

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

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, November 9, 2005, Mayor Bill White presiding and with Council Members Toni Lawrence, Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, M. J. Khan, Pam Holm, Adrian Garcia, Carol Alvarado, Mark Ellis, 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, Mr. Harlan Heilman, Senior Assistant City Attorney, Division Chief, Legal Department; Ms. Debra Dillard, Citizens Assistance Office; Ms. Marty Stein, Agenda Director, present. Council Member Gordon Quan absent on city business.

At 8:20 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:19 a.m. Mayor White stated that they would start the meeting with a group of students from the Harmony Science Academy who were present with a special presentation that they wanted to make to the people of Houston in the open City Council Chamber, that Mrs. Taylor's Class was the winning sixth grade class in a little competition in Council Member Goldberg's district and invited Mrs. Taylor and students, Kerry Key, Christian Urbina, Marie Parker and Narman Cavder to the podium. Council Members Galloway, Goldberg, Khan, Garcia, Alvarado, Green and Berry absent. (NO QUORUM PRESENT)

Mrs. Taylor stated that she was a Social Studies Teacher at Harmony Science Academy, that she had brought some of her students from her 6B Homeroom Class who won a contest for the Hurricane Katrina Relief Fund, raising the most in the homeroom class, that they had a check to present to the City of Houston in the amount of \$1,566.20 for the fund, that the students worked very hard and came up with a lot of creative ways to fund raise the money, that it was a very successful drive. Council Members Galloway, Khan, Garcia, Alvarado, Green and Berry absent.

Mayor White stated that he would come down and accept the check and would say thanks. Council Members Galloway, Khan, Garcia, Alvarado, Green and Berry absent.

At 9:23 a.m. Mayor White called the meeting to order and called on Council Member Holm who led all in prayer and pledge. Council Members Galloway, Garcia, Alvarado, Green and Berry absent.

Mayor White requested the City Secretary to call the roll. Council Member Quan absent on city business. Council Members Galloway, Garcia, Alvarado, Green and Berry absent.

Council Members Khan and Sekula-Gibbs moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Member Quan absent on city business. Council Members Galloway, Garcia, Alvarado, Green and Berry absent. MOTION ADOPTED.

### **MAYOR'S REPORT**

Mayor White stated that the first order of business would be the Monthly Financial Report, that Ms. Annise Parker, Controller, had a conflict so members of her staff, Mr. Rudy Garcia and Mr. James Moncur, were available and would be presenting the Controller's report. Council Members Galloway, Garcia, Alvarado, Green and Berry absent.

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

Mr. Garcia stated that they were presenting the Monthly Financial Report for the period ending September 30, 2005, an increase in Gas Franchise Fees and higher than expected Sales Tax receipts were being offset by the quarter cent cut in the property tax rate for a net increase in projected revenues of \$1.4 million, that on the expenditure column \$5.4 million in higher energy costs for Building Services and Solid Waste were being offset by decrease in health benefits and other personnel costs at HPD that were attributed to lower than budget staffing levels, leaving a net increase in expenditures of \$2.4 million, that overall they were projecting a shortfall of \$7.5 million in the General Fund or \$1 million more than last month, that in keeping with the Controller's promise at Monday's Fiscal Affairs Committee meeting they supplied an accounting of Katrina expenditures to date as well as an estimate of how much would be spent before the recovery concluded, that in case they missed Monday's meetings, copies of the information was placed at each of the Council Member's chairs, that additionally they prepared a handout addressing Council Member Garcia's questions about specific miscellaneous expenditures and that should also be at the Council table, that if they desired further information they could contact their office, and he would turn the presentation over to Mr. Moncur, so he could present the Quarterly Investment Report. Council Members Galloway, Goldberg, Khan, Garcia, Alvarado, Green and Berry absent.

Mr. Moncur stated that it was the Investment and SWAP Report, that as of September 30, 2005 the City had approximately \$1.8 billion invested and 98% of that money was in the General Investment Pool, the character of those investments was that they were of very high credit quality and their average majority was a little over one year, that a detailed listing of all the securities owned by the City appeared at the back of the Quarterly Investment Report, that as of September 30, 2005 the yield of the pool as 3.61%, which was up from 3.34% the prior quarter, that he would note that since September 2005 the Federal Reserve had increased short term interest rates from 3.5% to 4%, which was where it stood today, that of the funds that were invested in the General Investment Pool 36% belonged to the Combined Utility System, 31% belonged to the Airport System and about 18% belonged to the General Fund and General Fund related pools and 15% to Miscellaneous, that they had 2 other small investment pools that totaled about \$3 million to \$4 million and those pools existed because they requested requirements of the IRS in one case and the requirements of an insurance company for a reserve fund in the other case, that along with the Investment Report they had included with the MOFAR the Quarterly SWAP Report, which was as required by the City SWAP Policy, the SWAP Report covered two SWAPs, the first was a \$200 million Basis SWAP that was related to their General Obligation Debt, the objective of that SWAP was to reduce their Debt Service in exchange for taking out basis for it, the market value of that SWAP went down about \$300,000 over the last quarter, that their second SWAP was in the amount of \$653 million and it was for the Combined Utility System, the objective of that SWAP was to obtain a lower fixed rate that they could have obtained then by taking out conventional fixed rate bonds, that market value of that SWAP improved by \$17 million during the quarter, that by the request of Council they passed out an underwriter history for all of the deals they had done for the last years and the minority underwriters were highlighted. Council Members Galloway, Khan, Alvarado, Green and Berry absent.

Ms. Judy Gray Johnson stated that as they looked at the overall financial position for the General Fund compared to last month their revenues were a little bit lower than last month, but the opening fund balance estimate was higher than it was last month, their projections of expenditures had gone up a little bit primarily due to increased electricity bills and that was something they were actively working on, in fact there was a meeting later today with the Mayor to further explore what they could do to control those electricity bills, their ending Fund Balance for the General Fund was projected at \$114 million it was 8.3% of their expenditures less Debt Service, higher than their goal of 7.5%, so they were still in solid position compared to their goals and hoping they could keep with that fiscal discipline the rest of the year. Council Members Galloway, Khan, Garcia, Alvarado, Green and Berry absent.

After discussion by Council Members, Council Member Ellis stated that at the Fiscal

Affairs Committee meeting on Monday they had quite a lengthy discussion with regard to reimbursement from FEMA and with regards to Katrina and Rita, and he would encourage them, before the end of the year, to give a Mayor's Report because while a lot of the questions were answered not all Council Members served on that committee and therefore they were not privy to the information, as well as when some of the questions were asked he could not answer them and Ms. Johnson did the best that she could but there were some questions left unanswered, and Ms. Johnson stated that she had presented a memo at the Council table and they emailed that out in the morning and then distributed and had tried to go through all of the questions that were asked on Monday and if they had missed something or if there were still further questions they would be happy to follow up. Council Members Galloway, Khan, Garcia, Alvarado, Green and Berry absent.

Council Member Ellis moved to accept the Monthly Financial Reports, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Member Quan absent on city business. Council Members Galloway, Goldberg, Alvarado and Green absent. MOTION 2005-1040 ADOPTED.

Council Member Holm moved to suspend the rules to consider Item Numbers 1, 2, and 3 before the public session, seconded by Council Member Khan. All voting aye. Nays none. Council Member Quan absent on city business. Council Members Galloway, Goldberg, Alvarado and Green absent. MOTION 2005-1041 ADOPTED.

1. REQUEST from Mayor for confirmation of the reappointment of **MR. WILLIAM F. BURGE, III**, as Chair, to the **HARRIS COUNTY-HOUSTON SPORTS AUTHORITY BOARD OF DIRECTORS**, for a two-year term - was presented, moved by Council Member Khan, seconded by Council Member Wiseman. Council Members Galloway, Goldberg, Alvarado and Green absent.

Council Member Edwards stated that she applauded the work that the Sports Authority had done over the years, but would really like to see a commitment from the Sports Authority to be more involved with youth sports in the City, that there had been discussion regarding that and that they might need to change some type of mission statement or primary statement, but she thought that their City would fare well from a dedicated program that was dedicated to looking at youth sports in the City and the Sports Authority had done well with what their mission was initially, but she thought they would be well served if they could look at it seriously as a component of their overall mission. Council Members Goldberg, Alvarado and Green absent.

Mayor White stated that he thought that sentiment was shared by the majority of people on Council and on Commissioner's Court and there should be jointly some direction given and thought that the nominees in the City and the County, including the joint nominee of the Chair, would implement the direction they would give them and they ought to have some kind of meeting or hearing at some point, that he had done a lot of work on it and would like to make a report to his colleagues about what they could do to accomplish that purpose and to avoid any single wasted dollar. Council Members Goldberg, Alvarado and Green absent.

Council Member Lawrence stated that she agreed with her colleague and hoped that the Mayor's reports would show it, that she thought they needed to move in a different direction and needed to know what was going on, whether it was F&A reviewing the books, some of the things that she saw F&A doing that the Sports Authority did, she saw the County counterpart doing the same thing, that would save the money that they spend and that was where she had a problem, some of the expenses in their budget, so she hoped there were some innovative changes that were taking place in the Sports Authority. Council Member Goldberg absent.

Mayor White stated that if there was a duplicative overhead between the Bureau and the Sports Authority then every dollar was precious and they wanted to cut that out. Council Member Goldberg absent.

A vote was called on Item No. 1. Council Members Lawrence and Ellis voting no, balance voting aye. Council Member Quan absent on city business. Council Member Goldberg absent. MOTION 2005-1042 ADOPTED.

2. REQUEST from Mayor for confirmation of the appointment of **RHEA BROWN LAWSON, PhD**, as Director of the **HOUSTON PUBLIC LIBRARY SYSTEM** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. Council Member Goldberg absent.

Council Member Edwards stated that she had the opportunity to meet with Dr. Lawson and was excited about the opportunities that she thought Dr. Lawson would bring to the Library and the City. Council Member Goldberg absent.

A vote was called on Item No. 2. All voting aye. Nays none. Council Member Quan absent on city business. Council Member Goldberg absent. MOTION 2005-1043 ADOPTED.

Council Member Garcia moved to suspend the rules to hear from Dr. Rhea Brown Lawson at this time, seconded by Council Member Lawrence. Mayor White stated that if there was no objection it was so ordered. Council Member Goldberg absent.

Dr. Lawson stated that she wanted to thank Mayor White and the Council Members for their support and that she was ready to get to work.

Mayor White and Members of Council congratulated Dr. Lawson on her new appointment and wished her well in her new position.

3. REQUEST from Mayor for confirmation of the appointment or reappointment of the following as **Part-Time Municipal Court Judges** for two year terms:
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| <b>JOEL SALAZAR</b> , appointment             | <b>MEG A. OSWALD</b> , appointment         |
| <b>WALTER SCHROEDER</b> , reappointment       | <b>JOELLEN SNOW</b> , reappointment        |
| <b>SCOTT K. BOATES</b> , appointment          | <b>NIKITA V. HARMON</b> , reappointment    |
| <b>SHERILYN DAVIS EDWARDS</b> , appointment   | <b>THOMAS M. WHITWORTH</b> , reappointment |
| <b>MARGARET MUNOZ-HARKINS</b> , reappointment | <b>ARTURO D. DELEON, JR.</b> , appointment |
| <b>FAD WILSON, JR.</b> , appointment          | <b>BURHAN NOMANI</b> , appointment         |
| <b>YVONNE Q. TAYLOR</b> , reappointment       | <b>STEPHEN L. HONORE'</b> , appointment    |
| <b>ANDREW D. MARTIN</b> , appointment         | <b>TRI NGUYEN</b> , appointment            |
| <b>JAY D. HIRSCH</b> , reappointment          | <b>YOLANDA DANIEL COROY</b> , appointment  |
| <b>ANN C. ELLIS</b> , reappointment           | <b>JOSEFINA M. RENDON</b> , reappointment  |
| <b>URSULA A. HALL</b> , appointment           | <b>LYDIA JOHNSON</b> , reappointment       |
| <b>JOHN CHASE, JR.</b> , reappointment        | <b>ANA OTERO</b> , reappointment           |
| <b>SHERRY APPLEWHITE</b> , reappointment      | <b>WILLIAM A. ALLEN</b> , reappointment    |
| <b>GARY B. MADDOX</b> , reappointment         | <b>MIN UN LEE</b> , reappointment          |
| <b>OSWALD J. SCOTT, JR.</b> , reappointment   | <b>APRIL JILL WALKER</b> , reappointment   |
| <b>JO NELSON</b> , reappointment              | <b>AMPARO MONIQUE YAÑEZ</b> , appointment  |
| <b>ROBERT V. ROSENBERG</b> , appointment      | <b>LUIS A. VALLEJO</b> , appointment       |
| <b>RAUL RODRIGUEZ</b> , appointment           | <b>HOWARD L. SPEIGHT</b> , appointment     |

- was presented, moved by Council Member Khan, seconded by Council Member Wiseman.

