

City Council Chamber, City Hall, Tuesday, August 23, 2005

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, August 23, 2005, Mayor Bill White presiding and with Council Members Toni Lawrence, Mark Goldberg, Ada Edwards, Addie Wiseman, M. J. Khan, Pam Holm, Adrian Garcia, Carol Alvarado, Mark Ellis, Gordon Quan, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; Ms. Connie Acosta, Division Chief, Labor Division, Legal Department; Ms. Debra Dillard, Mayor's Citizens Assistance Office; Ms. Marty Stein, Agenda Director present. Council Member Carol M. Galloway out of the city on city business.

At 2:05 p.m. Mayor Pro Tem Alvarado stated that Council Member Garcia would begin the presentations; and Council Member Garcia stated that he had a presentation for the Texas Barbara College and Hair Styling School in his district; that they had a unique effort where time and skills were given so that children could get hair cuts before school started; and invited Mr. Madison and those present to the podium. Council Member Garcia further stated that this school had grown and now had five campuses and they changed lives for students; and presented them a Proclamation proclaiming today as "The Texas Barber Colleges and Hair Styling School Day". Council Members Lawrence, Goldberg, Edwards, Wiseman, Ellis and Quan absent.

Council Member Sekula-Gibbs stated that she attended an exhibit at the Holocaust Museum of Houston honoring a very brave man who recently passed away, Mr. Chiune Sugihara, Mr. Sugihara was much like Mr. Schindler; and invited Ms. Edith Hamer and Mr. Peter Burkowitz and others present of the Holocaust Museum to the podium. Council Member Sekula-Gibbs further stated that in 1939 a consulate office in Lithuania provided visas and it was closed when the Soviet Union annexed a portion of Lithuania and Mr. Sugihara and his wife petitioned to have exit visas for the Jews who came asking for help and after being denied twice and ignored once he and his wife hand wrote more than 2,000 visas within 29 days for the Jewish people so they could leave Lithuania and because of them many had their lives spared; that Ms. Hamer was only three years old when this occurred and her parents were visa numbers 7 and 8 and she was attached to her mother's visa; that today she wanted to recognize Mr. Sugihara and all the people like him in the world who were willing to risk their lives to save others; that in the museum now were such documents and the display was underwritten by Marathon Oil and Continental Airlines and asked those representatives to stand to be recognized; and presented a Certificate to Ms. Edith Hamer for her outstanding efforts to bring material from Japan to elaborate common beliefs of the Holocaust. Ms. Hamer thanked all and stated it was an honor to receive the Certificate; that she was a living symbol of Mr. Sugihara's noble and righteous deeds; that it was an honor to accept this for the museum. Council Members Edwards, Wiseman, Ellis and Quan absent.

Council Members thanked Ms. Hamer and representatives of the Counsel and stated that it was not often one met legends, but they understood mankind was in good hands from such people; and Japan was certainly to be recognized for their contributions also. Council Members Edwards, Wiseman, Ellis and Quan absent.

At 2:21 p.m. Mayor White called the meeting to order and called on Council Member Berry who invited Rev. Willie Jones of the New Mt. Calvary Church to lead all in prayer and Council Member Berry led all in the pledge. Council Members Edwards, Wiseman, Ellis and Quan absent.

At 2:22 p.m. the City Secretary called the roll. Council Member Galloway out of the city on city business. Council Members Edwards and Wiseman absent.

Council Members Khan and Quan moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Members Edwards and Wiseman absent. MOTION ADOPTED.

Council Member Green moved that the rules be suspended for the purpose of hearing Mr. Frank Santarose and Mr. Jerry Martin out of order, seconded by Council Member Quan. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Members Edwards and Wiseman absent. MOTION 2005-0804 ADOPTED.

Council Member Alvarado moved that the rules be suspended for the purpose of adding Ms. Carolyn Wrangler to the list of speakers, seconded by Council Member Khan. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Members Edwards and Wiseman absent. MOTION 2005-0805 ADOPTED.

Council Member Quan moved that the rules be suspended for the purpose of hearing Mr. Mr. Paul Segreto out of order, seconded by Council Member Khan. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Members Edwards and Wiseman absent. MOTION 2005-0806 ADOPTED.

Mr. Andrew Icken, 2151 W. Holcombe Blvd., Houston, Texas 77030 (713-791-6157) appeared and spoke in favor of Agenda Item 16 and stated that he was executive vice president of the Texas Medical Center and past president and executive committee member of the South Main Association; that he applauded the City for taking on the task of parking; that they participated in the process and believed a parking commission would institute a deliberative process and ensure the public opportunities; that the Texas Medical Center was concerned with the access and mobility of streets and in speaking for the South Main Association many museum district facilities could not afford to create their own parking facilities; and they understood the Commission would give the public opportunities for comment and make recommendations to the Mayor and Council. Council Members Edwards, Wiseman and Khan absent.

Council Member Holm stated that parking was critical and needed to be addressed; and upon questions, Mr. Icken stated that he noticed in the membership there were ex-officio members which included City departments and they believed that would help and there was provision for a seat in the make up of a not for profit institution and he thought that would be helpful. Council Member Holm stated that she wondered if there should be broad but specific interest as well as comprehensive at large people that could bring expertise to the table. Council Members Wiseman and Khan absent.

Council Member Berry stated that he was supportive of a Parking Commission; and upon questions, Mr. Icken stated that he thought the approach being taken to deal with parking as a business and a business which provided service to the general public being taken on by the Commission would be helpful to the community; that mostly they dealt with Public Works; and Council Member Berry stated that he thought this would be a breath of fresh air and was happy to hear of his support. Council Members Wiseman and Khan absent.

Mayor White stated that when he asked citizen leaders to look at this he did not have an answer but knew the problems; that he was trying to solve a problem and not create a bureaucracy; that people were parking in front of residences; businesses had no room to grow; that it was ridiculous to fumble for change; that the city had parking spaces going unused in the central business district and valets should not be able to auction off spaces to those who could afford it the most; that this would require accountability, focus and transparency. Council Members Wiseman and Khan absent.

Council Member Quan stated that he liked Mr. Icken's participation and the idea of the Parking Commission; and upon questions, Mr. Icken stated that groups meeting on this had been fairly large and it was not every case the City should spend their resources to build expensive parking facilities, but if it turned out the institutions being served could best be served by a lot of small institutions perhaps the City could do that; and Council Member Quan stated that he

hoped what they could get out of the Commission was an overall plan of action and was encouraged by participation. Council Members Edwards, Khan and Berry absent.

Council Member Alvarado stated that she agreed with what was said and wanted to thank Mr. Iken for being involved from the beginning. Council Members Edwards, Khan and Berry absent.

Mr. Bob Eury, 2306 Peckham, Houston, Texas 77019 (713-650-1470) appeared and spoke in favor of Agenda Item 16 and stated that he was speaking for the Central Houston Downtown District and they were grateful to have the chance to participate in the process which led to the idea of creating the Commission; that parking was an increasing issue and he thought the whole idea of a Parking Management Commission provided an ongoing informed body which understood parking assets, mobility consideration and needs of all stakeholders as plans, policies and recommendations came about; and complemented Council Member Alvarado and Ms. Rambo and all others who assisted in this. Council Members Khan and Berry absent.

Upon questions by Council Member Edwards, Mr. Eury stated that he thought what the Parking Commission would look at would begin downtown and then move out from there; that they strongly believed the Parking Commission needed to work with the whole city and needs were different citywide, but curbside was particularly important downtown; and Council Member Edwards stated that she was appreciative of his and Mr. Iken's expertise and would appreciate any ideas from downtown to the Medical Center, Midtown, etc. Council Members Khan and Holm absent.

Upon questions by Council Member Quan, Mr. Eury stated that what he liked about the Commission was it led to a more ongoing management process of how they actually worked with curb space, pricing policies, long-term and short-term space and he had just spoken with Liliana and her staff regarding a study of demand and supply. Council Members Khan and Holm absent.

Mr. John Zotos, 300 Main, Houston, Texas 77001 (713-227-1511) had reserved time to speak but was not present when his name was called. Council Members Khan and Holm absent.

Mr. Joe Martin, 909 Texas Avenue #2037, Houston, Texas 77002 (713-223-9500) appeared, presented information to Council Members and spoke in favor of Agenda Item 16 and stated that he was chairman of the Downtown Entertainment Alliance and was representing the entertainment district in asking for Council's support on the ordinance; that they had formed a small taskforce to try and get quick change in the evenings and the result was what they called the Validated Parking Program, a pilot program where over 20 clubs, bars and restaurants were validating free parking for Friday and Saturday nights to customers; and urged that the ordinance be passed. Council Members Edwards, Khan, Holm and Ellis absent.

Council Member Alvarado stated that Mr. Martin owned bars and had been very active in what took place downtown and she appreciated his time and resources on the issue. Council Members Khan and Ellis absent.

Council Member Garcia thanked the Mayor and Mayor Pro Tem for their leadership on the issue and also thanked Mr. Martin and others in the entertainment district for what they had done in bringing downtown back to life. Council Members Khan and Ellis absent.

The City Secretary stated that Mr. John Zotos was present and would be called on as the next speaker. Council Members Khan and Ellis absent.

Mr. John Zotos, 300 Main, Houston, Texas 77001 (713-227-1511) appeared and spoke in favor of Agenda Item 16 and stated that considering parking management was great and he

applauded them for considering it; that he was also happy Ms. Rambo was representing them as she understood what it took. Council Members Goldberg, Khan, Holm and Ellis absent.

