

City Council Chamber, City Hall, Tuesday, December 20, 2005

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, December 20, 2005, Mayor Pro Tem Alvarado presiding and with Council Members Toni Lawrence, Mark Goldberg, Ada Edwards, Addie Wiseman, M. J. Khan, Pam Holm, Adrian Garcia, Carol Alvarado, Gordon Quan, Mark Ellis, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; Mr. Arturo Michel, City Attorney, Mr. Don Cheatham, Division Chief, General Counsel Division, Legal Department; Mr. Anthony Hall, Chief Financial Officer, Mayor's Office; Ms. Marty Stein, Agenda Director and Mr. Jose Soto, Deputy Agenda Director present. Mayor Bill White absent on vacation.

At 8:24 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:25 a.m. Mayor Pro Tem Alvarado called the meeting of the City Council to order; and called on Council Member Goldberg who invited Mr. Marcos Whitt, author, winner of two Grammy awards, founder of the largest Spanish Christian record company, leader of the largest Spanish church service in the entire U. S. from Lakewood Church to the podium to lead all in prayer. Council Member Goldberg led all in the pledge. Council Members Galloway and Wiseman absent.

The City Secretary called the roll. Mayor White absent on vacation. Council Member Wiseman absent. Mayor Pro Tem Alvarado presiding.

Council Members Khan and Quan moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Mayor White absent on vacation. Council Member Wiseman absent. Mayor Pro Tem Alvarado presiding. MOTION ADOPTED.

Consent Agenda Numbers(1 through 47) were considered as follows:

MISCELLANEOUS - NUMBERS 1 through 6

2. REQUEST from Mayor for confirmation of the appointment of **MS. PAMELLA R. THORNE**, to Position One of the **BOARD OF DIRECTORS OF THE REINVESTMENT ZONE NUMBER NINETEEN, CITY OF HOUSTON, TEXAS (UPPER KIRBY)**, for a term to expire July 20, 2007 - was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Mayor White absent on vacation. Council Member Wiseman absent. Mayor Pro Tem Alvarado presiding. MOTION 2005-1216 ADOPTED.
3. REQUEST from Mayor for confirmation of the appointment of **MS. DONNA MARGIOTTA (Senate District 7 Appointee)** to Position One of the **ST. GEORGE PLACE REDEVELOPMENT AUTHORITY BOARD OF DIRECTORS**, for a term ending December 31, 2006 - was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Mayor White absent on vacation. Council Member Wiseman absent. Mayor Pro Tem Alvarado presiding. MOTION 2005-1217 ADOPTED.

4. RECOMMENDATION from Information Technology Department for funding for software licenses and software/hardware maintenance contracts for FY-2006 for **IBM** - \$258,303.30, **BMC Software** - \$39,150.00, **NewEra Software** - \$3,000.00, **Software Engineering of America** - \$16,451.21, **Storage Technology Corporation** - \$14,952.00 and **Storage Technology Corporation** - \$122,387.28 - \$460,000.00 - General Fund - was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Mayor White absent on vacation. Council Member Wiseman absent. Mayor Pro Tem Alvarado presiding. MOTION 2005-1218 ADOPTED.
5. RECOMMENDATION from Chief of Police for Extension of Leave of Absence without pay for **MIKE EDMONDS** - was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Mayor White absent on vacation. Council Member Wiseman absent. Mayor Pro Tem Alvarado presiding. MOTION 2005-1219 ADOPTED.
6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of the FY2006 Operations and Maintenance Budget for the **TRINITY RIVER AUTHORITY** \$3,012,650.00 - Enterprise Fund - was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Mayor White absent on vacation. Council Member Wiseman absent. Mayor Pro Tem Alvarado presiding. MOTION 2005-1220 ADOPTED.

ACCEPT WORK - NUMBERS 7 and 8

7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$613,500.70 and acceptance of work on contract with **JALCO, INC** for High Star Lift Station Replacement, GFS R-0267-A8-3 (WW4728-8) - 06.98% under the original contract amount - **DISTRICT F – KHAN** - was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Mayor White absent on vacation. Council Member Wiseman absent. Mayor Pro Tem Alvarado presiding. MOTION 2005-1221 ADOPTED.
8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$768,921.92 and acceptance of work on contract with **R. K. WHEATON, INC** for Construction of Water Main Extension Package 2, GFS S-0700-57-3 (WA10740) 16.60% under the original contract amount - **DISTRICTS A - LAWRENCE; B - GALLOWAY; C - GOLDBERG; G - HOLM and H – GARCIA** - was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Mayor White absent on vacation. Council Member Wiseman absent. Mayor Pro Tem Alvarado presiding. MOTION 2005-1222 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 10 through 19

12. **INTERNETWORK EXPERTS, INC** for Maintenance and Support Agreement for Cisco Network Equipment through the City's Master Agreement with DIR for Texas CISV Master Catalog Purchases under Chapter 2157 of the Government Code for Information Technology Department \$870,971.72 - Central Service Revolving Fund - was presented, moved by Council Member Khan, seconded by Council Member

Quan. All voting aye. Nays none. Mayor White absent on vacation. Council Member Wiseman absent. Mayor Pro Tem Alvarado presiding. MOTION 2005-1223 ADOPTED.

13. ORDINANCE appropriating \$49,577.15 out of Parks Consolidated Construction Fund for Asbestos Abatement and Site Clean-Up Services at the Administration Building of the Parks & Recreation Department, CIP F-0504D-01-5 - had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Mayor White absent on vacation. Council Member Wiseman absent. Mayor Pro Tem Alvarado presiding.

13a. **HAZARD ASSESSMENT LEADERS, INC** for Asbestos Abatement and Site Clean-Up Services for Parks & Recreation Department - \$33,883.00 and contingencies for a total amount not to exceed \$35,577.15 - had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Mayor White absent on vacation. Council Member Wiseman absent. Mayor Pro Tem Alvarado presiding.

14. **SOUTHWESTERN BELL TELEPHONE, L.P.** for Digital Cross-Connect System through the City's Master Agreement with DIR for Texas CISV Master Catalog Purchases under Chapter 2157 of the Government Code for Police Department - \$210,386.25 - Grant Fund - was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Mayor White absent on vacation. Council Member Wiseman absent. Mayor Pro Tem Alvarado presiding. MOTION 2005-1224 ADOPTED.