Council Member Lawrence stated that when they had lists like they did on Item No. 3 she would appreciate having it divided into appointments and re-appointments, that it would help her out, that they had some outstanding part-time associate judges on the list, but due to her personal qualification standards, she would be voting no for the appointments.

Council Member Goldberg stated that he was heatedly was going to vote yes and wanted

to congratulate Judge Bertha Mejia for the selection process.

Mayor White stated that on Item No. 3 they were assisted a lot by Council Member Green, Associate Judge Moriority as well as Judge Mejia in trying to implement and look at every single individual in light of certain criteria that was established by him and by surveys of some of the stakeholders in the process and the fact that there were some people replacing folks who had served previously for judge, that he wanted to thank the people who were not re-appointed or appointed for their service. Council Member Alvarado absent.

Council Member Ellis stated that he would agree that it was a great pool of attorney's that were now going to serve or had been serving as part-time Municipal Court judges, that he would hope to get Council Member Lawrence's "yes" vote on the item and moved to divide the question between those being re-appointed and those being appointed for the first time, seconded by Council Member Alvarado. Council Members Goldberg, Edwards and Green voting no, balance voting aye. Council Member Quan absent on city business. MOTION TO DIVIDE THE QUESTION CARRIED.

After further discussion by Council Members, a vote was called on the re-appointments for Part-Time Municipal Court Judges. All voting aye. Nays none. Council Member Quan absent on city business. Council Member Wiseman absent. REAPPOINTMENTS CARRIED.

A vote was called on the newly appointed Part-Time Municipal Court Judges. Council Member Lawrence voting no, balance voting aye. Council Member Quan absent on city business. Council Member Wiseman absent. APPOINTMENTS CARRIED - MOTION 2005-1044 ADOPTED.

Mayor White and Members of Council congratulated Judge Mejia and the newly appointed and re-appointed Part-Time Municipal Court Judges and asked that they stand and be recognized, and Mayor White requested the family members present to also stand and be recognized. Council Member Wiseman absent.

Council Member Green moved to suspend the rules to hear from Judge Bertha Mejia, seconded by Council Member Khan. Mayor White stated that if there was no objection it was so moved. Council Member Quan absent on city business. Council Member Wiseman absent.

Judge Mejia stated that on behalf of all the judges she wanted to thank Mayor White and all the Council Members for their vote, that it was a good and wonderful process and she wanted to thank Mayor White, Council Member Green and Judge Moriority, and they promised to work hard. Council Members Wiseman and Alvarado absent.

Council Member Edwards stated that one of the new appointments, Mr. Stephen L. Honore', had been a strong advocate for a long time for justice in their community and a long time friend of the community and she was excited to see him on the bench and have that kind of balance and insight and wisdom on the bench. Council Members Wiseman and Alvarado absent.

At 10:11 Mayor White stated that they would move to the public session. Council Member Wiseman absent.

Ms. Suzanne Poole, P. O. Box 1035, Missouri City, Texas 77459 (281-438-5427) had reserved time to speak but was not present when her name was called. Council Members Wiseman, Khan, Garcia and Green absent.

Mr. Don McCoy, 2601 Lazybend, Pearland, Texas 77581 (281-701-0969) had reserved time to speak but was not present when his name was called. Council Members Wiseman, Khan, Garcia and Green absent.

Council Member Goldberg stated that he had a bet with the Vice Mayor Pro Tem of Chicago on the World Series and this was the official first Public Council Session since then so he was going to wear the Chicago White Sox cap and he also had to provide them some famous Gulf Coast shrimp. Council Members Wiseman, Garcia and Green absent.

Mr. Henry Holeman, 822 Hidden Valley, Houston, Texas (713-825-6640) appeared and stated that he wanted to support and participate in the SafeClear Program, but the program needed to be for all; that he was also strong in the real estate business and tried to stay out of the political limelight, but they needed to stop wasting the taxpayers money and they could not be discriminate; that he was about Houston and helping people, but could not if they kept taking money out of his back pocket. Council Members Wiseman, Khan, Holm, Garcia and Green absent.

Council Member Sekula-Gibbs stated they had not had much time to review changes proposed in the SafeClear Program and she was hearing frustration about not having a clear vision; and upon questions, Mr. Holeman stated that to think the program was fair it had to have an even keel; that he was not offered opportunity to participate but he was getting drops at his storage lot; that he did not have felons; and Council Member Sekula-Gibbs stated that as it now stood there was a rule, a lifetime ban against violent convicted felons, they were not to participate and a 7 year ban for a lesser felony; that there was a proposal to have GPS navigation equipment so the actual vehicle could be tracked and have a way to measure response time, etc.; and upon questions, Mr. Holeman stated that he already had a GPS, but all should be able to play if they wanted to play; and Council Member Sekula-Gibbs stated that she had questions and would like Officer Bender to meet with them and help fill in the blanks about what the change in the contract would actually mean. Council Members Edwards, Wiseman, Khan, Holm, Garcia, Alvarado and Green absent. (NO QUORUM PRESENT)

The City Secretary stated that Ms. Poole was now present and would speak after Ms. Rash. Council Members Edwards, Wiseman, Khan, Holm, Garcia, Alvarado and Green absent. (NO QUORUM PRESENT)

Ms. Jeanette Rash, 2101 Lyons, Houston, Texas 77020 (713-228-8872) appeared and stated that she was present on the SafeClear contract; that it took special people to do it and it was a commitment and she did need to buy special equipment so all could talk to each other and they also needed to train together; that people did not understand the danger they were in on a freeway, but she had been in it for years and understood the towing business; that there were over 400,000 tows in Houston in a year and they were talking about a small amount in comparison to the whole industry; that it was not just about towing but about cleaner air and saving citizens money in fuel cost and time; and it was also about Houston's image Council Members Wiseman, Garcia and Alvarado absent.

Mayor White thanked all those responsible in the towing industry for performing an important public service; that there were over 1,000 fewer accidents so far in comparison to the previous year; that she had made numerous suggestions and he thanked her for her helping to educate them in getting this right. Council Members Wiseman, Holm, Garcia and Alvarado absent.

Council Member Lawrence thanked Ms. Rash for her 40 years in the industry, for the education she provided her and the others at the Council table and for the improvements she had helped make nationally. Council Members Wiseman, Holm, Garcia and Alvarado absent.

Mayor White stated that if they wanted to continue to improve people were going to have to invest in more flatbed trucks and there had to be some incentive for operators to make the investment. Council Members Wiseman, Holm, Garcia and Alvarado absent.

Upon questions by Council Member Sekula-Gibbs, Ms. Rash stated that she knew everyone was checked again, as far as being a felon, but she would need to check with Auto Dealers Detail, with Captain Bender; and Council Member Sekula-Gibbs stated that was a very important aspect to her, having safe towing; that Council passed an important ban to keep them from participating and yet she was hearing there was waiving of that going on; and Ms. Rash stated that she totally supported that statewide. Council Members Lawrence, Wiseman, Khan, Holm, Garcia, Alvarado and Berry absent.

Council Member Ellis moved that the rules be suspended for the purpose of hearing from Mr. Tom Bazan out of order, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Member Quan . Council Members Lawrence, Wiseman, Holm, Garcia, Alvarado and Berry absent. MOTION 2005-1045 ADOPTED

Ms. Suzanne Poole, P. O. Box 1035, Missouri City, Texas 77459 (281-438-5427) appeared and stated that they agreed with Ms. Rash there were many vital components to SafeClear that none were aware of until the program was in court, however, they were not the only ones who could do this, many members had 10 to 20 years experience on how to take care of the situation and they wanted the program to be inclusive and that was why they went to court; that they wanted to be a part of the solution to the problem and that was why they fought so hard to get their people back and if it needed a GPS system and more extensive background checks that was okay; that the program could work three times better with more trucks and they were open to suggestion and communication, however, it had been 60 days since the Judge's order and they had yet seen any proposal in writing. Council Members Wiseman and Garcia absent.

Upon questions by Council Member Sekula-Gibbs, Ms. Poole stated that they often heard too many wreckers at the scene, price gouging, but those things were fixed in 2004 and the GPS would keep people from speeding and it had almost an infinity tracking system, she could go back six weeks and see who had availability at the location and how long it took to get there and what speed they were driving. Council Members Wiseman, Holm, Garcia and Ellis absent.

Mayor White stated that she had approached analytically one of the issues which was racing to the scene, but the other was making sure there was a requirement and accountability on some people that they would be at the scene with sufficient equipment and there had to be incentive for those you had requirements; and Ms. Poole stated that the association knew their resources and that they had to branch out to cover the territory along with the need and they would make sure the job was done, but on the felons someone at her company had a criminal record mixed with someone with a similar name and because it was a new issue she went to his hearing with him and followed the whole process and she saw a felon being put on the street and talked to the hearing officer who used discretion in putting such people on the street and they confronted him because Council had drawn up the ordinance to prohibit it, but yet some were going around it; that they were moved to other areas in the industry but they were still there; that they and Channel 26 had asked for the names, but were only getting part of the list as she saw some in the meeting she knew had felony records and were allowed to participate and one was with the company which had the credit card abuse; and Council Member Sekula-Gibbs stated that this was an important questions she brought up, what were they doing to make sure the public was safe and would like a response from Legal and Chief Hurtt that the rule passed was being enforced; and Mayor White stated that was fair enough. Council Members Lawrence, Wiseman, Holm, Garcia and Ellis absent.

Council Member Khan stated that he took a lot of pride in the safety; and upon questions, Ms. Poole stated that she had not seen the proposal, but the association made several different plans from an LLC to a management company for all their members and they were prepared to break it down by segment or zone; that they would be as flexible as possible and take on the responsibility of making sure their members who registered to do the job would do so; and Council Member Khan stated that as Council Member Sekula-Gibbs pointed out if there were

people who should not be on the street because of their criminal record then citizens had a right to know and as a public official it was their duty to point it out and bring it in the open and he would request the Administration have someone sit with her so she could share her information and if the ordinance was violated Council needed to know why; and Ms. Poole stated that they also had good no cost solutions for the city on evacuation and she had made numerous calls to the city and county; that Texas was one of the few states in the nation that did not include wreckers as first responders and they knew how to move traffic. Mayor White, Council Members Lawrence, Holm, Ellis and Green absent. Mayor Pro Tem Alvarado presiding.

Mr. Tom Bazan, P. O. Box 2786, Houston, Texas 77252 (713-466-4477) appeared, presented information and stated that he was present asking that Council ask the Mayor to direct the Housing Department to correct the situation he thought intolerable; that it was related to Housing reinstating a housing assistance program where funds were interrupted by HUD last year; that Mr. Wilson was remarkable and focused on trying to cure problems he inherited, but last Monday the Housing Department had a meeting to reintroduce the program which was reinstated on October 7th with industry professionals such as realtors, mortgage lenders and inspectors and in the current plan being implemented Housing would not allow properly certified and competent lead-based paint risk assessors to participate in the program; that they were trying to do it in-house so they would not have problems which occurred when Housing Opportunities of Houston was the gatekeeper for the program; that they were going to try and handle the load with the Health Department lead risk assessors and there were only 5 who were currently charged with trying to re-inspect about 5,000 homes which went through the program. Mayor White, Council Members Lawrence, Galloway, Wiseman and Holm, absent. Mayor Pro Tem Alvarado presiding.

Council Member Berry as a point of personal privilege introduced the third grade class with Schlenker School and asked them to stand to be recognized. Mayor White, Council Members Lawrence, Galloway, Wiseman and Holm, absent. Mayor Pro Tem Alvarado presiding.

Council Member Sekula-Gibbs asked that Mr. Bazan continue; and Mr. Bazan stated that he thought city employees inspecting for lead-based paint would do a proper job, but thought they would be overwhelmed with the demand and his second concern was the city would not allow properly certified and competent risk assessors to do the work; that he passed out a copy of a lead-based paint disclosure form, a formal addendum required under federal law; and Council Member Sekula-Gibbs stated he was the one who brought it to their attention inspectors were not doing their job and approving houses as being lead free and then it was discovered to be lead contaminated and sometimes children developed lead poisoning, but now Housing had moved to act on the concern and brought it in-house; and upon further questions, Mr. Bazan stated they needed to look at the reports, but by federal law the buyer was to choose the lead-based paint inspector and not the city. Mayor White, Council Members Lawrence, Galloway and Holm, absent. Mayor Pro Tem Alvarado presiding.