Council Member Berry stated that he believed this would get them way down the road and Mr. Zotos had complimented Ms. Rambo and he felt Council Member Alvarado also needed a pat on the back because she had shepherded this, but he felt this would be good for the whole city and a good partnership. Council Members Goldberg, Ellis and Green absent.

Mayor White stated that he was wanting to make sure people were focused and accountable and that they knew names of those in charge because he received mail weekly from some areas; that they could not see everything and he wanted citizens accountable. Council Members Goldberg, Ellis and Green absent.

Mr. Jim Wilson, 2000 Post Oak Blvd. #1950, Houston, Texas 77056 (713-840-1170) appeared, presented information to Council Members and spoke in favor of Agenda Item 16 and stated that he was senior vice president of Crescent Real Estate Equities Limited; that they had been involved in committees and active in the formulation of this group and were much in favor of the Commission going forward; that parking needs had shifted and were extremely important and did support this effort. Council Members Goldberg, Ellis and Green absent.

Mayor White thanked Mr. Wilson for coming and stated that the investment his company made in the future of Houston was appreciated. Council Members Goldberg, Ellis and Green absent.

Ms. Carolyn Wrangler, who was previously added to the speakers list, appeared and spoke in favor of Agenda Item 16 and stated that she owned two businesses in downtown and she did not believe the valet zones helped businesses; that the spaces were public and were not something an individual should be able to purchase to use for their business; that parking was critical to her business and one such space was placed in front of her business and her customers received tickets for parking there; that the Parking Commission was a great idea and Ms. Liliana Rambo would be helpful. Council Members Lawrence, Goldberg, Ellis and Green absent.

Upon questions by Council Member Berry, Ms. Wrangler stated that she had Warrens Inn and La Carafe; that her next door neighbor had two spots in front of their business and one in front of her business; that when she called the city she was told they were allowed; and Council Member Berry stated that help was on the way. Mayor White, Council Members Lawrence, Goldberg, Holm, Ellis and Green absent. Mayor Pro Tem Alvarado presiding.

Mr. Joshua Bullard, 3328 McGowen, Houston, Texas 77004 (281-236-7518) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Goldberg, Holm, Ellis and Green absent. Mayor Pro Tem Alvarado presiding.

Mr. Irshad Syed, 14130 Bissonnet, Houston, Texas 77099 (713-867-6386) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Goldberg, Holm, Ellis and Green absent. Mayor Pro Tem Alvarado presiding.

Mr. Paul Segreto, 9610 Long Point, Houston, Texas 77055 (713-467-0200) appeared and stated that recently his company, Pristine Commercial Services, submitted a sealed bid for group 3, cleaning services in the health and Human Services Department on bid number L20439 pertaining to janitorial and cleaning services; that upon opening the bid it was apparent they were the low bidder for that group, and it was their understanding as required by Texas law the City must award it to the lowest responsible bidder, it was their further understanding the proposals may be revised before actual award of contract, however, as they understand other proposals must have equal opportunity to revise their proposal and clarify details of the proposal; that it had been brought to their attention the City was prepared to award but to a

company who clearly submitted a higher bid and when they inquired they were given a multitude of answers and retractions to those answers and then other answers; that it clearly appeared to be a manipulation of the process and ultimately their bid was still the lowest yet Purchasing continued to skew numbers. Mayor White, Council Members Lawrence, Goldberg, Holm, Green and Berry absent. Mayor Pro Tem Alvarado presiding.

Upon questions by Council Member Quan, Mr. Segreto stated that this was a one year contract with four options; that the way the awarding was described to them was they took the contract over a five year period and determined the price, but over the five years his company was considerably lower; that Purchasing said they needed to determine who was most qualified and yet they never sat with them so they could show their references or credit history, etc., they had been in business about seven years and one of their biggest accounts was Schlumberger Oilfield Services; that they provided bonding and they were told it was being reviewed and they would have time to provide anything needed, but then found it was on the Agenda for award. Mayor White, Council Members Edwards, Holm, Green and Berry absent. Mayor Pro Tem Alvarado presiding.

Upon questions by Council Member Khan, Mr. Segreto stated that he was a new bidder for the City; that it was his understanding the company he thought was to be awarded the contract had similar contracts in the past, however, over the last 28 years this was the first time it had not been broken down into categories and that breakdown gave the small and middle size businesses opportunity to bid on that type of project; that when it came out for bid it said a one year contract with four option years; and Council Member Khan stated that he would request someone from Purchasing visit with him to talk over this contract. Council Members Holm, Green and Berry absent.

Upon questions by Council Member Quan, Ms. Acosta stated that she was not familiar with this bid in particular but would get him a clarification whether they had discretion on getting another bidder if he was lower. Council Members Holm and Green absent.

Mr. Frank Santarose, 19730 Saums Road, Houston, Texas 77084 (832-526-6389) appeared, presented information and stated that he was present on behalf of Gift to the World Ministries, a worldwide ministry with affiliates in every time zone of the world; that they were holding a one time breakfast event and Houston was chosen to host that event over every nation; that it had a threefold purpose and that was to honor Ralphenia Dodson and her 10 years of ministry; that it was to raise funds for the Great Shout and to inform and prepare the world of the coming of the seventh year of the Great Shout; that the event was September 24, 2005, at 8:30 a.m. at the Wortham Center and the guest speaker was Ms. Lisa (Osteen) Comes of Lakewood Church. Council Members Wiseman and Holm absent.

Pastor Jerry Martin, 16161 Old Humble Road, Humble, Texas 77396 (281-946-1393) appeared and stated that with the Light of the World Christian Fellowship, District B, and also present speaking of the Great Shout which was emanating from Houston; that it was a collaborative effort of churches and people around the world, it would be December 21, 2005, at midnight, this was its seventh year and many were participating; that the power was to show unity with people praying for nations and leaders; that in the packet which was presented there was information and flyers. Council Members Wiseman and Holm absent.

Ms. Ralphenia Dodson, 630 Woodsmoke Drive, Houston, Texas 77013 (713-451-1616) appeared and stated that she was president and founder of Gift to the World Ministries and this was a special year as it was 17 years of ministering for her with 10 years full time and as of next week was a 25 year member of Lakewood Church; that she was given a vision of unity of spirit crossing all denomination lines around the world so new years eve night people will start lifting up their voices in the name of Jesus and each shout would be heard all the way around; that this year they had over 400,000 groups in agreement; and they had come to let Council know there were things happening as a result of their city affecting the entire world; and they were

grateful to share this. Council Members Wiseman, Holm and Alvarado absent.

Mayor White thanked Ms. Dodson for coming. Council Members Wiseman, Holm and Alvarado absent.

Council Member Garcia congratulated Ms. Dodson on her 17 years of ministry and of the many good things that had been happening within the faith community and all needed many good people praying for them. Council Members Wiseman, Holm and Alvarado absent.

Mr./Coach R. J. Bobby Taylor, 3107 Sumpter, Houston, Texas 77020 (202-FA3-4511) had reserved time to speak but was not present when his name was called. Council Members Wiseman, Holm and Alvarado absent.

Mr. Tony Davis, 5155 Selinsky, Houston, Texas 77048 (713-733-6208) had reserved time to speak but was not present when his name was called. Council Members Wiseman, Holm and Alvarado absent.

Mr. William Schocka, 5107 Otterberry, Houston, Texas 77039 (281-442-7245) appeared and stated that he was the principal and victim of religious enemies who were using technology to do things to him, to possess him; and he was getting no help in trying to get restraining orders against them. Council Members Wiseman, Holm, Garcia and Alvarado absent.

Mr. Henry Provotiaux, 10600 Hazen Lane #204, Houston, Texas 77072 (281-630-0015) had reserved time to speak but was not present when his name was called. Council Members Wiseman, Khan, Holm, Garcia, Alvarado and Green absent.

Ms. Dorothy Rucker, 16000 Cotillion, Houston, Texas 77060 (281-260-7092) had reserved time to speak but was not present when her name was called. Council Members Wiseman, Khan, Holm, Garcia, Alvarado and Green absent.

Dr. David Michael Smith, 1631 Redwood, Dickinson, Texas 77539 (281-534-7638) appeared in opposition to the Minute Men and stated that he was a professor of government at College of the mainland and member of the Coalition Against Intolerance and for Respect and present as he had deep concern with the Minute Men coming to Houston to patrol streets; that it was entirely unjustified and dangerous for the city as a whole; that it was bad enough they wanted to film some of the most vulnerable and unfortunate but now they would also be carrying concealed weapons; that this was a powder keg and the original leader of them had resigned because he could no longer countenance the openly racist attitude of members; that in the coming weeks the Coalition Against Intolerance and for Respect would be organizing educational programs and protest as well as organizing for the Minute Men to be monitored; and asked that the Mayor and Council pass a resolution deploring the Minute Men's plan for Houston. Council Members Lawrence, Wiseman, Khan, Holm, Alvarado and Green absent.

Council Member Quan thanked Dr. Smith for coming; and upon questions, Dr. Smith stated that he believed Ms. Maria Jimenez had sent a resolution to Council Member Garcia and perhaps the Mayor had seen it; that it was just a draft but this was a chance for Houston to show they did not appreciate certain kinds of adventurism and vigilantism; and Council Member Quan stated that Arch Bishop Fiorenza spoke with him about a similar resolution. Council Members Lawrence, Wiseman, Khan, Holm, Alvarado and Green absent.

Council Member Garcia stated that he wanted to express his appreciation for him coming and he also hoped the Administration would consider such a resolution because he was right, this was a very local issue and they did need to state what was in the best interest of this city; that there was such an effort to scare people and they needed to show resolve and leadership. Council Members Wiseman, Khan, Holm, Alvarado and Green absent.