15. **FAAC INCORPORATED** for Driver-Training Systems from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for the Police Department - \$454,540.00 - Police Special Services Fund - was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Mayor White absent on vacation. Council Member Wiseman absent. Mayor Pro Tem Alvarado presiding. MOTION 2005-1225 ADOPTED.

17. **HEWLETT PACKARD** for Hewlett Packard (HP) Computer Hardware through the City's Master Agreement with the Texas Department of Information Resources for Texas CISV Master Catalog Purchases under Chapter 2157 of the Government Code for Public Works & Engineering Department - \$826,355.60 - Enterprise Fund - was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Mayor White absent on vacation. Council Member Wiseman absent. Mayor Pro Tem Alvarado presiding. MOTION 2005-1226 ADOPTED.

19. **MOTOROLA, INC** for Software and Implementation Services for the City's 3-1-1 System \$42,000.00 - General Fund - was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Mayor White absent on vacation. Council Member Wiseman absent. Mayor Pro Tem Alvarado presiding. MOTION 2005-1227 ADOPTED.

ORDINANCES - NUMBERS 20 through 47

21. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use by the City of Houston of Three (3) Utility Easements, Parcels SY5-022A, SY5-022B and SY5-022C, containing an aggregate of 2,447 square feet of land, more or less, all located within the George Rich Subdivision, A.C. Reynolds Survey, A-61, Houston, Harris County, Texas; vacating and abandoning said easements to 3201 Kirby, Ltd., the owner, in consideration of the owner's conveyance to the City of a 10-foot-wide utility easement, Parcel VY5-002, also located within the same George Rich Subdivision, and other consideration to the City - **DISTRICT C – GOLDBERG** – was presented. All voting aye. Nays none. Mayor White absent on vacation. Council Member Wiseman absent. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-1377 ADOPTED.
22. ORDINANCE consenting to the addition of 9.388 acres of land to **CYPRESS-KLEIN UTILITY DISTRICT**, for inclusion in its district – was presented. All voting aye. Nays none. Mayor White absent on vacation. Council Member Wiseman absent. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-1378 ADOPTED.
23. ORDINANCE consenting to the addition of 342.676 acres of land to **GREENWOOD UTILITY DISTRICT**, for inclusion in its district – was presented. All voting aye. Nays none. Mayor White absent on vacation. Council Member Wiseman absent. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-1379 ADOPTED.
24. ORDINANCE consenting to the addition of 24.088 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 217**, for inclusion in its district – was presented. All voting aye. Nays none. Mayor White absent on vacation. Council Member Wiseman absent. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-1380 ADOPTED.
25. ORDINANCE consenting to the addition of 15.886 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 390**; for inclusion in its district – was presented. All voting aye. Nays none. Mayor White absent on vacation. Council Member Wiseman absent. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-1381 ADOPTED.
26. ORDINANCE consenting to the addition of 5.2588 acres of land to **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 119**, for inclusion in its district – was presented. All voting aye. Nays none. Mayor White absent on vacation. Council Member Wiseman absent. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-1382 ADOPTED.
33. ORDINANCE appropriating \$2,307,505.00 out of Water & Sewer System Consolidated Construction Fund for Reimbursement to Trinity River Authority (TRA) for Repairs to Lake Livingston Dam from Hurricane Rita Damage, CIP S-0019-07-3 - had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Mayor White absent on vacation. Council Member Wiseman absent. Mayor Pro Tem Alvarado presiding.
34. ORDINANCE approving and authorizing contract between the City of Houston and **HOUSTON COMMUNITY COLLEGE SYSTEM (HCCS)** for Professional Educational Services Contract for the Department of Public Works and Engineering; providing a maximum contract amount 3 Years with two one-year options - \$350,000.00 -

Enterprise Fund – was pulled from the agenda by the administration and was not considered. Mayor White absent on vacation. Council Member Wiseman absent. Mayor Pro Tem Alvarado presiding.

35. ORDINANCE appropriating \$310,844.00 out of Water & Sewer System Consolidated Construction Fund and \$213,000.00 out of Drainage Improvement Commercial Paper Series F Fund; approving and authorizing Interlocal Cost Sharing Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 410** for Construction of Water, Sanitary Sewer and Storm Sewer Lines for Section One of the Southdown Trace Subdivision, CIP S-0800-J3-3, R-0800-J3-3 & M-0800-05-3 - **DISTRICT E – WISEMAN** – was presented. All voting aye. Nays none. Mayor White absent on vacation. Council Member Wiseman absent. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-1383 ADOPTED.
36. ORDINANCE appropriating \$142,188.00 out of Water & Sewer System Consolidated Construction Fund and \$176,251.00 out of Drainage Improvement Commercial Paper Series F Fund; approving and authorizing Interlocal Cost Sharing Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 410** for Construction of Water, Sanitary Sewer and Storm Sewer Lines for Section Two of the Southdown Trace Subdivision, CIP S-0800-J2-3, R-0800-J2-3 & M-0800-04-3 - **DISTRICT E – WISEMAN** – was presented. All voting aye. Nays none. Mayor White absent on vacation. Council Member Wiseman absent. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-1384 ADOPTED.
37. ORDINANCE appropriating \$355,498.00 out of Water & Sewer System Consolidated Construction Fund and \$231,000.00 out of Drainage Improvement Commercial Paper Series F Fund; approving and authorizing Interlocal Cost Sharing Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 410** for Construction of Water, Sanitary Sewer and Storm Sewer Lines for Section One of the Clearview Village Subdivision CIP S-0800-J5-3, R-0800-J5-3 & M-0800-06-3 - **DISTRICT E – WISEMAN** – was presented. All voting aye. Nays none. Mayor White absent on vacation. Council Member Wiseman absent. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-1385 ADOPTED.
38. ORDINANCE appropriating \$445,864.00 out of Water & Sewer System Consolidated Construction Fund and \$318,000.00 out of Drainage Improvement Commercial Paper Series F Fund; approving and authorizing Interlocal Cost Sharing Agreement between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 410** for Construction of Water, Sanitary Sewer and Storm Sewer Lines for Section Two of the Clearview Village Subdivision CIP S-0800-J6-3, R-0800-J6-3 & M-0800-07-3 - **DISTRICT E – WISEMAN** – was presented. All voting aye. Nays none. Mayor White absent on vacation. Council Member Wiseman absent. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-1386 ADOPTED.
44. ORDINANCE appropriating \$2,190,200.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **R. K. WHEATON, INC** for Water Line Replacement in Huntington Place Subdivision, GFS S-0035-C2-3 (WA10784); setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering,

testing, construction management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund **DISTRICT H – GARCIA** – was presented. All voting aye. Nays none. Mayor White absent on vacation. Council Member Wiseman absent. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-1387 ADOPTED.