Council Member Sekula-Gibbs moved that the rules be suspended for the purpose of hearing from Mr. Milton Wilson of Housing, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Quan. Mayor White, Council Members Lawrence, Galloway and Holm absent. Mayor Pro Tem Alvarado presiding. MOTION 2005-1046 ADOPTED

Mr. Wilson appeared at the podium with a lead-based expert, Ms. Wanda Wimberly, who stated that they made the decision to bring lead inspection in-house to allow the Health Department to conduct the risk assessment so they could alleviate any confusion or problems in terms of children being lead poisoned or from putting people in homes where it was conducted; and upon questions, Mr. Wilson stated that they were willing to let the private sector participate; that they brought it in to correct the problem and they could now loosen up, he realized it blocked the entire small business community and they could change it. Council Members Lawrence, Galloway and Holm absent.

Upon questions by Council Member Ellis, Mr. Bazan stated that the lead-based paint inspectors were the only inspectors not being able to earn fees; and upon further questions, Mr. Wilson stated that the Health department did 100% of the inspections and they had eliminated a small business market for certified lead inspectors, but they were willing to change it and allow some for the private sector. Council Members Lawrence and Galloway absent.

Upon questions by Council Member Edwards, Mr. Wilson stated that they were probably talking about 4,000 houses yearly; that lead-based requirements came in and they had to re-inspect the houses, but they would get reimbursed; that once they were caught up it would be about 500 houses; and Council Member Edwards stated that she did not mind him having private inspectors, but she did not think the city was responsible to make sure they employed everyone and her concern was whether they could get the job done within the purview of a city employee or did they need to service the private industry; and Mr. Wilson stated that the city had the capacity to do this, however, he thought Mr. Bazan was right in that they blocked a private sector from doing it and they would change their policy. Council Member Galloway absent.

Mayor White stated that he was unaware of this, but for everyone's benefit, including Mr. Wilson, he would like to give the approach they were taking and that was the default policy of the City of Houston was that the criteria was cost effectiveness, if they had so many units and they were appropriately and adequately inspected by city employees and it was more cost effective than the private sector then they were going to use public employees and no one was entitled to get any city business; that if they had some private inspectors who were more cost effective and did the work than city employees, and he did not mean because they did not have health benefits and the city did because that would be factored in, but by equalizing the benefit if they were more cost effective then they would use the private sector; and to Mr. Wilson if he had more data and information that it may be more cost effective, but no private business was entitled to any city business and there was no city function exempt from potentially being done by private sector; and Mr. Bazan stated that the federal form stated specifically that the inspector or inspectors were selected by the buyer and he would stand on that; and Mayor White stated that he was unaware of that so in other words he was saying that whatever the city put in a form that was what they should do so they should make the form with the practice; and Mr. Bazan stated he was only talking about this particular incidence and the assessor was not to be imposed on them by the city and besides that it was out of closing transactions usually paid by the buyer and not always reimbursed in the transaction and now the city was absorbing that cost just like the SafeClear Program and the city cost just kept going up. Council Members Galloway, Garcia and Berry absent.

Council Member Sekula-Gibbs stated that they had to remember the city was in a HUD audit and stood to lose millions of dollars if they did not take corrective measures and that was why this was done, it had to be done and once all was taken care of they could get back to using best practices, certified inspectors, watch out for gouging, etc.; and Mayor White stated that they were dealing with closing companies and the cost was the enemy of affordable housing. Council Members Galloway, Garcia and Berry absent.

Council Member Holm moved that the rules be suspended for the purpose of hearing from Miss Kylie Gerst, Miss Callie Copeland, Miss Melanie Crocket, Miss Jennifer Nguy, Miss Amanda Thomaas, Miss Melinda Kalocsay and Miss Gloria Carrillo out of order, seconded by Council Member Khan. All voting aye. Nays none. Council Member Quan. Council Members Galloway, Garcia and Berry absent. MOTION 2005-1046A ADOPTED

Miss Callie Copeland, 65 Parkway Place, Bellaire, Texas 77401 (713-295-6500), Miss Kylie Gerst, 65 Parkway Place, Bellaire, Texas 77401 (713-295-6500), and Miss Melanie Crocket, 65 Parkway Place, Bellaire, Texas 77401 (713-295-6500), appeared as a group; and Miss Copeland stated that they were Team Get Out and concerned about the safety environment and from 1977 to 1998 the average death of firemen in the U. S. was over 500 and

it was caused by being trapped, not finding a way out; that their plan of action was they would like to change the exit sign colors from green to red; that a number of people got the red signs confused with the fire and ran away and with green there was no confusion; that they would also like locator chips in the Firemen's uniforms and they would be able to be tracked down and pinpointed and new technology with the chip allowed the building to be scanned and the Chief know exactly where each man was and he would be able to know which places to strongly caution and be able to send all out at once if necessary; that in surveying Houston firefighters 96% would feel safer with a chip and 36% felt fewer men would have died in 911 if they had the locator chips; and they felt it would be worth looking into. Council Members Lawrence, Galloway, Garcia, Alvarado, Sekula-Gibbs and Berry absent.

Council Member Khan stated that he appreciated their work; and upon questions, Ms. Copeland stated that the chip was made and used in California, it cost \$5,000.00 per transmitter so it may be about \$20,000.00 total; and Council Member Khan thanked them for bringing up something so important in helping firefighters. Council Members Lawrence, Galloway, Sekula-Gibbs and Berry absent.

Upon questions by Council Member Holm, one of the students stated that they had a project board they could leave with them for information; and presented it to Ms. Dillard. Council Members Lawrence, Galloway, Sekula-Gibbs and Berry absent.

Miss Jennifer Nguy, 65 Parkway Place, Bellaire, Texas 77401 (713-295-6500), Miss Amanda Thomaas, 65 Parkway Place, Bellaire, Texas 77401 (713-295-6500), Miss Melinda Kalocsay, 65 Parkway Place, Bellaire, Texas 77401 (713-295-6500), and Miss Gloria Carillo, 65 Parkway Place, Bellaire, Texas 77401 (713-295-6500), appeared as a group and Miss Nguy stated that an estimated 90,000 accidents were caused locally in the city of Bellaire when drivers ran red lights and nearly 20,000 were fatal and their team "Three Two One Go" had a solution; that a countdown meter might reduce accidents at intersections and they surveyed 100 drivers with 83% saying they thought the idea would reduce accidents; that the person contacted said it would cost about \$12,000 for a prototype to be installed, but they did not think he was reliable and found another contact who had not answered them back as yet, but would like Council to check into the product as they thought it would insure safety to drivers. Council Members Lawrence, Galloway and Sekula-Gibbs absent.

Council Member Edwards stated that these young people were involved and she would request that the Public Safety Committee look at their work and examine it to see if it might benefit the city. Council Members Lawrence, Galloway and Sekula-Gibbs absent.

Council Member Garcia stated that Council Member Edwards beat him to the punch, she was right and this was one of the things he told Mayor White after his return visit from China he wanted to share with him; and upon questions, Miss Nguy stated that she noticed the devices in China on a visit and thought it would help here, she believed it could have been Singapore; and Council Member Garcia stated that he would also like the number to their principal so he could contact them and see how they could get them involved in the Public Safety Committee Meeting. Council Members Lawrence, Galloway, and Sekula-Gibbs absent.

Mr. Manbub Rabbani, 10100 Westpark #660, Houston, Texas 77042 (713-780-4772) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Galloway, and Sekula-Gibbs absent.

Ms. Renita Patterson, 7425 Southhall, Houston, Texas 77028 (713-491-8918) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Galloway, and Sekula-Gibbs absent.

Ms. Deborah Elaine Allen, 1122 Sol Street, Houston, Texas 77029 (713-649-3985) had reserved time to speak but was not present when his name was called. Council Members

Lawrence, Galloway, and Sekula-Gibbs absent.

Mr. Joe Richardson, 6101 Bobby Burns, Houston, Texas 77028 (713-763-7527) appeared and stated that he lived in Settegast and had called the dog pound and police and today was present because of six dogs running loose; that the police came and talked to him and said the owner paid a fine before for the dog but why was he not fined again; that Animal Control had made numerous stops in his area but dogs were still roaming; and another problem was a weeded lot at 6110 Haight which he tried to get cut for two years, but he did not think he should be bothered with others dogs or the lot. Council Members Lawrence, Goldberg, Holm and Garcia absent.

Council Member Berry sated that this was not the way the process was to work and he had done the right thing, hopefully the process would be corrected. Mayor White, Council Members Lawrence, Goldberg, Holm and Garcia absent. Mayor Pro Tem Alvarado presiding.

Council Member Galloway stated that she was sorry the system failed him and she would be happy to look into this and get to the bottom it; and there were many lots in the area and the property owner was to keep them up, but many times they did not and she would look into that also. Mayor White, Council Members Lawrence, Goldberg, Holm and Garcia absent. Mayor Pro Tem Alvarado presiding.

Council Member Sekula-Gibbs stated there were problems in Animal control and they were looking for a new director; that Ms. Arnold was the temporary in charge and suggested he speak with her. Mayor White, Council Members Lawrence, Goldberg, Khan, Holm and Garcia absent. Mayor Pro Tem Alvarado presiding.

Mr. Frank Black, 5112 Clay, Houston, Texas 77023 (713-301-6813) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Galloway, Goldberg, Edwards, Khan, Holm, Garcia and Green absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Mary Lou Cozean, 5852 Lynbrook, Houston, Texas 77057 (713-785-1343) appeared and stated that she had been a property tax consultant for 15 years and served three terms on the Harris County Appraisal Review Board; that Council voted to lower the tax rate with approximately a \$6.00 savings to most per year, but she would propose a freeze on homesteaded properties for people over 65; that if they could have their taxes fixed as HISD did it would be a tremendous relief; that less than 10% of Houstonians were over 65, but she did not know how many had homestead properties though it could not be significant in the overall scheme. Mayor White, Council Members Lawrence, Galloway, Goldberg, Edwards, Khan, Holm, Garcia, Sekula-Gibbs and Green absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Oscar Garcia, 8650 Wednesbury Lane, Houston, Texas 77074 (713-271-6924) appeared and stated that he lived in the southwest area by Beechnut and Gessner and there was a new crematory facility next to his property and now they were getting a lot of odor and ashes on cars; that Health said there was nothing they could do because there were no regulations for that type of business in Houston, but he would like something done. Mayor White, Council Members Lawrence, Galloway, Goldberg, Khan, Holm, Garcia, Sekula-Gibbs and Green absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Alvarado stated that their deed restrictions had expired and funeral homes were regulated by the state and strongly urged him to contact his state representative, maybe they could investigate their license; and Mr. Garcia stated that he already contacted them and was told to go to Council; and Mayor Pro Tem Alvarado stated that she thought he should at least file a complaint at the state and have it on record; and Mr. Garcia stated that while it was on record they were still breathing the odors and having the ashes on the cars; that heat also

came from their machine; and Mayor Pro Tem Alvarado stated that with the odor issue the Health Department could investigate and Ms. Kathy Barton was present and would speak with him. Mayor White, Council Members Lawrence, Galloway, Goldberg, Khan, Holm, Sekula-Gibbs and Green absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Frank Sneed, 7634 Sterlingshire, Houston, Texas 77016 (713-631-2046) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Galloway, Goldberg, Holm, Ellis, Sekula-Gibbs and Green absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

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

Ms. Ethel Griffin, 2901 Delano, Houston, Texas 77004 (713-695-5892) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Galloway, Goldberg, Holm, Ellis, Sekula-Gibbs and Green absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Willie Robinson, 5707 Parker, Houston, Texas 77016 (713-382-7816) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Galloway, Goldberg, Holm, Ellis, Sekula-Gibbs and Green absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Jamie Scott, 65 Parkway Place, Bellaire, Texas 77401 (713-295-6500 X414) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Galloway, Goldberg, Holm, Ellis, Sekula-Gibbs and Green absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Willie Brown, 5723 Flamingo Drive, Houston, Texas 77033 (713-733-6532) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Galloway, Goldberg, Holm, Ellis, Sekula-Gibbs and Green absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Joseph Omo Omari, 2820 Palm #2B, Houston, Texas 77004 (832-767-0870) appeared and stated that when he first got started in politics and became an activist it was because \$50,000.00 was snatched from his bank account, he was dealing with crooked Negroes and needed to find out who; that he wanted a particular Black Museum looked into; and continued expressing his personal opinions until his time expired. Mayor White, Council Members Lawrence, Galloway, Goldberg and Sekula-Gibbs absent. Mayor Pro Tem Alvarado presiding.

Mr. Jacob Klementich, 4387 Fiesta, Houston, Texas 77004 (832-722-4115) appeared and presented all with a Houston Tribune newspaper and stated that there was an article about him on page 17; and he would like Council to honor the Tribune as their positive press was great. Mayor White, Council Members Lawrence, Galloway, Goldberg and Sekula-Gibbs absent. Mayor Pro Tem Alvarado presiding.

Council Member Khan thanked Mr. Klementich for coming and he did honor the Houston Tribune for doing such a good story on him and he appreciated him coming. Mayor White, Council Members Lawrence, Galloway, Goldberg, Holm and Sekula-Gibbs absent. Mayor Pro Tem Alvarado presiding.