Council Member Edwards thanked Dr. Smith for coming and stated that she understood the value of a resolution but this body did not usually make such of that type though she would support it; and upon questions, Mayor White stated that the day labor facility was legal and he was no expert in the Minute Men but by what he read he believed they wanted to create publicity and controversy and he was not going to do it; and Council Member Edwards stated that she did not know if a resolution would do any good, she did believe it would be a step, but in her personal experience when this came around they used to wear hoods and it was called the clan and they were very clear on what they were doing and she felt it was the same type of action; and it was amazing to her in 2005 that they were even having this conversation. Council Members Wiseman, Khan, Holm and Green absent.

Council Member Garcia stated that he was not sure who they would be video taping because there were Black Latinos from Columbia and Cuba and blond hair blue eye Latinos. Council Members Wiseman, Khan, Holm, Sekula-Gibbs and Green absent.

Ms. Maria Jimenez, 7105 Sherman, Houston, Texas 77011 (713-928-6849) had reserved time to speak but was not present when her name was called. Council Members Wiseman, Khan, Holm, Sekula-Gibbs, Green and Berry absent.

Mr. John Lopez, 6922 Abilene, Houston, Texas 77026 (832-661-3001) appeared in opposition to the Minute Men and stated that his ancestors had been in this country about 100 years, his dad served in WWII, his mother lost uncles in the war and today he was asking the Mayor and Council Members to take a stand against the Minute Men going into the neighborhoods; that he believed the federal government should do their job and that this could escalate into a race war and put another black eye on the history of this city; that he believed the blood was on their hands and the Mayor needed to take a stand. Council Members Wiseman, Khan, Holm, Sekula-Gibbs and Berry absent.

Council Member Alvarado stated that she shared his sentiment and did not know if there was any action Council could take as a body, but she did know several Council Members individually had or would be taking a stance; that last time she checked the police officers were already overworked and they needed to be fighting crime and not chasing armed Minute Men around; that she was not sure what was so special about Houston that they had to come, and come armed; that Council Member Garcia was chairman of Public Safety and she was looking to his leadership; that the Hispanic Latino community was concerned and Council Member Garcia did raise good issues, not everyone Latino looked like him and her as some might look like Mayor White or Council Member Green and a blanket approach was not right and she did not welcome them here and as leaders she felt they did need to take a position and protect the communities. Council Members Wiseman, Khan, Holm, Sekula-Gibbs and Berry absent.

Council Member Quan stated that he did not know if Mr. Lopez had an opportunity to be at the townhall meeting Rep. Sheila Jackson Lee had over the weekend but he and Council Member Garcia and the deputy director of Homeland Security was there and he asked him if the police were doing enough to assist the government and he said he had no complaints; that he also said he did not feel it was a good idea for the police to be arresting undocumented workers and he did want to share that with his colleagues because he was in charge of border protection and he did not want this police department to be engaged in that activity and he did support his position and did hope they would take action as a Council as he had requested. Council Members Wiseman, Khan, Sekula-Gibbs and Berry absent.

Council Member Edwards stated that she too supported his position; and upon questions, Mr. Lopez stated that he did not know if Minute Men were monitoring any other borders, but he did not think so; and his personal opinion was he did not think immigrants from London, Ireland, etc., were being looked into; and Council Member Edwards stated that was because they were not at day labor centers they were working downtown Houston. Council Members Wiseman, Khan, Alvarado, Sekula-Gibbs and Berry absent.

Council Member Garcia thanked Mr. Lopez for coming and expressing his views, but as strongly as they both felt they needed to demonstrate how significant they were to society by making sure they did not bring themselves down to the level of others and encouraged that they all deal with this on an intellectual and law abiding level and he hoped he would join him and deal with it on a more legitimate level; and Mr. Lopez stated that he agreed and that was why he came; that they were looking to the Mayor and Council for leadership, but they did have a constitutional right to protect themselves. Council Members Wiseman, Khan, Alvarado, Sekula-Gibbs and Berry absent.

Ms. Gina Wyle, 2546 Bolsover, Houston, Texas 77005 (no phone) had reserved time to speak but was not present when her name was called. Council Members Wiseman, Khan, Alvarado, Sekula-Gibbs, Green and Berry absent.

Ms. Michell Harris, 12731 Braewood Glen, Houston, Texas 77072 (832-876-0339) had reserved time to speak but was not present when her name was called. Council Members Wiseman, Khan, Alvarado, Sekula-Gibbs and Berry absent.

Mr. John Johnson, 7102 Wendemere, Houston, 77088 (832-453-1900) had reserved time to speak but was not present when his name was called. Council Members Wiseman, Khan, Alvarado, Sekula-Gibbs and Berry absent.

Mr. Ronald Stein, 2480 Times Blvd. #203A, Houston, Texas 77005 (713-521-3450) had reserved time to speak but was not present when his name was called. Council Members Wiseman, Khan, Alvarado, Sekula-Gibbs and Berry absent.

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. Council Members Wiseman, Quan and Sekula-Gibbs absent.

Senator Robert Horton, 3714 Bain, Houston, Texas 77026 (713-260-6144) appeared and stated that the whistle blower and Enron lied; and continued expressing his personal opinions until his time expired. Council Members Edwards, Wiseman, Quan and Sekula-Gibbs absent.

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. Council Members Edwards, Wiseman, Quan and Sekula-Gibbs absent.

At 3:37 p.m. City Council recessed until 9:00 a.m., Wednesday, August 24, 2005. Council Member Galloway out of the city on city business. Council Members Edwards, Wiseman, Quan and Sekula-Gibbs absent.

City Council Chamber, City Hall, Wednesday, August 24, 2005

The Houston City Council reconvened at 9:00 a.m. Wednesday, August 24, 2005, with Mayor Bill White presiding and with Council Members Toni Lawrence, Mark Goldberg, Ada Edwards, Addie Wiseman, M. J. Khan, Pam Holm, Adrian Garcia, Carol Alvarado, Mark Ellis, Gordon Quan, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; Mr. Anthony Hall, Chief Financial Officer, Mayor's Office; Mr. Arturo Michel, City Attorney, Ms. Marty Stein, Agenda Director and Mr. Jose Soto, Deputy Agenda Director present. Council Member Carol M. Galloway out of the city on city business.

At 8:26 the City Secretary read the descriptions or captions of items on the Agenda.

At 9:25 a.m. Mayor White called to order the meeting of the City Council. Council Member

Wiseman, Garcia, Quan, Green and Berry absent.

Council Member Edwards moved to suspend the rules to consider Item No. 4 out of order, seconded by Council Member Alvarado. All voting aye. nays none. Council Member Galloway out of the city on city business. Council Member Wiseman, Quan, Green and Berry absent. MOTION 2005-0807 ADOPTED.

4. CONFIRMATION of the reappointment of **MR. KASE LAWAL** to Position 3 of the **PORT OF HOUSTON AUTHORITY OF HARRIS COUNTY**, for a two year term - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. nays none. Council Member Galloway out of the city on city business. Council Member Wiseman, Green and Berry absent. MOTION 2005-0808 ADOPTED.

Mayor White requested Mr. Lawal to stand and be recognized and Members of Council congratulated Mr. Lawal on his reappointment and thanked him for his service and for what he did to promote women and minority businesses. Council Members Wiseman and Berry absent.

Mr. Lawal stated that he wanted to thank them for their leadership, vision and dedication, that he really appreciated it, that he pledged to them that he would continue to do his best and contribute to make their City the best City in America and the best port in the world. Council Members Lawrence, Wiseman and Berry absent.

HEARING

1. **PUBLIC HEARING** regarding the proposed permanent use of up to approximately 6.676 acres of land out of Mason Park and up to approximately 9.327 acres of land out of Gus Wortham Park and Golf Course by Harris County Flood Control District for Flood Control and Drainage purposes **DISTRICT I - ALVARADO - 9:00 A.M.** – was called. Council Member Berry absent.

The City Secretary stated that the public hearing was regarding the proposed permanent use by Harris County Flood Control District of portions of Mason Park and Gus Wortham Park and Golf Course for Flood Control and Drainage Purposes, that Ms. Kathy Farley, Legal Department, would make some remarks concerning the project. Council Member Berry absent.

Ms. Farley, Senior Assistant City Attorney, Legal Department, stated that they were present to discuss the Flood Control District's Braes Bayou Project as it affected two of their City parks, Mason Park and Gus Wortham Park and Golf Course, the Flood Control District had requested the use of approximately 1.2 acres out of Mason Park and approximately 2.75 out of the golf course to widen and deepen Braes Bayou Channel as it went through those parks, the Braes Project actually encompassed the entire length of the bayou but in order for the District to use the City's parkland the City Council needed to listen to the evidence and then make a finding that there was no feasible and prudent alternative to the use or taking of the park property for the project and that the project included all reasonable planning to minimize the harm to both Mason Park and Gus Wortham Park and Golf Course, upon completion of the hearing the City Council would be asked to consider an ordinance to make those necessary findings, that she would turn it over to Mr. Joe Turner, Director, Parks and Recreation Department. Council Members Wiseman, Garcia and Berry absent.

Mr. Turner stated that it was a great day that they were present to present the project to them, that he had the privilege yesterday to stand with his colleague Mr. Mike Talbot of the Harris County Flood Control District to present the same presentation to the Harris County Commissioners Court for their approval and at this time he would ask Mr. Talbot to continue with the presentation. Council Members Goldberg, Wiseman, Garcia and Berry absent.

Mr. Mike Talbot, P.E., Director, Harris County Flood Control District reviewed the project

overview. A copy of which is on file in the City Secretary's office for review. Council Members Goldberg, Garcia and Berry absent.