45. ORDINANCE appropriating \$2,417,770.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **D. L. ELLIOTT ENTERPRISES, INC** for Water Line Replacement in Midtown-Southeast, GFS S-0035-C8-3 (WA10790); 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, project management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT I – ALVARADO** – was presented. All voting aye. Nays none. Mayor White absent on vacation. Council Member Wiseman absent. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-1388 ADOPTED.
46. ORDINANCE appropriating \$277,900.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **RESICOM, INC** for Access Roads and Drainage Improvements at Various Water Plant Locations, GFS S-1000-24-3 (WA10811); setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, construction management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT A – LAWRENCE** – was presented. All voting aye. Nays none. Mayor White absent on vacation. Council Member Wiseman absent. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-1389 ADOPTED.
47. ORDINANCE appropriating \$830.00 out of Public Health Consolidated Construction Fund for Purchase Order to **AAR, INC** for Environmental Services and \$48,176.00 out of Public Health Consolidated Construction Fund as an additional appropriation under contract with **CARRIER COMMERCIAL SERVICES, INC** for HVAC Repair Services for Department of Health and Human Services, CIP H-0063-01-3 - **DISTRICT D – EDWARDS** – was presented. All voting aye. Nays none. Mayor White absent on vacation. Council Member Wiseman absent. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-1390 ADOPTED.

At 9:32 a.m. the City Secretary began calling the public speakers. Council Members Wiseman and Berry absent.

Mr. Richmond Leal, 7314 Nordling, Houston, Texas 77076 (713-694-5138) appeared and stated that he was a member of ACORN and present regarding Item 31, affordable housing, regarding the disbursing of funds coming into the Housing and Community Development Department; that they were looking for a way to codify what the department did with funds and for transparency and accountability; and urged Council's support; that all would miss Council Member Quan and hoped who ever was placed in the committee would be as good as he. Council Members Goldberg, Wiseman and Ellis absent.

Council Member Quan thanked Mr. Leal and ACORN for their advocacy on behalf of Houston citizens for affordable housing, ACORN brought the concept of the ordinance to light and all agreed a transparent system was necessary. Council Members Goldberg, Wiseman and Ellis absent.

Council Member Garcia thanked Mr. Leal and ACORN for helping put transparency and structure to the project. Council Members Goldberg, Wiseman and Ellis absent.

Upon questions by Council Member Edwards, Mr. Leal stated that he was not sure they were anywhere yet as for tenants rights, but it was a major issue and it needed to still be discussed; and Council Member Edwards stated that she would like to push for that during the next administration and would like to work with ACORN. Council Members Goldberg, Wiseman and Ellis absent.

Council Member Quan stated that he hoped they did follow-up on that point and they were also hoping to get an update on the fair housing ordinance, it had not been done in 18 years and Legal had been working with them and he hoped it would be ready by January. Council Members Goldberg, Wiseman and Ellis absent.

Council Member Green stated that he also wanted to congratulate Mr. Leal for their work which had been done in a fairly short period of time; that he should stay on it and whatever he could do to help he would. Council Members Goldberg, Wiseman and Ellis absent.

Council Member Berry moved to suspend the rules to allow Mr. Albert Chang to be the next speaker, seconded by Council Member Quan. All voting aye. Nays none. Mayor White absent on vacation. Council Members Goldberg, Wiseman, Ellis and Sekula-Gibbs absent. Mayor Pro Tem Alvarado presiding. MOTION 2005-1227-A ADOPTED.

Council Member Berry stated that Mr. Chang also had a video he would like played at the time he spoke. Council Members Goldberg, Wiseman, Ellis and Sekula-Gibbs absent. Mayor Pro Tem Alvarado presiding.

Mr. Albert Chang, who was added to the speakers list, appeared and stated that Council Member Quan did honor to their heritage and was sorry for the loss of his Father, but today he was present as his house was destroyed by fire last Friday and whatever the fire did not destroy the city knocked down; that he pleaded with the lady from the city to wait until his adjuster came and he did get there in time and he asked that they be allowed to secure the house, but they would not do it and destroyed it; that he was not complaining on the inspector who was probably doing her job, he thought maybe it was just policy and that was why he came, if it was policy he would like people to have a chance; that now he would receive a bill from the city for destroying it and he had 30 days to remove the rubble when the company who destroyed it could have hauled it off; that he and his family would be okay, but he would like them to be more sympathetic as they lost everything. Council Members Ellis and Sekula-Gibbs absent. Mayor Pro Tem Alvarado presiding.

Mayor Pro Tem Alvarado stated that before he began with the video Council usually did not allow them in public session; that Council Member Berry did agree to have the video available and Council Members could see it individually; and Council

Member Berry stated that he would set the video up in the back and it could be viewed there; that he saw his house; and upon questions, Mr. Chang stated that the same day the house burned the city inspector came that morning; that he had been out of town and when he came back he found his house had burned, the inspector came about an hour after him around 10:00 a.m. and the house was knocked down about noon; that he wanted to praise the firemen as they did a fantastic job; that they were carrying out what they could and it was not their job, she was telling them to get out because it was going to be torn down and she would not even let him go in, but the firemen kind of blocked her to allow him to walk through; that his address was 5914 Rutherglen; and Council Member Berry stated that they did need a review of what happened, but how could the insurance company do their investigation or the Fire Department do investigation; that some Council Members had to deal with such homes being left too long, but in this case it was too quickly done. Council Members Ellis and Sekula-Gibbs absent. Mayor Pro Tem Alvarado presiding.

Council Member Lawrence stated that she was sorry for his loss and he should have had the chance to walk through and retrieve things that meant something to him and hoped something could be done so this would not happen again. Council Members Ellis and Sekula-Gibbs absent. Mayor Pro Tem Alvarado presiding.

Council Member Quan thanked Mr. Chang for his condolences on behalf of his family; and upon questions, Mr. Chang stated that he thought at least a day should be given so it could be secured, could be walked through by him or the restoration company; and Council Member Quan stated that he was sure Council would do a thorough review and come up with a fair policy. Council Members Garcia and Ellis absent. Mayor Pro Tem Alvarado presiding.