Council Member Green congratulated Mr. Klementich and stated that he just read the article and he did Houston proud. Mayor White, Council Members Lawrence, Galloway, Goldberg, Holm and Sekula-Gibbs absent. Mayor Pro Tem Alvarado presiding.

Council Member Wiseman stated that she wanted to also extend her best wishes and congratulations to Mr. Klementich and wished him success in Las Vegas, she was sure he would do Houston proud. Mayor White, Council Members Lawrence, Galloway, Goldberg, Holm and Sekula-Gibbs absent. Mayor Pro Tem Alvarado presiding.

Ms. Carla Thompson, 1421 E. 32 1/2 Street, Houston, Texas 77022 (713-864-8090) appeared and stated that she was a mentor of In Action Shelters Program, designed for the homeless, and she was now able to start her own business; that where she resided in Studewood children did not have a mentoring program and she wanted to implement a program, Sugar Mama's Kids, to provide services for those children; that they were not state or federal funded and she had been incarcerated and they taught her she did not have to commit a crime to be successful and how to care for others. Mayor White, Council Members Lawrence, Galloway, Edwards, Holm and Sekula-Gibbs absent. Mayor Pro Tem Alvarado presiding.

Upon questions by Council Member Garcia, Ms. Thompson stated that she did have a proposal but not with her; and Council Member Garcia asked that she send him a copy and suggested she speak with the Housing and Community Development Department since they would generally fund such programs; that also several agencies in the area were trying to do various things and encouraged her to visit with Neighborhood Centers. Mayor White, Council Members Lawrence, Galloway, Holm and Sekula-Gibbs absent. Mayor Pro Tem Alvarado presiding.

Ms. Lisa Patterson, 94 Redway Lane, Houston, Texas 77062 (281-286-1872) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Galloway, Holm and Sekula-Gibbs absent. Mayor Pro Tem Alvarado presiding.

Ms. Eleni Brown, 408 N. Clear Creek, Friendswood, Texas 77546 (281-482-0954) appeared, presented information and stated that she was a city employee with Aviation in the Hobby Airport Ground Transportation section and over several years was a subject of harassment with her supervisors; that her fourth year EPE had a very low rating of 2.24 but no reason why it was so low and it was full of false statements and designed to result in her termination. Mayor White, Council Members Lawrence, Galloway, Wiseman, Holm and Sekula-Gibbs absent. Mayor Pro Tem Alvarado presiding.

Council Member Green moved to extend the meeting until all business was complete with a 10 minute recess at this time, seconded by Council Member Khan, at 11:58 a.m. City Council recessed and reconvened at 12:08 a.m. Mayor White, Council Members Lawrence, Goldberg, Edwards, Khan, Holm, Garcia, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Galloway advised the City Secretary she would be absent the rest of the meeting as she was ill. Mayor White, Council Members Lawrence, Goldberg, Edwards, Khan, Holm, Garcia, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. John Mezick, 6633 W. Airport, Houston, Texas 77035 (713-283-9518) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Galloway, Goldberg, Edwards, Khan, Holm, Garcia, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Jogretta Williams, P. O. Box 42505, Houston, Texas 77242 (713-270-4037) appeared and stated that she was disabled and was present as the Adult Protective Services, Center for Independent Living, Mayor's Office, Peoples Disabilities and Advocacy, Inc....; that she was going through her own Katrina and Rita well before hurricanes got to Houston; that she

evacuated from Houston to Oklahoma and she thought she and the other 350 people would be brought back, but they were not; that they were stranded there for an entire month and when she got back she tried telling the powers that be she had bills and late fees and the response was it was not their jurisdiction; and wanted to know when all failed what was she to do. Mayor White, Council Members Lawrence, Galloway, Goldberg, Edwards, Khan, Holm, Garcia and Ellis absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Alvarado stated that someone would visit with her and address her concerns. Mayor White, Council Members Lawrence, Galloway, Goldberg, Khan, Holm, Garcia and Ellis absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Jackie Jordan, 5105 Airline Drive #6313, Houston, Texas 77022 (713-694-5993) appeared and stated that he was from New Orleans and was treated really good at the Dome, but now was treated really good at the Dome, but now he was in an apartment; that someone was sent with him to the bank to help and he was a rip off artist; and he needed to get out of his place. Council Members Lawrence, Galloway, Goldberg, Khan, Holm and Sekula-Gibbs absent.

Mr. Joe Alvarado, 3411 Engelke, Houston, Texas 77003 (713-227-7426) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Galloway, Goldberg, Khan, Holm and Sekula-Gibbs absent.

Mr. John Dutt, 15770 Bellaire Blvd., Houston, Texas 77083 (713-545-4025) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Galloway, Goldberg, Khan, Holm and Sekula-Gibbs absent.

Ms. Dorothy Strughter, 1415 Saddle Rock, Houston, Texas 77088 (281-448-8794) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Galloway, Goldberg, Khan, Holm 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 Lawrence, Galloway, Goldberg, Khan, Holm and Sekula-Gibbs absent.

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (832-453-6376) appeared and stated that he was being tortured, was the official U. S. President and continued expressing his personal opinions until his time expired. Council Members Lawrence, Galloway, Khan, Holm and Sekula-Gibbs absent.

Senator Robert Horton, 3714 Bain, Houston, Texas 77026 (713-260-6144) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Galloway, Khan, Holm and Sekula-Gibbs absent.

At 12:19 a.m. Mayor White stated that they would proceed to the consent agenda.

### **CONSENT AGENDA NUMBERS 1 through 71**

#### **MISCELLANEOUS** - NUMBERS 4 through 6-1

4. RECOMMENDATION from Director Department of Public Works & Engineering for payment of \$34,075.00 amended permit fee to the **HARRIS-GALVESTON COASTAL SUBSIDENCE DISTRICT** for Braeswood #1 (Area 2) Groundwater Withdrawal Fee - Enterprise Fund – was presented, moved by Council Member Ellis, seconded by Garcia. All voting aye. Nays none. Council Member Quan absent on city business. Council Members Lawrence, Galloway and Holm absent. MOTION 2005-1047 ADOPTED.
5. RECOMMENDATION from Director Department of Public Works & Engineering for

payment of invoice in the amount of \$28,692.00 from the **NATIONAL ASSOCIATION OF CLEAN WATER AGENCIES (NACWA)** for 2006 Membership Dues - Enterprise Fund – was presented, moved by Council Member Ellis, seconded by Garcia. All voting aye. Nays none. Council Member Quan absent on city business. Council Members Lawrence, Galloway and Holm absent. MOTION 2005-1048 ADOPTED.

Council Member Green moved to suspend the rules to consider Item Numbers 46, 47, 64 and 6 out of order after the consent agenda, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Quan absent on city business. Council Members Lawrence, Galloway and Holm absent. MOTION 2005-1049 ADOPTED.

Council Member Sekula-Gibbs moved to suspend the rules to consider Item Numbers 27 and 27a out of order after the consent agenda, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Quan absent on city business. Council Members Lawrence, Galloway and Holm absent. MOTION 2005-1050 ADOPTED.

Council Member Edwards moved to suspend the rules to consider Item Numbers 52, 61 and 63 out of order after the consent agenda, seconded by Council Member Khan. All voting aye. Nays none. Council Member Quan absent on city business. Council Members Lawrence, Galloway and Holm absent. MOTION 2005-1051 ADOPTED.

Council Member Khan moved to suspend the rules to consider Item Numbers 30, 51 and 51a out of order after the consent agenda, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Member Quan absent on city business. Council Members Lawrence, Galloway and Holm absent. MOTION 2005-1052 ADOPTED.

#### **DAMAGES** - NUMBER 7

7. RECOMMENDATION from City Attorney for settlement of lawsuit styled **FRANCISCA RUIZ et al** v. The City of Houston, Texas; in the 129th Judicial District Court of Harris County, Texas; Cause No. 2000-52066 - \$50,000.00 - Property and Casualty Fund - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Quan absent on city business. Council Members Lawrence, Galloway and Holm absent. MOTION 2005-1053 ADOPTED.

#### **ACCEPT WORK** - NUMBERS 8 through 12

8. RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$19,194,838.73 and acceptance of work on contract with **W. W. WEBBER, INC formerly known as CHAMPAGNE-WEBBER, INC, TEXAS** for Rehabilitation of Taxiways “SA” & “SB” at George Bush Intercontinental Airport/Houston; Project No. 549, CIP A-0369 and A-0401 - 01.78% over the original contract amount - **DISTRICT B - GALLOWAY** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Quan absent on city business. Council Members Lawrence, Galloway and Holm absent. MOTION 2005-1054 ADOPTED.
9. RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$32,422,953.12 and acceptance of work on contract with **W. W. WEBBER, INC** for Rehabilitation of Runway 8R-26L at George Bush Intercontinental Airport/Houston; Project No. 491B, CIP A-0263 - 04.65% over the original contract amount - **DISTRICT B - GALLOWAY** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Quan absent on city business. Council Members Lawrence, Galloway and Holm absent. MOTION 2005-1055 ADOPTED.
10. RECOMMENDATION from Director Building Services Department for approval of final

contract amount of \$1,349,073.02 awarded to **RTG BUILDING COMPANY** and acceptance of work by final payment to the Surety, **CONTINENTAL CASUALTY COMPANY** for Renovation of Kashmere Gardens Branch Library, GFS E-0056-01-3 - 04.02% over the original contract amount **DISTRICT B - GALLOWAY** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Quan absent on city business. Council Members Lawrence, Galloway and Holm absent. MOTION 2005-1056 ADOPTED.

11. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$584,498.44 and acceptance of work on contract with **BILL MCDONALD CONSTRUCTION, INC** for Safe Sidewalk Program, GFS N-0610A-08-3 (SB9008-02) - 18.37% under the original contract amount - **DISTRICT I - ALVARADO** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Quan absent on city business. Council Members Lawrence, Galloway and Holm absent. MOTION 2005-1057 ADOPTED.
12. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,858,551.74 and acceptance of work on contract with **JALCO, INC** for Gulf Freeway No. 2 Lift Station and Force Main Improvements, GFS R-2011-33-3 (4841-1) 03.77% under the original contract amount - **DISTRICT I - ALVARADO** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Quan absent on city business. Council Members Lawrence, Galloway and Holm absent. MOTION 2005-1058 ADOPTED.

#### **PROPERTY** - NUMBER 13

13. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Mary Lou Henry of Vernon G. Henry and Associates, Inc., on behalf of Emuna Enterprises, L. P. (Rudi Yersohalmi, general partner) for abandonment and sale of a portion of two 5-foot-wide utility easements, located within Lots 16 and 19, Block 19, in exchange for the conveyance to the City of a 10-foot-wide sanitary sewer easement, all within Main Street Plaza Subdivision, Parcels SY6-023A, SY6-023B and DY6-011 - **STAFF APPRAISERS - DISTRICT C - GOLDBERG** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Quan absent on city business. Council Members Lawrence, Galloway and Holm absent. MOTION 2005-1059 ADOPTED.

#### **PURCHASING AND TABULATION OF BIDS** - NUMBERS 14 through 24

14. **BROADCAST TECHNICAL SERVICES, INC** for Telex ADAM System Parts for Office of Emergency Management - \$149,052.00 - Grant Fund - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Quan absent on city business. Council Members Lawrence, Galloway and Holm absent. MOTION 2005-1060 ADOPTED.
15. **BL TECHNOLOGY, INC** for Security Access Control System Upgrades/Enhancements at Houston Police Department Headquarters for Building Services Department - \$69,987.00 - Grant Fund - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Quan absent on city business. Council Members Lawrence, Galloway and Holm absent. MOTION 2005-1061 ADOPTED.
16. **PARALLAX BUILDERS, INC** for Structural Rehab of Fire Station No. 75 for Building Services Department - \$285,990.00 and contingencies for a total amount not to exceed

\$300,289.50 - Fire Department Revolving Fund - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Quan absent on city business. Council Members Lawrence, Galloway and Holm absent. MOTION 2005-1062 ADOPTED.

18. **PRO ALLIANCE** for Perennial Rye Grass Seed for Parks & Recreation Department - \$51,627.25 General and Parks Special Revenue Funds - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Quan absent on city business. Council Members Lawrence, Galloway and Holm absent. MOTION 2005-1063 ADOPTED.
19. ORDINANCE appropriating \$398,750.00 out of Water & Sewer System Consolidated Construction Fund for spending authority to Address the Emergency Repair of the 18-inch Force Main at the Park Ten Wastewater Treatment Plant for the Public Works & Engineering Department, CIP R-0266 - was presented. All voting aye. Nays none. Council Member Quan absent on city business. Council Members Lawrence, Galloway and Holm absent. ORDINANCE 2005-1200 ADOPTED.
- 19a. **UNDERGROUND TECHNOLOGIES, INC** for spending authority to address the Emergency Repair of the 18-inch Force Main at the Park Ten Wastewater Treatment Plant for the Department of Public Works & Engineering - \$398,750.00 - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Quan absent on city business. Council Members Lawrence, Galloway and Holm absent. MOTION 2005-1064 ADOPTED.
21. **AMEND MOTION #2003-1355, 11/12/03, TO INCREASE** spending authority from \$772,651.00 to \$965,813.75, for Plumbing Supplies for Various Departments, awarded to **CITY SUPPLY CO., INC** - Enterprise Fund - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Quan absent on city business. Council Members Lawrence, Galloway and Holm absent. MOTION 2005-1065 ADOPTED.
22. **BROOKSIDE EQUIPMENT SALES, INC** - \$136,184.00 and **RUSH EQUIPMENT CENTER, HOUSTON** - \$437,107.00 for John Deere Tractor Replacement Parts and Service for Various Departments - General, Enterprise and Fleet Management Funds - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Quan absent on city business. Council Members Lawrence, Galloway and Holm absent. MOTION 2005-1066 ADOPTED.
24. **BUCKEYE CLEANING CENTER** - \$198,687.47 and **IMPCO, INC** - \$48,376.72 for Floor Maintenance Equipment for Various Departments - \$252,106.32 minus a commission fee (2% for Internet-based reverse auction services) for a net award not to exceed \$247,064.19 - General and Enterprise Funds - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Quan absent on city business. Council Members Lawrence, Galloway and Holm absent. MOTION 2005-1067 ADOPTED.

#### **RESOLUTIONS AND ORDINANCES** - NUMBERS 25 through 71

28. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a portion of Tierwester Street, from the Southern Pacific Railroad right of way at Holmes Road north 225 linear feet, more or less, consisting of two parcels of land, Parcels SY4-016 and SY4-024, containing 7,507 square feet and 7,215 square feet, more or less, respectively, vacating and abandoning said parcels to Piping Technology & Products, Inc., the abutting owner, in consideration of its dedication back to the city of said parcels as water line easements, designated Parcels KY5-127 and KY5-

128, containing 7,507 square feet and 7,215 square feet, more or less, respectively; all four parcels being out of the B. H. Freeling Survey, Abstract 270, Houston, Harris County, Texas; and the payment of \$11,400.00 and other consideration to the City - **DISTRICT D - EDWARDS** - was presented. All voting aye. Nays none. Council Member Quan absent on city business. Council Members Lawrence, Galloway and Holm absent. ORDINANCE 2005-1201 ADOPTED.

31. ORDINANCE consenting to the addition of 8.8994 acres of land to **BRIDGESTONE MUNICIPAL UTILITY DISTRICT**, for inclusion in its district - was presented. All voting aye. Nays none. Council Member Quan absent on city business. Council Members Lawrence, Galloway and Holm absent. ORDINANCE 2005-1202 ADOPTED.
32. ORDINANCE consenting to the addition of 20.309 acres of land to **CLEAR BROOK CITY MUNICIPAL UTILITY DISTRICT**, for inclusion in its district - was presented. All voting aye. Nays none. Council Member Quan absent on city business. Council Members Lawrence, Galloway and Holm absent. ORDINANCE 2005-1203 ADOPTED.
33. ORDINANCE consenting to the addition of 19.985 acres of land to **FOREST HILLS MUNICIPAL UTILITY DISTRICT**, for inclusion in its district - was presented. All voting aye. Nays none. Council Member Quan absent on city business. Council Members Lawrence, Galloway and Holm absent. ORDINANCE 2005-1204 ADOPTED.
34. ORDINANCE consenting to the addition of 156.63 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 71**, for inclusion in its district - was presented. All voting aye. Nays none. Council Member Quan absent on city business. Council Members Lawrence, Galloway and Holm absent. ORDINANCE 2005-1205 ADOPTED.
35. ORDINANCE consenting to the addition of 1,108.634 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 165**, for inclusion in its district - was presented. All voting aye. Nays none. Council Member Quan absent on city business. Council Members Lawrence, Galloway and Holm absent. ORDINANCE 2005-1206 ADOPTED.
36. ORDINANCE consenting to the addition of 172.142 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 167 OF HARRIS COUNTY, TEXAS**, for inclusion in its district - was presented. All voting aye. Nays none. Council Member Quan absent on city business. Council Members Lawrence, Galloway and Holm absent. ORDINANCE 2005-1207 ADOPTED.
37. ORDINANCE consenting to the addition of 22.542 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 371**, for inclusion in its district - was presented. All voting aye. Nays none. Council Member Quan absent on city business. Council Members Lawrence, Galloway and Holm absent. ORDINANCE 2005-1208 ADOPTED.
38. ORDINANCE consenting to the addition of 9.9744 acres of land to **MALCOMSON ROAD UTILITY DISTRICT**, for inclusion in its district - was presented. All voting aye. Nays none. Council Member Quan absent on city business. Council Members Lawrence, Galloway and Holm absent. ORDINANCE 2005-1209 ADOPTED.
39. ORDINANCE consenting to the addition of 4.2627 acres of land to **MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 19**, for inclusion in its district - was presented. All voting aye. Nays none. Council Member Quan absent on city business. Council Members Lawrence, Galloway and Holm absent. ORDINANCE 2005-1210 ADOPTED.
41. ORDINANCE appropriating \$77,483.70 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation for Utility Design under the

Downtown/Midtown Transit Street Program for Preston Street from Smith Street to Chenevert Street (S-0521-22-3 and R-0521-19-3) under Transportation Improvement Agreement with the Metropolitan Transit Authority of Harris County (approved by Ordinance No. 93-274); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund **DISTRICT I - ALVARADO** - was pulled from the agenda by the administration and was not considered. Council Members Lawrence, Galloway and Holm absent.

43. ORDINANCE approving and authorizing interlocal agreement between the City and the **HARRIS COUNTY HOSPITAL DISTRICT** to Facilitate Continuity of Care and Optimize Health Services at La Nueva Casa De Amigos Health Center; providing a maximum contract amount - 5 Years \$1,000,000.00 - General Fund - **DISTRICT H - GARCIA** - had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Council Members Lawrence, Galloway and Holm absent.
48. Omitted
56. ORDINANCE awarding contract to **DUNBAR ARMORED, INC** for Armored Car Services for Various Departments; providing a maximum contract amount - 1 Year with four one-year options \$718,975.80 - General, Enterprise, Park Special Revenue and Building Inspection Funds - was presented. All voting aye. Nays none. Council Member Quan absent on city business. Council Members Lawrence, Galloway and Holm absent. ORDINANCE 2005-1211 ADOPTED.
57. ORDINANCE appropriating \$200,000.00 out of Airports Improvement Fund and approving and authorizing contract for Miscellaneous Professional Engineering Testing Laboratory Services between the City of Houston and **AVILES ENGINEERING CORPORATION**; Project No. 615G, CIP A-0138 - **DISTRICTS B - GALLOWAY; E - WISEMAN and I - ALVARADO** - was presented. All voting aye. Nays none. Council Member Quan absent on city business. Council Members Lawrence, Galloway and Holm absent. ORDINANCE 2005-1212 ADOPTED.
59. ORDINANCE approving and authorizing Project Management Services Agreement between the City of Houston and **HOWELL MIMS ASSOCIATES, L.L.C.**; providing a maximum contract amount - 1 year - \$100,000.00 - Building Inspection and CDBG Funds - had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Council Members Lawrence, Galloway and Holm absent.
60. ORDINANCE appropriating \$23,000.00 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation for the Professional Engineering Services Contract with **PTI, INC** (approved by Ordinance No. 04-0661), GFS S-0936-08-2 (WA10813) - **DISTRICTS A - LAWRENCE; B - GALLOWAY; F - KHAN and G - HOLM** - was presented. All voting aye. Nays none. Council Member Quan absent on city business. Council Members Lawrence, Galloway and Holm absent. ORDINANCE 2005-1213 ADOPTED.
62. ORDINANCE appropriating \$700,000.00 out of Public Health Consolidated Construction Fund, \$700,000.00 out of General Improvements Consolidated Construction Fund, and \$300,000.00 out of Parks Consolidated Construction Fund; awarding Job Order Construction Contract to **WILLIAMS & THOMAS INC, dba JAMAIL CONSTRUCTION**, GFS D-0108-01-3, H-0069-01-3 and F-0585-01-3; providing a maximum contract amount; providing funding for construction and Civic Art relating to construction of facilities financed by the funds referenced above - was presented. All voting aye. Nays none. Council Member Quan absent on city business. Council Members Lawrence, Galloway and Holm

absent. ORDINANCE 2005-1214 ADOPTED.

63. ORDINANCE appropriating \$84,835.80 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Developer Participation Contract between the City of Houston and **TEXAS SOUTHERN UNIVERSITY** for Construction of Water Lines to serve development on Wheeler Avenue, CIP S-0802-33-3 - **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. Council Member Quan absent on city business. Council Members Lawrence, Galloway and Holm absent. ORDINANCE 2005-1215 ADOPTED.
64. ORDINANCE approving and authorizing construction contract between the City of Houston and **TROY CONSTRUCTION, L.L.P.** for Water Distribution System Rehabilitation and Renewal (WA10873) - was presented. All voting aye. Nays none. Council Member Quan absent on city business. Council Members Lawrence, Galloway and Holm absent. ORDINANCE 2005-1216 ADOPTED.
68. ORDINANCE awarding construction contract to **B & D CONSTRUCTION COMPANY, INC** for Construction of Water, Sanitary Sewer and Storm Drainage Systems Serving Section One of the Southridge Crossing Subdivision; approving and authorizing assignment of the construction contract to **GARC ENTERPRISES, LTD.**, CIP S-0800-G7-3 and R-0800-G7-3 (DPC-087) **DISTRICT E - WISEMAN** - was presented. All voting aye. Nays none. Council Member Quan absent on city business. Council Members Lawrence, Galloway and Holm absent. ORDINANCE 2005-1217 ADOPTED.
69. ORDINANCE No. 2005-1181, passed first reading October 26, 2005  
ORDINANCE granting to **DISCOUNT WASTE**, a Texas Sole Proprietorship, the right, privilege and franchise to Collect, Haul and Transport Solid Waste and Industrial Waste from Commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas - **SECOND READING** - was presented. All voting aye. Nays none. Council Member Quan absent on city business. Council Members Lawrence, Galloway and Holm absent. ORDINANCE 2005-1181 PASSED SECOND READING IN FULL.
70. ORDINANCE No. 2005-1197, passed first reading October 26, 2005  
ORDINANCE granting to **J. D. MANUFACTURING, INC dba ARROW WASTE**, a Texas Corporation, the right, privilege and franchise to Collect, Haul and Transport Solid Waste and Industrial Waste from Commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas - **SECOND READING** - was presented. All voting aye. Nays none. Council Member Quan absent on city business. Council Members Lawrence, Galloway and Holm absent. ORDINANCE 2005-1197 PASSED SECOND READING IN FULL.
71. ORDINANCE No. 2005-1198, passed first reading October 26, 2005  
ORDINANCE granting to **DINA INDUSTRIES, INC**, a Texas Corporation, the right, privilege and franchise to Collect, Haul and Transport Solid Waste and Industrial Waste from Commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas - **SECOND READING** - was presented. All voting aye. Nays none. Council Member Quan absent on city business. Council Members Lawrence, Galloway and Holm absent. ORDINANCE 2005-1198 PASSED SECOND READING IN FULL.

Mayor White stated that the Mayor Pro Tem, Agenda Director and various City personnel, experts from universities and the like were going to be harnessed to give an option of resources to new Council Members to provide them with some orientation, information and training, the processes and training, that what he was asking was that each Council Member had been through a learning process on Council and if they had any specific concrete suggestions

concerning what they could do as a public service to provide Council Members information and tools, to give them to Ms. Stein or the Mayor Pro Tem, who had been working on the project for a couple of months. Council Members Lawrence, Galloway and Holm absent.

46. ORDINANCE approving and authorizing contract between the City of Houston and **HEALTHCARE FOR THE HOMELESS-HOUSTON** to provide \$120,000.00 in Community Development Block Grant Funds for the Administration and Operation of Project Access, which offers Transportation Services to Homeless Individuals and Families seeking Health Care and Supportive Services - was presented, and tagged by Council Member Edwards. Council Members Lawrence, Galloway and Holm absent.
47. ORDINANCE approving and authorizing agreement between the City of Houston and **NHH-CANAL STREET APARTMENTS, INC**, a Community Housing Development Organization ("CHDO"), to provide \$50,000.00 in Home Investment Partnerships Funds for Operating Expenses associated with building the CHDO'S Capacity to Develop Affordable Housing **DISTRICT H - GARCIA** - was presented.

Council Member Garcia stated that he wanted to thank the administration for getting the item on the agenda, that he had a chance to visit the facility and just wanted to say he was proud to have it in his district. Council Members Lawrence, Galloway and Holm absent.

A vote was called on Item No. 47. All voting aye. Nays none. Council Member Quan absent on city business. Council Members Lawrence, Galloway and Holm absent. ORDINANCE 2005-1218 ADOPTED.

The City Secretary advised that Item No. 64 had been approved on the consent agenda. Council Members Lawrence, Galloway and Holm absent.

6. RECOMMENDATION from Director Planning & Development Department for approval for Fiscal Year 2006 Budgets for Main Street Market Square Redevelopment Authority (TIRZ No. 3), Old Spanish Trail / Almeda Corridors Redevelopment Authority (TIRZ #7), Greater Greenspoint Redevelopment Authority (TIRZ #11), Uptown Development Authority (TIRZ #16), Memorial City Redevelopment Authority (TIRZ #17) and Upper Kirby Redevelopment Authority (TIRZ #19) **DISTRICTS A - LAWRENCE; B - GALLOWAY; C - GOLDBERG; D - EDWARDS; E - WISEMAN; F - KHAN; G - HOLM and I - ALVARADO** - was presented, moved by Council Member Green, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Quan absent on city business. Council Members Lawrence, Galloway and Holm absent. MOTION 2005-1068 ADOPTED.

Mayor White stated that there had been no item on the agenda that had taken as much time by the senior management of the City that passed as quickly, that he wanted to thank Chairman Ellis and stated that he would need people on Council to help him keep track of the TIRZs. Council Members Lawrence, Galloway and Holm absent.

27. ORDINANCE **AMENDING CHAPTER 8 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Towing of Vehicles from freeways, containing findings and other provisions relating to the foregoing subject; providing an effective date; providing for severability - was presented.

Sekula-Gibbs stated that she was passing out a written motion to amend Item No. 27, that she wanted to say to the City Legal Department that the amendment was offered in the spirit of cooperation with the department as follows:

"I move to amend Agenda Item 27:

The SafeClear Program shall be open to all wrecker service operators who can

demonstrate the ability to provide the services and comply with the requirements required under the agreements, whether operating alone or as a partnership or joint venture.” Council Members Lawrence, Galloway and Holm absent.

After further discussion, Mayor White stated that the amendment to Item No. 27 was tagged by Council Members Alvarado, Wiseman and Khan. Council Members Lawrence, Galloway and Holm absent.

Council Members Wiseman and Sekula-Gibbs stated that they would tag the Item No. 27. Council Members Lawrence, Galloway and Holm absent.

27a. ORDINANCE approving and authorizing third amended and restated SafeClear Freeway Tow Agreements with Towing Company Operators and authorizing the Chief of Police to enter into contracts between the City of Houston and **ALLIED COLLISION CENTER, CANNINO WEST, INC, CORPORATE AUTO SERVICES, INC, FIESTA WRECKER SERVICE, KTL ENTERPRISES, INC, MILAM STREET AUTO STORAGE, INC, NATIONAL AUTO COLLISION, INC, NORTH HOUSTON MOTORS, INC, T&T MOTORS, UNIFIED AUTO WORKS** and **WESTSIDE WRECKER SERVICE, INC**, for SafeClear Freeway Towing and Emergency Road Service - was presented, and tagged by Council Members Wiseman and Sekula-Gibbs. Council Members Lawrence, Galloway and Holm absent.

After discussion by Council Members, Mayor White stated that it was the opinion of the administration that the passage of the ordinance, if passed next week, would put the City in compliance with the Court order in the time that Judge Hoyt had allowed. Council Members Lawrence, Galloway and Holm absent.

52. ORDINANCE approving and authorizing agreement between the City of Houston and **CLAYTON LIBRARY FRIENDS** for the Repair and Renovation of the Clayton Family Buildings - **DISTRICT D – EDWARDS** – was presented. Council Members Lawrence, Galloway and Holm absent.

After discussion by Council Members, a vote was called on Item No. 52. All voting aye. Nays none. Council Member Quan absent on city business. Council Members Lawrence, Galloway and Holm absent. ORDINANCE 2005-1219 ADOPTED.

61. ORDINANCE awarding construction contract to **APACHE SERVICES, INC** for Construction of the New Shape Community Center, GFS Y-P013-02-3; setting a deadline for the bidder's insurance and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering construction testing, project management and air monitoring during abatement, construction management and contingencies relating to construction of facilities financed by Community Development Block Grant Funds - \$909,500.00 **DISTRICT I - ALVARADO** - was presented, and tagged by Council Member Sekula-Gibbs. Council Members Lawrence, Galloway and Holm absent.

After discussion by Council Members, Council Member Sekula-Gibbs stated that she still had some questions on the item, and Mayor White stated that Item No. 61 had been tagged.

The City Secretary advised that Item No. 63 had been adopted on the consent agenda. Council Members Lawrence, Galloway and Holm absent.

30. ORDINANCE altering maximum prima facie speed limits in certain school zones in the City of Houston; making various findings and containing other provisions relating to the subject; declaring certain conduct to be unlawful and providing a penalty; providing for severability; containing a repealer; containing a savings clause – was presented. Council Members

Lawrence, Galloway and Holm absent.

Council Member Khan stated that on Item No. 30 there were several schools in District F which wanted speed zones, and one of them was Lee High School, and he was wondering whether that school was looked at to be considered for speed zones, and requested for somebody to give him some details and would tag the item. Council Members Lawrence, Galloway and Holm absent.

Mayor White stated that Item No. 30 had been tagged by Council Member Khan. Council Members Lawrence, Galloway and Holm absent.

51. ORDINANCE approving and adopting an Updated Ongoing Service and Assessment Plan for and on behalf of the Sharpstown Public Improvement District covering the period 2006 through 2010 pursuant to Chapter 372 of the Texas Local Government Code – was presented. Council Members Lawrence, Galloway and Holm absent.

Council Member Khan stated that he would like to visit with Council Member Ellis because he could educate him a whole lot about the process, that they really wanted to have the people involved give them a really clear understanding as to where they were going because as they knew right now in Sharpstown there was a huge issue about the Carnival Night Club, so he would like to visit with them and find out their plans for the general area, and would tag the item.

Mayor White stated that Item No. 50 had been tagged by Council Member Khan. Council Members Lawrence, Galloway and Holm absent.

- 51a. ORDINANCE approving the Fiscal Year 2006 Budget for the Sharpstown Economic Development Authority on behalf of the Sharpstown Public Improvement District pursuant to Ordinance No. 2002-1077; appropriating \$324,000.00 out of Fund 928 (Sharpstown Public Improvement District Fund) for payment to the Sharpstown Economic Development Authority for expenditures consistent therewith - **DISTRICT F - KHAN** - was presented, and tagged by Council Member Khan. Council Members Lawrence, Galloway, Holm and Berry absent.

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

**MISCELLANEOUS**

- 6-1. RECOMMENDATION from City Attorney for allocation of an additional \$200,000.00 to contract with **BAKER BOTTS, LLP**, for Litigation Support Services - Police Special Services Fund - was presented, and tagged by Council Member Wiseman. Council Members Lawrence, Galloway, Holm and Berry absent.

**PURCHASING AND TABULATION OF BIDS**

The City Secretary announced that there was a posting error on Item No. 17a, it only listed one contractor so the other one would have to be posted again next week, but the money could be appropriated by Item No. 17 for both of them today. Council Members Lawrence, Galloway, Holm and Berry absent.

17. ORDINANCE appropriating \$60,000.00 out of General Improvements Consolidated Construction Fund for Emergency Mold Remediation Services at Fire Stations 33 and 83 for the Building Services Department, CIP D-0073 - was presented. All voting aye. Nays none. Council Member Quan absent on city business. Council Members Lawrence, Galloway, Holm and Berry absent. ORDINANCE 2005-1220 ADOPTED.
- 17a. **AAR, INCORPORATED** for spending authority to address the Emergency purchase of Mold Remediation Services at Fire Station ~~Nos. 83 and~~ 33 for Building Services

Department ~~\$60,000.00~~ \$30,000.00 - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Quan absent on city business. Council Members Lawrence, Galloway and Holm absent. MOTION 2005-1069 ADOPTED.

20. ORDINANCE appropriating \$96,792.90 out of Water & Sewer System Consolidated Construction Fund to approve payment for the Emergency Repair of the 36-inch Sanitary Sewer Line Crossing White Oak Bayou at the North Main Bridge for the Public Works & Engineering Department, CIP R-0266 - was presented. All voting aye. Nays none. Council Member Quan absent on city business. Council Members Lawrence, Galloway and Holm absent. ORDINANCE 2005-1221 ADOPTED.
- 20a. **BOYER, INC** for Emergency Repair of the 36-inch Sanitary Sewer Line Crossing White Oak Bayou at the North Main Street Bridge for the Department of Public Works & Engineering - \$96,792.90 - was presented, moved by Council Member Alvarado, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Quan absent on city business. Council Members Lawrence, Galloway and Holm absent. MOTION 2005-1070 ADOPTED.
23. **IMPCO, INC** - \$1,160,391.28, **DIVERSIFIED CHEMICAL & SUPPLY, INC** - \$109,166.70, **ZEP MANUFACTURING** - \$151,098.79, **MATERA PAPER CO., LTD.** - \$1,241,167.60 and **BUCKEYE CLEANING CENTER** - \$571,426.13 for Janitorial Supplies Contract for Various Departments \$3,253,250.50 minus a commission fee (the lesser of 2% or \$20,000.00 maximum) for Internet-based reverse auction services for a net award not to exceed \$3,233,250.50 - General and Enterprise Funds - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Quan absent on city business. Council Members Lawrence, Galloway and Holm absent. MOTION 2005-1071 ADOPTED.

## **RESOLUTIONS AND ORDINANCES**

25. RESOLUTION appointing **GARY W. STEIN** to serve as the City's Representative on the **BOARD OF DIRECTORS OF THE HARRIS COUNTY APPRAISAL DISTRICT** for a two-year term commencing on January 1, 2006 and ending on December 31, 2007 - was presented. All voting aye. Nays none. Council Member Quan absent on city business. Council Members Lawrence, Galloway and Holm absent. RESOLUTION 2005-0021 ADOPTED.
26. ORDINANCE **AMENDING SECTION 18-21 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the form of Financial Disclosure Statements to be filed - was presented. All voting aye. Nays none. Council Member Quan absent on city business. Council Members Lawrence, Galloway and Holm absent. ORDINANCE 2005-1222 ADOPTED.
29. ORDINANCE approving and authorizing purchase and sale agreement between the **HOUSTON COMMUNITY COLLEGE SYSTEM**, as Purchaser, and the City of Houston, as seller, for the Sale of a tract of land containing 10.5467 acres, more or less, being out of the S. M. Williams Survey, A-87, Harris County, Texas (being known as the former Milby Bus Barn Facility; located at 310 N. Milby) in consideration for the payment of \$1,300,000.00 to be paid at closing by Houston Community College System - **DISTRICT H - GARCIA** - was presented. Council Members Lawrence, Galloway, Holm and Green absent.

After discussion by Council Members, a vote was called on Item No. 29. All voting aye. Nays none. Council Member Quan absent on city business. Council Members Lawrence, Galloway and Holm absent. ORDINANCE 2005-1223 ADOPTED.

40. ORDINANCE appropriating \$177,496.73 out of Street & Bridge Consolidated Construction Fund as an additional appropriation for Construction of Light Rail Transit System along Main Street and Fannin Street between Reliant Park and Downtown Houston, (N-0650-21-3 and N-0671-05-3) (SB9253), under construction contract with **METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY, TEXAS** (approved by Ordinance No. 00-1028); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICTS C - GOLDBERG; D - EDWARDS and I - ALVARADO** - was presented, and tagged by Council Member Goldberg. Council Members Lawrence, Galloway and Holm absent.
42. ORDINANCE approving and authorizing contract between the City and **EL CENTRO DE CORAZON** for Primary Care and Pediatrics at the Magnolia Health Center; providing a maximum contract amount - 3 Years - \$300,000.00 - General Fund - **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. Council Member Quan absent on city business. Council Members Lawrence, Galloway and Holm absent. ORDINANCE 2005-1224 ADOPTED.

Council Members Sekula-Gibbs, Alvarado, Garcia and Edwards thanked Mayor White and acknowledged the staff, Ms. Elena Marks and Mr. Stephen Williams and also the staff at El Centro de Corazon, and thanked them for what they were doing for the City. Council Members Lawrence, Galloway, Goldberg and Holm absent.

44. ORDINANCE amending Ordinance No. 1997-0544 to increase the maximum contract amount; approving and authorizing second amendment to contract between the City and **HLP, INC** for Software Product License and Product Support Service for Health & Human Services Department (#C35926) - \$124,800.00 - General Fund - was presented. All voting aye. Nays none. Council Member Quan absent on city business. Council Members Lawrence, Galloway, Goldberg and Holm absent. ORDINANCE 2005-1225 ADOPTED.
45. ORDINANCE increasing the maximum contract amounts in Ordinance Numbers 2003-1052, 2002-0848 and 2003-0849 for contracts between the City of Houston and the **CITY OF SOUTH HOUSTON, THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT HOUSTON, INTERFAITH CAREPARTNERS, INC** and **PERRYLEE HOME HEALTH CARE SERVICES, INC** for Services provided through the Harris County Area Agency on Aging - \$1,198,581.00 - Grant Fund - was presented. All voting aye. Nays none. Council Member Quan absent on city business. Council Members Lawrence, Galloway, Goldberg and Holm absent. ORDINANCE 2005-1226 ADOPTED.
49. ORDINANCE approving and authorizing the submission of an application for grant assistance to the **BUREAU OF JUSTICE ASSISTANCE** for the 2005 Bulletproof Vest Partnership Grant Program; declaring the City's eligibility for such grant; authorizing the Mayor to act as the City's representative in the application process; authorizing the Chief of the Houston Police Department to accept grant funds and to apply for and accept all subsequent awards, if any, pertaining to the program - was presented. All voting aye. Nays none. Council Member Quan absent on city business. Council Members Lawrence, Galloway, Goldberg and Holm absent. ORDINANCE 2005-1227 ADOPTED.
50. ORDINANCE approving and authorizing Cooperative Agreement between the City of Houston and **THE NATIONAL INSTITUTE OF JUSTICE (NIJ)** for Participation in the DNA Capacity Enhancement Program Grant - was presented. All voting aye. Nays none. Council Member Quan absent on city business. Council Members Lawrence, Galloway, Goldberg and Holm absent. ORDINANCE 2005-1228 ADOPTED.
53. ORDINANCE approving and authorizing second amendment to contract between the City and **DELOITTE CONSULTING L.L.P.** for Case Management System Project Services -

\$150,000.00 Court Technology and Other Funds - was presented. All voting aye. Nays none. Council Member Quan absent on city business. Council Members Lawrence, Galloway, Goldberg and Holm absent. ORDINANCE 2005-1229 ADOPTED.

54. ORDINANCE awarding contract to **WESTERN HORTICULTURAL SERVICES, INC** for Landscape and Horticultural Services for the Houston Airport System; providing a maximum contract amount - 1 Year with four one-year options - \$7,000,683.24 - Enterprise Fund - was presented. All voting aye. Nays none. Council Member Quan absent on city business. Council Members Lawrence, Galloway, Goldberg and Holm absent. ORDINANCE 2005-1230 ADOPTED.
55. ORDINANCE awarding contract to **ARAMARK CORRECTIONAL SERVICES, INC** for Jail Food Services for Police Department; providing a maximum contract amount - 3 Years with two one-year options - \$3,239,075.00 - General Fund - was presented, and tagged by Council Member Green. Council Members Lawrence, Galloway, Goldberg and Holm absent.
58. ORDINANCE appropriating \$187,000.00 out of General Improvements Consolidated Construction Fund and \$52,000.00 out of Public Health Consolidated Construction Fund as an additional appropriation for Professional Architectural Services Contract with **WHR ARCHITECTS, INC (F/K/A WATKINS HAMILTON ROSS ARCHITECTS, INC)** for Southwest Multi-Service Center (approved by Ordinance No. 01-0580), GFS D-0072-02-2 - **DISTRICT F - KHAN** - was presented. All voting aye. Nays none. Council Member Quan absent on city business. Council Members Lawrence, Galloway and Holm absent. ORDINANCE 2005-1231 ADOPTED.
65. ORDINANCE appropriating \$5,322,862.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **PM CONSTRUCTION & REHAB., L.P.** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Method, GFS R-0294-09-3 (WW4257-70); setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, construction management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS D - EDWARDS; E - WISEMAN; H - GARCIA and I - ALVARADO** - was presented. All voting aye. Nays none. Council Member Quan absent on city business. Council Members Lawrence, Galloway and Holm absent. ORDINANCE 2005-1232 ADOPTED.
66. ORDINANCE appropriating \$4,759,807.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **PM CONSTRUCTION & REHAB., L.P.** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Method, GFS R-0266-E7-3 (WW4257-67); setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, construction management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - was presented. All voting aye. Nays none. Council Member Quan absent on city business. Council Members Lawrence, Galloway and Holm absent. ORDINANCE 2005-1233 ADOPTED.
67. ORDINANCE appropriating \$3,795,711.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **PM CONSTRUCTION & REHAB., L.P.** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Method, GFS R-0295-08-3 (WW4257-72); setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, construction management, and contingencies relating to construction of facilities financed

by the Water & Sewer System Consolidated Construction Fund - was presented. All voting aye. Nays none. Council Member Quan absent on city business. Council Members Lawrence, Galloway and Holm absent. ORDINANCE 2005-1234 ADOPTED.

**NON CONSENT AGENDA - NUMBER 72**

**PROPERTY**

72. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Kerry A. Gilbert and Christy B. Smidt of Kerry R. Gilbert & Associates, on behalf of EAB Family Partnership, LTD (Gene Burrus, general partner), for abandonment and sale of Signet Street, from Daugherty Street to Dorsett Street, in exchange for the conveyance to the City of a full-width storm sewer easement, located within Port Houston, North Side Buffalo Bayou, Parcels SY5-071, SY6-002, LY6-001 and LY6-002 - **APPOINT TWO INDEPENDENT APPRAISERS and ONE ALTERNATE APPRAISER - DISTRICT I - ALVARADO** - was presented, and tagged by Council Member Alvarado. Council Members Lawrence, Galloway and Holm absent.

**MATTERS HELD - NUMBERS 73 through 84**

73. 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 - (This was Item 22 on Agenda of October 5, 2005, POSTPONED BY MOTION 2005-963)** - was presented. Council Members Lawrence, Galloway and Holm absent.

Council Member Garcia stated that as they knew they were doing a lot of work on Item No. 73 and instead of them having to renew a timeline on it, because there were so many moving pieces on it, that in lieu of terminating the Hardy TIRZ, he moved to refer Item No. 73 back to the administration and in it's place an ordinance be presented for Council consideration that was limited primarily to the development of affordable housing, public safety and transit projects and use only that portion of the tax increment necessary to affect those goals in a manner defined by a project plan to be submitted to Council, seconded by Council Member Alvarado. Council Members Lawrence, Galloway and Holm absent.

Mayor White stated that they were supportive of the motion to refer back. Council Members Lawrence, Galloway, Wiseman and Holm absent.

Council Member Ellis stated that he was comfortable with the motion to refer back, but asked if they were voting on the language that Council Member Garcia presented, and Mayor White stated that no, that it had served as some general guidelines and then they would draft the ordinance and thought they could post it by Friday, which would include everything, that there were an additional two words, that they would get it posted by Friday and then they would have the opportunity to discuss it. Council Members Lawrence, Galloway, Wiseman and Holm absent.

Mayor White stated that the pending motion was the motion to refer Item No. 73 back to the administration to come up with a substitute and they supported that. Council Members Lawrence, Galloway, Wiseman and Holm absent.

A vote was called on the motion to refer Item No. 73 back to the administration. All voting aye. Nays none. Council Member Quan absent on City business. Council Members Lawrence, Galloway, Wiseman and Holm absent. MOTION 2005-1072 ADOPTED.

74. MOTION by Council Member Khan/Seconded by Council Member Alvarado to adopt recommendation from Director Department of Public Works & Engineering for approval of final contract amount of \$5,947,737.39 and acceptance of work on contract with **CONTRACTOR TECHNOLOGY, INC** for Mesa Drive Reconstruction - Contract "A", GFS N-0680-01-3 (N-0680-01) - 02.54% over the original contract amount - **DISTRICT B – GALLOWAY – (This was Item 39 on Agenda of October 19, 2005, POSTPONED BY MOTION #2005-1008)** – was presented. All voting aye. Nays none. Council Member Quan absent on city business. Council Members Lawrence, Galloway, Wiseman and Holm absent. MOTION 2005-1073 ADOPTED.

Mayor White stated that before they got to the end of the agenda he wanted to say to Council Member Sekula-Gibbs that Director Dadoush was present and asked if she needed Mr. Dadoush present on the item that she had tagged, and Council Member Sekula-Gibbs stated that her question was, and she did ask Mr. Dadoush on the telephone, whether the item had come through the Neighborhood Housing and Redevelopment Committee and Mr. Dadoush was unaware that it had come through the committee and she had talked to Mr. Wilson about it and he was unaware that it had come through committee, of course the item had been moving for a number of years so it was possible that neither of the gentlemen remembered when it went to the Neighborhood Housing and Redevelopment Committee. Council Members Lawrence, Galloway and Holm absent.

After further discussion Mayor White stated that he had just needed to know whether they needed Mr. Dadoush to answer any questions on the substance of the item. Council Members Lawrence, Galloway and Holm absent.

75. MOTION by Council Member Khan/Seconded by Council Member Alvarado to adopt recommendation from Director Finance & Administration Department for renewal of membership in the **NATIONAL LEAGUE OF CITIES** - \$35,787.00 - General Fund – **(This was Item 4 on Agenda of October 26, 2005, TAGGED BY COUNCIL MEMBERS GOLDBERG, LAWRENCE and SEKULA-GIBBS)** – was presented. Council Members Lawrence, Galloway, Wiseman and Holm absent.

Council Member Goldberg moved to postpone Item No. 75 for two weeks, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Quan absent on city business. Council Members Lawrence, Galloway, Wiseman and Holm absent. MOTION 2005-1074 ADOPTED.

76. MOTION by Council Member Khan/Seconded by Council Member Alvarado to adopt recommendation from Director Solid Waste Management Department for additional funding in the amount of \$600,000.00 for Solid Waste Disposal on contract with **WASTE MANAGEMENT, INC** General Fund – **(This was Item 7 on Agenda of October 26, 2005, TAGGED BY COUNCIL MEMBERS WISEMAN and ELLIS)** – was presented. Council Member Ellis voting no, balance voting aye. Council Member Quan absent on city business. Council Members Lawrence, Galloway, Wiseman and Holm absent. MOTION 2005-1075 ADOPTED.

77. MOTION by Council Member Khan/Seconded by Council Member Quan to adopt recommendation from City Attorney for settlement of lawsuit styled **DONIEL WATTS v. City of Houston**; in the 234th Judicial District Court of Harris County, Texas; Cause No. 2004-45662, \$90,000.00 - Property and Casualty Fund – **(This was Item 8 on Agenda of October 26, 2005, TAGGED BY COUNCIL MEMBER GOLDBERG)** - was presented. All voting aye. Nays none. Council Member Quan absent on city business. Council Members Lawrence, Galloway, Wiseman and Holm absent. MOTION 2005-1076 ADOPTED.

78. MOTION by Council Member Khan/Seconded by Council Member Quan to adopt

recommendation from Director Finance & Administration to award to **RAYTHEON COMPANY** for Intelligence Integration System from the General Services Administration Schedule 70 Contract through the Cooperative Purchasing Program for Police Department - \$1,199,928.00 - Grant Fund – **(This was Item 14 on Agenda of October 26, 2005, TAGGED BY COUNCIL MEMBER GARCIA)** – was presented. Council Members Lawrence, Galloway, Wiseman and Holm absent.

Council Member Garcia stated that he wanted to thank Captain Holland for coming to visit with him on his question on the item, that it was a very good tool and software that they were going to be getting and he just spoke with him about the need to use it for general crime fighting purposes. Council Members Lawrence, Galloway, Wiseman and Holm absent.

A vote was called on Item No. 78. All voting aye. Nays none. Council Member Quan absent on city business. Council Members Lawrence, Galloway, Wiseman and Holm absent. MOTION 2005-1077 ADOPTED.

79. RECOMMENDATION from Finance & Administration Department to increase spending authority for the Unisys Master Agreement by \$2,900,704.77 from \$5,914,093.47 to \$8,814,798.24 and to revise the supplemental equipment schedules for Various Departments - General, Grant and Equipment Acquisition Consolidated Funds – **(This was Item 18 on Agenda of October 26, 2005, TAGGED BY COUNCIL MEMBERS GREEN, KHAN, GOLDBERG and SEKULA-GIBBS)** – was presented, moved by Council Member Alvarado, seconded by Council Member Khan. All voting aye. Nays none. Council Member Quan absent on city business. Council Members Lawrence, Galloway, Wiseman and Holm absent. MOTION 2005-1078 ADOPTED.

80. ORDINANCE approving and authorizing contract between the City and **SMART CITY NETWORKS, L.P.** for Telecommunications Services at the George R. Brown Convention Center Revenue - **DISTRICT I - ALVARADO** – **(This was Item 32 on Agenda of October 26, 2005, TAGGED BY COUNCIL MEMBERS ELLIS and BERRY)** – was presented.

Council Member Ellis stated that in the past week he had the opportunity to evaluate the selection process for the vendor, and was thankful that it was not coming through the Aviation Department, it was coming through the C&E Department, and what struck him as unusual was that there were three bidders and only one of the vendors was given an opportunity to give a best and final offer, that he found it somewhat unfair in the process, and would suggest that they delay the item for another week and have other Council Members have an opportunity to evaluate it, and would request that Mayor White evaluate the process as well in the next week and he felt comfortable with it to come back to Council and tell them so. Council Members Lawrence, Galloway, Wiseman and Holm absent.

Council Member Ellis moved to postpone Item No. 80 for one week, seconded by Council Member Khan.

Mayor White stated that they would not oppose the motion because Council Member Ellis and another Council Member had raised a process issue, that he would read it in a week. Council Members Lawrence, Galloway and Holm absent.

A vote was called on the motion to postpone Item No. 80. All voting aye. Nays none. Council Member Quan absent on city business. Council Members Lawrence, Galloway and Holm absent. MOTION 2005-1079 ADOPTED.

81. ORDINANCE approving and authorizing contract between the City and **WORKERS ASSISTANCE PROGRAM, INC** for Prevention Counseling/Partner Elicitation (PCPE) Training Classes; providing a maximum contract amount - \$132,132.00 - Grant Fund – **(This was Item 34 on Agenda of October 26, 2005, TAGGED BY COUNCIL MEMBERS**

**QUAN and SEKULA-GIBBS**) - was presented. All voting aye. Nays none. Council Member Quan absent on city business. Council Members Lawrence, Galloway and Holm absent. ORDINANCE 2005-1235 ADOPTED.

82. ORDINANCE appropriating \$22,029,497.00 out of Equipment Acquisition Consolidated Fund for Purchase of FY2006 Rolling Stock and other equipment – **(This was Item 36 on Agenda of October 26, 2005, TAGGED BY COUNCIL MEMBER QUAN)** - was presented. All voting aye. Nays none. Council Member Quan absent on city business. Council Members Lawrence, Galloway and Holm absent. ORDINANCE 2005-1236 ADOPTED.
83. ORDINANCE appropriating \$1,784,082.55 out of Parks Consolidated Construction Fund: awarding construction contract to **THE GONZALEZ GROUP, LLC** for Reveille Park and Sagemont Park Pool Facilities, GFS F-504B-15-3, F-504A-15-3; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for contingencies, engineering testing services, and construction management relating to construction of facilities financed by the Parks Consolidated Construction Fund - **DISTRICTS E - WISEMAN and I - ALVARADO** – **(This was Item 39 on Agenda of October 26, 2005, TAGGED BY COUNCIL MEMBER GOLDBERG)** – was presented. Council Members Lawrence, Galloway and Holm absent.

Council Member Goldberg stated that he had questioned the item because of some of the financing, that it was a contract for two swimming pools, one did not qualify for any CDBG and one qualified for 100% CDBG but they were only using half of it, that they could get another \$500,000 of CDBG for one of the pools, that he confirmed it with Mr. Wilson, that he would vote for the item, that he had confirmed with Ms. Johnson and she said that what they could do was vote for the contract and change the financing, as long as there was not more bond money, that his goal was to have less Park Bond money and more CDBG money, that this was a way to get money, not only for his pool, but for about 20 other City pools that were waiting for Park Bond money, that he would ask the administration to really make an concerted effort to change the financing on one of the pools, take out the bond money and make it 100% CDBG, that he had confirmed it with the Director of Housing and Ms. Johnson stated that the financing was possible. Council Members Lawrence, Galloway, Khan, and Holm absent.

After further discussion Mayor White stated that there was a limited pot of money and his goal was to get it spent quickly and as cost effectively as they could, so he would look at it, and a vote was called on Item No. 83. All voting aye. Nays none. Council Member Quan absent on city business. Council Members Lawrence, Galloway, Edwards, Holm and Ellis absent. ORDINANCE 2005-1237 ADOPTED.

84. ORDINANCE appropriating \$14,098,000.00 out of Drainage Improvements Commercial Paper Series F Fund, awarding construction contract to **TOTAL CONTRACTING LIMITED** for Kirby Drive Storm Sewer Project Segment 2 - from Dorrington to Swift, GFS M-0771-02-3 (SM5044-02); setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing and contingencies relating to construction of facilities financed by the Drainage Improvements Commercial Paper Series F Fund - **DISTRICT C – GOLDBERG** – **(This was Item 41 on Agenda of October 26, 2005, TAGGED BY COUNCIL MEMBERS WISEMAN and GOLDBERG)** – was presented. Council Members Lawrence, Galloway and Holm absent.

Council Member Goldberg stated that he had enough questions answered to where he was okay with Total Contracting working on the next project, but did have a lot of questions about the current project and would bring it up during the Council matters to be presented.

Council Members Lawrence, Galloway and Holm absent.

A vote was called on Item No. 84. All voting aye. Nays none. Council Member Quan absent on city business. Council Members Lawrence, Galloway, Edwards, Holm and Ellis absent. ORDINANCE 2005-1238 ADOPTED.

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

Council Member Goldberg reviewed a slide presentation on a sidewalk project, (incomplete sidewalks), that it was the same contractor on the item they had just voted on, that the sidewalks were all over the neighborhood street reconstruction project, almost every intersection, that one of the reasons he was told was that there was no more money to actually build the sidewalks, that he wanted the Controller, if possible, to use her audit powers and see where the money went because there was enough money when they did it and even let the construction management go and were doing the construction management in house to save money for the project, and Mayor White stated that he would like some explanation of what the job site supervisor was thinking, that he needed an explanation on the project and whose job it was to go out and say it was okay, and asked Mr. Norman to help with it. Council Members Lawrence, Galloway, Holm and Garcia absent.

Council Member Goldberg stated that Mr. Leiv Platou passed away, that he was a community activist, served in World War II, worked for Gulf Oil for 37 years and was on the Crime Stoppers Board for 25 years and helped start it, that he was president of Westbury Civic Club and Westbury Area Improvement Corporation and was such a community leader that the City of Houston named a community center after Mr. Platou and his wife Betty, that he passed away a few days ago. Council Members Lawrence, Galloway, Holm and Garcia absent.

Council Member Goldberg reviewed on a slide presentation of houses that City Council voted to sell and move them into areas where there were vacant lots for affordable housing, that the houses stood since August 2005 with no security or protection and people bid on them and were going to move them to places in Districts D and B, that they were still there but were in such a deplorable condition, that now the City would have to spend between \$10,000 and \$15,000 to demolish the houses, that he hoped they could find a way to rectify the problem in the future. Council Members Lawrence, Galloway, Khan, Holm, Garcia and Ellis absent.

Mayor White stated that as to the first slideshow, after having petitioned for the sidewalks and having the design for the sidewalks and after the award had been made and while the construction was going on, that was awarded in 2003, the Westwood Civic Association then petitioned not to put sidewalks in so they were cut out, then towards the conclusion of the project the neighbors petitioned to put them back in and now they were going to put them back in at an additional cost if they would have been done when the project was requested, so it was also a reminder that Public Works were serious projects and neighborhoods were not always of one mind and they should stick to it. Council Members Lawrence, Galloway, Holm, Garcia and Ellis absent.

Council Member Goldberg stated that he wanted to congratulate Mayor White on what he was told was the largest percentage winning on the Mayor's election, that all of the incumbent Council Members had very high percentages also and he thought it was the perception that the residents viewed that as a whole the City Council was working together and had been effective and thought it was a large part of Mayor White's leadership, that he wanted to caution them to protect against what he called the sophomore jinx, that there was something coming up on the agenda that he wished would not come up, that it was something that he spoke to earlier about their not having enough money for their swimming pools, that he understood there was an agenda item that would take \$4 million of the Park Bond money and give it to the County, that he thought it was very unnecessary and hoped Mayor White would take a strong look at it, that he thought it would be a bad mistake to take money away from the residents and give it to

another governmental entity. Council Members Lawrence, Galloway, Holm, Garcia and Ellis absent.

Council Member Wiseman stated that they had a very nice ribbon cutting for Sylvan Rodriguez Park on the weekend and she wanted to thank the folks from the City who made it possible for Phase II of the park and Mr. Doug Miller, Channel 11, who emceed the program, community members, and Cub Scout Pac 958 for the presentation of the colors and also members of the Sylvan Rodriguez Family. Council Members Lawrence, Galloway, Holm, Garcia and Ellis absent.

Council Member Wiseman stated that she wanted to welcome the newly named Director of the Johnson Space Center, former astronaut, Mike Coates. Council Members Lawrence, Galloway, Holm, Garcia, Ellis and Berry absent.

Council Member Edwards stated that she wanted to congratulate all of her colleagues on their election victories. Council Members Lawrence, Galloway, Goldberg, Holm, Garcia, Ellis and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she would like to have some answers on what was the final status of Bethel Baptist Church, and Mayor White stated that they would get her a report. Council Members Lawrence, Galloway, Goldberg, Holm, Garcia, Ellis and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she wanted to thank Ms. Jill Jewet for inviting her office to participate on a tour, which her office paid for on their own and not taxpayer money, to Washington and New York, to look at different communities that had pulled together historical preservation issues. Council Members Lawrence, Galloway, Goldberg, Holm, Garcia, Ellis and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she wanted to congratulate the Sunnyside Community and wanted to acknowledge the work of Ms. Mabel Cater and the Home CDC and the work they had done in the Sunnyside area to preserve some of the area of Sunnyside that was like Freedman's Town. Council Members Lawrence, Galloway, Goldberg, Wiseman, Holm, Garcia, Ellis and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that on the issue of LARA and the advisory group that they were trying to do as LARA moves forward and their mission statement and where they were, she was hopeful that they could decide how to make that happen because their office was committed to make sure that if LARA did become authorized to purchase and acquire land in the Sunnyside area that there be adequate and substantive representation to that process, that she had meet with members of the LARA Board and Mr. Timmermon and knew they were actively working to make sure there was a process that was not obstructive but also that was very inclusive and wanted them to know that their office stood ready to work with them on that issue. Council Members Lawrence, Galloway, Wiseman, Holm, Garcia, Ellis and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she wanted to express the joy of the Hiram Clarke Community with the multi service center that would be coming on line, that they had a windup session with Mr. Donald Perkins from Planning and the super neighborhood group and wanted to thank Mr. Dadoush and all of the other people who had been working with their office very closely with that, that the ground would probably be broken by the end of the year, and Mayor White asked that she keep him apprised if anything went off track. Council Members Lawrence, Galloway, Wiseman, Holm, Garcia, Ellis and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that as to Ms. Harris, she was now off of her walker and was full steam ahead and they were all excited to have her back in their community in better

health. Council Members Lawrence, Galloway, Wiseman, Holm, Garcia, Ellis and Berry absent.  
(NO QUORUM PRESENT)

Council Member Alvarado stated that on the lines of the LARA Board some of the members had expressed some concern on the overlap regarding Project Hope and some of them were feeling left out and wanted to be on a regular basis informed on what was going on, that she was speaking about a couple of the representatives that represented the Third Ward Community. Council Members Lawrence, Galloway, Wiseman, Holm, Garcia, Ellis and Berry absent. (NO QUORUM PRESENT)

Council Member Alvarado stated that Mr. Deloyd Parker was still in the audience, that she guessed he was hoping that her colleague would have released her tag on Item No. 61, but he would be back next week and hopefully they would get the item that had been on the table for eight years passed, and thanked Mr. Parker for his patience. Council Members Lawrence, Galloway, Wiseman, Holm, Garcia, Ellis and Berry absent. (NO QUORUM PRESENT)

Council Member Khan stated that he was impressed by the overwhelming support Mayor White got from the citizens of the City of Houston. Council Members Lawrence, Galloway, Wiseman, Holm, Garcia, Ellis and Berry absent. (NO QUORUM PRESENT)

Council Member Khan stated that they were protesting the liquor license of the Carnival Night Club and their expansion, so for the residents who wanted to participate in that process they would request that they sign the protest and call their office at 713-247-2002 and they would send them the petition to sign. Council Members Lawrence, Galloway, Wiseman, Holm, Garcia, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Khan stated that tomorrow at the Greater Houston Convention and Visitor Bureau, through International Protocol Alliance would have a Learn at Lunch Series which would feature Pakistani Art and Culture and the Consulate General of Pakistan would be the guest speaker and it would be from 12:00 p.m. to 1:00 p.m. Council Members Lawrence, Galloway, Wiseman, Holm, Garcia, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 1:50 p.m. Council Members Lawrence, Galloway, Wiseman, Holm, Garcia, Ellis, Green and Berry absent.  
(NO QUORUM PRESENT)

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

MINUTES READ AND APPROVED

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Anna Russell, City Secretary