Council Member Lawrence asked if Gus Wortham Golf Course going to be affected at all as far as holes being closed during the construction, and Mr. Talbott stated that there would be reconstruction of the holes along the bayou, and they were coordinating with the Parks and Recreation Department on the timing of that. Council Members Goldberg, Garcia and Berry absent.

Council Member Holm asked when they had to reconstruct and relocate were they using golf designers to do that, and Mr. Talbott stated that they did use a golf architect. Council Members Goldberg, Garcia and Berry absent.

Council Member Quan stated that his question was that there was a Riveter interest from the people who had donated the land to the City of Houston and understood that they had contacted them and did not know if a response had been received and wanted to make sure that aspect had been addressed, and Ms. Farley stated that yes, they had located the nine Riveter holders from the original donor, her heirs, and letters had been sent, that she had received one of the nine responses and they would have to have that consent before moving forward. Council Members Lawrence, Goldberg, Garcia and Berry absent.

Mayor White stated that he wanted to thank Mr. Talbott for all he did for the community and the care and balance that the Flood Control District had been showing in trying to expand the bayou and waterways so they could increase that carrying capacity also to make sure that they looked nice and that they were an amenity. Council Members Lawrence and Goldberg absent.

Mayor White stated that they would now hear from the public speakers. Council Members Lawrence and Goldberg absent.

Ms. Roksan Okan-Vick, 2001 Kirby, Ste. 814, Houston, Texas (713-942-8500) appeared and stated that she was the Executive Director of the Houston Parks Board, that they acquired new parkland, improved parkland and protect them the best they could, all with public funding and she was delighted to be present to applaud the good work that Harris County Flood District was undertaking along Braes Bayou, that while the primary focus was flood damage reduction work the District had shown exemplary effort and leadership in seamlessly integrating flood damage reduction features with creating the basis for a meaningful linear park that could extend along many miles along both edges of Braes Bayou, that they were acquiring land along Braes and close to it which doubled up as publicly accessible green space, creating new parkland for Houston, something they knew they needed, that second was that they were shaping the land that they acquire to create aesthetically pleasing spaces that made it easier to access the bayou, both visually and physically, and third their flexibility and willingness to collaborate with many partners who wanted to build on their work was making it possible for them collectively to create a connected linear park, that would really rival when it was down the stretch of Buffalo from Sabine to Shephard and they knew what that looked like, that Houston Parks Board was one of those partners that worked with Harris County Flood Control, they were judiciously and carefully working with the District in purchasing additional new parkland to thicken the greenbelt or to fill in the areas to in fact create a connected parkway along Braes wherever possible, and they were grateful for the resources that they had made available to them, that she knew she represented many green groups and many Houstonians when she whole heartedly recommended City Council approve the ordinance to keep the wonderful project moving as quickly as possible. Council Member Goldberg absent.

Council Member Khan stated that he wanted to thank Ms. Okan-Vick for all she had done for the City of Houston and personally had a lot of indebtedness to her because last year she had two projects going in District F, Bayland Park and Alief Community Park and both of the

projects were complete now and people were enjoying them, that he also wanted to thank Director Turner, who continued what she had started.

Ms. Diane Schenke, 3015 Richmond, Houston, Texas 77098 (713-942-7275) appeared and stated that she was the new Executive Director of the Park People, they were an organization that had been in existence 26 years and their purpose was to protect existing parks and enhance and add to those parks, that they were present to urge the Council to approve the permanent use of City parklands because they thought the proposed use would not in fact be a reduction of parkland but an expansion and that expansion would occur several ways, one, it would increase through the linear parks system, that Ms. Okan-Vick had already discussed, and it would hookup and make more available exiting parks on Braes Bayou, in fact the City had already modeled a similar partnership in the downtown area along Buffalo Bayou and they would urge the Council to look upon this sort of shared use as an increase rather than consistent with the City Master Plan.

Ms. Mary Margaret Hansen, 3211 Harrisburg Blvd., Houston, Texas 77003 (713-928-9916) appeared and stated that she lived in the Idlewood Subdivision where in fewer than five minutes she could be walking along the banks of Braes Bayou, on Spurlock Park, if she walked eastward she passed the Gus Wortham Golf Course and then if trails were continuous today she would be in Mason Park in about twenty minutes, that she had lived in the Eastend since 1993 and one of the things that she loved the most were the absolute beautiful pastoral vistas along the bayou, that from the mouth of the bayou as far west as the University of Houston if they just focused their sights on the water and the shoreline they would think they were out in the country, that she also lived through Allison, as did a good friend of hers around the corner, their houses were on a ravine and they were up all night watching that ravine fill up as a small lake because the rainwater could not empty from the storm sewers into the bayou fast enough, instead the water churning through the bayous rushed over its banks, covered Surlock Park and flooded many homes, so for them in the Eastend, Project Braes was very welcome and the fact that it was beginning in the Eastend was great because Harris County Flood Control could set the standard in the Eastend for their community of over 85,000, that she also worked in the Eastend with the Management District and right now they were with other organizations and entities looking for funds for continuous hike and bike trails along the bayou, from the Ship Channel to I-45, they loved the fact that with this project flooding would not be as severe and they loved that those green bayou vistas would remain a natural amenity in their neighborhoods, that flood control seemed to have taken such care to allow the beauty and accessibility of the bayou to remain or to be enhanced, that they cared about flooding or the lack of it, they cared about parks, walking, biking and aesthetics, Harris County's flood reduction plan led itself to all, they stood ready to assist in any way they could to make the project a success and they urged them to approve it today. Council Member Garcia absent.

Council Member Alvarado stated that she wanted to thank Ms. Hansen for her support not only on this project but all the work that she did to promote the Eastend, that she was right, there were a lot of good things happening in their part of Houston and it tied right into what they had been talking about all along, enhancing their green space, their park space and their bayous and encouraging people to come out, whether it was to walk, bike or jog along, that she thought it was a great thing for their community.

Council Member Holm moved to close the public hearing, seconded by Council Member Khan. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Member Garcia absent. MOTION 2005-0809 ADOPTED.

MAYOR'S REPORT

Mayor White stated that there was no scheduled Mayor's Report but he wanted to give them a heads up about two issues that they would be dealing with, the first being that many Council Members had helped in the oversight of the TIRZ and he wanted to tell them that except

perhaps for pension issues and some Metro issues, there was nothing that had taken more of his time, that there were some conclusions, they had approved 8 of them, there were 22 of them and some of them had outlived their purposes, everybody agreed, and others were more or less dormant, except for paying consultants, lawyers and auditors, and then he would get a memo to them about it, that in the next several weeks they would be considering a number of the TIRZs, that it was a very ambitious effort by a number of people in the administration and he needed their wisdom insight because there were a lot of policies that they were going to be setting for the City about what their expectations were concerning the TIRZs, that as they knew they were all over the map, that in all cases the baseline value was set in a way that increased the tax burden for public safety on everybody outside of the TIRZ, so they all knew that there had to be some reforms, that he just wanted them to know that it would be coming up in the next month; that second, it was somewhat related, that originally there were some things called reinvestment zones, which were project specific, that it was a legal tool for what they called tax abatements, which were not reduction in peoples taxes from a baseline but new investment would not be taxed for some period of time, that was their economic development tool, that they had been working and developing and circulating with economic development agencies, the Greater Houston Partnership and some set of principles, they he normally would say no to those things, but there were some that were worthwhile because they contributed jobs and they actually made a lot more in sales taxes than they would lose in future tax revenues, but a lot remained undeveloped, so that would be on the time horizon and if Council Member Ellis and his committee wanted to schedule some hearings when they got reports on it that would be something that would be coming before the full Council, that he wanted to report to them because various Council Members had been asking and there had been no decisions made, that the decisions would be made by the Council, that he would share with them some thoughts and work on progress on the TIRZ, that really they could not do it except on a case by case basis. Council Members Goldberg, Green and Berry absent.

Council Member Lawrence asked if it was possible at sometime to get someone from the Partnership to come and talk about the reinvestment zones and what it had meant to Houston as far as employees at this point, that she appreciated what the Mayor was doing and using that as a very last resort, possibly, tool, but to get some statistics about what it had meant to Houston or had it really meant anything and look at those for the last 10 years, and Mayor White stated that at some point he thought it was an excellent idea. Council Members Goldberg, Green and Berry absent.

Council Member Edwards moved to suspend the rules to consider Item No. 51 out of order, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Members Goldberg, Holm and Berry absent. MOTION 2005-0810 ADOPTED.

51. 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 36 on Agenda of August 10, 2005, POSTPONED BY MOTION #2005-758)** – was presented.

Council Member Edwards moved to postpone Item No. 51 for two weeks, seconded by Council Member Green. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Members Goldberg, Holm and Berry absent. MOTION 2005-0811 ADOPTED.

CONSENT AGENDA NUMBERS 2 through 50

MISCELLANEOUS – NUMBER 6

6. RECOMMENDATION from Chief of Police for approval of Law Enforcement Agreement between **HARRIS COUNTY** and **SECTION SIX HOMEOWNERS ASSOCIATION, INC** for law enforcement services of one (1) deputy from Harris County Constable Precinct 5 – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Members Goldberg and Berry absent. MOTION 2005-0812 ADOPTED.