Mayor Pro Tem Alvarado stated that she would ask the Administration, because they had similar discussion before with a church and because she had a burned house in her district for almost a year, she would ask what the policy was, how decisions were made and would like it in writing for Council Members. Council Members Garcia, Ellis and Sekula-Gibbs absent. Mayor Pro Tem Alvarado presiding.

Mrs. Gloria Short, 16534 Moary Firth, Houston, Texas 77084 (281-858-4979) appeared and stated that that a picture was worth a thousand words and they did have one to show Council Members on a camcorder; that she and her husband were homeowners, taxpayers and now totally disabled and they were not being treated fairly by METRO Lift; that Mayor White was the boss and the boss was always the last to know and that was why they came, they wanted him to know that they were being refused pickup at the foot of their driveway; that they picked up people who lived further north of Highway 6, but they were forced to ride through rain, cold and dark to get to the highway to get picked up when they lived only two minutes from where they were. Council Member Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Garcia stated that earlier this year new members were appointed to the Commission of Disabilities and the number one thing he asked each one was to make METRO lift a priority on their agenda because he had seen and heard of such stories, where people were made to wait too long in rain and dark; that last Friday, along with Kim King, the Mayor's director of Disabilities, they went out and visited with METRO lift and spoke with Mr. Art Jackson and what he heard from him sounded as though it was on point, but he told him he was still uncomfortable because there seemed to be a

disconnect between what he was saying and what he was seeing; that this was a big concern to him and he would like to call on them to help him and the Commission on Disabilities figure out how to improve their performance. Council Members Lawrence and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Sekula-Gibbs stated that her assistant was coming to give her a card so they could help with a follow-up in 2006 with METRO; that it was an ongoing issue as Council Member Garcia alluded to and it was not an easy fix, but she did want to assist them. Council Members Lawrence and Berry absent. Mayor Pro Tem Alvarado presiding.

Mr. Leonard Short, 16534 Moary Firth, Houston, Texas 77084 (281-858-4979) appeared and stated that he would only add that METRO was now picking up on the east side of Highway 6 but would not pick up on the west side and they were only half a mile difference; that they had to ride their chairs in the street as there were no sidewalks and while riding in the traffic people were blowing horns and hollering at them, but they depended on METRO Lift for doctors appointments, the pharmacy, store, wherever they went. Council Members Lawrence and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Edwards stated that this issue came up in the last meeting the Mayor had with challenged citizens and the Center for Independent Living and others had talked about it and if they were willing to still speak with Mr. Wilson she would be willing to call him today and ask why he had not spoken with them and maybe they could get a meeting or speak on the phone; that in her district they had a concern with people getting picked up by METRO Lift also. Council Members Lawrence and Berry absent. Mayor Pro Tem Alvarado presiding.

Upon questions by Council Member Khan, Ms. Short stated that METRO said they had no time to talk to them and they passed them from person to person; that no one would say why they would not pick them up; and Council Member Khan stated that they should at least get an answer as to why; and Mayor Pro Tem Alvarado stated that she would say the Administration would make sure they would get an official response from METRO. Council Members Lawrence and Berry absent. Mayor Pro Tem Alvarado presiding.

Upon questions by Council Member Garcia, Mr. Short stated that they were told the METRO rail would not accommodate wheelchairs so they never attempted to ride it. Council Members Lawrence and Berry absent. Mayor Pro Tem Alvarado presiding.

Ms. Ebone Chadwick, 5601 Royal Palm #158, Houston, Texas 77021 (210-748-9987) had reserved time to speak but was not present when her name was called. Council Members Lawrence and Berry absent. Mayor Pro Tem Alvarado presiding.

Ms. Beverly Phelps, 6119 Waltrip, Houston, Texas 77087 (713-645-0825) had reserved time to speak but was not present when her name was called. Council Members Lawrence and Berry absent. Mayor Pro Tem Alvarado presiding.

Ms. Annie L. Green 9115 True Lawn Drive, Houston, Texas 77036 (713-995-6244) had reserved time to speak but was not present when her name was called. Council Members Lawrence and Berry absent. Mayor Pro Tem Alvarado presiding.

Ms. Tenika Torrence, 5800 Bayou Bend Court #712, Houston, Texas 77004 (713-440-7261) had reserved time to speak but was not present when her name was called. Council Members Lawrence and Berry absent. Mayor Pro Tem Alvarado presiding.

Mr. Thomas Birmingham, 1516 Beaconshire, Houston, Texas 77077 (281-752-7928) appeared and stated that Mayor White talked about the number of billboards being reduced and he wanted to know if it could be done; that also he heard downtown road construction was through but some were not done and he had questions on whether they would be done. Council Member Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Holm stated that there were federal laws which prohibited billboards from the highway system, but through the task force and Mayor White's direction there were also negotiations and discussions underway to set better policies. Council Member Berry absent. Mayor Pro Tem Alvarado presiding.

Mayor Pro Tem Alvarado stated there was just a celebration as the majority of downtown street construction was complete; that if he had specific locations he could speak with someone who was present with Public Works. Council Members Galloway, Goldberg, Edwards and Garcia absent. Mayor Pro Tem Alvarado presiding.

Mr. Lelarn Robinson, 5707 Parker, Houston, Texas 77016 (713-635-7690) had reserved time to speak but was not present when his name was called. Council Members Galloway, Goldberg, Edwards and Garcia absent. Mayor Pro Tem Alvarado presiding.

Ms. Monica Palacios, 902 E. Hendrick, Houston, Texas 77011 (713-926-4273) had reserved time to speak but was not present when her name was called. Council Members Galloway, Goldberg, Edwards and Garcia absent. Mayor Pro Tem Alvarado presiding.

Mr. Jacob Klemempich, 4387 Fiesta, Houston, Texas 77004 (713-741-1435) appeared and stated that he just returned from the Paralympics Championship in Vegas and his group came in third place; he thanked those who had helped and presented literature and a T-shirt to Council Members Sekula-Gibbs and Green. Council Members Galloway, Goldberg, Edwards and Garcia absent. Mayor Pro Tem Alvarado presiding.

Mr. A. W. Jones, 9338 Humble Westfield Road, Humble, Texas (832-731-3682) had reserved time to speak but was not present when his name was called. Council Members Galloway, Goldberg, Edwards and Garcia absent. Mayor Pro Tem Alvarado presiding.

Ms. Jacqueline Semedo, 806 Sandman, Houston, 77007 (713-426-3302) appeared and stated that recently she encountered a financial hardship and in dealing with city agencies she had no success; that one agency referred her to another agency and she felt it a disgrace that during this time of helping so many evacuees citizens of Houston

could get no assistance; that when having a hardship you could not wait three months; and she needed help. Council Members Galloway, Goldberg, Edwards, Garcia and Sekula-Gibbs absent. Mayor Pro Tem Alvarado presiding.

Mayor Pro Tem Alvarado stated that she was sorry she had such an experience; and upon questions, Ms. Semedo stated that she had spoken with radio stations, the Urban League, Citizens Assistance, Housing, Gulf Coast Community Services, Houston Chronicle, Salvation Army, etc.; and Mayor Pro Tem Alvarado stated that Ms. Rocha and Mr. Herrera were present and she would ask that one come forward to speak with her at this time and try and get her some assistance. Council Members Galloway, Edwards, Wiseman and Sekula-Gibbs absent. Mayor Pro Tem Alvarado presiding.

Ms. Shannon Hudson, 5007 Higgins, Houston, Texas 77033 (713-731-4436) had reserved time to speak but was not present when his name was called. Council Members Galloway, Edwards, Wiseman and Sekula-Gibbs absent. Mayor Pro Tem Alvarado presiding.

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

Mr. John Mezick, 1811 Ruiz, Houston, Texas 7002 (713-283-9518) had reserved time to speak but was not present when his name was called. Council Members Galloway, Edwards, Wiseman and Sekula-Gibbs absent. Mayor Pro Tem Alvarado presiding.

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (832-453-6376) had reserved time to speak but was not present when his name was called. Council Members Galloway, Edwards, Wiseman and Sekula-Gibbs absent. Mayor Pro Tem Alvarado presiding.

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 Galloway, Edwards, Wiseman and Sekula-Gibbs absent. Mayor Pro Tem Alvarado presiding.

ITEMS REMOVED FROM CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

1. REQUEST from Mayor for confirmation of appointment or reappointment of the following to the **HOUSTON AREA WATER CORPORATION BOARD OF DIRECTORS:**

Position One - **MR. JAMES "GRADY" PRESTAGE**, reappointment, for a term to expire

8/1/2006

Position Two - **MR. BINH HO**, reappointment, for a term to expire 8/1/2007

Position Three - **MR. CHARLES M. PENLAND**, reappointment, for a term to expire

8/1/2006

Position Four - **MR. ARNOLD DE ANDA**, reappointment, for a term to expire 8/1/2006

Position Five - **MR. DAVID BERG**, reappointment, and to serve as Chair, for a term to expire 8/1/2006

Position Six - **MS. CLAUDIA WILLIAMSON**, reappointment, for a term to expire 8/1/2007

Position Seven - **MS. YAVA D. SCOTT**, reappointment, for a term to expire 8/1/2007

- was presented, moved by Council Member Quan, seconded by Council Member Wiseman. All voting aye. Nays none. Mayor White absent on vacation. Council Members Edwards, Khan and Ellis absent. MOTION 2005-1228 ADOPTED.

PROPERTY - NUMBER 9

9. **AMEND MOTION #2005-901, 9/14/05**, which authorized condemnation of Parcels AY2-173 and AY2-173A, located in the 2300 block of Dixie Drive, for the **COLUMBIA TAP HIKE AND BIKE TRAIL PROJECT, TO REFLECT** that Parcel AY2-173A is a Temporary Construction Easement, CIP N-0420-22-2 - **DISTRICT D – EDWARDS** - was presented, moved by Council Member Quan, seconded by Council Member Sekula-Gibbs. Mayor White absent on vacation. Council Members Khan and Ellis absent.

Council Member Edwards stated that Item nine was continuation of the Columbia TAP and she appreciated the work done to try and realign the TAP, but to put the trail right back on Dixie Drive she felt was too dangerous and would be voting no. Council Members Khan and Ellis absent.

Council Member Green stated that he would tag Item 9. Council Members Khan and Ellis absent.

Council Member Quan stated that he wanted to know if there was a change of wording, his understanding from the briefing was this was a housekeeping measure as to what was previously passed, but the item was tagged. Council Members Khan and Ellis absent.

Council Member Sekula-Gibbs stated that she would also tag Item 9. Council Members Khan and Ellis absent.

Mayor Pro Tem Alvarado stated that Item 9 was tagged by Council Members Green and Sekula-Gibbs. Mayor White absent on vacation. Council Members Khan and Ellis absent.

10. **NORTEX MODULAR LEASING AND CONSTRUCTION d/b/a NORTEX MODULAR SPACE** for Lease of One Modular Office Building from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for the Houston Airport System - \$79,370.28 - Enterprise Fund - was presented, moved by Council Member Quan, seconded by Council Member Sekula-Gibbs. Mayor White absent on vacation. Council Members Khan and Ellis absent.

Council Member Quan stated that his understanding was the airport had acquired additional office space and this was only a temporary measure; and Mayor Pro Tem Alvarado stated that it was only temporary. Council Members Khan and Ellis absent.

A vote was called on item 10. All voting aye. Nays none. Mayor White absent on vacation. Council Members Khan and Ellis absent. MOTION 2005-1229 ADOPTED.

11. **ORTHO-MCNEIL PHARMACEUTICAL, INC** for Contraceptives from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for the Health & Human Services Department - \$192,732.48 - General Fund – was presented, moved by Council Member Quan, seconded by Council Member Sekula-Gibbs. Mayor White absent on vacation. Council Members Goldberg, Khan and Ellis absent.

Council Member Sekula-Gibbs stated that she did support the item, but wanted to make a clarification on the letter from the Health Department; that in paragraph three it stated the Department of Health Services did not purchase or administer any proposed conception family planning (morning after pill or Plan B) and technically Plan B was not a post conception material it was a post intercourse material and she wanted that clear, Plan B would prevent ovulation and would not affect an embryo, if a woman was already pregnant it would not impact her pregnancy and that distinction was important. Council Members Goldberg and Ellis absent.

Upon questions by Council Member Khan, Mayor Pro Tem Alvarado stated that the funds would be reimbursed by a federal grant. Council Members Goldberg and Ellis absent.

A vote was called on Item 11. Council Member Wiseman voting no. Balance voting aye. Mayor White absent on vacation. Council Members Goldberg and Ellis absent. MOTION 2005-1230 ADOPTED.

16. **PHILPOTT MOTORS, LTD.** for Automobiles and Utility Vehicles from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for Public Works & Engineering and Police Departments - \$1,798,256.00 - Grant and Other Funds – was presented. Mayor White absent on vacation. Council Members Goldberg and Ellis absent.

Council Member Holm stated that she was tagging Item 16 as she was concerned there was a cost benefit analysis on the purchase of hybrid cars, she knew they were more expensive to buy but maybe the outcome was cheaper and they had already invested in several hundred; that in reading what other agencies had done many decided to no longer to pursue the hybrid route because of the efficiency and over this week she would like to know they were sure of what they were getting into and that a commitment was not made that may not be in the city's best interest long term. Council Members Goldberg and Ellis absent.

Mayor Pro Tem Alvarado stated that Mr. Fontaine in the Mayor's Office had been working on this and she would make sure she had the information. Council Members Goldberg and Ellis absent.

Item 16 was tagged by Council Member Holm. Mayor White absent on vacation. Council Members Goldberg and Ellis absent.

18. **AMEND MOTION #2005-176, 2/23/05, TO PURCHASE** additional Hybrid-Electric Sedans for Various Departments, awarded to **PHILPOTT MOTORS, LTD.** - \$719,141.00 - Enterprise and Other Funds – was presented, moved by Council Member Khan, seconded by Council Member Quan, and tagged by Council Member Holm. Mayor White absent on vacation. Council Members Goldberg and Ellis absent.
20. ORDINANCE Canvassing the returns of the City of Houston Runoff Election held on December 10, 2005 – was presented. All voting aye. Nays none. Mayor White absent on vacation. Council Members Goldberg and Ellis absent. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-1391 ADOPTED.
27. ORDINANCE approving and authorizing first amendment to an Electric Supply Agreement between the City of Houston and **TEXAS GENERAL LAND OFFICE** (approved by Ordinance No. 04-0273); providing a maximum contract amount - was presented, and tagged by Council Members Quan and Khan. Mayor White absent on vacation. Council Members Goldberg and Sekula-Gibbs absent. Mayor Pro Tem Alvarado presiding.

Council Member Quan stated that it was his understanding Mr. Dadoush was going to go to each office and explain the contract and at the consolidated meeting he knew they had not had the opportunity and that was the purpose of his tag; and Mayor Pro Tem Alvarado stated that was correct. Council Members Goldberg and Sekula-Gibbs absent.

Council Member Khan stated that he would also like an analysis done as to how the contract performance was based on what they knew at the time and whether the performance was what they expected; that in general he did not like extensions of contracts and this was asking for a two year extension and would like to know why they were not going with a new contract altogether. Council Members Goldberg and Sekula-Gibbs absent.

Council Member Edwards stated that this was an important factor for the city as they moved forward and would ask the Administration to have a collective briefing so they could have a foundation as to Council on what they were saying and how they were moving forward on it, either through the Mayor's report or through a committee meeting; and Mayor Pro Tem Alvarado stated that in general it was somewhat of a complicated subject; that the Mayor was going to individually get to as many Council Members as possible to explain the extension and she would ask the City Attorney if there were any reason they could not do a general briefing; and Mr. Michel stated that there may be some difficulty into which the degree the Mayor could go into it because of the confidentially provision in the contract; that it required them to go through the Attorney General Public Information process to do so, but he would talk with the Mayor and find out the best way to provide the information being sought; and Council Member Edwards stated that when they were talking almost triple the amount financially there needed to be some financial clarity as to what it meant for this Council and for this city. Council Member Sekula-Gibbs absent.

28. ORDINANCE approving and authorizing lease agreement between the **HARRIS COUNTY HOSPITAL DISTRICT ("HCHD")**, as tenant, and the City of Houston ("City") as landlord, for the purpose of having HCHD offer Outpatient Dialysis

Treatment Services and various Dialysis related Medical and Health Education Services at the Riverside Health Clinic - **DISTRICT I – ALVARADO** - was presented. All voting aye. Nays none. Mayor White absent on vacation. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-1392 ADOPTED.

29. ORDINANCE approving and authorizing acceptance of grant from the Department of State Health Services for the City's HIV/STD Prevention and Control Program (TDH Contract No. 7460011640-07); declaring the City's eligibility for such grants; authorizing the Director of the Health and Human Services Department to accept and expend such grant funds and to accept and expend subsequent awards, if any - \$1,696,427.00 - Grant Fund - was presented. All voting aye. Nays none. Mayor White absent on vacation. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-1393 ADOPTED.
30. ORDINANCE correcting clerical error by substituting the attached Interlocal Agreement between the City and the Houston-Galveston Area Council (HGAC) for Preventive Mental Health Services to persons impacted by Hurricanes Katrina and Rita for the version attached to Ordinance No. 2005-1285 - was presented. All voting aye. Nays none. Mayor White absent on vacation. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-1394 ADOPTED.
31. ORDINANCE adopting certain Policies and Procedures for funding Affordable Housing Programs - was presented. All voting aye. Nays none. Mayor White absent on vacation. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-1395 ADOPTED.

Council Member Khan thanked all for approving Item 31 and congratulated Council Member Quan who was leaving this as one of his legacies and congratulated all members of ACORN who worked very hard in helping Council pass a wonderful ordinance for housing.

Mayor Pro Tem Alvarado stated that she too wanted to congratulate Council Member Quan and his committee and staff, they worked on this some time and all were proud of their work.

Council Member Quan thanked all members of the Neighborhood Housing and Redevelopment Committee along with the community, ACORN and others; that even though the Administration was making an open process they wanted to incorporate into ordinances commitment so there would be a continuation of open process for housing and all would be accountable.

Council Member Garcia stated that when driving around the city you saw many SPARK Parks and it was a great legacy for persons who worked in the community in a humbling way and he wanted to say to Council Member Quan that years from now Houstonians may not realize they were able to walk into opportunities for affordable housing if it had not been for Gordon Quan and congratulated him.

Council Member Sekula-Gibbs stated that it was a pleasure to share with Council Member Quan; that his heart was in the right place in increasing housing for all and this began the process of codifying and making housing transparent and understandable.

32. ORDINANCE relating to the Retail Sewer Rates of Aqua Texas, Inc. within the City of Houston, Texas; approving settlement agreement relating to an increase in Aqua Texas' Rates – presented.

Council Member Lawrence stated that this was a great settlement Melba Pourteau provided them with and they looked forward to going back to the state getting more control and this was a good rate at this time.

A vote was called on Item 32. All voting aye. Nays none. Mayor White absent on vacation. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-1396 ADOPTED

39. ORDINANCE approving and authorizing second amendment to contract between the City of Houston and **BFI WASTE SYSTEMS OF NORTH AMERICA**, passed June 24, 1998, Ord. No. 98-503, Contract No. 39164 for Waste Disposal Services for the Solid Waste Department – was presented. All voting aye. Nays none. Mayor White absent on vacation. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-1397 ADOPTED.

Council Member Quan commended Council Member Lawrence for her efforts and stated that she had put much effort into it; and Mayor Pro Tem Alvarado stated that she believed that was meant for the previous item.

40. ORDINANCE appropriating \$181,486.36 out of Street & Bridge Consolidated Construction Fund for Landscaping and Beautification of City Streets and Thoroughfares, GFS N-0675-06-3 (SB9126-02); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICTS A - LAWRENCE; B - GALLOWAY; D - EDWARDS; E - WISEMAN; G - HOLM and H - GARCIA** – was presented and tagged by Council Member Goldberg . Mayor White absent on vacation. Mayor Pro Tem Alvarado presiding.

Council Member Goldberg stated that he knew District C was not included and he would give the next district Council Member an opportunity to look into it.

41. ORDINANCE appropriating \$610,834.71 out of Street & Bridge Consolidated Construction Fund as an additional appropriation for Professional Engineering Services Contract between the City of Houston and **SPARKS-BARLOW-BARNETT, INC** for Design of Lockwood Drive Paving from Bennington to Tidwell Road (approved by Ordinance No. 04-0778), GFS N-0612-01-2 (SB9181); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT B - GALLOWAY** – was presented.

Council Member Galloway stated that they were waiting on reconstruction of Lockwood over 12 years now and to see it on the table on her last day of Council and caused her to be very excited; and she thanked all her colleagues.

A vote was called on Item 41. All voting aye. Nays none. Mayor White absent on vacation. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-1398 ADOPTED

42. ORDINANCE awarding contract to **AUTOMATION NATION, INC** for Sale of Heat-Dried Biosolids produced by City of Houston Wastewater Treatment Plants - 3 Years with two one-year options Revenue – was presented. All voting aye. Nays none. Mayor White absent on vacation. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-1399 ADOPTED
43. ORDINANCE awarding contract to **TOTAL CONTRACTING LIMITED** for Storm Sewer On-Call Drainage System Repair (Work Order Contract), GFS M-0243-02-3 (SM5050) - \$1,998,447.50 Storm Water Fund – was presented and tagged by Council Member Goldberg. Mayor White absent on vacation. Mayor Pro Tem Alvarado presiding.

Council Member Goldberg stated that he knew they were the lowest bid, but they only had to take the lowest responsible bidder and this company did a project in his district which had not gone very well and he wanted Public Works to at least meet with Council Members and assure them; and it was not only his district but others where they did questionable work.

Council Member Quan stated that in actuality this was not the low bid, Troy was the low bid, and he was curious as to why they were able to withdraw their bid without being held responsible and he would like the Administration to look into that; and Council Member Khan stated based on that he would like his tag added also.

Council Member Holm stated that this was emergency on call work and they had been without a contract for over 30 days and at some point in time citizens were having nothing happening.

Upon questions by Council Member Edwards, Council Member Quan stated that he did not want to stop the contract he just wanted to know how the process was handled and in his opinion it should not stop the process; and Council Member Edwards stated that she was offering the committees resources to get any questions answered and problems solved because they were trying to get maintenance at least to standard and she would try and help get his question answered as soon as possible.

Mayor Pro Tem Alvarado stated that if someone could get with the Council Members maybe it could be resolved and brought back at the end of the meeting.

Item 43. was tagged by Council Members Goldberg and Khan. Mayor White absent on vacation. Mayor Pro Tem Alvarado presiding.

The City Secretary stated that Item 33 had now been received.

33. ORDINANCE appropriating \$2,307,505.00 out of Water & Sewer System Consolidated Construction Fund for Reimbursement to Trinity River Authority (TRA) for Repairs to Lake Livingston Dam from Hurricane Rita Damage, CIP S-0019-07-3 – was presented. All voting Aye. Nays none. Mayor White absent on vacation. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-1400 ADOPTED

NON CONSENT AGENDA - NUMBERS 48 and 48A

MISCELLANEOUS

48. RECEIVE nominations for Position 4 on the **REINVESTMENT ZONE NUMBER ONE, CITY OF HOUSTON, TEXAS (ST. GEORGE PLACE)** – was before Council. Council Member Goldberg Nominated Mr. William Hutz. Council Member Quan moved to close nominations, and seconded by Council Member Garcia . All voting aye. Nays none. MOTION 2005-1231 ADOPTED

48a.CONFIRM the appointment of Mr. William Hutz to Position 4 on the **REINVESTMENT ZONE NUMBER ONE, CITY OF HOUSTON, TEXAS (ST. GEORGE PLACE)** – was presented, moved by Council Member Garcia, seconded by Council Member Quan. All voting aye. Nays none. Mayor White absent on vacation. Mayor Pro Tem Alvarado presiding. MOTION 2005-1232 ADOPTED

49. ORDINANCE **AMENDING CHAPTER 2 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to notification to Building Owners – **(This was Item 21 on Agenda of December 14, 2005. TAGGED BY COUNCIL MEMBER EDWARDS)** – was presented. Council Member Edwards voting no. Balance voting aye. Mayor White absent on vacation. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-1401 ADOPTED

50. WRITTEN Motion by Council Member Sekula-Gibbs amend Item 50A as follows:
The Houston Music Hall Foundation will conduct a needs assessment regarding services for the handicapped and the hearing impaired. Based on the needs assessment, the foundation will make a good faith effort to contract with a company or individual that offers these services. – was presented.

Council Member Sekula-Gibbs stated that after discussing the matter with the director of the Music Hall foundation they had a substitute motion which she had submitted in writing, the modification restricted the needs assessment for services to those with hearing impairment.

Council Member Sekula-Gibbs submitted the following written substitute motion for Item 50 to amend Item 50A as follows:

“The Houston Music Hall Foundation will conduct a needs assessment regarding services for the hearing impaired. The Foundation will make a good faith effort to augment the services for this community should the findings of the assessment warrant. It is acknowledged that any modification in services will require the cooperation of the tenants who lease the building and that any costs involved in a change of services must be able to be reasonably borne by the Foundation and its tenants.”, seconded by Council Member Khan.

A vote was called on the motion to allow Council Member Sekula-Gibbs to substitute a written motion for Item No. 50. All voting aye. Nays none. Mayor White absent on vacation. Council Member Quan absent. Mayor Pro Tem Alvarado presiding. MOTION 2005-1233 ADOPTED.

A vote was called on Item 50 as substituted. All voting aye. Nays none. Mayor White absent on vacation. Council Member Quan absent. Mayor Pro Tem Alvarado presiding. MOTION 2005-1234 ADOPTED

50a.ORDINANCE approving and authorizing first amendment to Lease Development and Grant Agreement for the Hobby Center for the Performing Arts between the City and the **HOUSTON MUSIC HALL FOUNDATION – (This was Item 46 on Agenda of December 14, 2005, POSTPONED BY MOTION #2005-1213)** – was presented as amended. All voting aye. Nays none. Mayor White absent on vacation. Council Member Quan absent. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-1402 ADOPTED

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Members each expressed thanks to all Council Members for their leadership and wished each the best in the future; and commended the out-going Council Members for legacies they had established.

Council Member Garcia stated there were reports of a sleigh in the Houston vicinity and children should be on their best behavior; and on behalf of him, his family and staff, wished all a happy holiday season.

Council Member Holm stated that each week they were appropriating money for better equipment and around the Annex sometimes their service was inadequate and she hoped they could get a better proactive way in addressing issues before them.

Mayor Pro Tem Alvarado stated that on behalf of Mayor White they both sent well wishes to all. Council Member Garcia absent.

Council Member Sekula-Gibbs wished all a happy and safe holiday season. Council Member Garcia absent.

Council Member Sekula-Gibbs stated that all needed to pay attention to Washington's debate on the Johnson Space center; that it was a vital part of the economy and city identity and the President and Congress needed to hear that Houston needed to continue with space flight. Council Member Garcia absent.

Council Member Khan stated that he wanted to thank the Houston Police Department for their crime sweep in southwest Houston in and around the Catalina Apartments, Bissonnet, patrol was stepped up and about 600 arrests were made; that it was crime infested and they appreciated Mayor White's commitment and hoped HPD would continue with additional patrols in big crime rate areas.

Council Member Quan thanked all who spoke out about making a better place for all; and thanked all for the condolences for his Father, they were much appreciated.

Council Member Ellis stated that he came across a list of Council Members and elected officials around the horseshoe and all would be gone, but some were constants such as Anna Russell, Marty Stein and Anthony Hall, but to all colleagues he had enjoyed it and thought contributed in some fashion and all should respect one another.

Council Member Goldberg stated that Council salary was 40% of a fulltime Judge's salary and they should get more.

Council Member Goldberg thanked the press and all liaisons, etc., for all their work and assistance.

Council Member Goldberg stated that the Galleria area was Houston's destination and 25% of all taxes were received from that area; that he had accepted an offer of being Chief Operating Officer and President of the Galleria Chamber of Commerce beginning next year and was very excited about it.

Council Member Goldberg stated that he would release his tag on Item 43; and Mayor Pro Tem Alvarado stated that Council Member Khan would release his tag as well.

43. ORDINANCE awarding contract to **TOTAL CONTRACTING LIMITED** for Storm Sewer On-Call Drainage System Repair (Work Order Contract), GFS M-0243-02-3 (SM5050) - \$1,998,447.50 Storm Water Fund – was again before Council. All voting aye. Nays none. Mayor White absent on vacation. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-1403 ADOPTED

The City Secretary stated that Item 13 had now been received.

13. ORDINANCE appropriating \$49,577.15 out of Parks Consolidated Construction Fund for Asbestos Abatement and Site Clean-Up Services at the Administration Building of the Parks & Recreation Department, CIP F-0504D-01-5 – was presented. All voting aye. Nays none. Mayor White absent on vacation. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-1404 ADOPTED

13a. **HAZARD ASSESSMENT LEADERS, INC** for Asbestos Abatement and Site Clean-Up Services for Parks & Recreation Department - \$33,883.00 and contingencies for a total amount not to exceed \$35,577.15 – was presented. All voting aye. Nays none. Mayor White absent on vacation. Mayor Pro Tem Alvarado presiding. MOTION 2005-1235 ADOPTED

Council Member Wiseman presented Council Member Galloway with a purse full of goodies for her departing Council.

Council Member Wiseman wished all a very Merry Christmas, to those of Jewish faith a happy Hanukah and to the entire city a very happy new year.

Council Member Galloway stated that Council Member Wiseman was the only one she knew who knew the law without a law degree and she was going to get her a law book so she could really quote the law. Council Member Berry absent.

Council Member Galloway stated that much had been done in her district and she wanted to thank everyone for realizing what was needed and supporting it. Council Members Holm and Berry absent.

Council Member Green wished all a Merry Christmas, happy new year, happy holidays, happy Hanukah or whatever it was that made them feel good about the season. Council Members Holm and Berry absent.

Council Member Edwards introduced Christian Edwards and Kennedy Edwards and stated that she had been pushing an acknowledgment of youth by Council and was encouraged by the work of Council Members Quan and Ellis. Council Members Holm and Berry absent.

Council Member Edwards stated that the Reggae Hut used to be a major institution on Alameda and Alameda was being refurbished and the Reggae was now reopened by the same folks who owned the Breakfast Club with great food and great environment; that also the Hermann Park conservancy did an awesome job in the park; and wished everyone a Merry Christmas. Council Members Holm, Khan and Berry absent.

Council Member Lawrence wished all a Merry Christmas and a happy new year. Council Members Holm, Khan and Berry absent.

Mayor Pro Tem Alvarado stated in closing today she would ask for a moment of silence as Houston lost a great icon and leader with Mr. Walter Mischer. Council Members Holm, Khan and Berry absent.

There being no further business before Council, the City Council adjourned at 11:36 a.m. Mayor White absent on vacation. Council Members Holm, Khan and Berry absent. Mayor Pro Tem Alvarado presiding.

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary