, 2005 and she submitted application January 6, 2005; and Council Member Quan stated that once it went to the Transportation Board they could forget it because it would be forever before getting a decision and that was why he encouraged the additional step. Council Members Galloway, Edwards, Wiseman, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Goldberg, Ms. Thompson stated that the RCA referred to was for a contract for relocation of police property room and they were a subcontractor to Page Southerland Page; and Council Member Goldberg stated that he sat on the MWBE Committee and they did not meet that often and this may be an issue on their Agenda, usually Ms. Law was at their meeting and maybe they could get some answers. Council Members Galloway, Edwards, Wiseman, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Jim Weston, 3301 Morrison, Houston, Texas 77009 (713-816-0444) appeared, presented information to Council Members and spoke in opposition to the TxDOT I-45 expansion and stated that he was chairman of the I-45 Coalition, a group representing about 90,000 citizens on both sides of I-45 primarily between 610 and I-10 worried about their homes and neighborhoods and he was present asking for help; that TxDOT just completed their study for the highway portion of the North Hardy planning study which covered a 30 mile study and their recommendation was to keep four lanes going north and west and adding four manage lanes in between plus add four additional shoulders for 20 lanes and the report did not even address feeder streets and access roads and it could not be done without losing some of the oldest homes in Houston; that he was asking Council to not accept the report as there were several errors and they would like the errors fixed and TxDOT to present it to the public and their representatives, the Mayor and Council, a townhall meeting was being hosted this Saturday, August 13, 2005, at Jeff Davis High School where TxDOT would for the first time present their program or study and several elected representatives would be present and he would like any to come and hear those plans; and the CD presented in their packet was scanned petitions of those opposing the plan. Council Members Galloway, Edwards, Wiseman, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Peggy Lindow, 3317 Morrison, Houston, Texas 77009 (713-330-6531) appeared and spoke in opposition to the TxDOT I-45 expansion and stated that she lived in Woodland Heights and was a member of the I-45 Coalition and felt very strongly against the highway threat; that they had lived with the threat since 1999 when TxDOT held a meeting and if this was done she and her husband would be kicked out of their home just as they were about to retire; that in 1992 they moved their 1910 house to Canal Street and spent 12 years restoring it, all their time and money went into it, that many had their homes and quality of life threatened and TxDOT was saying one thing but they were not listening with homeowners ears. Council Members Edwards, Wiseman, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Margaret Dower, 1112 Highland, Houston, Texas 77009 (713-868-2758) appeared and spoke in opposition to the TxDOT I-45 expansion and stated that she lived in Woodland Heights; that TxDOT argued they needed more freeway, tollroads, etc., but what they needed were the roads fixed; that they needed to depend on the Mayor and Council Members Holm and Green to vote and place someone on the HGAC Committee that could put a stop to the killer freeways. Council Members Edwards, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Ken Lindow, 3317 Morrison, Houston, Texas 77009 (713-330-6531) appeared and spoke in opposition to the TxDOT I-45 expansion and stated that he was a member of the I-45 Coalition and homeowner in Woodland Heights. Mr. Lindow displayed a picture of what was trying to be built and stated that it would take 200 homes built from 1885 to 1920; that the alternative was a tunnel under the existing I-45 and they did not need to ruin neighborhoods; and asked that any who could come to the meeting come. Council Members Goldberg, Edwards, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that to him and others he would say it was extremely expensive and destructive to neighborhoods to think the solution to transportation issues was just widening every freeway; that with Dr. Carol Lewis he monitored this within TxDOT's plans and it was a serious issue and he did applaud them for getting in on it early; that he had meetings with Mr. Gary Treach and Ms. Carol Lewis on construction time tables between 2010 and 2020 and he wanted to focus on issues such as removing bottlenecks, building a multimodal facility that could serve the north side and relieve congestion on I-45; that the principal cause of traffic congestion was both obstacles and bottle necks and not lane capacity; that he wanted them to help him communicate to people that someone's interest should not be judged by how loud they spoke; that some would be more dramatic and hold colorful press conferences but it did not mean he was not working on it; that he felt he would score pretty high and that was what he was to do. Council Members Goldberg, Edwards, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Jeff Shell, 934 Euclid, Houston, Texas 77009 (713-256-4875) appeared and spoke in opposition to the TxDOT I-45 expansion and stated that many spoke on historic preservation and the I-45 expansion possibility had a complete disconnect; that he hoped all would think about the issue and other alternatives to keep from having such a major widening. Council Members Goldberg, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Jill Whitten, 402 Byrne, Houston, Texas 77009 (713-426-0191) appeared and spoke in opposition to the TxDOT I-45 expansion and stated that she was the vice president of Parks and Grounds in the Woodland Heights Civic Association; that by their TxDOT's own projection the I-45 expansion would not alleviate congestion but create a bigger uglier traffic jam to threaten the health and quality of life for Houston residents; that she lived in a historic tree lined neighborhood and since TxDOT added the elevated HOV lane over I-10 there was a choking cloud of pollution in her yard; that Travis Elementary was just three blocks away; that Houston and TxDOT would look bad if they allowed such road building to continue and they were asking for the City to fund a study to determine if an innovative idea to put concrete and cars underground would be feasible. Council Members Goldberg, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Robert Proctor, 402 Byrne, Houston, Texas 77007 (713-426-0191) appeared and spoke in opposition to the TxDOT I-45 expansion and stated that he was also a resident of Woodland Heights and was present as a concerned citizen and member of the I-45 Coalition; that they felt TxDOT was using misleading numbers for traffic projections and compared freeways and cost and projections of traffic flow; that the TxDOT expansion would make things worse for neighborhoods and for Houston; and urged a study on placing a tunnel under I-45. Council Members Goldberg, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Marcia Perry, 1619 Webber, Houston, Texas 77007 (713-863-9773) appeared, presented information to Council Members and spoke in opposition to the TxDOT I-45 expansion and stated that that today they were asking Council representatives to HGAC to not approve the study when it came before them as they felt it was seriously flawed; that the stretch

of freeway between 610 and I-45 was not crowded except during rush hour and on one side only or when there was a wreck and their study did not show a major time change; that they could be spending millions for minutes; that relative to the tunnel she listed three others one southbound, one northbound and an HOV on one level; and her handout would provide all information. Council Members Goldberg, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Moses Villalpando, 314 Lindale, Houston, Texas 77022 (713-699-4475) appeared and spoke in opposition to the TxDOT I-45 expansion and stated that he was from the North Lindale Civic Organization and present to support neighbors in Woodland Heights and to ask that they look at every alternative regarding expansion of I-45 including the use of tunneling; that he was for tunneling because Roosevelt Elementary was one and a half blocks from I-45 and studies indicated schools within 1,000 feet of a major thoroughfare had students more inclined to develop asthma, bronchitis, cancer, etc., due to pollution; that the expansion of I-45 was for other communities and City officials should see the safety and health of their own Houston children take precedent over those who do not live here; and also destruction of old communities for the sake of expanding freeways for people who do not live in Houston was ludicrous. Council Members Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mr. James Scriver, 1808 Lubbock, Houston, Texas 77007 (713-882-1831) appeared and spoke in opposition to the TxDOT I-45 expansion and stated that he lived in the Old Sixth Ward Historic District and his home was 3 blocks from Houston Avenue and 4 blocks from the existing overhead I-45 and there was no way to expand the freeway and not come within smelling distance of his home and he would urge all to attend their townhall meeting Saturday to exert their influence and oppose TxDOT's plan and to also provide funding for a \$300,000 study that would look at benefits to the tunnel and parkway system they were proposing in its place; and fact sheets were in their presentation packet; and big developers such as Hinds Interest, Uptown TIRZ, etc. wanted rapid transit to their facility from other neighborhoods with low income housing and wanted to ship students in from university areas to staff their cash registers with intelligent people. Council Members Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Upon questions by Mayor White, Mr. Scriver stated that big developers such as Hinds Interest, Uptown TIRZ, etc. wanted rapid transit to their facility from other neighborhoods with low income housing and wanted to ship students in from university areas to staff their cash registers with intelligent people; and Mayor White stated that he agreed neighborhoods should be preserved and get involved early on the I-45 expansion, but he was in a lot of meetings and he never saw anyone from Hinds and he mentioned that so when whoever told him that said something again he could take it with a grain of salt. Council Members Wiseman, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent.

Ms. Robin Holzer, 1306 Fairview, Houston, Texas 77006 (713-301-5716) appeared, presented information and spoke in opposition to the TxDOT I-45 expansion and stated that she was a member of the I-45 Coalition and chair of the Citizens Transportation Coalition and Mayor White stated people needed to get involved on freeway projects early before contracts were let and that was what they were doing and needed the Mayor and Council's help to stand up to those on the Transportation Policy Council and TxDOT; that mobility was moving people and not just cars; and she would like them to look at TxDOT's cost analysis she provided. Council Members Wiseman, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent.

Council Member Edwards stated that she would like a comprehensive review of all of TxDOT's upcoming projects; that projects from the '60's were coming up and very few people who lived in the area in the '60's still lived there; and Mayor White stated that he would ask Ms. Stein to have someone get his office the report Robin took her information out of; that he had 3 vacations in 3 years and was ready for a 4th and would not be here this weekend, but they were

doing the right thing getting in on it early; and TxDOT could easily allocate money out of the urban center and create rings and highways outside Houston and reduce urban density and they wanted to do things cost effective and he liked people getting into details early. Council Members Wiseman, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent.

After a lengthy discussion, Mayor White stated that when it came to what the formal input should be under the law, charter and common sense the best way would be to build a consensus within the community of what they were for in addressing the need that would be highly thought out and professional and the TxDOT commissioners and district director he believed could be persuaded by that, but he would have to figure how much engineering resources they should devote to do alternative route planning; that so far they were focusing TxDOT's issues on where they thought they should start the process; that everyone, TxDOT and citizens needed to exchange information and they were in the right part of the process. Council Members Galloway, Wiseman, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent.

Council Member Quan stated that he thought the meeting would have meaningful discussion, but they were spinning their wheels if they did not have the administration present to say it sounded like something the committee wanted; and County Judge Eckles was very mindful of the fact that Houston was a major part of the TPC and if that was what citizens wanted he was willing to go with it; that 8 counties were in the TPC but Houston was the biggest player. Council Members Galloway, Wiseman, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that something had a time limit and he and the Mayor Pro Tem Alvarado were going to have to leave and the Vice Mayor Pro Tem Goldberg would preside. Council Members Galloway, Wiseman, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Ray Bush, 1719 Bethlehem, Houston, Texas 77018 (713-682-0789) name was called and Mr. Jack Lee appeared and stated that he was the attorney assisting the neighborhood. Mayor White, Mayor Pro Tem Alvarado, Council Members Galloway, Wiseman, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. Vice Mayor Pro Tem Goldberg presiding. (NO QUORUM PRESENT)

Mr. Jack Lee, 1713 Brenmores, Houston, Texas 77092 (713-805-2505) appeared and stated that the two children assisting him, Mr. Guidry and Mr. Guidry, were two who lived in the neighborhood on Rosslyn; that he was talking of the southern abandonment the neighborhood proposed and submitted to Council for joint referral; that they were proposing the southern easement be abandoned to the community which would permit the Candellight Estate, Oak Forest and Acres Homes to preserve their neighborhoods along north and south Rosslyn; that they were willing to purchase the easement from the city to preserve their way of life; that there was also a safety issue in that increased traffic would be a hazard to Stevens Elementary, Oak Forest Elementary and Black Middle School, the community already lost a child to traffic this year in Oak Forest; that attorneys found no case law preventing the city from letting neighborhoods being granted southern abandonment. Mayor White, Mayor Pro Tem Alvarado, Council Members Galloway, Wiseman, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. Vice Mayor Pro Tem Goldberg presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Quan, Mr. Michel stated that he had reviewed this matter and he was willing to look at any case law Mr. Lee might have, but from what he had seen you had to look at it from the context of a developer and he thought he had sold some lots where they had replatted and recorded property and he thought that was crucial, the city could not require the developer to go seek a replat and that was where he thought the difficulty was with the city; and Council Member Quan stated that if Mr. Lee could provide information to Mr. Michel he would like to see a legal position paper from the city on it as he had heard the cries of

the neighborhood for a long time and they appeared to be legitimate and he had not previously wanted the bridge; and he wanted to be sure they had legal basis to decline or deny building the bridge. Mayor White, Mayor Pro Tem Alvarado, Council Members Galloway, Wiseman, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. Vice Mayor Pro Tem Goldberg presiding. (NO QUORUM PRESENT)

Upon further questions by Council Member Quan, Council Member Lawrence stated that it was not in the CIP, the bridge would be built by the developer if it was built; that there was no cost to citizens at this point, but if he went bankrupt halfway through then she would guess there would be; and Council Member Quan stated that he knew if they did not go for it they would be sued by the developer and he wanted to see who had a better position and would be looking for Mr. Michel's briefing. Mayor White, Mayor Pro Tem Alvarado, Council Members Galloway, Wiseman, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. Vice Mayor Pro Tem Goldberg presiding. (NO QUORUM PRESENT)

Mr. Lee furtherstated that what they received from the city was something very specific from Jackie, and Assistant City Attorney, who cited a case which specifically dealt with differences of opinion in land evaluations and cited it as precedence to prevent southern abandonment, but his reading of the case, besides that it was overturned, was it only had to do with land devaluations and in his reading of it it seemed to not apply to the case at hand; and he would ask the City Attorney if he could give them an idea of what legal precedents they should be looking at in what was blocking the city from helping out the neighborhood; and Mr. Michel stated that he would be glad to do that. Mayor White, Mayor Pro Tem Alvarado, Council Members Galloway, Wiseman, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. Vice Mayor Pro Tem Goldberg 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, Mayor Pro Tem Alvarado, Council Members Galloway, Wiseman, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. Vice Mayor Pro Tem Goldberg presiding. (NO QUORUM PRESENT)

Ms. Jogretta Williams, P. O. Box 42505, Houston, Texas 77242 (713-270-4037) had reserved time to speak but was not present when her name was called. Mayor White, Mayor Pro Tem Alvarado, Council Members Galloway, Wiseman, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. Vice Mayor Pro Tem Goldberg presiding. (NO QUORUM PRESENT)

Mr. William Schocka, 5107 Otterberry, Houston, Texas 77039 (281-442-7245) had reserved time to speak but was not present when his name was called. Mayor White, Mayor Pro Tem Alvarado, Council Members Galloway, Wiseman, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. Vice Mayor Pro Tem Goldberg presiding. (NO QUORUM PRESENT)

Mr. Mao Tsai, 2210 Crystal Hills, Houston, Texas 77077 (713-821-8277) appeared, presented information and stated that the Chinese Communist party head would be visiting Texas in September; that today persecution of Falon Gong practitioners continued with more than 2,700 deaths documented; and they were calling on the Mayor and Council to support and speak out about the momentous withdraw from the Chinese Communist Party (CCP) as their voice of support would encourage the news media to report the latest developments in their event and ensure a peaceful transition to democracy in China. Mayor White, Mayor Pro Tem Alvarado, Council Members Galloway, Wiseman, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. Vice Mayor Pro Tem Goldberg presiding. (NO QUORUM PRESENT)

Mr. Albert Demny, 7503 Pineburr, Houston, Texas 77040 (713-937-0654) (713-644-3535) had reserved time to speak but was not present when his name was called. Mayor White, Mayor Pro Tem Alvarado, Council Members Galloway, Wiseman, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. Vice Mayor Pro Tem Goldberg presiding. (NO QUORUM PRESENT)

Ms. Gwendolyn Jackson, 5901 Selinsky, Houston, Texas 77048 (832-643-5489) had reserved time to speak but was not present when her name was called. Mayor White, Mayor Pro Tem Alvarado, Council Members Galloway, Wiseman, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. Vice Mayor Pro Tem Goldberg presiding. (NO QUORUM PRESENT)

Pastor Barbara Adams, P. O. Box 330334, Houston, Texas 77233 (713-383-9733) appeared and stated that she was present on behalf of her granddaughter as she wanted to compete in the national level with American Idol; that finances were difficult at this time and they were asking for assistance so they could go to Austin for tryouts; that her daughter worked in the community and she wanted to represent Houston. Mayor White, Mayor Pro Tem Alvarado, Council Members Galloway, Wiseman, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. Vice Mayor Pro Tem Goldberg presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that she was familiar with her granddaughter's work in the community; and upon questions, Pastor Adams stated that her granddaughter's mother lost her job and just began another so they needed help with finances and did not know if the city had some type of budget set up for such or maybe just private donations; that they were needing \$1,000.00 to help as it was a week stay and it was needed by August 20th. Mayor White, Mayor Pro Tem Alvarado, Council Members Lawrence, Galloway, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Vice Mayor Pro Tem Goldberg presiding. (NO QUORUM PRESENT)

Ms. Ashley Dunbar, P. O. Box 330334, Houston, Texas 77233 (713-383-9733) appeared and stated that she was a senior at the High School for Performing and Visual Arts and would be auditioning for American Idol to be held in Austin, Texas on Thursday, August 25th; that in being a part of the community and participating in the community was nothing new to her; that she had Congress Woman Sheila Jackson Lee's support and was asking for the Mayor and Council's support as well and their support would not go in vein. Mayor White, Mayor Pro Tem Alvarado, Council Members Lawrence, Galloway, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Vice Mayor Pro Tem Goldberg presiding. (NO QUORUM PRESENT)

Ms. Carolyn Perkins, 7630 Goudin Drive, Missouri City, Texas 77489 (no phone) appeared, displayed a picture and stated that she was representing the Westbury Village Homeowners Association to express concern regarding Hillcroft Street; that she traveled the street daily and conditions were deplorable; that last month she spent \$1,200.00 on car repairs and her neighbors spent money similar; that it was discouraging to live in a city without adequate streets; that another concern was lack of police protection, it took an average of two hours for response and that too was unacceptable; that her last concern was the tollway and though Council probably could not do anything about that it was noisy and a sound barrier was needed; and whatever could be done about her concerns would be greatly appreciated.. Mayor Pro Tem Alvarado, Council Members Lawrence, Galloway, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Vice Mayor Pro Tem Goldberg presiding. (NO QUORUM PRESENT)

Upon questions by Vice Mayor Pro Tem Goldberg, Ms. Perkins stated that she was told the street was in that condition before the toll road was even conceived. Mayor White, Mayor Pro Tem Alvarado, Council Members Lawrence, Galloway, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Vice Mayor Pro Tem Goldberg presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that her office had been working on the issue with Commissioner Prestage and that were waiting for his response; that she was told by TxDOT the street was in bad condition before they began the toll road; that she understood the city had done its part in getting the allocated money and they were waiting for Commissioner Prestage

and Ft. Bend to put in because it was a joint agreement; that they would be happy to have HPD go out and talk on issues and regarding the noise of the toll road there was a meeting about six months ago with Commissioner Prestage and she thought he was working on it, but she might check with his office; that she would check with Commissioner Prestage's office tomorrow and find out where they stood on Hillcroft. Mayor White, Mayor Pro Tem Alvarado, Council Members Lawrence, Galloway, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Vice Mayor Pro Tem Goldberg presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Goldberg stated that both counties Ft. Bend and Harris often would build the toll road without advising neighborhoods also there was little input and he thought that was one reason the Citizens Coalition was formed and urged her to get in touch with the CTC; and they were being told by Mr. Norman that Council did just vote on funding for design of Hillcroft which meant construction funds would follow and encouraged her to speak with Mr. Norman who was present and he could fill her in on details. Mayor White, Mayor Pro Tem Alvarado, Council Members Lawrence, Galloway, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Vice Mayor Pro Tem Goldberg presiding. (NO QUORUM PRESENT)

Mr. Louis Carranca, 2210 Hialeah, Houston, Texas 77018 (832-858-3058) had reserved time to speak but was not present when his name was called. Mayor White, Mayor Pro Tem Alvarado, Council Members Lawrence, Galloway, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Vice Mayor Pro Tem Goldberg presiding. (NO QUORUM PRESENT)

Ms. Xuewei Chen, 5605 Bissonnet #127, Houston, Texas 77081 (281-773-7982) had reserved time to speak but was not present when her name was called. Mayor White, Mayor Pro Tem Alvarado, Council Members Lawrence, Galloway, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Vice Mayor Pro Tem Goldberg presiding. (NO QUORUM PRESENT)

Mr. D. L. Johnson, P. O. Box 14781, Houston, Texas 77221 (713-742-9782) had reserved time to speak but was not present when his name was called. Mayor White, Mayor Pro Tem Alvarado, Council Members Lawrence, Galloway, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Vice Mayor Pro Tem Goldberg presiding. (NO QUORUM PRESENT)

Mr. Terrance Finner, 4130 Eddcide, Houston, Texas 77045 (713-702-6345) appeared and stated that he was previously employed by City of Houston Public Works and Engineering Maintenance Division for 14 years and 3 months and his employment ended due to a wrongful termination on July 28, 2004, due to events which began 3 to 4 years ago and set into motion by a supervisor who was retired, Mr. Hopkins; that Mr. Hopkins suggested he come into the church and he said no because he thought he was a hypocrite and the day after he was reported to HPD for theft after which he was transferred to another facility; that the first day the assistant Manager, Mr. Jim Chaney, who he never met said he would get rid of him because he heard he was a thief and from that point on his name was slandered and in October he was accused of theft by public service which led to him being charged and he had to post bond and hire an attorney, but in May 2005 justice prevailed and he was found not guilty by a jury; that all this resulted in extreme mental anguish, financial hardship and he was on the verge of divorce; that he was on governmental assistance for feeding his four children, his home was on foreclosure and he was in debt to family and friends; and he was still trying to clear his name from a division he intended to retire from. Mayor White, Mayor Pro Tem Alvarado, Council Members Lawrence, Galloway, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Vice Mayor Pro Tem Goldberg presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Khan, Mr. Finner stated that he went through appeals and was found not guilty, he was terminated before being found not guilty and while

recuperating from injuries received while working; and Council Member Khan stated that he wanted to know why he was terminated before he was convicted of anything and why after he was found not guilty he was still out of a job; and Vice Mayor Pro Tem Goldberg stated that he had notes stating he was a utility worker with Public Works accused of soliciting and accepting money for normal city duties and he was given a letter of indefinite suspension, he appealed and in August 6, 2004 they sustained the indefinite suspension. Mayor White, Mayor Pro Tem Alvarado, Council Members Lawrence, Galloway, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Vice Mayor Pro Tem Goldberg presiding. (NO QUORUM PRESENT)

Upon questions by Vice Mayor Pro Tem Goldberg, Mr. Finner stated that he was fired before he went to court; that his indefinite suspension was the same charges he was found not guilty of and when he tried to talk to Human Resources, Civil Service, they said there was nothing they could do and that was why he came today. Vice Mayor Pro Tem Goldberg stated that he should meet with Mr. Gary Norman and give facts of the case and case number and he would supply it to the Public Works Director or Legal Department to revisit the circumstances. Council Member Khan stated that he would like whatever information Mr. Norman found be shared with all Council Members. Mayor White, Mayor Pro Tem Alvarado, Council Members Lawrence, Galloway, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Vice Mayor Pro Tem Goldberg presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that she knew employees were suspended with pay until the case was adjudicated by whomever and would ask Mr. Michel to find out why that did not happen in this case; and Mr. Michel stated he would get all the information to her. Council Member Edwards stated that she would like the information as quickly as possible and would also like to have a report from Mr. Vara; and Mr. Michel stated that he was sure he could get her information by tomorrow. Mayor White, Mayor Pro Tem Alvarado, Council Members Lawrence, Galloway, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Vice Mayor Pro Tem Goldberg presiding. (NO QUORUM PRESENT)

Council Member Khan stated that he would ask Mr. Finner to get in touch with him and let him know the status of his case once he received information. Mayor White, Mayor Pro Tem Alvarado, Council Members Lawrence, Galloway, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Vice Mayor Pro Tem Goldberg presiding. (NO QUORUM PRESENT)

Mr. Michael Hwang, 4330 N. Pinebrook Way, Houston, Texas 77059 (281-433-1195) had reserved time to speak but was not present when his name was called. Mayor White, Mayor Pro Tem Alvarado, Council Members Lawrence, Galloway, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Vice Mayor Pro Tem Goldberg presiding. (NO QUORUM PRESENT)

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (832-453-6376) appeared and stated that he was the official U. S. President; and continued expressing his personal opinions until his time expired. Mayor White, Mayor Pro Tem Alvarado, Council Members Galloway, Lawrence, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Vice Mayor Pro Tem Goldberg presiding. (NO QUORUM PRESENT)

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

Mr. James Partsch Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) had reserved time to speak but was not present when his name was called. Mayor White, Mayor

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

At 6:03 p.m. City Council recessed until 9:00 a.m., Wednesday, August 10, 2005. Mayor White, Mayor Pro Tem Alvarado, Council Members Galloway, Lawrence, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Vice Mayor Pro Tem Goldberg presiding. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, August 10, 2005

The Houston City Council reconvened at 9:00 a.m. Wednesday, August 10, 2005, with Mayor Bill White presiding and with Council Members Toni Lawrence, Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, M. J. Khan, Pam Holm, Adrian Garcia, Carol Alvarado, Mark Ellis, Gordon Quan, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; 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.

At 8:26 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 would begin with a presentation and recognized Ms. Linda Clark, Mayor's Special Assistant for Education, Ms. Cynthia Wilson.

**MAYOR'S REPORT** - Expectation: Graduation: A City-Wide Effort to Increase HISD Graduation Rates

Mayor White stated that the most rewarding thing he had done was to participate in something that did not require a nickel of taxpayers money and that was the walk that he and Mrs. White, along with Houston A Plus Challenge and other leaders did last year to get some of the people who had not come back to school to get back to school, that over 100 people were brought back to school as part of the overall campaign at the beginning of the year, that this year they were ramping up and scaling up the effort and introduced Ms. Linda Clark, Mayor's Assistant for Education. Council Members Garcia and Green absent.

Ms. Wilson stated that on Saturday, August 27, 2005 they were going to reach out to the young people in the community and try to bring them back to school through "Expectation Graduation" and introduced Ms. Cynthia Wilson, HISD, Regional Superintendent of the North District and Mr. Steve Amstutz, Principal, Lee High School. Ms. Wilson and Mr. A reviewed the Expectation Graduation Presentation, a copy of which is on file in the City Secretary's Office for review.

Mayor White and Members of Council congratulated Ms. Wilson, Mr. Amstutz and Ms. Clark and thanked them and HISD for the Expectation Graduation Program. Council Member Goldberg absent.

Council Member Edwards moved to suspend the rules to consider Item Numbers 36, 14 and 13 out of order, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Goldberg absent. MOTION 2005-0757 ADOPTED.

36. MOTION by Council Member Khan/Seconded by Council Member Alvarado to adopt recommendation from Director Department of Public Works & Engineering for condemnation of Parcel AY2-173 and AY2-173A, located in the 2300 block of Dixie Drive, owned by The Grocers Supply Company, Inc., a Texas corporation, Jim N. Arnold, Vice President Real Estate and Store Development, for the **COLUMBIA TAP HIKE AND BIKE TRAIL PROJECT**, CIP N-0420-22-2 **DISTRICT D - EDWARDS** – **(This was Item 10 on Agenda of August 3, 2005, TAGGED**

**BY COUNCIL MEMBERS EDWARDS and QUAN**) – was presented.

Council Member Edwards stated that she wanted to thank the Mayor's office and his staff and the citizens of the South MacGregor Civic Club and other area community groups in the area and Mr. Marcotte, that since they were still considering a possible alternative route she would move to postpone Item No. 36 for two weeks, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Goldberg and Berry absent. MOTION 2005-0758 ADOPTED.

14. **ORDINANCE AMENDING ARTICLE VII OF CHAPTER 33 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Historic Preservation - was presented, and tagged by Council Member Edwards.

Council Member Holm stated that this was a really significant time for the City and the way they were acting as a model and really moving forward with establishing some criteria, that this offered the opportunity for individuals to really protect and preserve the landmarks and properties that were so important to them, and asked Mayor White to address one thing that was added to the original document that was passed out, Section 33.254. Council Member Goldberg absent.

Mayor White stated that from the time Council Member Holm had met with the stakeholders and had circulated a draft of the ordinance that was turned in with the RCA, however they made an additional change in response to the excellent suggestions from citizens as part of Section 33.254 and read, "That the City of Houston should establish rules and procedures by which neighboring landowners and residents could initiate processes to remove landmarks in a serious state of disrepair from protective status.", that when they combined that with the demolition by neglect then they had an opportunity to address the 100 year old structures and thought Council Member Garcia was going to be proposing an amendment that would do that. Council Member Goldberg absent.

Council Member Edwards stated that she would release her tag so that they could discuss the amendments and then have the privilege to deal with the tag in a later point in the discussion, that she thought one of the problems and concerns that she had on Item No. 14 was that ever since the burning of Bethel Church she had tried to meet with the Legal Department regarding setting an ordinance regarding how would they get areas lined in some kind of data sheet and she knew that they were but according to the conversations that she had with Mr. Litke it was on the data sheet but it did not go anywhere, no one was responsible for taking that action, that she wanted a wider discussion on the techniques of making sure when they went into areas like Independence Heights or Sunnyside that had not necessarily been considered historic sights that there was a process within the ordinance that allowed for them to be included into the ordinance, that was the only reason for her tag.

Mayor White stated that Council Member Edwards had released her tag so that they could make an amendment and he would recognize her or others later if they wished to tag the item after amendments were offered.

Council Member Garcia offered the following written motion to amend Item No. 14:

Motion to amend Item 14 on the City of Houston City Council Agenda for August 10, 2005, by amending subsections (a) and (b) of Section 33-229 of the Code of Ordinances, as added by Section 12 and 14, to read as follows:

"(a) The HAHC shall review each application for designation of a protected landmark that is included in an application for designation of a landmark at the same time and in the same manner as it reviews and considers the application for landmark. The HAHC shall not recommend a property to be designated as a protected landmark unless the property:

- (1) Meets at least three of the criteria for designation in section 33-224 of this Code:
- (2) Is at least 100 years old; or
- (3) Is listed on the National Register of Historic Places.

(b) If the HAHC reviews an application for designation of a protected landmark initiated after the designation of the landmark, the HAHC shall review the basis for its initial recommendation for designation and may recommend designation of the landmark as a protected landmark if the landmark:

- (1) Met at least three of the criteria of section 33-224 of this Code at the time of its designation or, based upon additional information considered by the HAHC, the landmark then meets at least three of the criteria of section 33-224 of this Code;
- (2) Is at least 100 years old; or
- (3) Is listed on the National Register of Historic Places.”

Council Member Alvarado stated that she had some of the same concerns that Council Members Edwards and Garcia had and was glad that they were going to have some time to review it. Council Members Goldberg and Garcia absent.

After further discussion by Council Members, Council Member Galloway stated she concurred with her colleagues and they did have some unanswered questions, that for record to add 14a and 14b out of order as well, that she would like to tag Item No. 14 and Council Member Garcia’s amendment.

Mayor White stated that Item No. 14 and Council Member Garcia’s amendment had been tagged.

14a. RESOLUTION Designating Eight City-Owned Landmarks as Protected Landmarks - **DISTRICTS H - GARCIA and I – ALVARADO** – was presented, and tagged by Council Member Galloway.

14b. RESOLUTION establishing the form of marker for Protected Landmarks designated pursuant to Article VII of Chapter 33 of the Code of Ordinances – was presented, and tagged by Council Member Galloway.

13. RESOLUTION approving the issuance of a conditional commitment letter to the Enclave, Ltd., to provide \$60,000.00 in Tax Increment Reinvestment Zone (“TIRZ”) Affordable Housing Funds (Fund 872) to assist in the Development of Forty (40) Detached Single Family Homes for Rental by eligible very low income families in the Acres Home Area - **DISTRICT B – GALLOWAY** – was presented.

After discussion by Council Members, a vote was called on Item No. 13. All voting aye. Nays none. Council Member Goldberg absent. RESOLUTION 2005-0014 ADOPTED.

### **CONSENT AGENDA NUMBERS 1 through 29**

#### **ACCEPT WORK** - NUMBER 1

1. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$601,731.00 and acceptance of work on contract with **PARALLAX BUILDERS, INC** for Domestic Water System Upgrade, Bob Lanier Building, GFS S-0019-27-3 - 04.83% over the original contract amount - **DISTRICT I – ALVARADO** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Goldberg absent. MOTION 2005-0759 ADOPTED.

#### **PROPERTY** - NUMBERS 4 through 6

4. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Rick Sitts of West Belt Surveying, Inc., on behalf of Alief Independent School District, for abandonment and sale of a 10-foot-wide water line easement in exchange for the conveyance to the City of a 10-foot-wide water line

easement, located within Alief Independent School District Elementary School No. 16 Site, a replat of Broadmoor Apartments Phase C, Parcels SY5-072 and KY6-001 - **STAFF APPRAISERS - DISTRICT F - KHAN** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2005-0760 ADOPTED.

6. RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel AY2-172C, owned by Union Pacific Railroad Company, a Delaware corporation, for the **COLUMBIA TAP HIKE AND BIKE TRAIL PROJECT from Polk Avenue to Dixie Drive**, CIP N-0420-22-2 - **DISTRICT I – ALVARADO** – had been pulled from the Agenda by the Administration, and was not considered.

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 7 through 11

7. **KROLL SCHIFF & ASSOCIATES** for Security Consultant Services for Building Services Department - \$624,432.00 - Grant Fund - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2005-0761 ADOPTED.
8. **DEWBERRY & DAVIS, LLC** for Development of a Structural/Contaminated Debris Management Tool Set for the City of Houston - \$184,500.00 - Grant Fund - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2005-0762 ADOPTED.
10. **AMEND MOTION #2002-1416, 12/11/02, TO EXTEND** expiration date from December 12, 2005 to December 11, 2007, for Electrical Supplies and Fittings Contract for Various Departments, awarded to **TURTLE AND HUGHES, INC** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2005-0763 ADOPTED.
11. **VULCAN CONSTRUCTION MATERIALS, L.P.** - \$5,981,504.30 and **CHERRY CRUSHED CONCRETE, INC** - \$98,987.75 for Flexible Base Materials for Various Departments - General, Enterprise and Storm Water Funds - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2005-0764 ADOPTED.

**RESOLUTIONS AND ORDINANCES** - NUMBERS 16 through 27

16. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of two sanitary sewer easements containing 8,047 square feet of land, more or less, and 2,501 square feet of land, more or less, Parcels SY2-006 and SY2-031, being out of Northwest Memorial Hospital, Section One, W. P. Morton Survey, A-539, Harris County, Texas, vacating and abandoning (i) Parcel SY2-006 to Memorial Hermann Hospital System, and (ii) Parcel SY2-031 to Texas-LTC Limited Partnership, abutting owners, in consideration of the owner's payment of \$32,963.00 and other consideration to the City - **DISTRICT H – GARCIA** – was presented. All voting aye. Nays none. ORDINANCE 2005-0944 ADOPTED.
23. ORDINANCE authorizing the purchase of land and improvements thereon out of Tierwester 1/4 League, A-75; James Holman Survey, A-323; G.P. Foster League, A-273; and D.W.C. Harris 1/4 League, A-325; Houston, Harris County, Texas, for the Columbia Tap Hike and Bike Trail Project, CIP N-0420-22-2; approving a Purchase and Sale Agreement with the owner of the land (Union Pacific Railroad Company) - \$3,880,338.00 Bond Funds - **DISTRICT D - EDWARDS and I – ALVARADO** - had been pulled from the Agenda by the Administration, and was not considered.
27. ORDINANCE appropriating \$14,823.00 out of Water & Sewer System Consolidated

Construction Fund and approving and authorizing Developer Participation Contract between the City of Houston and **HORACE DARNLEY JAMES** for Construction of Sanitary Sewer Lines to serve development on West Fuqua Street, CIP R-0802-30-03 - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. ORDINANCE 2005-0945 ADOPTED.

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

**ACCEPT WORK**

2. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$1,917,958.67 and acceptance of work on contract with **TIMES CONSTRUCTION, INC** for Renovation and Construction of the Bureau of Animal Regulation & Care (BARC), Animal Control Center, GFS H-0011-05-3 - 04.98% over the original contract amount - **DISTRICT B - GALLOWAY** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado.

Council Member Galloway stated that the contractor had exceeded their MWBE goal and wanted to recognize Times Construction for exceeding their goal by 2%

A vote was called on Item No. 2. All voting aye. Nays none. MOTION 2005-0765 ADOPTED.

3. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,197,840.00 and acceptance of work on contract with **NBG CONSTRUCTORS, INC** for 69th Street Wastewater Treatment Plant Storm Damage Rehabilitation, GFS R-0265-28-3 (4760-10) - 06.07% under the original contract amount **DISTRICT I - ALVARADO** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado.

Council Member Galloway stated that NBG Contractors had received an outstanding rating and wanted to make note of them as well.

A vote was called on Item No. 3. All voting aye. Nays none. MOTION 2005-0766 ADOPTED.

**PROPERTY**

5. RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel DY4-015, located in the 400 block of State Highway 6 South, owned by MAK Associates, Ltd., a Texas limited partnership [Rue 6 Plaza, Inc., a Texas corporation (Jamal Mollai Mehrjerdi, President) General Partner], for the **IH-10 AT HIGHWAY 6 WATERLINE EASEMENTS PROJECT**, CIP S-0900-96-3 - **DISTRICT A – LAWRENCE**- was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2005-0767 ADOPTED.

**PURCHASING AND TABULATION OF BIDS**

9. **HACH COMPANY** for Chemicals, Water Testing for the Department of Public Works & Engineering - \$441,823.00 - Enterprise Fund – was presented, and tagged by Council Member Khan.

Council Member Khan stated that he had some questions and needed some time to review them, that he wanted to thank Mr. Wells who had visited with him and given him some information, and was getting more information that he needed, that apparently there were some concerns as to how the bids were received so he would need the help of the City Secretary and Ms. Stein to go through the process.

**RESOLUTIONS AND ORDINANCES**

12. RESOLUTION approving the issuance and sale by Houston Housing Finance Corporation of Multifamily Housing Revenue Bonds (North Oaks Apartments) Series 2005 - **DISTRICT B – GALLOWAY** – was presented. All voting aye. Nays none. RESOLUTION 2005-0015 ADOPTED.
15. ORDINANCE **AMENDING CHAPTER 2 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to functions of the Building Services Department; concerning the disposition of surplus real property; containing other provisions relating thereto; providing for severability; providing an effective date – was presented. All voting aye. Nays none. ORDINANCE 2005-0946 ADOPTED.

Council Member Goldberg stated that this was a budget amendment that he made and wanted to thank the Mayor, that it would save the City a lot of money in the long run and make it much more efficient to dispose of property and wanted to thank the administration for putting it on the agenda.

17. ORDINANCE approving and authorizing Lease No. DTFASW-04-L-00010, Lease No. DTFASW-04-L-00011, and Lease No. DTFASW-04-L-00017 between the City of Houston and the **UNITED STATES OF AMERICA** for Airport Surface Detection Equipment (ASDE-X) Space at William P. Hobby Airport - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. ORDINANCE 2005-0947 ADOPTED.
18. ORDINANCE approving and authorizing Duty Free Concession Agreement by and between the City of Houston and **THE NUANCE GROUP (HOUSTON) LLC** at George Bush Intercontinental Airport/Houston - Revenue - **DISTRICT B - GALLOWAY** – was presented, and tagged by Council Member Green.

After discussion by Council Members, Council Members Alvarado and Khan stated that they would tag Item No. 18, and Council Member Edwards asked what the process was, what did they look for in a vendor, and Mayor White stated that Ms. Culbreth had looked at formalizing the process.

Mayor White stated that Item No. 18 had been tagged. Council Members Goldberg and Berry absent.

Mayor White recognized Council Member Galloway for a point of personal privilege. Council Members Goldberg and Berry absent.

Council Member Galloway stated that they had a delegation present from Soka City, Japan and Mr. Seto used to be an exchange student in Houston many years ago and was interested in politics, that he went back to his home city and ran for office and was on the City Council, that present were several of his colleagues along with Mr. and Mrs. Ferriman whom he stayed with when he was an exchange student, that present were Isamu Sato, Takeo Nakamura, Sachiko Saito and Hisayo Tanegashima, and asked that they stand and be recognized. Council Members Goldberg and Berry absent.

19. ORDINANCE approving and authorizing interlocal agreement between the City of Houston and **PORT OF HOUSTON AUTHORITY** for Information Sharing through Shared Access to and use of Video Data Systems as part of the Enterprise Security Information Management System – was presented. All voting aye. Nays none. Council Members Goldberg and Berry absent. ORDINANCE 2005-0948 ADOPTED.
20. ORDINANCE approving and authorizing the submission of an application for grant assistance to the **TEXAS ATTORNEY GENERAL'S OFFICE** for funding for a Hispanic Victims Outreach Project; declaring the city's eligibility for such grants; authorizing the Mayor to act as the City's representative in the application process; authorizing the Director of the Mayor's Office of Public Safety and Homeland Security for the City of Houston to accept such grant funds and to apply

for and accept all subsequent awards, if any, pertaining to the program - \$50,000.00 - Texas Compensation to Victims of Crime Fund – was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2005-0949 ADOPTED.

21. ORDINANCE approving and authorizing contract between the City and the **SPAY NEUTER ASSISTANCE PROGRAM, INC** for Spay and Neutering Mobile Services for the Houston Department of Health and Human Services; providing a maximum contract amount - 1 Year with four one-year renewals - \$100,000.00 - General Fund – was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2005-0950 ADOPTED.
22. ORDINANCE appropriating \$130,000.00 out of Airport System Consolidated 2000 AMT Construction Fund (530); authorizing purchase of land and improvements thereon out of Airport Place Subdivision, P. Mahan Survey, A-562, Houston, Harris County, Texas, for Expansion of William P. Hobby Airport, CIP A-0528-01.1; Project 999, approving Purchase and Sale Agreement with the owner of the land (Jose A. Guzman) - **DISTRICT I – ALVARADO** – was presented.

Council Member Galloway stated that they needed to make a correction, that it should be District I.

A vote was called on Item No. 22. All voting aye. Nays none. ORDINANCE 2005-0951 ADOPTED.

24. ORDINANCE amending Ordinance No. 2000-0807 to increase the maximum contract amount and approving and authorizing the first amendment to contract #C51941 between the City of Houston and **BAYLOR COLLEGE OF MEDICINE, DEPARTMENT OF FAMILY AND COMMUNITY MEDICINE** for Psychological Services for the Houston Fire Department; providing maximum contract amount - 6 Years - \$650,000.00 - General Fund – was presented. All voting aye. Nays none. ORDINANCE 2005-0952 ADOPTED.
25. ORDINANCE approving and authorizing contract between the City of Houston and **PROOFPOINT, INC** for Network Appliances and Software that detects Spam, filters content and scans viruses from the City's E-mail System; providing a maximum contract amount - 3 Years with two one-year options - \$320,950.00 - Equipment Acquisition Consolidated and Central Service Revolving Funds – was presented, and tagged by Council Member Khan.
26. ORDINANCE approving and authorizing first amendment to Contract #53097 between the City of Houston and **H. S. HICKS, D.V.M.**, and amending Ordinance Number 01-0768 to increase the maximum contract amount - \$65,000.00 - General Fund – was presented. All voting aye. Nays none. ORDINANCE 2005-0953 ADOPTED.
28. ORDINANCE appropriating \$4,349,318.04 out of Series E Commercial Paper Metro Project Fund No. 49M, awarding contract to **DURWOOD GREENE CONSTRUCTION, L.P.** for Generic City Wide Overlay Package #8, GFS N-1037-48-3 (OL2248); setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, construction management, and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund – was presented. All voting aye. Nays none. ORDINANCE 2005-0954 ADOPTED.
29. ORDINANCE appropriating \$4,349,318.04 out of Series E Commercial Paper Metro Project Fund No. 49M, awarding contract to **DURWOOD GREENE CONSTRUCTION, L.P.** for Generic City Wide Overlay Package #9, GFS N-1037-49-3 (OL2249); setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, construction management, and contingencies relating to

construction of facilities financed by the Street & Bridge Consolidated Construction Fund – was presented.

After discussion by Council Members, a vote was called on Item No. 29. All voting aye. Nays none. Council Member Galloway absent. ORDINANCE 2005-0955 ADOPTED.

**NON CONSENT AGENDA** - NUMBERS 30 through 34

**MISCELLANEOUS**

30. MOTION to set a date not less than seven (7) days from August 10, 2005 to receive nominations for Position 3 on the **PORT OF HOUSTON AUTHORITY OF HARRIS COUNTY** for a two-year term – was presented.

Council Member Wiseman moved to set Wednesday, August 24, 2005 to receive nominations for Position 3 on the Port of Houston Authority of Harris County, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2005-0768 ADOPTED.

**PROPERTY**

31. RECOMMENDATION from Director Building Services Department that City Council declare surplus the land and building located in the 3800 block of Southlawn Avenue and land and building located in the 3600 block of Faulkner, Parcel G81-002 and authorize sealed bid sale to the highest bidder at the minimum appraised bid amount - **STAFF APPRAISERS - DISTRICT D – EDWARDS** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. MOTION 2005-0769 ADOPTED.
32. RECOMMENDATION from Director Building Services Department that City Council declare surplus the land and building located at 824 San Antonio Street, Parcel SY5-040 and authorize sealed bid sale to the highest bidder at the minimum appraised bid amount - **STAFF APPRAISERS - DISTRICT I - ALVARADO** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. MOTION 2005-0770 ADOPTED.
33. RECOMMENDATION from Director Building Services Department that City Council declare surplus the land and building located at 7400 Park Place Boulevard, Parcel H93-013 and authorize sealed bid sale to the highest bidder at the minimum appraised bid amount **APPOINT TWO INDEPENDENT APPRAISERS and ONE ALTERNATE APPRAISER - DISTRICT I – ALVARADO** – was presented.

Council Member Alvarado named Ms. Sheila Stewart and Mr. George Coleman, Jr. as appraisers and Mr. Michael Urban as alternate appraiser and moved adoption of the recommendation, seconded by Council Member Wiseman. All voting aye. Nays none. MOTION 2005-0771 ADOPTED.

34. RECOMMENDATION from Director Building Services Department that City Council declare surplus the land located at 3719 Dowling Street, Parcel SY5-018 and authorize sealed bid sale to the highest bidder at the minimum appraised bid amount - **APPOINT TWO INDEPENDENT APPRAISERS and ONE ALTERNATE APPRAISER - DISTRICT I - ALVARADO** – was presented.

Council Member Alvarado named Ms. Jasmine Quinerly and Ms. Vannessa Hendrickson as appraisers and Ms. Patricia Keys as alternate appraiser and moved adoption of the recommendation, seconded by Council Member Wiseman. All voting aye. Nays none. MOTION 2005-0772 ADOPTED.

Council Member Goldberg stated that Item Numbers 31 through 34 were part of the pilot

program that they passed Item No. 15 for, and it would now give Building Services part of the control of disposing of property. Council Member Galloway absent.

**MATTERS HELD** - NUMBERS 35 through 42

35. ORDINANCE approving and authorizing renewal contract for Programming Services between the City of Houston and **HOUSTON MEDIASOURCE** for Public Access Channel - **(This was Item 32 on Agenda of July 13, 2005, POSTPONED BY MOTION #2005-684)** - was presented.

Mayor White stated that he supported some extension of time to consider the item and wanted to thank the Council Members who responded to his request for potential board members, they had some superb citizens and leaders in the community that met some of the specifications required by the ordinance and the bylaws having to do with experience and education and outreach, that yesterday it was circulated to the Council offices and he asked that it be circulated at the Council table, some of the nominations and the letters, which in accordance with Council rules, Council had a couple of weeks to consider before they put that item up for a vote, that also they had a number of stake holders that were out there and he personally was not a viewer of the public access channel because he did not have cable, that there were viewers who were out there, there were religious organizations, it had some of the most faith based content of anything on television, it was on the public access channel, but most importantly there were producers, and they heard from many of them that did good work out there, that he wanted to say for those people doing good work they were not judging or trying to hurt them or minimize their work, that he believed that some board members of Houston Media Source thought it was out of line for them to follow the law and appoint the board members, that Houston Media Source was a legal entity that was comprised of a board and the people that they hired, that all of them were trying to faithfully discharge their responsibilities under law and reviewing governance and board members, etc., that a lot of good citizens had served on the board, that it was time for a change, that it was not a slap in the face to the people who were members of the board, that to those board members who met to dissolve HMS (Houston Media Source) in protest he would say that they had an obligation to those people who were learning to produce video with HMS and were using it as an access to that and he would never forget who the real stake holders were, they were not the personalities involved, they were the people who may benefit from the opportunity.

Council Member Alvarado moved to postpone Item No. 35 for 30 days, seconded by Council Member Khan.

Council Member Wiseman stated that she had circulated written amendments to the existing contract as follows, that with respect to the motion to postpone that had been made by Council Member Alvarado, she supported that motion and appreciated very much that Mayor White had taken an interest in it and seeing that the City Council act in a responsible manner, and moved to postpone her written amendments for 30 days, seconded by Council Member Ellis.

By copy of this memorandum, I offer the following amendments to Agenda Item 35, on the August 10, 2005, in reference to the contract between the City of Houston and Houston Media Source.

“Amend Article III. Duties of Contractor, Section G to read:

At all reasonable times during the term of this agreement and for three years thereafter the Director and City Representatives shall have access to all books and records of Contractor related to the performance of this Agreement and may conduct any audit of such books and records as may deemed necessary and proper by the Director and/or City Representatives. Contractor shall make all information related to this Agreement available in Houston, Texas, to the Director and City Representatives upon request

Amend Article III. Duties of Contractor, Section H. to include:

Contractor shall be required to verify and maintain records of artist licensing agreements and/or proof of all copyright ownership. Such licensing verification must be approved prior to broadcast.

Houston MediaSource must obtain from every "producer" copies of execute license agreements and/or proof of copyright ownership for all programming broadcast on Houston MediaSource.

Amend Article III. Duties of Contractor, Section A (1) to include:

(d) Operational Controls shall include staff review of all programming, prior to transmittal via cablecast, to ensure compliance with all applicable laws, contracts, City Ordinances and the City's cable franchise agreements.

Amend Article III. Duties of Contractor to include:

Contractor shall provide written strategic plan within 30 days of the execution of this contract to include fundraising goals and objectives.

Amend Article III. Duties of Contractor, Section A (2) to read:

(b) to involve the community in the development and production of public access programming, including educational institutions located within the service area; and

(d) a plan of work to achieve the actions required herein shall be provided within 60 days of execution of this agreement.

Amend Exhibit "A" Policies and Procedures, section 1 to include:

(h) In connection with the performance of its obligations hereunder, Contractor shall establish, implement and perform quality control and monitoring of programming contract compliance

Amend Exhibit "A" Policies and Procedures, section 2 (g) to read:

(g) Material that is indecent and/or obscene according to local community standards or is otherwise illegal, or non compliant with the City of Houston's Code of Ordinances.

And

"By copy of this memorandum, I offer the following amendments to Agenda Item 35, on the August 10, 2005, in reference to the contract between the City of Houston and Houston Media Source.

Amend Article VI. Section Q to include:

Contractor shall not delegate any portion of its performance under this agreement as it relates to Article III."

After discussion by Council Members a vote was called on Council Member Wiseman's motion to postpone her written amendments for 30 days. All voting aye. Nays none. MOTION 2005-0773 ADOPTED.

After further discussion by Council Members, Council Member Edwards stated that there

had been two things that had been brought to the Council table, basically legal points or allegations, that one, that HMS was out of compliance, she wanted to know what had been solved or the adjudication of that, and two, that the editor said that their interpretation of the FCC law or rule said that they could not prescreen video programs and that they were going to investigate that to see if their interpretation was correct and she thought she heard that the Legal Department was also going to look and see what the FCC rulings really said, that she had not heard anything regarding those two things.

Upon questions by Council Member Quan, Mayor White stated that it may not be under the ordinance but as a matter of policy they did try to have people who resided in the City appointed to boards by the Mayor and City Council, and Council Member Quan stated that he wanted to make sure that people lived in the viewing area and asked if they could get a list of what positions were open.

After further discussion by Council Members, Council Member Lawrence asked what could they do legally to control the situation that happened this year and in the past years, that she wanted the Legal Department to look at it and see what they could do.

A vote was called on Council Member Alvarado's motion to postpone Item No. 35 for 30 days. All voting aye. Nays none. Council Member Garcia absent. MOTION 2005-0774 ADOPTED.

Council Member Holm moved to suspend the rules to consider Item No. 40 out of order, seconded by Council Member Quan. Mayor White stated that if there was no objection it was so ordered.

40. RECOMMENDATION from Department of Public Works & Engineering that City Council declare surplus and authorize the sale of Parcel SY5-037 and authorize the City Secretary to advertise the properties for sealed bid sale to the highest bidder at the minimum appraised bid amount **APPOINT TWO INDEPENDENT APPRAISERS and ONE ALTERNATE APPRAISER DISTRICT G - HOLM - (This was a portion of Item 30 on Agenda of August 3, 2005, POSTPONED BY MOTION #2005-742)** - was presented.

Council Member Holm named Ms. Julie Nagel and Mr. George Sims as appraisers and Mr. Alan Dominy as alternate appraiser and moved adoption of the recommendation, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2005-0775 ADOPTED.

37. ORDINANCE approving and authorizing an interlocal Agreement between the City of Houston and Harris County for support of the **JOINT CITY-COUNTY COMMISSION ON CHILDREN**; providing a maximum contract amount - 5 years - \$40,000.00 - General Fund - **(This was Item 22 on Agenda of August 3, 2005, TAGGED BY COUNCIL MEMBERS WISEMAN and LAWRENCE)** - was presented. All voting aye. Nays none. ORDINANCE 2005-0956 ADOPTED.

38. MOTION by Council Member Sekula-Gibbs/Seconded by Council Member Khan to amend Item 38a below, to provide that the scope of services provide a provision to also be an opportunity to study the affects of smoking - **(TAGGED BY COUNCIL MEMBER SEKULA-GIBBS)** - was presented.

After discussion by Council Members, Council Member Lawrence moved to postpone Item No. 38 for one week, seconded by Council Member Khan. Council Members Galloway and Holm absent.

After further discussion by Mayor White and Council Members, Mayor White stated that he supported the motion to delay, and Council Member Green called for the order of the day, seconded by Council Member Galloway. Council Member Holm absent.

A vote was called on Council Member Lawrence motion to postpone Item No. 38. All voting aye. Nays none. Council Member Holm absent. MOTION 2005-0776 ADOPTED.

38a. ORDINANCE approving and authorizing contract between the City of Houston and **BAYLOR COLLEGE OF MEDICINE** for Environmental Public Health Services; providing a maximum contract amount - \$253,998.00 - General Fund - **(This was Item 23 on Agenda of August 3, 2005, TAGGED BY COUNCIL MEMBER SEKULA-GIBBS)** - was presented. Council Member Holm absent.

Council Member Lawrence moved to postpone Item No. 38a for one week, seconded by Council Member Wiseman. Council Member Holm absent. MOTION 2005-0777 ADOPTED.

39. WRITTEN Motion by Council Member Sekula-Gibbs to amend Item 39a below, to include the following changes to the contract:

A detailed report of legal expenses will be given by Berg and Androphy to all Council Members, when expenses reach \$100,000.00 increments.

Berg and Androphy will supply the City Council Members with a report of legal fees awarded to any tribunal at each \$100,000.00 increment. - **(TAGGED BY COUNCIL MEMBERS GREEN, SEKULA-GIBBS and WISEMAN)** - was presented. All voting aye. Nays none. Council Member Holm absent. MOTION 2005-0778 ADOPTED.

39a. ORDINANCE approving and authorizing contract between the City of Houston and **BERG & ANDROPHY** for Legal Services in connection with representing the City in Litigation concerning violations of Clean Air Requirements and related matters providing a maximum contract amount - \$100,000.00 - General Fund - **(This was Item 27 on Agenda of August 3, 2005, TAGGED BY COUNCIL MEMBERS GREEN, WISEMAN and SEKULA-GIBBS)** - was presented. Council Member Holm absent.

Council Member Green stated that he had circulated a motion to amend Item No. 39a as follows:

I hereby move to amend Item #39a, section III. A. Scope of Services on the August 9 & 10, 2005 City Council Agenda as follows:

### **“III DUTIES OF THE FIRM**

#### **A. Scope of Services**

Firm shall represent City in litigation concerning violations of clean air requirements and related matters. (“the Litigation”). The Litigation may seek to recover certain statutory fines and penalties. The Firm agrees to provide the services *pro bono*. , ~~provided however, the Firm shall have the right to recover attorney’s fees from violators as allowed by law.~~ All statutory fines, penalties and attorney’s fees recovered from violators shall be for the benefit of, and become the property of City. Additionally, any and all monetary damages recovered from violators shall be for the benefit of, and become the property of City. David Berg will be the principal attorney representing City in the Litigation.” Council Member Holm absent.

Mayor White stated that they supported the amendment which comports with their intent. Council Member Holm absent.

After further discussion by Council Members, Council Member Green stated that he would amend his amendment to add “attorney’s fees after penalties”, seconded by Council Member Wiseman. Mayor White stated that if there was no objection it was so ordered. Council Members Holm and Berry absent.

After further discussion by Council Members, Council Member Wiseman moved to call the question, seconded by Council Member Galloway. All voting aye. Nays none. Council

Members Holm, Ellis, Quan and Berry absent. MOTION 2005-0779 ADOPTED.

A vote was called on Council Member Green's motion to amend Item No. 39a as amended. All voting aye. Nays none. Council Members Holm, Quan and Berry absent. MOTION 2005-0780 ADOPTED.

A vote was called on Item No. 39a as amended. All voting aye. Nays none. Council Members Holm, Quan and Berry absent. ORDINANCE 2005-0957 ADOPTED AS AMENDED.

41. MOTION by Council Member Garcia/Seconded by Council Member Khan to adopt recommendation from Director Department of Public Works & Engineering for approval of final contract amount of \$1,425,465.80 and acceptance of work on contract with **D. L. ELLIOTT ENTERPRISES, INC** for Construction of Water Line Replacement in Westbury West Subdivision, GFS S-0035-98-3 (WA10739) - 00.39% over the original contract amount - **DISTRICT C - GOLDBERG - (This was Item 33 on Agenda of August 3, 2005, POSTPONED BY MOTION #2005-746)** - was presented. Council Members Holm, Quan and Berry absent.

Council Member Galloway stated that she had delayed the item and she wanted to let them know that they did get a detailed response and appreciated the letters that Mr. Elliott brought to them and gave them more detail as to why they did not meet the MWBE goals. Council Members Holm, Quan and Berry absent.

A vote was called on Item No. 41. All voting aye. Nays none. Council Members Holm and Berry absent. MOTION 2005-0781 ADOPTED.

42. ORDINANCE issuing permit to **GRAMERCY COURT, LTD.**, for using, occupying, operating, maintaining and repairing a waterline within the 2600 block of Gramercy Street, a public street right-of-way of the City of Houston, Texas; containing findings and prescribing the conditions and provisions under which said permit is issued - **DISTRICT C - GOLDBERG - (This was Item 37 on Agenda of August 3, 2005, POSTPONED BY MOTION #2005-751)** - was presented. Council Members Holm and Berry absent.

Council Member Ellis moved to postpone Item No. 42 for 2 weeks, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Holm and Berry absent. MOTION 2005-0782 ADOPTED.

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

Council Member Galloway stated that she was very excited that the astronauts made it back safely and knew that many Houstonians were praying for them. Council Members Wiseman, Khan, Holm, Alvarado, Ellis and Berry absent.

Council Member Galloway stated that she wanted to thank Mrs. Janetta Johns in the Pleasantville Community, that she was very involved in doing great things in that community in order to make the quality of life better for the Pleasantville Community, that she in District B appreciated all the work that she did in the community. Council Members Wiseman, Khan, Holm, Alvarado, Ellis, Quan and Berry absent.

Council Member Green stated that on Thursday, they would have a Municipal Court Task Force meeting, that it was an update on the ICMS System that was going into place, that it would be a short meeting at 3:30 p.m. in the Council Chamber. Council Members Wiseman, Khan, Holm, Alvarado, Ellis, Quan and Berry absent.

Council Member Green stated that he wanted to thank Mayor White and all of his colleagues for their participation in the Alpha Phi Alpha National Convention that went on this

weekend, that he wanted to thank all of their corporate sponsors and everybody who stepped up to the plate to make the event a success. Council Members Wiseman, Khan, Holm, Alvarado, Ellis, Quan and Berry absent.

Council Member Green stated that Council Member Edwards had invited them to play in their basketball tournament. Council Members Wiseman, Holm, Alvarado, Ellis, Quan and Berry absent.

Council Member Edwards stated that she wanted to thank the Mayor's staff and Mr. Wilson in Housing, for Ms. Lottie Martin, who came to Council last Tuesday regarding her home, they had done a lot of aggressive work in that area and were still working toward a solution that she thought they could have for Ms. Martin, that they needed a department, committee or task force that would look at the aging community in the City of Houston, that she knew that Officer Warren Jones with HPD did a lot of work with seniors on his own time and they had discussed several times the types of complaints and types of things that he did for seniors, that they had a lot of seniors in their community that she did not think could be handled by just one person, from housing to health issues, that they had a number of seniors that were under insured or had no insurance, to just basically what kind of foods did they have access to eat, that she did not know how they could address it as a City, that she thought they needed to start assessing what was happening so they were not always dealing with episodes on a case by case basis but having a program on how to address the issues of the seniors throughout the City of Houston. Council Members Galloway, Wiseman, Holm, Alvarado, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she read an article in the paper on Sunday that Dallas was having a similar problem that they were having in the Montrose area with the feeding of the homeless out of trucks and private cars, that she thought it was an issue that they were trying to get a handle on, that people needed to be fed but people who were poor and homeless still had the right of dignity of not being fed out of the trunk of a car and were those people being permitted and were they aware of the health issues that were concerned with food being fed to people, that it was a growing problem and they were trying to address it but would like to see if they could get it addressed by the Housing Department. Council Members Galloway, Wiseman, Holm, Alvarado, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that the District D office was sad to say goodbye to Ms. Victoria Tagliabou, who had been an awesome intern for their office, that she was going back to continue her studies and they wished her much success. Council Members Galloway, Wiseman, Holm, Alvarado, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Lawrence stated that she wanted to say thank you to Building Services and Mr. Dadoush, that on National Night Out they went by a fire station and found out that for two years they had been waiting for a compressor and the next morning by 9:00 a.m. Mr. Dadoush was at that fire station to check it out and they had a new compressor that day. Council Members Galloway, Wiseman, Holm, Alvarado, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Lawrence stated that they wanted to give thanks to Public Works, Mr. Gary Norman especially, that they had a constituent who needed water and helping him understand the problems and private roads and some of the things the had to go through and thought they would be working with him and Legal and how he could get water from Houston as opposed to his well. Council Members Galloway, Wiseman, Holm, Alvarado, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Lawrence stated that she was also very excited that the Astronauts were going to be in Houston. Council Members Galloway, Edwards, Wiseman, Holm, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Garcia stated that this Saturday at 2:00 p.m. they would be having the I-45 Expansion Townhall Meeting at Jeff Davis and wanted to encourage everyone to be there, they needed to make sure that TXDOT understood the concerns that the neighborhoods had. Council Members Galloway, Edwards, Wiseman, Holm, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Garcia stated that last week they had the Northside Health Fair and they had a tremendous turnout, that many organizations were there and they ran out of just about everything, that it was a great turnout, that he wanted to commend Ms. Rebecca Reyna from his office for her work on the health fair, that there were a lot of other people involved and he wanted to commend them all for their work. Mayor White and Council Members Lawrence, Galloway, Edwards, Wiseman, Holm, Ellis, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Garcia stated that as they were talking about the dropout walk he was already committed to Sam Houston High School and would be doing his walking out there. Mayor White and Council Members Lawrence, Galloway, Edwards, Wiseman, Holm, Ellis, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Garcia stated that yesterday was Judge Mejia's birthday, that he wanted to acknowledge her birthday and wish her all the best. Mayor White and Council Members Lawrence, Galloway, Edwards, Wiseman, Holm, Ellis, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Garcia stated that one of his staff members, Mr. Tomas Castillo, was on his way to Notre Dame, that he graduated from Strake Jesuit and he wanted to wish him all the best and for all the work that he had provided to their office. Council Members Lawrence, Galloway, Edwards, Wiseman, Holm, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Garcia stated that Commander Noriega was back in Houston. Council Members Lawrence, Galloway, Edwards, Holm, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Alvarado stated that she too wanted to congratulate Mr. Rick Noriega and welcome him back, that she knew his family was very much relieved and commend Melissa Noriega, his wife, who did an outstanding job representing Eastenders, District 145 in the Legislature. Council Members Lawrence, Galloway, Edwards, Holm, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Alvarado stated that Ms. Doris Murdock, who came to Council, was mugged at Hobby Airport in the garage, that the perpetrator was caught and she wanted to salute Officer Sandra Hollingshead, who was one of the individuals who was involved with that apprehension, that she wanted to also recognize the good work of Mr. Mancuso at Hobby Airport. Council Members Lawrence, Galloway, Edwards, Holm, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Alvarado stated that she wanted to congratulate Mr. Giovanni Garibay, Chief of Staff to Council Member Garcia, who was elected to the DNC, Democratic National Committee, in the position of the Young Democrats of America, that Texas had not had a representative in that seat in over 20 years. Council Members Lawrence, Galloway, Edwards, Holm, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Garcia stated that he wanted to offer his congratulations to Mr. Garibay

as well, that he was a sharp young man and had a bright future. Council Members Lawrence, Galloway, Edwards, Holm, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Sekula-Gibbs stated that yesterday they had a terrific press conference celebrating National Health Center Week and were honored to have with them Dr. Elizabeth Duke who was the head of HRSA, Health Resources Services Administration, that Dr. Duke was celebrating with them the receipt of five clinics that were federally qualified health centers. Council Members Lawrence, Galloway, Goldberg, Edwards, Holm, Garcia, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Sekula-Gibbs stated that she wanted to lend her support and congratulations to the crew of STS114 and welcome them back to earth, that she was delighted that they had returned safely, that not only the astronauts but all of the crew and support staff and all of the family members who encouraged them, that they would be celebrating their return at 3:00 p.m. at Ellington Field. Council Members Lawrence, Galloway, Edwards, Holm, Garcia, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Sekula-Gibbs stated that one of her staff would be ending his second summer session, Mr. Tshaun Thomas, that she wanted to wish him well. Council Members Lawrence, Galloway, Edwards, Holm, Garcia, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Khan stated that he wanted to congratulate Bush Intercontinental Airport, that they were rated number one in the Country based on on-time arrival and departure performance of all the U.S. major airports during the first six months of the year. Council Members Lawrence, Galloway, Edwards, Holm, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Khan stated that Thursday at 9:00 a.m. there would be a meeting for dollar homes near Intercontinental Airport so people who interested in that could go to the City's website, that it would be at WD Shaw Company, 16515 Air Center Boulevard in Houston. Council Members Lawrence, Galloway, Edwards, Holm, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Khan stated that he wanted to congratulate Council Member Berry who was voted one of the Five Outstanding Young Texans. Council Members Lawrence, Galloway, Edwards, Holm, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Khan stated that last Thursday they had a townhall meeting regarding the Dunlop Project, that he wanted to show his appreciation to Director Marcotte and members of the Public Works Department, Ms. Linda Barbrusa, Lockwood, Andrews and Neuman, Mr. Charles Roosevelt, Health Department and Mr. Robert Quarles from the Mayor's office and Mr. Tyler Norman from Council Member Sekula-Gibbs office, that he wanted to acknowledge efforts of many residents who lived along Dunlop street and wanted to thank the efforts of Ms. Debbie Sterling and Mr. Dean Lowry, that the bonding company was stepping up and hopefully it would start on time. Council Members Lawrence, Galloway, Edwards, Holm, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Khan stated that he wanted to congratulate the Pakistani American Community, that they were going to celebrate the Pakistan Independence Day on August 14, 2005 and there were many programs going on throughout the month of August, at Sam Houston Park on August 13, 2005 evening there would be a celebration as well as at Reliant Park on August 14, 2005. Council Members Lawrence, Galloway, Edwards, Holm, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Khan stated that he wanted to congratulate the Indian American Community of Houston who were celebrating their Independence Day on August 15, 2005 and the celebration for the community was an event at George R. Brown Convention Center on August 20, 2005. Council Members Lawrence, Galloway, Edwards, Holm, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Garcia stated that on Monday they would be holding the Public Safety and Homeland Security Committee meeting, that they would be focusing on the report on the HEC Center by the Controller as well as the Crime Lab audit, Phase II Plan by Mr. Braumwich, that it would be held at 10:00 a.m. in Council Chambers. Council Members Lawrence, Galloway, Edwards, Holm, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Goldberg stated that Agenda Item No. 21 was for the SNAP program for the spay and neuter for the low income, that they would get about \$20,000 per year for the next five years, that they way that they did the qualifications for the participants was almost identical to CDBG requirements and wondered if they could get them more money using CDBG money, that they were using General Fund money but why not use CDBG money if they met the qualifications any way for the program, that he wanted to look into that, that he had talked to Ms. Kathy Barton of the Health Department and they could easily use about \$50,000 more each year and if it came out of CDBG it would not affect the budget. Council Members Lawrence, Galloway, Edwards, Holm, Alvarado, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Goldberg stated that there was a problem developing in District G, that they had an open ditch that the Harris County Flood Control District was in charge of maintaining, that they came along and put a culvert in there and covered it up with soil and it was not an open ditch any more and they would not maintain it, that they said it was the City of Houston's property and the City had to maintain it, that he tried to do something that if the County did not want it they could deed it over to the City because it was actually perfect for pocket parks and maybe they could get the community to maintain it so it would not come out of the City Parks Department budget. Council Members Lawrence, Galloway, Edwards, Holm, Alvarado, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Goldberg stated that there were some former employees who were having COBRA problems and when they contacted Human Resources they were not given the proper information, that they were not getting good response when their office called, that if there was some confusion about how COBRA worked if they could clarify that with their staff members. Council Members Lawrence, Galloway, Edwards, Holm, Alvarado, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Goldberg stated that he wanted to recognize Ms. Mary Ann Grant, Controller's Office, who was now doing the work of two people and did an outstanding job. Council Members Lawrence, Galloway, Edwards, Holm, Alvarado, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Wiseman stated that on Saturday, July 30, 2005 they had their District E, C3 Cleanup at the Sagemont area, the area of the Super Neighborhood 80 and she wanted to say that she was very appreciative of all of the willing and wonderful volunteers. Council Members Lawrence, Galloway, Edwards, Holm, Alvarado, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Wiseman stated that she wanted to extend a special thanks to Ms. Mallory Bell, an intern in her office for the summer, that she did a tremendous job, that she took the lead on the cleanup, that she also wanted to thank the other interns, Ms. Kristen Kuykendall and Ms. Grace White and asked them to stand and be recognized. Council Members

Lawrence, Galloway, Edwards, Holm, Alvarado, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Wiseman stated that she wanted to remind everyone that their children would be returning to school next week and to please heed the warnings of the school zones and keep the children safe. Council Members Lawrence, Galloway, Edwards, Holm, Alvarado, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Wiseman stated that wanted to express how elated she was that the NASA crew had returned from outer space and they would be welcoming them home this afternoon and she appreciated the tremendous support that Mayor White had provided to Johnson Space Center. Council Members Lawrence, Galloway, Edwards, Holm, Alvarado, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 12:20 p.m. Council Members Lawrence, Galloway, Edwards, Holm, Alvarado, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

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

MINUTES READ AND APPROVED

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Anna Russell, City Secretary