PROPERTY - NUMBER 8

8. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Kenneth and Sandra Manesh, for the abandonment and sale of two excess portions of West Fuqua Road right of way in exchange for the conveyance to the City of a 10- to 20-foot-wide combination drainage/water line easement and a right of way easement, all located within the James Bailey Survey, A-145 and/or C. V. Uglow Survey, A-819, Parcels SY5-049A, SY5-049B, QY6-002 and AY6-020 - **STAFF APPRAISERS - DISTRICT D - EDWARDS** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Member Berry absent. MOTION 2005-0813 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 9 through 13

9. **PORTABLE CHURCH INDUSTRIES, INC** for Emergency Response Trailers for Health & Human Services Department - \$111,245.82 - Grant Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Member Berry absent. MOTION 2005-0814 ADOPTED.
10. **WILTON'S OFFICEWORKS, LTD.** for Training Center Furniture including Installation from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for Health and Human Services Department - \$41,146.27 Grant Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Member Berry absent. MOTION 2005-0815 ADOPTED.
11. **TEXAS STERLING CONSTRUCTION, L.P.** for Emergency Repair of 24-inch Water Main at Westheimer and Interstate 610 West Loop South for Department of Public Works & Engineering \$139,474.55 - Enterprise Fund - **DISTRICT G - HOLM** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Member Berry absent. MOTION 2005-0816 ADOPTED.
12. **ACTION CLEANING EQUIPMENT CO., INC** - \$162,459.08 and **WORKING SOLUTIONS, INC** \$42,878.65 for Cleaner, Shop Floor, Truck and Parts for Various Departments - General Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Member Berry absent. MOTION 2005-0817 ADOPTED.
13. **AMEND MOTION #2003-0118, 2/5/03, TO EXTEND** expiration date from February 5, 2006 to February 4, 2008, for Transmission, Allison Rebuilt and Repair Parts Contract for Various Departments, awarded to **STEWART & STEVENSON** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Member Berry absent. MOTION 2005-0818 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 19 through 49

19. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use by the City of Houston of a 20-foot-wide storm sewer easement located within Restricted Reserve A, Bear Branch Village, Section 7, Houston, Harris County, Texas; vacating and abandoning said storm sewer easement to the Most Reverend Joseph A. Fiorenza, as Archbishop of the Archdiocese of Galveston-Houston, the owner, in consideration of the owner's conveyance to the City of a 25-foot-wide storm sewer easement located within the same Restricted Reserve A, Bear Branch Village, and other consideration to the City, Parcels SY2-059 and LY2-037 - **DISTRICT E - WISEMAN** – was presented. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Member Berry absent. ORDINANCE 2005-0974 ADOPTED.
21. ORDINANCE approving and authorizing first amendment to declaration of Land-Use Restrictions (Restrictive Covenants) for Inwood Properties, consisting of Three Affordable Housing Apartment Complexes located at 5300, 5350 and 5454 W. Gulf Bank Road, Houston, Texas - **DISTRICT A - LAWRENCE** – was presented. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Member Berry absent. ORDINANCE 2005-0975 ADOPTED.
22. ORDINANCE consenting to the addition of 2.0779 acres of land to **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 23**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Member Berry absent. ORDINANCE 2005-0976 ADOPTED.
23. ORDINANCE consenting to the addition of 18.750 acres of land to **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 25**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Member Berry absent. ORDINANCE 2005-0977 ADOPTED.
24. ORDINANCE consenting to the addition of 219.87 acres of land to **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 30**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Member Berry absent. ORDINANCE 2005-0978 ADOPTED.
25. ORDINANCE consenting to the addition of 117.408 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 65**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Member Berry absent. ORDINANCE 2005-0979 ADOPTED.
26. ORDINANCE consenting to the addition of 15.0037 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 401**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Member Berry absent. ORDINANCE 2005-0980 ADOPTED.
27. ORDINANCE consenting to the addition of 25.766 acres of land to **HARRIS COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 155**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Member Berry absent. ORDINANCE 2005-0981 ADOPTED.
28. ORDINANCE consenting to the addition of 177.549 acres of land to **TIMBER LANE UTILITY DISTRICT**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Member Berry absent. ORDINANCE 2005-0982 ADOPTED.
39. ORDINANCE approving and authorizing amendment No. 2 to Bulk Aviation Fuel Storage

Facility Lease between the City of Houston and **SOUTHWEST AIRLINES CO.** at William P. Hobby Airport - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Member Berry absent. ORDINANCE 2005-0983 ADOPTED.

42. ORDINANCE appropriating \$113,500.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing construction management and inspection services contract between the City of Houston and **JVG INDUSTRIES, LLC** for the Rehabilitation of Two Water Storage Tanks located at the Southwest and Jersey Village Pumping Stations, GFS S-0600-B1-3 (WA10814-01) - **DISTRICTS A - LAWRENCE and C - GOLDBERG** – was presented. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Member Berry absent. ORDINANCE 2005-0984 ADOPTED.
43. ORDINANCE appropriating \$1,398,873.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing an agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 366** for the Sale of the Water Distribution System within Harris County Municipal Utility District No. 366, CIP S-801-Q1-03 **DISTRICT A - LAWRENCE** – was presented. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Member Berry absent. ORDINANCE 2005-0985 ADOPTED.
44. ORDINANCE appropriating \$28,721.32 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation for Construction of the City's Water and Sanitary Sewer Lines in Metro Downtown/Midtown Transit Street Program, GFS R-0537-10-3 (SB9037-04) under construction contract with the **METROPOLITAN TRANSIT AUTHORITY** (approved by Ordinance No. 93-274) - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Member Berry absent. ORDINANCE 2005-0986 ADOPTED.
45. ORDINANCE awarding construction contract to **PACE SERVICES, L.P.** for Water, Sanitary Sewer and Storm Drainage Systems to serve Section Two of the San Pablo Subdivision; approving and authorizing assignment of construction contract to **LENNAR HOMES OF TEXAS LAND & CONSTRUCTION, LTD.**, CIP S-0800-A1-03 & R-0800-A1-03 (DPC-048) **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Member Berry absent. ORDINANCE 2005-0987 ADOPTED.
46. ORDINANCE awarding construction contract to **ABYSS CONSTRUCTION, LLC** for Water, Sanitary Sewer and Storm Drainage Systems to serve Section Eight, Phase B of the Greenpark Subdivision; approving and authorizing assignment of construction contract to **LENNAR HOMES OF TEXAS LAND & CONSTRUCTION, LTD.**, CIP S-0800-E7-3 & R-0800-E7-3 (DPC-077) **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Member Berry absent. ORDINANCE 2005-0988 ADOPTED.
47. ORDINANCE awarding construction contract to **B & D CONSTRUCTION CO., INC** for construction of Water, Wastewater and Drainage Facilities serving Section Three of the West Orem Place Subdivision; approving and authorizing assignment of construction contract to **S.S.M., L.P.**, CIP S-0800-F1-03 & R-0800-F1-03 (DPC-082) - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Member Berry absent. ORDINANCE 2005-0989 ADOPTED.
48. ORDINANCE awarding construction contract to **PACE SERVICES, L.P.** for Water, Sanitary Sewer and Storm Drainage Systems to serve Section One of the Pierce Junction

Village Subdivision; approving and authorizing assignment of construction contract to **CANNATA CONSTRUCTION**, CIP S-0800-F4-3 & R-0800-F4-3 (DPC-080) - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Member Berry absent. ORDINANCE 2005-0990 ADOPTED.

49. ORDINANCE awarding construction contract to **CROSTEX CONSTRUCTION, INC** for construction of Water, Sanitary Sewer and Drainage Systems to serve the Kingspoint Gardens Subdivision; approving and authorizing assignment of contract to **ACCESS-ALL-SERVICES, LLC**, CIP S-0800-F2-3 & R-0800-F2-3 (DPC-081) - **DISTRICT E - WISEMAN** – was presented. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Member Berry absent. ORDINANCE 2005-0991 ADOPTED.

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

MISCELLANEOUS

2. REQUEST from Mayor for confirmation of the appointment of the following to the **HOUSTON MEDIASOURCE BOARD OF DIRECTORS**, for terms to expire December 31, 2006:

Position One - **MR. MANUEL “MARCELLO” AUGUSTO MARINI**
Position Three - **MS. PATTY NILSSON**
Position Five - **MR. RODNEY E. NATHAN**
Position Seven - **MR. J. ALLEN PROVOST**
Position Eleven - **MR. RUDY GONZALEZ**
Position Thirteen - **MS. TERRI BAILEY PARRIS**
Position Fifteen - **MR. AL VERA**

– was presented, moved by Council Member Khan, seconded by Council Member Alvarado. Council Member Berry absent.

Council Member Wiseman moved to postpone Item No. 2 for one week, seconded by Council Member Ellis. Council Member Berry absent.

After discussion a vote was called on the motion to postpone Item No. 2 for one week. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Member Berry absent. MOTION 2005-0819 ADOPTED.

After further discussion by Mayor White and Members of Council, Council Member Edwards stated that she wanted to know if the previous Board of Directors were out of compliance, and Mayor White asked the nominated Members of the Media Source Board of Directors present in the audience to stand and be recognized and thanked them for their willingness to serve.

3. REQUEST from Mayor for confirmation of the appointment of **MS. GILDA MCFAIL** to Position Nine to the **HOUSTON MEDIASOURCE BOARD OF DIRECTORS**, for a term to expire December 31, 2006 – was presented, moved by Council Member Khan, seconded by Council Member Quan, and tagged by Council Members Wiseman and Sekula-Gibbs absent.
5. RECOMMENDATION from Director Planning & Development Department to accept the July 2005 Semiannual Report and Recommendations of the Planning Commission, acting as the Capital Improvements Advisory Committee, relating to the implementation of the Water and Wastewater Impact Fees Program – was presented, moved by Council Member Khan, seconded by Council Member Sekula-Gibbs.

Council Member Quan stated that he wanted to thank Mr. Paul Nelson and his department for meeting with him and going over some of the recommendation and explaining how they had come to some of their conclusion, that it was enlightening.

A vote was called on Item No. 5. All voting aye. Nays none. Council Member Galloway out of the city on city business. MOTION 2005-0820 ADOPTED.

- 5a. RECOMMENDATION from the Director Department of Public Works & Engineering to transfer revenues and interest generated by the Water and Wastewater Impact Fees in the amount of \$6,394,810.03 to Revenue Bond Debt Service as recommended in the July 2005 Semiannual Report of the Capital Improvements Advisory Committee (CIAC) - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Galloway out of the city on city business. MOTION 2005-0821 ADOPTED.

DAMAGES - NUMBER 7

7. RECOMMENDATION from City Attorney for settlement of lawsuit styled **TAMMY THATCHER** v. Edward L. Rutland; in the 61st Judicial District Court of Harris County, Texas; Cause No. 2004-34642 - \$27,500.00 - Property and Casualty Fund - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Galloway out of the city on city business. MOTION 2005-0822 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 14 through 50

14. RESOLUTION designating a certain property located at 3274 Holman Street in the City of Houston as a Historic Landmark - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Galloway out of the city on city business. RESOLUTION 2005-0018 ADOPTED.
15. ORDINANCE **AMENDING ARTICLE IV OF CHAPTER 47 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Developer Participation Contracts - was presented.

Council Member Quan stated that he had a chance to talk with the Greater Houston Builders Association and from what they told him the item would hopefully alleviate two or three months of delay as far as construction planning for builders who wanted to build in the City of Houston and wanted to thank the department for their efforts in the area.

Council Member Ellis stated that he wanted to echo his sentiments as well and compliment the administration for allowing them to go out and have competitive bids on their own and expedite the process, that he thought it was a win win for the developers and the City of Houston.

A vote was called on Item No. 15. All voting aye. Nays none. Council Member Galloway out of the city on city business. ORDINANCE 2005-0992 ADOPTED.

16. ORDINANCE **AMENDING CHAPTER 12 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to provide for the creation of a Public Parking Commission; providing for the appointment of the members thereof and prescribing their qualifications; specifying the jurisdiction and authority of the Public Parking Commission and setting forth its powers and duties – was presented. All voting aye. Nays none. Council Member Galloway out of the city on city business. ORDINANCE 2005-0993 ADOPTED.

Mayor White stated that Mr. Frank Michel had handed out a written one page statement

which was a recording of what he had stated yesterday at the mike, that it was more or less the object of the issue and the work that had been done by Mayor Pro Tem Alvarado and others.

After discussion by Council Members, Council Member Garcia stated that the one thing that he wanted to point out when he met with the Mayor Pro Tem Alvarado and Ms. Liliana Rambo was the connectivity between the Planning Commission and the Parking Commission, that if they could make sure to have some work at the Planning Commission so that Ms. Rambo would have an opportunity to see development plans before they were finalized and approved so they were being consistent across the board with the effort, and Mayor White stated that he had communicated with Mr. Lewis and to have an expert group to make recommendations to the Planning Commission, he thought, would be extremely helpful.

Mayor White stated that he would welcome the suggestions of people around the Council table for people who they thought would create the full diversity of the community that they could put on the particular commission who would do a great job.

A vote was called on Item no. 16. All voting aye. Nays none. Council Member Galloway out of the city on city business. ORDINANCE 2005-0993 ADOPTED.

17. **ORDINANCE AMENDING SECTION 33-14 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to add an additional Ex Officio Member to the Planning Commission – was presented. All voting aye. Nays none. Council Member Galloway out of the city on city business. ORDINANCE 2005-0994 ADOPTED.
18. **ORDINANCE AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to transferring the Parking Management Division and its functions, personnel and funding to the Convention and Entertainment Facilities Department; containing findings and other provisions relating to the foregoing subject; providing an effective date; providing for severability - was presented.

Council Member Goldberg stated that he was looking at an email that was sent out by Ms. Rambo and it stated “any net revenue after O&M expenses and Debt Service for new parking related investment should be designated for specific purposes now”, but it did not say what to do with the net revenue and he looked through the agreement that they were about to vote on and it did not say where the net revenue went, and he was talking about all the net revenue that was collected that was not spent on parking, that there was nothing say where it goes, that they had the problem before when they had the Any Lawful Purpose, and offered the following written motion to amend Item No. 18:

I move that agenda item 18 be amended as follows:
“Section 7 shall include the following:
Any and all net revenue shall be transferred to the general fund.”

After a lengthy discussion by Council Members a vote was called on Council Member Goldberg’s motion to amend Item No. 18. All voting aye. Nays none. Council Members Edwards and Berry absent. MOTION 2005-0823 ADOPTED.

After further discussion a vote was called on Item No. 18 as amended. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Members Edwards and Berry absent. ORDINANCE 2005-0995 ADOPTED AS AMENDED

20. ORDINANCE granting the petition of **THE WOODLANDS LAND DEVELOPMENT COMPANY, L.P.** to include certain land in Montgomery County, Texas within the extraterritorial jurisdiction of the City of Houston; expanding and extending the extraterritorial jurisdiction of the City of Houston to include all of such land in accordance with section 42.022(b) of the Texas Local Government Code - was presented. All voting

aye. Nays none. Council Member Galloway out of the city on city business. Council Members Edwards and Berry absent. ORDINANCE 2005-0996 ADOPTED.

29. ORDINANCE terminating **REINVESTMENT ZONE NUMBER TWENTY-ONE, CITY OF HOUSTON, TEXAS (HARDY/NEAR NORTHSIDE TIRZ)**; containing findings and provisions related to the foregoing subject; providing a severability clause - **DISTRICT H – GARCIA** - was presented. Mayor White absent. Mayor Pro Tem Alvarado presiding.

Council Member Quan asked if with this item did it mean that the proposal, which was approved previously for the redevelopment of the Hardy Yards had now been withdrawn or where did they stand on that, that he would tag Item No. 29. Mayor White absent. Mayor Pro Tem Alvarado presiding.

Council Members Garcia, Green and Sekula-Gibbs stated that they would tag Item No. 29. Mayor White absent. Mayor Pro Tem Alvarado presiding.

Council Member Garcia stated that he had given the administration a letter because he wanted some specifics as to how they were going to accomplish some of the things that were going to be spelled out in the current TIRZ plan, so he was not ready to move forward on the item until he got some specifics from the administration. Council Member Alvarado absent.

Mayor White stated that in the next several years in some area encompassed by the TIRZ, between investments made by Metro and the City, there was going to be more public investment than any 100 acre place in the whole City of Houston, massively much more than was contemplated by the TIRZ, that he did not think a lot of people understood that, that they had come within 24 months within something where nobody was ever going to invest a dime in it and they had the remediation problem to, one of the hottest places of real estate speculation there was because there was going to be so much public money invested in this particular area in part, that as circumstances changed then they had to be change and be flexible to adjust, that it would take some communication and that was where they wanted to thank Council Member Garcia for helping in that communication and welcomed comments from Council Members concerning how best they could accomplish that purpose, that there were at least three or four specific TIRZs which had appeared to either accomplished their project or the original conception of those was completely different than what was going on right now, that he wanted to get those in writing to everybody. Council Members Goldberg and Khan absent.

Council Member Sekula-Gibbs asked if any of the remediation occurred and she believed it was a Canadian based company that was scheduled to actually improve the quality of that land prior to building any of those homes and did any of that occur or was the land still in a condition where the yard was contaminated and they would have to do that and who owned the land now. Council Members Goldberg and Khan absent.

Mayor White stated that there were good people involved but he thought it was a lesson or example of how they should be humble about these TIRZs, there was an estimate about the remediation costs, there was an amendment made at the Council table limiting the public share to the difference between \$1.2 million and \$1.5 million on a 43 acre site that was in the middle of the TIRZ, but then the person who had hired the consultants and all and had bought the land to do that type of thing was trying to sell it and would probably sell it for tens of millions of dollars of markup, the remediation costs were insignificant compared to the current market value of the land, that he did not know if the remediation had been done, but it would be done regardless of public expenditures, that the TIRZ board was appointed, it was passed in December 2003, and as made clear from discussion they were to come back to the Council with a plan and a budget and basically it never got to that stage, that the affordable housing component would not be lost, it would be increased, that they had talked in the original plan about 4 acres of affordable housing, but he wanted to put 8 acres of affordable housing there and use housing bond funds if necessary, because he thought it would be done faster and more efficiently that way than to use

the TRIZ mechanism, so they could make sure that the Near Northside residents had more control if everything had to go before the City Council. Council Members Goldberg, Green and Berry absent.

After further discussion Mayor White stated that he wanted to take control of the City's destiny when they were using public dollars and not letting developers tell them what they were willing to do with the City's money, that the item had been tagged. Council Member Berry absent.

30. ORDINANCE amending Ordinance No. 95-743, passed June 28, 1995, as subsequently amended, which approved and authorized the submission of the 1995 Consolidated Plan and the grant application for the Home Investment Partnerships ("HOME") Program, among others, to the United States Department of Housing and Urban Development under the authority of the Title II of the Cranston-Gonzalez National Affordable Housing Act, as amended – was presented.

Council Member Quan stated that on Item Numbers 30 through 34, he believed that Mayor White had gone through the budgets for the past years, 1995, 1996, 1998, 2002 and 2003 and found somewhere in the order of \$11 million that could be reprogrammed but they needed to do that reprogramming very quickly or else they had to return the money back to the federal government, that the projects had in fact been identified that they would have the monies redirected to, that it did come before the Neighborhood Housing and Redevelopment Committee and thought they passed it unanimously and he hoped that answered some of the concerns that people had as they looked at the items. Council Members Garcia and Berry absent.

A vote was called on Item No. 30. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Members Garcia and Berry absent. ORINANCE 2005-0997 ADOPTED.

31. ORDINANCE amending Ordinance No. 96-665, passed June 26, 1996, as subsequently amended, which approved and authorized the submission of the 1996 Consolidated Plan and the grant application for the Home Investment Partnerships ("HOME") Program, among others, to the United States Department of Housing and Urban Development under the authority of the Title II of the Cranston-Gonzalez National Affordable Housing Act, as amended - was presented. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Members Garcia and Berry absent. ORINANCE 2005-0998 ADOPTED.
32. ORDINANCE amending Ordinance No. 98-474, passed June 17, 1998, as subsequently amended, which approved and authorized the submission of the 1998 Consolidated Plan and the grant application for the Home Investment Partnerships ("HOME") Program, among others, to the United States Department of Housing and Urban Development under the authority of the Title II of the Cranston-Gonzalez National Affordable Housing Act, as amended - was presented. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Members Garcia and Berry absent. ORINANCE 2005-0999 ADOPTED.
33. ORDINANCE amending Ordinance No. 2002-0512, passed June 12, 2002, as subsequently amended, which approved and authorized the submission of the 2002 Consolidated Plan and the grant application for the Home Investment Partnerships ("HOME") Program, among others, to the United States Department of Housing and Urban Development under the authority of the Title II of the Cranston-Gonzalez National Affordable Housing Act, as amended - was presented. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Members Garcia and Berry absent. ORINANCE 2005-1000 ADOPTED.

34. ORDINANCE amending Ordinance No. 2003-0620, passed June 25, 2003, as subsequently amended, which approved and authorized the submission of the 2003 Consolidated Plan and the grant application for the Home Investment Partnerships ("HOME") Program, among others, to the United States Department of Housing and Urban Development under the authority of the Title II of the Cranston-Gonzalez National Affordable Housing Act, as amended - was presented. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Members Garcia and Berry absent. ORINANCE 2005-1001 ADOPTED.
35. ORDINANCE approving and authorizing contract between the City of Houston and **JPMORGAN CHASE BANK, N.A.**, for Securities Safekeeping Services - was presented. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Members Garcia and Berry absent. ORINANCE 2005-1002 ADOPTED.
36. ORDINANCE amending Ordinance No. 2005-278 to establish a maximum contract amount for contract between the City of Houston and **FRIED, FRANK, HARRIS, SHRIVER & JACOBSON** to lead a project to review the operations and procedures in the Crime Laboratory – was presented.

Upon questions by Council Members, Mayor White stated that to the expanded scope of the work, there were approximately 700 cases or so that were going to be reexamined as part of it so the scope expanded somewhat based on what happened during Phase I, that did not account for all of the price increase, but certainly he did not think anybody could attest to the extent that there was actually new work being done, that there was some justification that it ought to be done, that Council Member Khan had asked for the source of funds, he had just read the specific provisions and besides the contribution from the County through the DA, subject to County Commissioners Court approval, and he really appreciated the DA understanding that it was a collective responsibility for making sure that people had confidence that the criminal justice system was just, that there were things that they had been working on hard to provide more services for the same amount of dollars or the same services for reduced dollars and that was called efficiency and there were two efficiencies, both in the cost of the tax anticipation and the Solid Waste Disposal Contract that would be used for this purpose; that as to Mr. Bromwich talking with ex employees he would suggest that Council Member Khan and Council Member Garcia discuss the case and if they decided there was some procedure that they had to use, Mr. Bromwich had stated to the City Council he did not think that the inability to have subpoena powers impeded his ability to obtain information, with perhaps one possible exception, out of 100 somewhat people, he believed he had gotten good and full cooperation; that Mr. Bromwich, who was very well qualified, expressed to the press, after his last appearance, that he certainly hoped that this would be the last escalation, that obviously if there were some new developments then they would have to consider it on a case by case basis.

After further discussion by Council Members, a vote was called on Item No. 29. Council Member Lawrence voting no, balance voting aye. Council Member Galloway out of the city on city business. Council Members Wiseman and Holm absent. ORDINANCE 2005-1003 ADOPTED.

37. ORDINANCE approving and authorizing contract between the City of Houston and **GODWIN GRUBER, LLP**, for Legal Services in connection with City of Houston v. Robert Jackson in the Supreme Court of Texas - \$50,000.00 - Property and Casualty Fund - was presented. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Members Wiseman and Holm absent. ORINANCE 2005-1004 ADOPTED.
38. ORDINANCE approving and authorizing the City of Houston to enter into contracts with each of four (4) Independent School Districts [**ALIEF ISD, CLEAR CREEK ISD, HOUSTON ISD** and **SPRING BRANCH ISD**] and with each of seven (7) Non-profit

Organizations [**ALIEF MONTESSORI COMMUNITY SCHOOL, CHANCELLORS FAMILY CENTER, CHINESE COMMUNITY CENTER, JULIA C. HESTER HOUSE, INC, LIFE-STYLES RECREATIONAL CENTER, YOUNG MEN'S CHRISTIAN ASSOCIATION OF THE GREATER HOUSTON AREA, AND YOUNG WOMEN'S CHRISTIAN ASSOCIATION OF HOUSTON**] to administer an After School Achievement Program ("ASAP") - \$1,615,000.00 - General and Grant Funds - was presented. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Members Wiseman and Holm absent. ORINANCE 2005-1005 ADOPTED.

40. ORDINANCE appropriating \$2,000,000.00 out of Airport System Consolidated 2001 AMT Construction Fund and approving and authorizing Amendment No. 1 to construction Contract 54607 by and between the City of Houston and **CADDELL CONSTRUCTION CO., INC** for Terminal C Interior/Utility Upgrade at George Bush Intercontinental Airport/Houston (Project 490D, CIP A-0322 and A-0422 - **DISTRICT B – GALLOWAY** – was presented, and tagged by Council Member Quan.
41. ORDINANCE appropriating \$79,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing first amendment to Professional Architectural Services Contract between the City of Houston and **PIERCE GOODWIN ALEXANDER & LINVILLE, INC** for Renovation and Addition of Cullen Maintenance Facility, GFS R-0534-01-2 - **DISTRICT D - EDWARDS** - was presented. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Member Holm absent. ORINANCE 2005-1006 ADOPTED.
50. ORDINANCE No. 2005-958 passed first reading August 17, 2005
ORDINANCE **AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Impact Fees for Water and Wastewater Facilities - **SECOND AND FINAL READING** - was presented.

After discussion by Council Members a vote was called on Item No. 50. All voting aye. Nays none. Council Member Galloway out of the city on city business. ORDINANCE 2005-0958 ADOPTED SECOND AND FINAL READING.

MATTERS HELD - NUMBERS 52 through 58

52. 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 42 on Agenda of August 10, 2005, POSTPONED BY MOTION #2005-782**) - was presented. All voting aye. Nays none. Council Member Galloway out of the city on city business. ORINANCE 2005-1007 ADOPTED.
53. MOTION by Council Member Khan/Seconded by Council Member Alvarado to adopt recommendation from Director Department of Public Works & Engineering for approval of FY2006 Operating Budget for the **HOUSTON AREA WATER CORPORATION (HAWC)** \$20,345,353.00 - Enterprise Fund - (**This was Item 4 on Agenda of August 17, 2005, TAGGED BY COUNCIL MEMBERS QUAN and SEKULA-GIBBS**) - was presented.

Council Member Quan stated that last week he tagged Item No. 53 because Mr. Jeff Taylor was unavailable and he had a chance to visit with him and he wanted to applaud the efforts of the HAWC, a lot of the concerns he had were being addressed, one of the things were the standards they were setting for the water quality for that water plant which were higher than any other water plant that they had, just to see if that was what they needed to be doing in the long run, with energy costs going up higher and higher, Mr. Taylor said that was something they needed to be looking at, as well to make sure they maintained a fairly reasonable budget

because all the chemicals they had to put in to attain that quality standard were being passed back to the City, so he thought Mr. Berg was looking at that, and he also wanted to look at the MWBE qualifications as far as the operating unit and was pleased that Mr. Berg was looking at that as well, so he was now satisfied with the item.

Council Member Sekula-Gibbs stated that as Council Member Quan stated with the improved quality came cost and she personally would like to them to achieve those standards, however they had to balance it with the reality that was in place, that she had discussed with Mr. Norman that if they did reduce the standards what was in their future in terms of the EPA in the near term, that there were recommendations out there that suggest that cities move toward higher and cleaner water standards nationally and if they declined or reduced those standards they may turn around and in the very near term find that they had to reverse again and it may cost them, more than the small savings that they incur in the near term and that was her concern.

A vote was called on Item No. 53. All voting aye. Nays none. Council Member Galloway out of the city on city business. MOTION 2005-0824 ADOPTED.

54. ORDINANCE approving and authorizing Real Estate Marketing Agreement with **CUSHMAN & WAKEFIELD OF TEXAS, INC** in connection with the Fannin Parking Garage (1112 Clay Avenue, Block 316 S.S.B.B.) - **DISTRICT I - ALVARADO - (This was Item 15 on Agenda of August 17, 2005, TAGGED BY COUNCIL MEMBER GREEN)** - was presented, and tagged by Council Member Wiseman.

Council Member Green stated that he had talked to several people about the contract and was still very concerned, that he was excited about the prospect of using private brokers to sell some of the City property because he thought it was the best way to maximize their dollar, unfortunately on this item he was concerned, that unfortunately this was the contract that did just the opposite of what they were trying to do, it had been told to him that it was such a sophisticated deal that only two people in town could possibly have been able to do it, that he found it personally insulting and found it insulting to every small business, every minority business and every woman business in the City, that it was so sophisticated that only one person from one particular demographic could possibly do it, that he thought it was wrong, that it had been told to him that because this person had sold all the property in downtown that they were the best people around, that he had met with Mr. Cook and thought he was a very good person and did excellent work, but if there was ever a case, and he knew there had been an argument that in some areas was there even a need for an MWBE program, was there even a need for small business program, and this was prima facie evidence that there was one because he thought a few people sat around and said they knew who sold all the property downtown and not to look at anybody else because they were not qualified enough to sell it and they picked out of the two groups that they were most familiar with, within their realm of expertise, that if only they had looked at the sale of the HISD Administration Building, that was a \$38 million, a small minority firm worked on that deal, the purchase of the new property to build a new HISD Administration Building, that was done by a small minority firm, that he thought when they only looked to their circle to find vendors in the City, he thought was wrong, that it was potentially a \$15 million sale or more of a building and although the Cushman Wakefield Firm had reduced their fee it still added up to a couple of hundred thousand in fees, that he believed they were headed in the wrong direction if they continued to pick contracts like this, that it was absolutely an insult to everybody who took time to come down here and they were small business and said they did good work but nobody would give them a chance, that they did not want a handout they just wanted them to consider them, that he thought that many people in the City would wish that they would get the sale of a \$15 million building just dropped in their lap, because that was what happened in this case, that he was beginning to notice a pattern that when it came to high level, intellectual capacity, they only looked to a certain demographic, that he tagged the contract when it dealt with the law firm for the environmental issues but he was beginning to notice the pattern and thought it was the wrong message that they needed to

send, that he was not going to delay the item because he knew a two week delay was not going to change the thought process that went behind it, that was forty and fifty years in the making, that his biggest concern was when they looked at things like this, that they did not just take it upon themselves to exclude people that they did not know about, because that was not what diversity was, that was not what small business was, that it did not have anything to do with Black or Hispanic or anything because there were small brokers who did commercial work who were not even considered.

Mayor White stated that the intent would be, for example, he had people coming in all the time wanting to know why one law firm or one lawyer got the lion's share of the City's outside legal work, Mr. Alton Hall, that it was because he was dealing with the biggest matter and had the most expertise, that he dealt with him every week, that there were only a handful of people who had Alton's experience before the PUC, Public Utility Commission, that he knew where Council Member Green was coming from on the issue of brokerage and all that and he would tell them that on parking garages downtown they were not normal listings, that the garage was worth one thing based on its fair market value and it was based on another amount for the adjacent land owners, that the fact that it came from one demographic group was bad, that part of it was the attitude of the City Council, they were not going to sell it at just any price, that he knew big brokers and did not have any input except to say to get the best value for the dollar.

After further discussion by Council Members, Mayor White stated that Item No. 54 had been tagged by Council Member Wiseman.

55. ORDINANCE approving and authorizing contract between the City and the **TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ)** for the City's Air Pollution Control Program - \$776,854.00 - Grant Fund - **(This was Item 16 on Agenda of August 17, 2005, TAGGED BY COUNCIL MEMBER SEKULA-GIBBS)** - was presented.

Council Member Sekula-Gibbs stated that she had tagged the item because information had come to her desk regarding the TCEQ termination of another component of a contract that came to the attention of the media and was in the Chronicle recently and that was the fact that the City lost the TCEQ contract to inspect chemical plants and refineries and she was concerned that this contract would have a bearing on the City's loss of the TCEQ to inspect, that the contract before them was actually the City's contract to collect the data and to actually place the monitors, that it was a different component of the contract but thought they went hand in hand and both part of the City's tremendous effort to work hard to decrease air pollution and to decrease the number of high ozone days that they had.

Mayor White stated that they were going to increase not decrease the amount of environmental inspection in this region, the TCEQ would contract with others and would do additional inspections. Council Member Berry absent.

Council Member Alvarado stated that yes they lost some funding but thought it was clear why, that it was because TCEQ refused to sign an agreement that added enforcement provisions, the City wanted to expand its enforcement responsibilities, and Mayor White stated that the TCEQ wanted to limit the City's ability to bring action that it was entitled to bring under State law, compared to what it had last year because they were being to vigorous, and Council Member Alvarado stated that they were not going to stop inspecting, they were just going to be doing it at the City's expense, that was the way she understood it. Council Members Wiseman, Green and Berry absent.

A vote was called on Item No. 55. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Members Wiseman, Green and Berry absent. ORDINANCE 2005-1008 ADOPTED.

56. ORDINANCE allocating additional funds to contract between the City and **MAXIMUS, INC**

for the Integrated Case Management System (ICMS) for Municipal Courts; providing a maximum contract amount - Total additional funding - \$6,516,686.00 - Municipal Courts Technology and Other Funds - **(This was Item 18 on Agenda of August 17, 2005, TAGGED BY COUNCIL MEMBERS KHAN, HOLM and GOLDBERG)** - was presented. Council Members Wiseman, Green and Berry absent.

After discussion by Council Members, a vote was called on Item No. 56. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Members Wiseman, Green and Berry absent. ORDINANCE 2005-1009 ADOPTED.

Council Member Green moved to suspend the rules to remain in session beyond the scheduled recess to conclude the business agenda, seconded by Council Member Khan. All voting aye. Nays none. Council Member Galloway out of the city on city business. Council Member Berry absent. MOTION 2005-0825 ADOPTED.

57. ORDINANCE awarding contract to **MCLEMORE BUILDING MAINTENANCE, INC** for Cleaning and Janitorial Services for Various Departments; providing a maximum contract amount - 1 Year with four one-year options - \$18,836,112.50 - General, Enterprise and Other Funds - **(This was Item 21 on Agenda of August 17, 2005, TAGGED BY COUNCIL MEMBER QUAN)** - was presented. Council Members Wiseman and Berry absent.

After discussion by Council Members, a vote was called on Item No. 57. Council Members Quan and Khan voting no, balance voting aye. Council Member Galloway out of the city on city business. Council Members Wiseman and Berry absent. ORDINANCE 2005-1010 ADOPTED.

58. RECOMMENDATION from Finance & Administration Department to award to **HACH COMPANY** for Chemicals, Water Testing for the Department of Public Works & Engineering - \$441,823.00 Enterprise Fund - **(This was Item 29 on Agenda of August 17, 2005, POSTPONED BY MOTION #2005-800)** - was presented, moved by Council Member Alvarado, seconded by Council Member Garcia. Council Members Wiseman and Berry absent.

After discussion by Council Members, a vote was called on Item No. 58. Council Member Khan and Quan voting no, balance voting aye. Council Member Galloway out of the city on city business. Council Members Wiseman and Berry absent. MOTION 2005-0826 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Edwards stated that she wanted to commend Council Member Alvarado regarding the whole Crime Lab and DNA Lab situation, that she had brought up the issue about three years ago on Council regarding the roof and rape cases and she wanted to thank her for bringing it to the Council table. Council Members Wiseman, Ellis, Quan, Sekula-Gibbs and Berry absent.

Council Member Edwards stated that she wanted to congratulate the Knowles family and Destiny's Child, that it was an awesome concert that they put forward on August 20, 2005 and really represented the City very well. Council Members Wiseman, Ellis, Quan, Sekula-Gibbs and Berry absent.

Council Member Edwards stated that on Saturday the Houston Comets would take on Lisa Leslie and the Sparks and if they could encourage the girls to win the game on Saturday they would really appreciate it. Council Members Wiseman, Ellis, Quan, Sekula-Gibbs, Green and Berry absent.

Council Member Lawrence stated that she wanted people in District A to know that of the six school districts they had they would be doing a bicycle safety for each elementary school in the district and the Parks Department Doug Earl would be assisting them along with some Neighborhood Protection people so she looked forward to the bicycle clinics they would be having during September, October and November. Council Members Wiseman, Ellis, Quan, Sekula-Gibbs, Green and Berry absent.

Council Member Goldberg stated that on Thursday at midnight they would be moving the locomotive at Hermann Park, that the Southern Pacific Engine 982 was newly repainted and looked better than when it was new and put into operation, that on September 21, 2005 there would be a dedication ceremony. Council Members Wiseman, Ellis, Quan, Sekula-Gibbs, Green and Berry absent.

Council Member Garcia stated that he wanted to remind everybody that on Saturday was the Reach Out to Drop Outs Day and encouraged people to come out and volunteer for the important event. Council Members Wiseman, Ellis, Quan, Sekula-Gibbs, Green and Berry absent.

Council Member Garcia stated that on Saturday the Hispanic Firefighters would be holding a barbeque at 2910 Navigation. Council Members Wiseman, Ellis, Quan, Sekula-Gibbs, Green and Berry absent.

Council Member Khan stated he wanted to thank everyone for the District F C3 Cleanup. Council Members Wiseman, Ellis, Quan, Sekula-Gibbs, Green and Berry absent.

Council Member Khan stated that the Indonesian Republic Independence Day was being celebrated by the Consulate. Council Members Wiseman, Ellis, Quan, Sekula-Gibbs, Green and Berry absent.

Council Member Khan stated that Pico Mexican Restaurant was asking for school supplies to help Braeburn Elementary School. Council Members Wiseman, Ellis, Quan, Sekula-Gibbs, Green and Berry absent.

There being no further business before Council, the City Council adjourned at 12:15 p.m. Council Members Wiseman, Ellis, Quan, Sekula-Gibbs, Green and Berry absent.

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary