

City Council Chamber, City Hall, Tuesday, October 12, 2004

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, October 12, 2004, Mayor Bill White presiding and with Council Members Toni Lawrence, Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, M. J. Khan, Pam Holm, Adrian Garcia, Carol Alvarado, Mark Ellis, Gordon Quan, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; Ms. Deborah McAbee, Division Chief, Land Use Division, Legal Department; Mr. Richard Cantu, Director Mayor's Citizens Assistance Office; Ms. Marty Stein, Agenda Director, and Mr. Jose Soto, Deputy Agenda Director, present.

At 1:54 p.m. Mayor White stated that Council would begin with presentations and called on Council Member Green who stated that this month they were excited about celebrating National Disabilities Month and invited Ms. Thelma Scott to the podium; Ms. Nancy Colvick appeared and stated that she was representing the Coalition for Disabilities Committee and thanked all for their attention and celebration of citizens and their efforts to overcome their obstacles in reaching their dreams. Council Member Green invited Ms. Angela Willowsworth to come to the podium and stated that she was a teacher in Kline ISD and presented her a Proclamation for being crowned Ms. Wheelchair Texas 2004, for promoting disability awareness, and being a member of the National Taskforce on Public Awareness for the Muscular Dystrophy Association and proclaimed October 12, 2004, as "Angela Willowsworth Day" in Houston, Texas. Ms. Willowsworth thanked all for the proclamation and stated that it was an honor to be chosen Ms. Wheelchair Texas and she hoped to break down barriers as many before her. Council Members Galloway, Edwards, Holm and Ellis absent.

Council Members Sekula-Gibbs and Goldberg invited Professor David W. Leebron, Rice University President, to the podium and stated that today they were recognizing National Disability Awareness Month and Professor Leebron had relocated the office of president after 92 years to make it more accessible to those with disabilities and for his leadership presented him a Proclamation, commended him for his exemplarily academic career and leadership, extended best wishes for continued success and proclaimed October 12, 2004, as "David W. Leebron Day" in Houston, Texas. Professor Leebron stated that he thanked all for the recognition and honor and all those at Rice University who made the move happen and the disabled who showed daily what they were able to contribute to all. Council Members Galloway and Ellis absent.

Council Member Khan thanked Professor Leebron for leading Rice University and stated that nothing was expected but the best. Mayor White stated that to brag a bit about Houston when Professor Leebron and his wife decided to move here it was partially because of how international it was as they wanted their children to grow up with the western culture and the culture of their mother and they saw they could do that with the institutions here; that diversity was talked about, but wherever you were in Houston you could feel at home because of that diversity and it was making a difference. Council Members Galloway and Ellis absent.

At 2:08 p.m. Mayor White called the meeting to order and called on Council Member Green who led all in the prayer and pledge. Council Members Galloway and Ellis absent.

At 2:09 p.m. the City Secretary called the roll. Council Members Galloway and Ellis absent.

Council Members Garcia and Sekula-Gibbs moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Members Galloway and Ellis absent.
MOTION ADOPTED.

Council Member Alvarado moved that the rules be suspended for the purpose of hearing Congressman Gene Green, Mrs. Lurlean Dixon and Mr. Carl Townsend to the top of the three minute speakers, seconded by Council Member Khan. Mayor White stated that with no objections that would be done by unanimous consent. Council Members Galloway and Ellis absent.

Council Member Lawrence moved that the rules be suspended for the purpose of adding Mr. Larry Lipton to the list after Ms. Mara Vera, seconded by Council Member Khan. Mayor White stated that with no objections that would be done by unanimous consent. Council Members Galloway and Ellis absent.

Council Member Goldberg moved that the rules be suspended for the purpose of hearing Mr. Robert Yampsy after the previously moved speakers, seconded by Council Member Khan. Mayor White stated that with no objections that would be done by unanimous consent. Council Members Galloway and Ellis absent.

Council Member Sekula-Gibbs moved that the rules be suspended for the purpose of hearing Ms. Joan Tapley out of order, seconded by Council Member Garcia. Mayor White stated that with no objections that would be done by unanimous consent. Council Members Galloway and Ellis absent.

Council Member Garcia moved that the rules be suspended for the purpose of hearing Mr. Armondo Bermudez and Mr. John Branch after Mr. Robert Yampsy, seconded by Council Member Khan. Mayor White stated that with no objections that would be done by unanimous consent. Council Members Galloway and Ellis absent.

The City Secretary began calling the speakers. Council Members Galloway, Edwards and Ellis absent.

Ms. Joan Tapley, 1518 Munger, Houston, Texas 77023 (713-923-6990) had reserved time to speak but was not present when her name was called. Council Members Galloway, Edwards and Ellis absent.

Congressman Gene Green, 256 North Sam Houston Parkway, Houston, Texas 77060 (281-999-5879) appeared and stated that he wanted to thank the Mayor and Council for their help in the last months; that when he was elected to Congress he started working on police storefronts with communities in the Aldine/Greenspoint area and at the I-45 storefront they had monthly meetings to bring different agencies together and they were very important; that a resident from the I-10 area and North Houston areas were with him today and though no one from the one on Little York and I-45 was able to attend he would encourage the Mayor and Council to staff those storefronts as much as possible as their concern was the security of neighborhoods. Council Member Lawrence absent.

Council Member Alvarado thanked Congressman Green for his focus and stated that she and Mayor White had both been to the storefront and if they could get indications from the department on the cutbacks and hours and how the services would be supplemented to ensure the same level of community policing; and Mayor White stated that Captain Jones was present and he would ask him to follow-through on that particular storefront. Council Member Lawrence absent.

Upon questions by Council Member Galloway, Congressman Green stated that there was a storefront at Greenspoint, but there was one at I-45 just south of Greenspoint which really

served the Airline, 525, West Road area and right in the neighborhood; that the other was on I-10 at Federal Road. Council Members Lawrence, Khan and Green absent.

Council Member Garcia stated that the storefronts, in particular the Nordling Storefront he mentioned was one of the few storefronts which maintained the integrity in the sense of doing all the many community and true enforcement work in responding to the needs and concerns of the community there and he was in total agreement; that he understood the Chief had a dramatic shortfall in personnel and he encouraged him to look at the concept of instituting steering committees so captains in all districts could work with communities and really understand the resource limitations, etc., it was important to communicate how they would respond in tough times and keep up the level of service. Council Member Green absent.

Council Member Edwards stated that she thought there were to be no cutbacks in services; and upon questions, Mayor White stated that Chief Hurt instituted storefronts wherever he had been Police Chief but because of the way the HPOU contract was setup before the changes a number of officers were waiting until the pay raise to retire and then because of the changes in the HPOU contract there won't be retirements at the rate expected; that they wanted to make sure response times did not deteriorate and he encouraged sergeants to go to crime scenes and not just be in the office so there would be more force in the neighborhood on the scene; that they did not want to compromise investigation and it was easy to cut the forensics budget but they saw what such results had been so the Chief was trying to balance; that they needed more civilians at the storefronts and that was why Chief Lumpkin was organizing the neighborhood protection around the storefronts so there would be a base of operation there; that there would be a fewer number of officers but not because of the budget so much as it was the impact of pay increase and retirement; that they were doing workforce planning and he would ask Captain Jones to get information to all members of Council. Council Member Green absent.

Mrs. Lurlean Dixon, 1711 Merton Drive, Houston, Texas 77015 (no phone) appeared and stated that she was president of Partners in Power and vice president of the Northeast Advisory Council and they were organized as a faith based organization to establish and maintain a high quality of life for residents of the northeast side of Houston; that they had worked with Congressman Green to organize and meet security needs and they were very concerned about R. P. Harris Elementary four year olds walking when it was right on I-10 East and at Whittier Elementary four year olds walked home and due to that they organized latchkey programs and they joined in with Houston Community College, Chamber of Commerce and other businesses to maintain and make a difference and today they were saying they would do what was necessary to maintain that quality. Council Member Green absent.

Mr. Carl Townsend, 102 Coach Lamp Lane, Houston, Texas 77060 (281-447-7683) appeared and thanked Council Member Galloway who helped with a problem he had with the storm sewer and stated that his community was now surrounded by 18,000 apartment units and he became very active in the community in 1985 as he had one car stolen in 1982 and three in 1985 from his home with three destroyed and one used in an armed robbery; that he also had three burglaries and it was important he got involved; that they formed the Northeast Houston Advisory Council and got a storefront and would pay rent; that the storefront was very important and successful and they would hate to see the area go back to what they had in 1985. Council Members Quan and Green absent.

Council Member Galloway stated that she was glad they were able to help with his problem and whatever they could do to help with this they would. Council Members Quan and Green absent.

Mr. Bobby Schmidt, 6503 Atwell, Houston, Texas 77081 (713-668-3370) appeared and spoke on Item 45 and stated that he was in a commercial building service and a master licensed plumber and president of the Institute of Plumbing Education for all plumbers in the State of Texas and on the board of the state and Houston Plumbing Air Conditioning and Mechanical Contractors Association and privatization of inspectors for the City of Houston was one of the worst ideas he had seen in all his years; that they already had one of the best inspector divisions with there being no problems and this was to appease the home builders and the safety of citizens should not be transferred to private inspectors who could be politically and financially bought off. Council Members Alvarado, Sekula-Gibbs and Green absent.

Upon questions by Council Member Berry, Mr. Schmidt stated that he owned a boiler and plumbing company in Houston; that they dealt with health codes and after their work was finished inspectors came to be sure they met all those codes; that permits were called in until 7:00 p.m. to the automated system and in the a.m. they could speak with inspectors; and they had no problems. Council Member Berry stated he did not think it was anyone's opinion on Council that staff was not doing a good job, but they were looking at personnel to shorten delays. Council Members Alvarado, Sekula-Gibbs and Green absent.

Mr. Robert Yampsy, 1717 New Orleans, Houston, Texas 77536 (281-479-0761) appeared and stated that he was president of the Texas State Soccer Association South and represented approximately 18,000 soccer players in Texas; that October 23rd the U. S. Women's National Team, who just won the Gold Medal in Athens, would be playing in Houston at Reliant against Ireland and he was inviting all to the game. Council Members Alvarado, Sekula-Gibbs and Green absent.

Upon questions by Council Member Goldberg, Mr. Yampsy stated that this was the women's national team with some players who would be retiring after this game; that they had won one world championship and two gold medals and they were the premier soccer team in the world. Council Members Alvarado, Sekula-Gibbs and Green absent.

Council Member Khan stated that he appreciated the efforts of all those who brought women's soccer to Houston; that this was great, it was huge and a privilege to have them in Houston; and hopefully all would be there; and Mr. Yampsy stated that they expected the largest crowd in the history of women's soccer in Houston at this game. Council Members Alvarado, Sekula-Gibbs and Green absent.

Mr. Armondo Bermudez, 3909 Cotswold, Houston, Texas 77009 (713-694-4214) appeared and stated that Council Member Garcia was selected to be a special guest opening night and he hoped all Council Members would be present. Council Members Alvarado, Sekula-Gibbs and Green absent.

Mr. Jason Yoo, 1634 W. Sam Houston Parkway North, Houston, Texas 77043 (713-443-5339) appeared and spoke on Item 45 and stated that he worked with a construction service and was in favor of third party inspections; that in terms of qualifications he would like added that they at least have five years experience to carry on high standards and thought the City would be wise to have an inspection company be directly under the City instead of allying them to bid because whenever you bid quality would suffer with the lower prices. Council Members Garcia, Alvarado, Ellis and Green absent.

Council Member Lawrence thanked Mr. Yoo for coming and for all his efforts. Council Members Garcia, Alvarado, Ellis and Green absent.

Council Member Goldberg thanked Mr. Yoo for coming and stated that he was glad he understood there would be guidelines because qualifications were critical for the program to succeed; and with others help they would be able to establish such qualifications. Council Members Garcia, Ellis, Sekula-Gibbs, Green and Berry absent.

Upon questions by Council Member Quan, Mr. Yoo stated that if ABC Builders were hiring several inspectors and they bid then whoever got the lowest bid would get the job and many times the lowest was not the most valuable and quality would suffer; that many cities set rates and he could get that information for him, the City hired qualified firms and then they sent out the inspectors, the third party contractors were agents of the city and they helped City inspectors. Council Members Khan, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent.

Mr. Ray Kirby, 11651 Plano Road, Dallas, Texas 75243 (214-803-9245) appeared and spoke on Item 45 and stated that he spoke from an area of multiple experiences with a background in construction and 20 years working for municipalities where third party was used many times and today his company did not perform inspections in Ft. Worth simply because of the erosion of quality Mr. Yoo spoke of and assigning projects to the third party company insured a better level of monitoring and control by the City staff. Council Members Galloway, Khan, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent.

Upon questions by Council Member Quan, Mr. Kirby stated that C & C no longer conducted inspections in Ft. Worth; that he felt when dealing with safety and welfare of citizens it was not the place to go to the lowest bidder and they felt they no longer could bid a sufficient price for the work they were providing, for the amount of time it took to insure a quality job; that it took a lot of time for the City to keep the records and money for the companies separate. Council Members Galloway, Khan, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent.

Upon questions by Council Member Lawrence, Mr. Kirby stated that he was pointing out that a program run through the City to the provider under contract to the city complied with the requirements of state board plumbing examiners and did not set up scenarios where they would end up dealing with the Attorney General's Office. Council Members Galloway, Khan, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent.

Upon questions by Council Member Edwards, Mr. Kirby stated that third party provided a higher level of service as it was timelier with people supplementing City staff and City inspectors would not feel rushed; and third party was an absolute success on the West coast. Council Members Galloway, Khan, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent.

Mayor White stated that Mr. Kirby used a phrase "supplementing City employees" and they were not trying to replace employees they were trying to supplement; that the word privatize was more like replacement so he did appreciate him using supplement; and upon questions, Mr. Kirby stated that an average quote for residential inspection on a 2,500 square foot volume builder type home it was \$1,200 to \$1,500 when started and then it went down to about \$700 and today some did it for \$350 and you could not go to the field day in and day out for that, it was a minimum of 12 visits to the site. Council Members Galloway, Wiseman, Khan, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Gordon Wyrick, 26710 Bayou Tesch, Magnolia, Texas 77354 (713-467-6441) appeared and spoke on Item 45 and stated that he was a master plumber and a certified inspection instructor and had done business in Houston over 40 years; that the entire process of

third party was a critical concern to everyone except those who did advocate the erroneous concept. Council Members Galloway, Khan, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent.

Mr. Freddie Bailey, 1718 Huge Oaks, Houston, Texas 77055 (713-467-7777) had reserved time to speak but was not present when his name was called. Council Members Galloway, Khan, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent.

Mr. Tom Killebrew, 600 Texas Street, Forth Worth, Texas 76102 (817-335-1497) appeared, presented information and spoke on Item 45 and stated that he was a third party plan review inspection company, METRO Code Analysis, out of Ft. Worth and he appreciated Council opening up the opportunity of third party inspectors in Houston to help builders; that they had to guarantee what they did was right and he was glad the City was setting high standards and appreciated their concerns and if the opportunity availed itself they would be glad to help the City of Houston. Council Members Edwards, Garcia, Sekula-Gibbs, Green and Berry absent.

Upon questions by Council Member Lawrence, Mr. Killebrew stated that for their services they normally charged the City fee plus 10%. Council Members Edwards, Wiseman, Garcia, Sekula-Gibbs, Green and Berry absent.

Council Member Khan stated that many times if there was a problem the consumer may not find it until years later; and upon questions, Mr. Killebrew stated that they hoped the City would maintain the same idea in the way they oversaw inspections now and a follow-up after them; that they would want to maintain the City standard at all times; and in Ft. Worth they had been doing it 3-1/2 years now and it worked fine. Council Members Edwards, Wiseman, Garcia, Alvarado, Sekula-Gibbs, Green and Berry absent.

Upon questions by Council Member Quan, Mr. Killebrew stated that the price was market driven and in Ft. Worth in the beginning if they red tagged something they had no capability of enforcement and the City had to come out; that they did have a sample process to maintain quality control there; that he was a certified building inspector and he took a national certification by a national organization. Council Members Edwards, Wiseman, Garcia, Sekula-Gibbs, Green and Berry absent.

Upon questions by Council Member Goldberg, Mr. Killebrew stated that the International Code Congress gave the test and it was available to take anywhere in the state where there was a testing facility; that in his opinion what this Council heard regarding how bad third party was in Ft. Worth was just not true. Council Members Edwards, Wiseman, Garcia, Sekula-Gibbs, Green and Berry absent.

Ms. Michelle Kirchner, 316 Grand Meadow, Fort Worth, Texas 76102 (817-538-6028) appeared, presented information and spoke on Item 45 and stated that she was vice president of Metro Code Analysis in Ft. Worth, Texas and since Mr. Killebrew had become a commissioner with the State of Texas she handled the inspection division; that what they found in Texas was great builders but sometimes they were not sure how to do a good job and the third party went in and talked to them one on one about issues; that sometimes the City did not have time to spend with the commercial construction builders to show what was needed to correct plans, but they did as they charged by the hour or by the project; that for a typical 2,500 square foot house they would charge \$1,100 for their permit fees and then they paid the City the fees they were looking for; that they just opened an El Paso office and looked forward to being in Houston. Council Members Edwards, Wiseman, Sekula-Gibbs, Green and Berry absent.

Upon questions by Council Member Goldberg, Ms. Kirchner stated that there was a huge difference in the third party plan review time as someone could walk in and go over the plans and find out all that was wrong at one time and then when they took the plan to the City it was already the approved plan. Council Members Edwards, Wiseman, Garcia, Sekula-Gibbs, Green and Berry absent.

Mr. Tom Bazan, P. O. Box 2786, Houston, Texas 77252 (832-673-0018) appeared and spoke on Item 33 and stated that it was objectionable for the City to spend \$200,000 of taxpayer money on attorney's fees to try and handle a matter that should have been given greater scrutiny at the time or the prior Administration and he wondered if the taxpayer would recover the full amount at risk or if this was an attempt to cover City officials who should have insured taxpayers were protected at the time. Mayor White, Council Members Edwards, Wiseman, Garcia, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Lawrence stated that many around the table had a problem with Item 33 and she thanked him for his input; that it was ridiculous what happened and as far as she was concerned it was not acceptable. Mayor White, Council Members Edwards, Wiseman, Garcia, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding.

Mr. John Branch, 4430 Castor, Houston, Texas 77022 (832-215-5646) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Edwards, Wiseman, Garcia, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding.

Ms. Maria Vera, 6922 Old Katy Road, Houston, Texas 77024 (713-881-3278) appeared and stated that she was the GIS coordinator for Transtar and was present today to invite the Mayor and Council on behalf of the HGAC Geographic Committee to their GIS Day event at the University of Houston on November 18, 2004, between 8:00 a.m. and 9:00 a.m. and they would be acknowledged during the event and escorted through a real-time GIS demonstration highlighting how their technology was shared in the region; that their system was how cars were located by On-Star, how you knew traffic flow on freeways at any given time, how terrorist hot spots were identified, how the national weather service kept track of hurricanes, etc., it was an intelligent map which gave information. Mayor White, Council Members Edwards, Wiseman, Garcia, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding.

Mr. Larry Lipton, who was previously added to the speakers list, appeared, presented information and stated that he was past chairman of the board of the Houston Northwest Chamber of Commerce and founder and current chairman of the 1960 Area Community Alliance which was formed to focus on the revitalization of the 1960 area from I-45 North to Willowbrook and the inspiration came from Mayor Rudolph Giuliani's book Leadership where he showed how crime was dramatically lessened by focusing on the little things through utilization of the broken window theory which was simply if one window was allowed to stay broken more would follow; if there were panhandlers, abandoned signs, graffiti, deteriorated buildings and the like the same would follow because of lack of pride and care in the area and at the same time focusing on signs of deterioration it dramatically reduced the crime rate; that he was speaking now of the Houston ETJ area and was disappointed to learn that the City of Houston was not permitting the Sign Administration to work in enforcement in their area; that Justice of the Peace Tom Lawrence provided legal research into county and State of Texas panhandling laws and it was given to the Sheriff's office who gave it to the DA's office to review in agreement to prosecute and they now had successfully stopped panhandling in the Northwest area of the county and they did not understand why the City of Houston could not aggressively accomplish the same

thing they had in Harris County; that they provided the same research to the City Attorney and still there were panhandlers; that this Administration was taking giant steps and he asked that they look at controlling panhandling as a major step in controlling crime. Council Members Edwards, Wiseman, Garcia, Sekula-Gibbs, Green and Berry absent.

Council Member Lawrence thanked Mr. Lipton for coming and stated that she had the same concerns as he and so did a number of her colleagues; that she spoke with the City Attorney about this and it was a high priority and moving forward. Council Members Edwards, Wiseman, Garcia, Sekula-Gibbs, Green and Berry absent.

Council Member Holm thanked Mr. Lipton for coming and stated that he was a committed and active advocate; that she too was interested in enforcement of the signs and would welcome him calling her office. Council Members Edwards, Wiseman, Garcia, Sekula-Gibbs, Green and Berry absent.

Mayor White stated that the City Attorney went over some things he learned from him in detail, issues and court cases and he told Mr. Michel that Council helped him a lot in figuring steps in the right direction of organization and neighborhood protection and he would appreciate their help on this issue and wanted to also be respectful of police resources and figure how they could do things affected by various permitting offices. Council Members Edwards, Wiseman, Garcia, Sekula-Gibbs, Green and Berry absent.

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

Ms. Monica Moore, 410 E. 29th Street, Houston, Texas 77008 (713-861-5133) appeared and stated that she was present to address the 311 issue as she reported something to them in 2002 and she wanted Council to know that 311 did not work; that there was flooding in her area and she did not know why she was to come up with a drainage plan for her block when it was the City's responsibility; that something was wrong with the system. Council Members Edwards, Wiseman, Garcia, Sekula-Gibbs, Green and Berry absent.

Mayor White stated that water was ponding in front of her residence; and Ms. Moore stated that it was and she had pictures; that all three properties flooded and each time she called 311 she asked that they go to check during rain but they always said it was her problem until she flooded; that work started yesterday but it was reported in 2002 and the problem had been there since 1995 and she came because many may be going through 311 and not getting proper response; and Mayor White stated that 311 received many calls for various information and some things could be improved, what caused difficulty was the projects which cost a significant amount of money; that he did appreciate her bringing this to their attention; and upon questions, Ms. Moore stated that there was a problem there because there used to be ditches which were now filled in, she did not know who filled them in. Council Members Galloway, Edwards, Wiseman, Sekula-Gibbs, Green and Berry absent.

Council Member Goldberg stated that the problem with 311 was created before Mayor White and they were trying to straighten it out. Council Members Galloway, Edwards, Wiseman, Sekula-Gibbs, Green and Berry absent.

Upon questions by Council Member Quan, Ms. Moore stated that she spoke to 311 but not until she spoke to Mr. Neilson did she know she was supposed to get an SR number each time she called, but they usually came out when it was dry or when there was water in front of her

house only so the inspector repeatedly missed seeing the problem; that once she spoke to Mr. Nielson she found even his hands were tied at a certain point and then she spoke with Council Member Garcia and he sent someone who saw all three lots flooded and water in the streets, but still nothing was to be done until yesterday and now they were going to dig ditches and put culverts in. Council Members Galloway, Edwards, Wiseman, Khan, Holm, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that he wanted to identify the problem, 311 was a call intake function and it should respond and provide certain information and deal with certain emergency responses, but it was not so much a 311 problem as it was the fact they were not going to give authority to a call intake person to authorize thousands of dollars in capital improvements; that also when thousands of Houstonians were in the same boat where did you call it an emergency or something for the capital improvement program. Council Members Galloway, Edwards, Wiseman, Khan, Holm, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Garcia stated that they tried to work the system from within and early on in January he mentioned coming to work when it was raining and ditches backed up and he called and asked Public Works on rainy days did they go to 311 and get reports on chronic areas and proactively look at reported areas so programs could be implemented effectively, but there needed to be a decision maker to access it under the circumstances under which the residents were complaining; that his frustration with 311 was they had not looked at it so it was a true measure of complaints; that if something was reported and someone else called they would say it was already reported and by Monday 100 people could have called but it would not show the severity of it; that it took Ms. Moore two years and it seemed his office was doing thinking some departments should be responsible for and that was going out and accessing circumstances residents were living under; that he met with Public Works on that recommendation of having employees go out on rainy days to do community assessments on ditches and he was told on rainy days there was not a lot to do so they sent employees home early, etc., and he thought there was an opportunity in a true pointer system to problem shoot neighborhoods but they needed software and he asked Chief Lumpkin to consider this as he approached neighborhood protection, he needed good data to be effective. Council Members Galloway, Edwards, Wiseman, Khan, Holm, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Henry McGowan, 13509 S. Wayside, Houston, Texas 77048 (713-991-2036) had reserved time to speak but was not present when his name was called. Council Members Galloway, Edwards, Wiseman, Khan, Holm, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Cheryl Armitige, 2706 Barbee, Houston, Texas 77004 (713-775-3366) appeared and stated that she was president of the Washington Terrace Civic Association and present to thank Council Members for their support; that they were looking forward to Council Members Ellis and Berry coming to a meeting and invited Mayor White to attend a meeting also; that the Houston Press named them the best neighborhood association and one reason they worked so well was all the hard working people. Council Members Lawrence, Galloway, Edwards, Wiseman, Khan, Holm, Ellis, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Council Member Alvarado thanked Ms. Armitige for coming and thanking Council and agreed the reason they were voted best was because of all the hard work. Council Members Lawrence, Galloway, Goldberg, Edwards, Wiseman, Khan, Holm, Ellis, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Council Member Quan stated that he would second what had already been said and he appreciated that she made a list and then held Council Members accountable. Council Members Lawrence, Galloway, Goldberg, Edwards, Wiseman, Khan, Holm, Ellis, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mr. Jesse Joseph Handy, 10938 Dunvegan Way, Houston, Texas 77013 (832-693-4523) appeared and stated that this was about an eviction which started October 1996 and ended in a bankruptcy court and caused bodily injury to him; and continued discussing his situation until his time expired; and ended with the request that the individuals be arrested. Council Members Galloway, Goldberg, Edwards, Wiseman, Khan, Holm, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that Captain Jones was present and would speak with him at this time. Council Members Galloway, Goldberg, Edwards, Wiseman, Khan, Holm, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Minister Joe Angel Lopez, 13000 Wells River Drive, Houston, Texas 77041 (832-243-0425) had reserved time to speak but was not present when his name was called. Council Members Galloway, Goldberg, Edwards, Wiseman, Khan, Holm, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Chris Koerber, 20218 Post Oak Hill Drive, Spring, Texas 77388 (281-355-7261) had reserved time to speak but was not present when his name was called. Council Members Galloway, Goldberg, Edwards, Wiseman, Khan, Holm, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Lance Findley, 4515 Briar Hollow Place #160, Houston, Texas 77027 (713-557-3318) had reserved time to speak but was not present when his name was called. Council Members Galloway, Goldberg, Edwards, Wiseman, Khan, Holm, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Clayton Jones, 9345 Greensward, Houston, Texas 77080 (713-722-8743) had reserved time to speak but was not present when his name was called. Council Members Galloway, Goldberg, Edwards, Wiseman, Khan, Holm, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Lyvon Davis, had reserved time to speak but was not present when his name was called. Council Members Galloway, Goldberg, Edwards, Wiseman, Khan, Holm, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Joseph Omo Omuari, 2820 Palm 2B, Houston, Texas 77004 (713-523-4011) appeared and stated that he had no pleasure in bringing up the race card but when it came to economic justice for the African American community it was apparent race was the issue; that Council decided to fund the African museum but with no taxpayer dollars; that the door was always closed on them; and continued expressing his personal opinions until his time expired. Council Members Galloway, Goldberg, Edwards, Wiseman, Khan, Holm, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Jackie Doakes, 2425 Holly Hall #E62, Houston, Texas 77054 (713-796-2263) appeared, presented information and stated that there was a phenomenon going on in Houston called "flipping properties" and an article in the Houston Chronicle explaining it; that she tried to purchase a home valued at \$132,000, the home appeared on the market for \$160,000. Council

Members Galloway, Edwards, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Upon questions by Mayor White, Ms. Doakes stated that this was a real estate marketing tactic where a home was for sale and vacant but it was listed as a residence and homesteaded, the prices keep going up and taking them out of the market of the working class individual and it was illegal in some places. Council Members Galloway, Edwards, Wiseman, Khan, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Khan stated that he would report such to the FBI as they would be the ones to investigate; that he heard of this in commercial properties; and Ms. Doakes stated that she was requesting the Mayor and Council be aware of it and direct her to an entity which could do something. Council Members Galloway, Edwards, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Lawrence stated that she listened to a lecture last week from the FBI on white collar crime and their office was located at 610 and T C Jester and she should contact them. Council Members Galloway, Edwards, Wiseman, Holm, Garcia, Alvarado, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that some were legal and some were not and he might ask some at the Realtors Association to look at her examples and then ask them to give her a call. Council Members Galloway, Goldberg, Edwards, Wiseman, Holm, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Chris Jackson, 2819 Dowling, Houston, Texas 77004 (713-659-5105) appeared and stated that he was requesting the Council and Transportation Committee consider participation of every taxi/owner who qualified to be allowed to participate in the Share a Ride Taxi Shuttle Program; that they were not in favor of any two separate companies being set up to implement the program; that they would like equal opportunity for all and four companies smaller than Yellow Cab put together a proposal of four options they would like considered. Council Members Galloway, Goldberg, Edwards, Wiseman, Holm, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Jerry Brady, 827 E. Rogers, Houston, Texas 77291 (713-659-4321) appeared and stated that he was president of Liberty Cab Company, Inc. and was present regarding the proposal of his and other cab companies; that all four options would allow companies to participate equally in the Taxi Shuttle Program and reviewed all four options stating that the two they favored was either to have the Aviation Department provide starters and have all cab companies on an equal basis or to have cab inspectors provide starters; and requested no RFP be issued. Council Members Galloway, Goldberg, Edwards, Wiseman, Holm, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Khan, Mr. Brady stated that the study Aviation presented showed statistics and one city was San Jose, California, and there they used taxis or shuttles and there was an increase in taxis of 20%. Council Member Khan stated that he hoped Council Member Berry would have this at the TTI Meeting Thursday and they would follow-up there and maybe could discuss the three options. Council Members Galloway, Goldberg, Edwards, Wiseman, Holm, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Garcia stated that he looked into the shuttle aspect in terms of how many

companies in different cities were being used and there were quite a few using three or more shuttle services and he wondered why Houston would limit them to two companies; that what he heard was he thought one viable option to cut against the argument of monitoring and control and operation was to work through the cab inspectors; and upon questions, Mr. Brady stated that their original thought would be to have the Aviation Department both provide the starter personnel for the Share a Ride Taxi Shuttle and have them hold orientation classes to insure drivers were qualified to participate in the program and knew the rules of the game; that the cab inspector option was a good option because they had more authority. Council Members Galloway, Goldberg, Edwards, Wiseman, Holm, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Garcia stated that he wondered if there was a reason they could not have the Regulation Committee look at this as well; that it seemed to just be in Transportation and he felt having it in Regulation was also important; and Mayor White stated that he thought that was a reasonable request and would talk with Chairman Berry and then copy Mayor Pro Tem Alvarado something because this was an issue he asked Chairman Goldberg to consider. Council Members Galloway, Goldberg, Edwards, Wiseman, Holm, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Lawrence, Mr. Brady stated that cab inspectors were under the F & A Department; that in particular with limousine drivers it was hard for cab drivers to see solicitation happen because under the current Airport regulations cab drivers were forbidden to enter the building and limo drivers were and that was where the solicitation took place. Council Member Lawrence stated that hopefully they would put parameters on it so if drivers suspected something it could be reported and resolved and hopefully Council Member Goldberg could bring it up and she hoped rules in place now would be obeyed before they took up the super shuttles and she was anxious for this to go to committee. Council Members Galloway, Goldberg, Edwards, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mr. James Partsch-Galvan, 16100 Holman, Houston, Texas 77004 (713-528-2607) had reserved time to speak but was not present when his name was called. Council Members Galloway, Goldberg, Edwards, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mr. William E. Beal, 4718 Boicewood, Houston, Texas 77016 (713-633-0126) had reserved time to speak but was not present when his name was called. Council Members Galloway, Goldberg, Edwards, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Steven Williams, no address (no phone) appeared and stated that they were going to begin building their voting block to repeal the immigration and naturalization act and continued expressing his personal opinions until his time expired. Council Members Galloway, Goldberg, Edwards, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

President Joseph Charles, P. O. Box 52437, Houston, Texas 77052-4373 (713-203-7738) appeared and stated that he was demanding emergency protection, was the U S President and continued expressing his personal opinions until his time expired. Council Members Galloway, Goldberg, Edwards, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Larry Parr, 12345 Jones Road #287-12, Houston, Texas 77070 (713-553-4396) appeared and spoke on Item 45 and stated that he was in favor of third party inspections and that the City would collect a Code fee if structured differently. Council Members Galloway, Goldberg, Edwards, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Senator Robert Horton, 3714 Bain, Houston, Texas 77026 (713-260-6144) appeared and stated that Americans liked to play games and continued expressing his personal opinions until his time expired. Council Members Galloway, Goldberg, Edwards, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

At 5:04 p.m. City Council recessed until 9:00 a.m., Wednesday, October 13, 2004. Council Members Galloway, Goldberg, Edwards, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, October 13, 2004

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, October 13, 2004, with Mayor Bill White presiding and with Council Members Toni Lawrence, Carol Mims Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, M. J. Khan, Pam Holm, Adrian Garcia, Carol Alvarado, Mark Ellis, Gordon Quan, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Mr. Arturo Michel, City Attorney; Ms. Marty Stein, Agenda Director and Mr. Jose Soto, Deputy Agenda Director present.

At 8:27 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:22 a.m. Mayor White reconvened the meeting of the City Council. Council Members Lawrence, Goldberg, Edwards, Holm, Garcia, Alvarado and Berry absent.

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 1 through 41A

MISCELLANEOUS - NUMBERS 1 through 11

1. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **REINVESTMENT ZONE NUMBER ELEVEN, CITY OF HOUSTON, TEXAS (GREATER GREENSPPOINT) BOARD OF DIRECTORS:**

MR. ELVIN FRANKLIN, JR., appointment, to serve as Chair, for a term to expire
12/31/2004

Position 1 - **MR. RODERICK DARNELL DAWSON**, appointment, for a term to
expire 8/31/ 2006

Position 3 - **MS. PAMELA NGO TRANPARK**, appointment, for a term to expire
8/31/2006

Position 5 - **MS. CAROLINA WEITZMAN**, reappointment, for a term to expire
8/31/2006

- was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Goldberg, Edwards and Berry absent. MOTION 2004-1060 ADOPTED.

3. REQUEST from Mayor for confirmation of appointment or reappointment of the following to **REINVESTMENT ZONE NUMBER THREE, CITY OF HOUSTON, TEXAS BOARD OF DIRECTORS (MARKET SQUARE AREA)**:
MS. MINNETTE BOESEL, appointment, to serve as Chair, for a term to expire 12/31/2004
Position 1 - **MR. JAMIE R. MIZE**, reappointment, for a term to expire 12/31/2005
Position 3 - **MR. SAMUEL R. PINK**, appointment, for a term to expire 12/31/2005
Position 5 - **MR. PETER A. GARCIA**, appointment, for a term to expire 12/31/2005

- was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Goldberg, Edwards and Berry absent. MOTION 2004-1061 ADOPTED.
4. REQUEST from Mayor for confirmation of the reappointment of the following to the **MAIN STREET/MARKET SQUARE REDEVELOPMENT AUTHORITY BOARD OF DIRECTORS**:
MS. MINNETTE BOESEL, appointment, to serve as Chair, for a term to expire 12/31/2004
Position 6 - **MR. ALFRED MARTINEZ**, reappointment, representing Houston Independent School District, for a term to expire December 31, 2004
Position 7 - **MR. CURTIS B. LAMPLEY**, reappointment, representing Harris County, for a term to expire December 31, 2005

- was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Goldberg, Edwards and Berry absent. MOTION 2004-1062 ADOPTED.
5. REQUEST from Mayor for confirmation of the appointment of the following to the **ST. GEORGE PLACE REDEVELOPMENT AUTHORITY BOARD OF DIRECTORS**:
MR. WALTER GOFF, to serve as Chair, for a term to expire December 31, 2004
Position 5 - **MR. CARLOS ALVARADO**, for an unexpired term ending December 31, 2004

- was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Goldberg, Edwards and Berry absent. MOTION 2004-1063 ADOPTED.
6. RECOMMENDATION from Houston Airport System to authorize the Director of the Houston Airport System or his representative, to direct the Airport Revenue Fund to reimburse the Airports Improvement Fund for any operating expenses under the contract with **KELLOGG BROWN & ROOT SERVICES, INC** for Job Order Contract Services - **DISTRICTS B - GALLOWAY; E - WISEMAN and I - ALVARADO**- was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Goldberg, Edwards and Berry absent. MOTION 2004-1064 ADOPTED.
7. RECOMMENDATION from Houston Airport System to authorize the Director of the Houston Airport System or his representative, to direct the Airport Revenue Fund to reimburse the Airports Improvement Fund for any operating expenses under the contract with **4B TECHNOLOGY GROUP, LLC** for Information Technology and Telecommunications Infrastructure Field Inspection Services - **DISTRICTS B - GALLOWAY; E - WISEMAN and I - ALVARADO**- was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Goldberg, Edwards and Berry absent. MOTION 2004-1065 ADOPTED.

8. ORDINANCE appropriating \$5,387.98 out of Parks Consolidated Construction Fund as an additional appropriation for Agnes Moffitt Park Building Addition, under construction contract with **GCC CONSTRUCTORS, INC** (approved by Ordinance No. 04-0075), GFS F-504A-01-3 **DISTRICT A – LAWRENCE** - was presented. All voting aye. Nays none. Council Members Goldberg, Edwards and Berry absent. ORDINANCE 2004-1051 ADOPTED.
- 8a. RECOMMENDATION from Director Building Services for approval of Change Order 3 in the amount of \$5,387.98 on contract with **GCC CONSTRUCTORS, INC** for Agnes Moffitt Building Addition, GFS F-504A-01-3 - **DISTRICT A – LAWRENCE** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Goldberg, Edwards and Berry absent. MOTION 2004-1066 ADOPTED.
9. RECOMMENDATION from Director Human Resources to approve the 365 day period for pay differential for employees called to active duty status during a time of war or state of emergency - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Goldberg, Edwards and Berry absent. MOTION 2004-1067 ADOPTED.
11. RECOMMENDATION from Chief of Police for Injury on Duty Status for Police Officer **RAFAEL CALLES** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Goldberg, Edwards and Berry absent. MOTION 2004-1068 ADOPTED.

Mayor White acknowledged all the newly appointed board members and asked that they stand and be recognized and thanked them for their service to the City.

ACCEPT WORK - NUMBERS 12 through 15

12. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$453,457.11 and acceptance of work on contract with **FERGUSON CONTRACTORS, LTD.**, for Construction of Street Overlays for Neighborhoods to Standard (NTS) Tier VII - Meyerland Subdivision, GFS N-1037-14-3 (OL2014) - 08.27% under the original contract amount - **DISTRICT C – GOLDBERG** - was presented, moved by Council Member Khan, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Berry absent. MOTION 2004-1069 ADOPTED.
13. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,321,857.74 and acceptance of work on contract with **INTRA CONSTRUCTION CORPORATION** for Construction of Water Line Replacement in Ashton Village Subdivision, GFS S-0035-66-3 (WA10581) - 03.59% under the original contract amount **DISTRICT G - HOLM** - was presented, moved by Council Member Khan, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Berry absent. MOTION 2004-1070 ADOPTED.
14. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$10,686,669.81 and acceptance of work on contract with **JALCO, INC** for Construction of 72-inch Water Line along Ella Boulevard and W. 12th Street from W. 24th Street to approximately 1000 linear feet East of Hempstead Road and

the Northeast Pump Station Improvements, GFS S-0900-63-3 (WA10636) - 00.99% under the original contract amount **DISTRICTS A - LAWRENCE; B - GALLOWAY and H - GARCIA** - was presented, moved by Council Member Khan, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Berry absent. MOTION 2004-1071 ADOPTED.

15. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,630,791.59 and acceptance of work on contract with **TJ&T ENTERPRISES, INC** for Construction of 36-inch Water Main along Beamer Road from Scarsdale Boulevard to Dixie Farm Road, GFS S-0900-77-3 (10576) - **DISTRICT E - WISEMAN** - was presented, moved by Council Member Khan, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Berry absent. MOTION 2004-1072 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 18 and 19

18. **AMEND MOTION #2002-184, 2/13/02, TO EXTEND** expiration date from February 13, 2005 to February 12, 2006, for Remote Activated School Flasher System Contract from Department of Public Works & Engineering, awarded to **CONSOLIDATED TRAFFIC CONTROLS, INC** - was presented, moved by Council Member Khan, seconded by Council Member Lawrence. All voting aye. Nays none. Council Member Berry absent. MOTION 2004-1073 ADOPTED.
19. **AMEND MOTION #2001-1176, 10/30/01, TO EXTEND** expiration date from October 30, 2004 until October 29, 2005, for Cement, Bagged Portland Contract for Various Departments, awarded to **EAGLE-CORDELL CONCRETE PRODUCTS** - was presented, moved by Council Member Khan, seconded by Council Member Lawrence. All voting aye. Nays none. Council Member Berry absent. MOTION 2004-1074 ADOPTED.

ORDINANCES - NUMBERS 26 through 40

26. ORDINANCE approving and authorizing agreement between the City of Houston and **SAM HOUSTON STATE UNIVERSITY** for the Project Safe Neighborhood Grant; containing provisions relating to the subject - \$164,736.00 - Grant Fund - was presented. All voting aye. Nays none. ORDINANCE 2004-1052 ADOPTED.
27. Omitted
28. ORDINANCE approving and authorizing interlocal agreement between the City of Houston and the **HARRIS COUNTY COMMUNITY SUPERVISION AND CORRECTIONS DEPARTMENT** for Graffiti Abatement Services; providing a maximum contract amount - \$254,332.00 - General Fund – had been pulled from the Agenda by the Administration, and was not considered.
30. ORDINANCE appropriating \$999,600.00 out of Airport System Bonds 1998C NON-AMT Construction Fund (536) (the “Fund”), and approving and authorizing execution of a Compromise and Settlement Agreement with **MANHATTAN CONSTRUCTION CO.** to settle a claim arising out of activities financed by the Fund - **DISTRICT B – GALLOWAY** - had been pulled from the Agenda by the Administration, and was not considered.
31. ORDINANCE approving and authorizing first amendment to Antenna Site License Agreement between **TRIZECHAHN COLONY SQUARE GP LLC**, as licensor, and the City

of Houston, Texas, as licensee, for an Antenna Site at Three Allen Center (333 Clay Street) for use by the Finance & Administration Department's Office of Emergency Management - was presented. All voting aye. Nays none. ORDINANCE 2004-1053 ADOPTED.

32. ORDINANCE approving and authorizing Telecommunications License Agreement between **VOICESTREAM HOUSTON, INC**, as licensee, and the City of Houston, Texas, as licensor, for Commercial Wireless Telecommunications Service Facility at the George R. Brown Convention Center - Revenue - **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. ORDINANCE 2004-1054 ADOPTED.
35. ORDINANCE appropriating \$389,402.38 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing interlocal agreement between the City of Houston and **HARRIS COUNTY** for Homestead Road from Mount Houston Road to Old Humble Road, GFS R-0521-13-2 and S-0521-13-2 (SB9037-14); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. ORDINANCE 2004-1055 ADOPTED.
36. ORDINANCE appropriating \$236,347.00 out of Water & Sewer System Consolidated Construction Fund and \$240,000.00 out of TIRZ Affordable Housing Uptown Fund and approving and authorizing Developer Participation Contract between the City of Houston and **4468 W. AIRPORT 1, LTD** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve Section One of the Brentwood Village Subdivision, CIP S-0800-E2-03 and R-0800-E2-03 **DISTRICT D - EDWARDS** - was presented. All voting aye. Nays none. ORDINANCE 2004-1056 ADOPTED.
38. ORDINANCE appropriating \$144,337.08 out of Water & Sewer System Consolidated Construction Fund and \$162,000.00 out of TIRZ Affordable Housing Uptown Fund and approving and authorizing Developer Participation Contract between the City of Houston and **SOUTHWAY BUSINESS PARK, LTD** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve Section Five of the Southway Subdivision, CIP S-0800-D8-03 and R-0800-D8-03 **DISTRICT E - WISEMAN** - was presented. All voting aye. Nays none. ORDINANCE 2004-1057 ADOPTED.
39. ORDINANCE appropriating \$4,237,347.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **UNDERGROUND TECHNOLOGIES, INC** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Method, GFS R-0294-06-3 (WW4257-56); providing funding for engineering testing services and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - was presented. All voting aye. Nays none. ORDINANCE 2004-1058 ADOPTED.
40. ORDINANCE appropriating \$1,600,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Construction Inspection Services contract between the City of Houston and **OMEGA ENGINEERS, INC** for Water and Wastewater Repair Projects throughout the City, CIP S-0019-31-3 (WA10849) - was presented. All voting aye. Nays none. ORDINANCE 2004-1059 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

2. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **GREATER GREENSPPOINT REDEVELOPMENT AUTHORITY BOARD OF DIRECTORS:**
MR. ELVIN FRANKLIN, JR., appointment, to serve as Chair, for a term to expire
12/31/2004
Position 9 - **MR. SETH L. SHARR** (Spring Independent School District Representative),
reappointment, for a term to expire August 31, 2006
- was presented, moved by Council Member Khan, seconded by Council Member Quan.
All voting aye. Nays none. MOTION 2004-1075 ADOPTED.

Mayor White recognized Mr. Sharr who was in the audience and thanked him for serving the public in this important capacity.

10. RECOMMENDATION from Chief of Police for supplemental allocation of \$285,547.00 for the Unisys Master Agreement for the Police Department Unisys mainframe and software - General Fund – was presented, moved by Council Member Quan, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. MOTION 2004-1076 ADOPTED.

PURCHASING AND TABULATION OF BIDS

16. RECOMMENDATION from Director Health & Human Services Department for approval of spending authority for emergency purchase orders in the amount not to exceed \$70,000.00 to acquire adult influenza vaccine - General Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2004-1077 ADOPTED.
17. **BOOTH RESEARCH GROUP, INC** for Development of two supplemental Assessment Centers for Police Department - \$71,000.00 - General Fund – was presented, and tagged by Council Members Garcia and Wiseman. (Note: Council Member Garcia released his tag later in the meeting.)
20. **AMEND MOTION #2000-515, 4/12/00, as amended by #2003-374, 4/16/03 and #2004-272, 3/10/04, TO INCREASE** spending authority from \$164,549.00 to \$230,368.60, awarded to **LUIS AUTO COLORS** - General Fund – was presented, and tagged by Council Member Wiseman.

ORDINANCES

21. ORDINANCE **AMENDING CHAPTER 39 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to placement of garbage for collection in the Central Business District; containing other provisions relating to the foregoing subject; providing for severability - was presented. All voting aye. Nays none. ORDINANCE 2004-1060 ADOPTED.

Council Member Alvarado stated that she wanted to thank the administration, particularly the Solid Waste and Legal Department, that their office had been working on it since early summer and wanted to thank Mr. Michel for helping to move it along in a timely manner, that she thought it was going to help relieve some of the issues that residents and businesses had with the trash.

22. ORDINANCE **AMENDING ARTICLE XI OF CHAPTER 47 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Transportation and Treatment of certain

wastes; containing findings and other provisions relating to the foregoing subject; providing for severability – was presented, and tagged by Council Member Wiseman.

23. ORDINANCE amending Exhibit “A” of City of Houston Ordinance No. 2004-204 by adding two hundred (200) Senior Police Officer positions, and by deleting two hundred forty-five (245) Police Officer Positions, Twenty-three (23) Police Sergeant Positions, Seven (7) Police Lieutenant Positions and one (1) Chief Criminalist Crime Laboratory Position; substituting the amended exhibit as part of the current Police Department Classified Personnel Ordinance – was presented, and tagged by Council Member Garcia.
24. ORDINANCE approving and authorizing contract between the City of Houston and **THE 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 is a program that will offer transportation services to homeless individuals and families seeking Health Care and Supportive Services - was presented. All voting aye. Nays none. ORDINANCE 2004-1061 ADOPTED.
25. ORDINANCE amending City of Houston Ordinance No. 2004-56 relating to Rescheduling and Postponement of City Council Meetings - was presented. All voting aye. Nays none. ORDINANCE 2004-1062 ADOPTED.
29. ORDINANCE appropriating \$10,980.00 out of Parks Special Fund and approving and authorizing Advance Funding Agreement between the City of Houston, the **TEXAS DEPARTMENT OF TRANSPORTATION** and a sponsorship contract between the City of Houston and the **HERMANN PARK CONSERVANCY** - was presented, and tagged by Council Member Edwards. (Note: Council Member Edwards released her tag later in the meeting, and Council Member Garcia tagged the item.)
33. ORDINANCE approving and authorizing an agreement between the City of Houston and **COATS ROSE YALE RYMAN & LEE, P.C.** for Legal Services in connection with certain Non-Performing Loans secured by City-assisted Multi-family Affordable Housing Projects - \$200,000.00 - Grant Fund – was presented, and tagged by Council Members Holm, Wiseman and Lawrence.

After a lengthy discussion by Council Members, Council Member Edwards requested that the administration put it through the Housing Committee, and Council Member Quan stated that was exactly what they planned to do, that they planned to have a full discussion at the Housing Committee meeting next Tuesday, that he had also contacted Mr. Dadoush and he was willing to go out with them to review the site if Council Members were interested in doing that, and Council Member Garcia asked that his tag be added to Item No. 33.

Council Member Edwards stated that she would release her tag on Item No. 29, that she had her questioned answered.

Mayor White stated that they would bring up Item No. 29 at this time, and Council Member Garcia stated that he would tag Item No. 29. Council Member Goldberg absent.

34. ORDINANCE appropriating \$429,633.00 out of General Improvements Consolidated Construction Fund and approving and authorizing amendment to professional services contract (approved by Ordinance No. 99-573) between the City and **BOVAY ENGINEERS, INC** for Modifications to various City Facilities, CIP D-9999-03-2 and D-0119-01-2 – was presented, and tagged by Council Member Garcia. Council Member Goldberg absent.

37. ORDINANCE appropriating \$192,655.14 out of Water & Sewer System Consolidated Construction Fund and \$210,000.00 out of TIRZ Affordable Housing Uptown Fund and approving and authorizing Developer Participation Contract between the City of Houston and **HOUSTON HABITAT FOR HUMANITY, INC** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve the Village at Glen Iris Subdivision, CIP S-0800-D7-03 and R-0800-D7-03 **DISTRICT D – EDWARDS** – was presented. All voting aye. Nays none. Council Members Goldberg and Alvarado absent. ORDINANCE 2004-1063 ADOPTED.
41. ORDINANCE appropriating \$1,140,000.00 out of C & E Construction Fund; \$360,000.00 out of Series E Commercial Paper C & E, \$173,650.00 out of C & E CP2002 Series A Construction Fund and \$206,350.00 out of GRB Consolidated Construction Fund; and awarding construction contract to **QUALIFIED CONSTRUCTION, INC** for Park Enhancement to Root Memorial Square, CIP B-0072-01-3; setting a deadline for the bidders 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 relating to construction of facilities financed by the C & E Construction Fund, Series E Commercial Paper C & E , C & E CP2002 Series A Construction Fund and GRB Consolidated Construction Fund - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-1064 ADOPTED.
- 41a. RECOMMENDATION from Director Convention & Entertainment Facilities Department to approve the naming of the proposed basketball court at Root Memorial Square in honor of Mayor Bob Lanier - **DISTRICT I – ALVARADO** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Goldberg absent. MOTION 2004-1078 ADOPTED.

NON CONSENT AGENDA - NUMBERS 42 and 43

MISCELLANEOUS

42. RECEIVE nominations for Position 7 on the **PORT OF HOUSTON AUTHORITY OF HARRIS COUNTY** for a two year term – was presented.

Council Member Alvarado stated that she and Council Members Goldberg and Quan had submitted a nomination for Ms. Janiece Longoria and would yield to Council Member Quan to offer their joint nomination.

Council Member Quan stated that he wanted to nominate Ms. Janiece Longoria for reappointment to Position 7 of the Port of Houston Authority of Harris County.

Council Member Alvarado moved to close nominations for Position 7 of the Port of Houston Authority of Harris County, seconded by Council Member Holm. All voting aye. Nays none. MOTION 2004-1079 ADOPTED.

43. RECEIVE nominations for Positions One through Four of the **ANIMAL SHELTER ADVISORY COMMITTEE** to complete the terms to expire December 31, 2005

Council Member Sekula-Gibbs stated that she wanted to nominate Mr. Mike Mark for Position One, Mr. Raymond Harris for Position Two and Mr. Sean Hawkins for Position Four of the Animal Shelter Advisory Committee.

Council Member Holm stated that she wanted to nominate Ms. Kappy Muenzer Position Three of the Animal Shelter Advisory Committee.

Council Member Quan moved to close nominations for Positions One through Four of the Animal Shelter Advisory Committee, seconded by Council Member Lawrence. All voting aye. Nays none. MOTION 2004-1080 ADOPTED.

MATTERS HELD - NUMBERS 44 and 45

44. ORDINANCE relating to Health Care Benefits for city retirees, deferred retirees, survivors and certain dependents; approving and authorizing various agreements regarding Medicare Managed Care Plans for the aforementioned beneficiaries, approving maximum contract amounts 1 Year with 4 one-year options - \$9,000,000.00 (Total for two contracts) – **(This was Item 24 on Agenda of October 6, 2004, TAGGED BY COUNCIL MEMBERS SEKULA-GIBBS, GREEN, EDWARDS and GARCIA)** – was presented.

Mayor White stated that there had been some questions and several people wanted at least a brief report on certain things from the administration and asked Mr. Anthony Hall to make a brief statement, that Mr. Hall had taken a leadership role in the health benefit issues.

Mr. Hall stated that the issue was brought to the Fiscal Affairs Committee and reported out favorably by that committee, that it was a continuing effort on their part to improve both the service and the options that they provided to City employees and retirees and to try to do it more efficiently so that they relieved some of the pressure that had been building, that as they recalled they advised that they could be looking at as much as a \$40 million increase in their health insurance premiums for this year so it was really a part of that continued process, that if the Council Members would remember it was one of the issues that was mentioned when they presented the renewal of the final year of their contract with HMO Blue, in pursuit of that, so that people would understand what happened, they had a number of categories of employees for which they provided benefits and for which they were charged different premium levels, they had been working diligently in trying to help them define better the actual cost benefit ratio which was associated with those groups, one of the things that was discovered was that they were not getting the maximum benefit out of the program they were offering for Medicare eligible employees who were retired, that when they issued that RFP they got a number of proposals, among them were the ones from the two providers that were recommended today, and as they recognized they were providers who were licensed by the Medicare authority for providing the services which was why they could offer the reduced benefit, that he checked again this morning with them and these were the only two providers in our area, licensed by them, to provide the service, for 2005, that at the time the Medicare allowances were not enough for them to offer comparable packages for what the HMO package was, he thought that in March 2004, Medicare upped the allowances to make them more competitive with what the City was offering in their regular HMO program, this became a win win situation, no employee or retiree had to change, they could stay right where they were, there was nothing that required them to change from the HMO policy that they participated in, but if they wanted to they could change to one of the two providers who were licensed by Medicare and pay a substantially reduced premium, in one instance more than a 90% reduction in their premium and a corresponding reduction for the City, because as they knew that on average the City paid 80% of the premium cost, so the City paid less and they paid less, the beauty of the component of the program was that people were not stuck if they switched, they could switch back and forth if they wished to, that he understood there had been a good deal of concern about the minority participation requirements in the proposal, these proposals came in as a consequence of the RFP process

back when they first went out, they did not include them, as he indicated, because the benefits were not comparable, because of the nature of these services the MWBE requirements were split in two parts, one the actual provision of the various services that people could get under those projects, i.e., prosthetics and all of the kinds of things that people could get, and on the other side the actual medical personnel, that was the physicians, that the MWBE requirement for physicians was 30% and they had exceeded that in both instances for physicians that participated in their networks, they had also exceeded the commitment to provide more than 10% for purchase kind of services, for the things they got attended to their medical care, that both of them had met those requirements, that they did that by contracting with physicians who agreed to charge the schedules that they were allowed for Medicare, because Medicare prescribed what they could charge and what they could provide, that was the benefit of those licenses and Medicare paid them the difference, which allowed them to charge substantially lower than Blue Cross Blue Shield and would others join it in the future, maybe, the issue for them, because it did not have to be exclusive, was the desire to move forward to realize for the employees the premium savings, over 90% in one case for the employees, and for them to realize it so they could fund the program that they had to kick off, frankly right about now, in their pursuit of the renewal period that came up May 1, 2005, that it was fair to all of the people who were at the time licenses, that they had tried to provide the Council Members a list of all the physicians to answer the questions that they had raised since last week.

After a lengthy discussion by Council Members, Council Member Green moved to postpone Item No. 44 for two weeks, that he needed some more information, and Council Member Sekula-Gibbs passed out to the Council Members a summary of information that she had been able to glean from the Texas Department of Insurance and public records about the companies and reviewed the hand out, a copy of which is on file in the City Secretary's office for review, and stated that companies that they were planning to do business with, such as Texan Plus and Texas Health Spring were very questionable in their financial histories, that the companies were affiliated with other companies that had been insolvent within the last four years, that the Texas Department of Insurance had stated that Texas Health Spring had an exclusive contract with Renaissance Physician Network that was managed by principals and officers who also managed the ill fated IPA Management Associations known as NAM and NAM went into receivership and was insolvent in 2000, it never came out of that insolvency, and NAM was managed and the president was the same president of the now Texas Health Spring, so they had to pay attention to who the managers and officials were of the company.

After further discussion, Council Member Edwards stated that she supported Council Member Green's motion to postpone and would suggest that Council Member Sekula-Gibbs's document plus other issues go through the Regulatory Committee.

Mayor White stated that he supported Council Member Green's motion for a 2 week deferral and wanted some time to confer with Council Member Goldberg, Mr. Hall and others to see if there was a further committee process other than the one that had already occurred, that first, they had a contract with Blue Cross and Blue Shield that covered 67,000 lives which the City Council approved and had a term through March 2005, and second, it was the policy of the administration to try to offer as many good choices to their employees as they could, and when it became apparent that there would be some folks who would have a large overlap with the existing physician provider population that would be providing the same benefits virtually at a 90% cost reduction to the employees, 80% to the taxpayers, that he was not arguing for, that he thought some of the issues raised by Council Members Sekula-Gibbs, Green and others were well taken, that there were many retirees in the City who had a very small monthly check, and he made a commitment to retiree groups that he would do whatever he could to try to reduce the escalation in health care costs as soon as they could, that he wanted to make sure that if

there was a provider that was certified by the City as a health provider, that they had the Medicare reimbursement eligibility, that they look at the participation of that firm that met that requirement to see if there could be additional providers.

After further discussion by Council Members, Council Member Green moved to call the question, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Lawrence absent. MOTION 2004-1081 ADOPTED.

A vote was called on the motion to postpone Item No. 44 for 2 weeks and inasmuch as no meeting is scheduled for October 29, 2004, it was agreed that the postponement would be for three weeks. All voting aye. Nays none. MOTION 2004-1082 ADOPTED.

45. ORDINANCE relating to private inspection of certain residential construction work; amending the City of Houston Building Code and adopting additional local amendments to the International Residential Code for one- and two-family dwellings and containing other provisions relating to the foregoing subject; providing for severability – **(This was Item 52 on Agenda of October 6, 2004, POSTPONED BY MOTION #2004-1047)** – was presented.

Council Member Goldberg stated that he had an amendment to Item No. 45, that the Legal Department wrote it, that it was basically housekeeping, that the Planning Department saw some things in the ordinance that needed to be changed, just some words, and the Legal Department created and wrote the amendment, that it also had to do with the fees, and offered the following written motion to amend Item No. 45:

"I move that Item 45 be amended as follows:

1. In Sections 2 and 3, by amending item 10 in the list of items set forth in Section R115.3 to be added to the Table of Houston Amendments to the 2000 International Residential Code for One- and Two-Family Dwellings and in the list of items set forth in Section 118.3 to be added to the City of Houston Building Code, to read as follows:
 10. Provisions requiring the ~~Building Official~~ building official to file a report with the Mayor and City Council, beginning at the end of the first 6 month period following the inception of the private inspector program and continuing at 6 month intervals thereafter, detailing for each reporting period the following information:
 - a. A listing of the names of all companies or contractors hiring ~~third-party~~ third party inspectors or firms for inspections and/or plan reviews and the names of each third party inspection firm so hired.
 - b. Names of all private inspection firms approved to conduct inspections and/or plan reviews.
 - c. Total number of plan reviews and private inspections performed by ~~third-party~~ third party inspectors or firms on each residential construction project and the names of each client for whom the services were provided.
 - d. Number of ~~City~~ reinspections conducted by the jurisdiction for each third party inspector and the percentage of that inspector's work so inspected.

- e. The number of Code violations found through reinspections, including the nature of each violation and the name of the private inspector who approved the work.
- f. A list of any inspectors that have been removed from the program by the ~~Building Official~~ building official.

The building official ~~Official~~ may include in the report such additional information as he may deem appropriate relating to the private inspector program.

- 2. In Section 2, by amending Section R115.5 to be added to the Table of Houston Amendments to the 2000 International Residential Code for One- and Two-Family Dwellings to read as follows:

R115.5. Fees. To cover administrative costs, including registration of private inspectors and management of the third party inspection and plan review program, and oversight inspections, the building official shall assess fees equal to 25 percent of the amount otherwise payable under this Code for any permit, but not less than the minimum fee as required in Section 117 of the Building Code. ~~For private plumbing inspections the building official shall assess fees equal to 25 percent of the amount otherwise payable under this code for a plumbing permit, but not less than the minimum fee as required in Section 117 plus the fees charged by the private plumbing inspection company. In addition to the reduced permit fees charged in connection with the third party inspection and plan review program, an additional fee of \$10 per payment voucher issued shall be assessed to cover the jurisdiction's cost of collecting and disbursing the fees charged by the private inspection company for plan reviews and private inspections.~~ If any contractor or owner requests an inspection by the building official of any structure that is subject to private inspection under this section, then the building official may perform the same for a fee of \$75. The administrative fee that is payable under Section 117.1.2 of the Building Code shall be collected in addition to the fees otherwise provided under this section.

- 3. In Section 3, by amending Section 118.5 to be added to the City of Houston Building Code to read as follows:

118.5. Fees. To cover administrative costs, including registration of private inspectors and management of the third party inspection and plan review program, and oversight inspections, the building official shall assess fees equal to 25 percent of the amount otherwise payable under this Code for any permit, but not less than the minimum fee as required in Section 117. ~~For private plumbing inspections the building official shall assess fees equal to 25 percent of the amount otherwise payable under this code for a plumbing permit, but not less than the minimum fee as required in Section 117 plus the fees charged by the private plumbing inspection company. In addition to the reduced permit fees charged in connection with the third party inspection and plan review program, an additional fee of \$10 per payment voucher issued shall be assessed to cover the jurisdiction's cost of collecting and disbursing the fees charged by the private inspection company for plan reviews and private inspections.~~ If any contractor or

owner requests an inspection by the building official of any structure that is subject to private inspection under this section, then the building official may perform the same for a fee of \$75. The administrative fee that is payable under Section 117.1.2 shall be collected in addition to the fees otherwise provided under this section.

4. In Section 3, by amending items 2 and 6 in the list of items set forth in Section 118.3 to be added to the City of Houston Building Code to read as follows:
 2. Requirement of appropriate liability coverage's in an amount of not less than \$1,000,000, per occurrence, with indemnity agreements and coverage of the ~~city jurisdiction~~, as an additional insured, for the protection of the City jurisdiction and other persons who may be affected by the performance of the inspection services."
 6. Administrative provisions for the acceptance, suspension, and revocation of privileges under this section to private inspectors and inspection firms, which shall include elements of due process, including a right of appeal to a hearing officer designated by the ~~Director~~director of ~~Public~~public works and engineering. Notwithstanding any other provision of this Code, the decision of the hearing officer shall be final and may not be appealed to the General Appeals Board or City Council."

Legal Department Note: The text of these amendments has been presented in legislative format for the convenience of the reader in determining additions to and deletions from the proposed Ordinance. Those portions that have been stricken in the following manner (—) represent prior City Code text that has been deleted. They do not constitute a part of the proposed Ordinance, and are provided only for the convenience of the reader in determining portions of the prior text that have been intentionally deleted. Similarly, the provisions that are underlined were so underlined to illustrate their addition to the proposed Ordinance. While the underlined portions of the text constitute an actual portion of the proposed Ordinance, as amended, the underlining itself does not constitute a part of the proposed Ordinance and was placed for the convenience of the reader.

Council Member Garcia stated that although he supported Council Member Goldberg amendment his concern to the item was that he remembered that they were going to get the developers to subsidize the cost of the inspections and he did not remember it that they were going to get FTE's to do the inspections, that he understood the City was going to get funding to hire more inspectors and do it themselves. Mayor White absent. Mayor Pro Tem Alvarado presiding.

Council Member Quan stated that he knew those were fees for the administration but as far as fees in general for the inspections had that been addressed by the ordinance. Mayor White absent. Mayor Pro Tem Alvarado presiding.

Council Member Goldberg referred that to Mr. Don Cheatham, Legal Department, who actually wrote the amendment and could speak to the fees. Mayor White absent. Mayor Pro Tem Alvarado presiding.

Mr. Cheatham stated that it was sort of a two tier approach, it was true that they were reducing the permits, the normal issuance fees because they would previously have involved the City inspector doing the work so they were doing a lesser fee there, that those fees would still go towards some maintenance of the program and monitoring the program, the second fee, the \$10 per voucher, was aimed at the cost of the City actually having to do the paperwork to collect the charges for the private inspections and then turn around and pay the inspectors directly. Mayor White absent. Mayor Pro Tem Alvarado presiding.

Upon questions by Council Member Khan, Mr. Cheatham stated that as they knew they already had a certain schedule of fees that were built into the Building Code for various inspections, that he had asked Mr. Litke to provide somebody today, if they got into more detail, that there was just some information about that kind of detail that he did not have, that the though the thing they focused on was just the permit fees and the fees necessary to do the additional processing that the City was going to be engaged in with the program.

After further discussion a vote was called on Council Member Goldberg written motion to amend Item No. 45. All voting aye. Nays none. MOTION 2004-1083 ADOPTED.

A vote was called on Item No. 45 as amended. Council Members Galloway, Edwards and Garcia voting no, balance voting aye. ORDINANCE 2004-1065 ADOPTED.

Mayor White stated that he wanted to thank Council Members for a good discussion around the table on the various issues concerning the health benefits formula, that there were various suggestions and the Mayor Pro Tem would help advice him whether there were other further intermediate steps that they might need to take, in taking to other Council Members on further hearings.

Council Member Garcia stated that he wanted to release his tag on Item No. 17, but Mayor White stated that Council Member Wiseman still had her tag on Item No. 17 so the item was not released. Council Member Goldberg absent.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Lawrence stated that she wanted to express her true hopes that the Astros would continue their winning ways. Council Member Goldberg absent.

Council Member Garcia stated that on the issue of the health care benefits he appreciated the Mayor's willingness to sit through the discussion, he thought it was extremely important on many levels. Council Member Goldberg absent.

Council Member Garcia stated that there was a lot going on in the City, a lot of different concerns and things affecting the constituents, that he had talked to a few folks who were trying to work with his office and his colleagues in trying to move some things forward but there seemed to be sort of a wall that they were beginning to hit in where the attitude may be changing in the sense of it being a new day in the City of Houston, that directors needed to stay at the table and not think that jobs were not at risk anymore, that they were starting to settle back in and feel comfortable and that questions did not need to be answered promptly, that he wanted to bring it up because he knew there was much going on but at the same time he was beginning to see a little of the kicking back attitude and he would just pass it on for whatever it was worth.

Mayor White stated that Council Members were so good at recognizing outstanding City employees and he wanted to tell them that there was a City employee that he really put through the ringer and that was Ms. Candi Aldridge, that he had her meet with and have extensive discussions with the largest private sector employers in the City, the ones that were known to have excellent employee relations, as well as people in the Medical Center institutions, that he had so many unsolicited calls regarding Ms. Aldridge, that she knew her business. Council Members Wiseman and Ellis absent.

Council Member Alvarado stated that she received a letter from Ms. Bostick with Antioch Missionary Baptist Church, that for years they had been able to park during services and funerals, and on September 25, 2004 there was a funeral and HPD officers were out there ticketing cars, that there was no reason for them to have been ticketed for attending a funeral and second it was on a Saturday when the parking was very lenient on weekends, that they did remove some of the tickets when they were told that people were attending a funeral but there were some that were not removed, that she would like to see that resolved and thought that Ms. Bostick and the Antioch Missionary Church deserved an apology from someone in the department. Council Members Wiseman and Ellis absent.

Council Member Alvarado stated that she wanted to commend the HPD officers in the eastside division and also the constable of Precinct 6, that she thought they saw a very coordinated extensive effort in catching the east end rapist, that she thought that now the community was able to ease their comfort level, that she wanted to applaud the efforts. Council Members Wiseman and Ellis absent.

Council Member Alvarado stated that finally the Atlanta Brave curse had been lifted from the Astros, that the victory was so significant for many reasons but thought it said to the rest of the Country that Houston was truly a City of champions, that they had a team that had worked and poured their hearts out, that they really deserved to be in this position, that she was looking forward to the next series and thought it would be a good one because both teams had mutual respect for one another and thought it was good for the City, that she wanted to thank the team, from Mr. McLane to the coaching staff to the Killer Bees and to Mr. October, Carlos Beltran. Council Members Wiseman and Ellis absent.

Council Member Alvarado stated that Mr. Bill Burnett passed away last week and he was very active in the Democratic Party and was a community political activist, that she wanted to give her condolences to his friends and family and would ask that they keep him in their prayers. Council Members Wiseman and Ellis absent.

Council Member Sekula-Gibbs stated that she wanted to thank Mr. Steven Lewis, Convention and Entertainment, that he helped a senior citizen who was concerned that one of the stairwells around the convention area was too steep for the senior and he went personally to look at the stairwell and said it would not be possible to reconfigure it completely but that they would do an inspection of all of the stairwells in the downtown area and make sure that the lighting was acceptable and that the handrails were in good repair and that the toe guards were in good shape, that she thought that was exactly what they would like to have their employees do whenever they made such a request, that she knew the senior was grateful to have that kind of attention paid to his needs. Council Members Wiseman and Ellis absent.

Council Member Sekula-Gibbs stated that she wanted to congratulate all of the members of the Islamic Community on the beginning of the Month of Ramadan. Council Members Wiseman and Ellis absent.

Council Member Khan stated that he wanted to thank the Solid Waste Department and the Director, Mr. Buchanan, there some concerns about solid waste pickup in the Huntington Village Subdivision in District F and Mr. Buchanan took the time and visited with the constituents and the problem was that the subdivision was divided into two areas and one area had third Thursday of the month for Solid Waste pickup and the other area had the fourth Friday so they had heavy trash lined up in the subdivision for most of the month, that he was looking into it and hopefully they would come up with a schedule where the whole area could have the same day pickup for heavy trash, that he wanted to recognize constituent Ms. Sharon Swanson who brought up the issue and was very instrumental in improving that area, that he understood that the zero tolerance policy was not effective and her suggestion was that when they made that announcement that they also include ethnic media because a lot of people living in that area did not speak very fluent English or did not read the Chronicle, that it would be more effective for people to understand the zero tolerance policy instead of getting tickets for the violations. Council Members Wiseman, Ellis and Green absent.

Council Member Khan stated that he wanted to thank Mr. Terrance Fontaine of the Mayor's Office, that there were a lot of heavy trash violators in District F and he took the time and really cleaned up those neighborhoods in a very short period of time. Council Members Wiseman, Ellis and Green absent.

Council Member Khan stated that he wanted to echo what the Mayor Pro Tem said about the Houston Astros, that the Houston Chronicle was again getting it wrong, this morning they were predicting that the Astros would lose in six games instead of winning, that he believed the Astros were going to win. Council Members Ellis and Green absent.

Council Member Khan stated that the Month of Ramadan would start either on Friday or Saturday depending on the moon sighting, that he wanted to thank Mayor White for hosting the annual Ramadan dinner on October 29, 2004 and wanted to thank his colleagues who agreed to be part of the hosts for that event. Council Members Ellis and Green absent.

Council Member Quan stated that he wanted to join in wishing the Islamic Community a happy Ramadan celebration. Council Members Ellis and Green absent.

Council Member Quan stated that there was a discussion earlier about housing and certainly that was a major concern to many in the City of Houston, that one group who had done a good job was Mr. Rick Lowe and Project Row House and on Friday they would be having a ribbon cutting for another set of their row house project, that he wanted to congratulate J. J. Smith and Fannie Mae for their work in that; that on Saturday they would be having an Affordable Housing Roundtable at the Raul Izaguirre School on Broadway at 11:00 a.m., and as mentioned earlier their Neighborhood Housing and Redevelopment Committee would be meeting on Tuesday at 10:00 a.m. in the Council Chamber and in addition to the housing issue he had asked Ms. Elena Marks to give a presentation on the consolidation with the County or look at a plan on how they could look at health issues together with the County. Council Members Ellis and Green absent.

Council Member Quan asked what happened to the peach cobbler that the Mayor was going to get from the Mayor of Atlanta, that they needed to bring it to Council and share it for the Astros victory, that they had some great sports teams in Houston. Council Members Ellis and Green absent.

Council Member Berry stated that they should not forget the Rockets, that the lead story in the newspaper was Yao Ming and the Houston Rockets in Shanghai and what an international City the City of Houston was. Council Members Ellis and Green absent.

Council Member Berry stated that he wanted them to continue to look into Underground Technologies winning City contracts, that they were quite a bit below the competitor bids, that he was growing increasingly concerned that there was one company consistently winning the bids, that he had no reason to believe that the company was anything other than a first rate company. Council Members Ellis and Green absent.

Mayor White stated that there were some issues raised about how they proceeded with both transparency and a level playing field and giving contractors an opportunity to perform and have a diversified base of contracting companies, and requested a report from Mr. Gary Norman, Public Works and Engineering. Council Members Ellis and Green absent.

Council Member Berry stated that with regard to restructuring and supplemental services with regard to Neighborhood Protection, he had been supportive of the work that the Mayor had done there and thought that was going to turn out to be a great thing and there was nobody better to pick than Chief Lumpkin, but there was some confusion as to who was going to handle what aspects, that they were being passed from group to group of those two groups as to who was going to handle what. Council Members Ellis and Green absent.

Council Member Berry stated that to follow up on what Council Member Garcia said there were a number of department directors, some new and some hold overs that for whatever reason with the turn of the administration and the new day were increasingly responsive, that there was one that was not but he would leave it alone for today, but there were a couple that he wanted to note who had been incredibly good and worthy of attention, Mr. Issah Dadoush and Ms. Marlene Gafrick. Council Members Ellis and Green absent.

Council Member Berry stated that he had not supported the 311 concept, that he thought it was terrible and would be a setback and they had done nothing but get better and better as the weeks had gone on, they had ironed out all of the kinks, that they had called 311 and started doing it on everything and had been amazed with the good work they had been doing. Council Members Ellis and Green absent.

Council Member Berry stated that he had joined Mayor White and Council Member Garcia at the swearing in of the new leader for Local 341 and there were high hopes for the Fire Department in a lot of different ways and thought they could live up to those, that he was excited about the moral at the fire stations. Council Members Ellis and Green absent.

Council Member Goldberg stated that as to the Rockets, they could see the Rockets game tomorrow morning at 6:30 a.m., that it was 7:30 p.m. in Shanghai, that they were playing the Sacramento Kings, that they had such an internationally diverse City, that they had at least 80 consultants represented and he thought was very appropriately symbolic that the Houston Rockets should be the international ambassadors of the NBA, that congratulations for the Rockets for doing that. Council Members Ellis and Green absent.

Council Member Goldberg stated that he had a problem in the district that had been a problem since January, that he had talked to Public Works about it and it was not until he had talked to a private company that explained to him why they had an incredibly strong odor near North Braeswood and Chimney Rock, about the 5000 Block of North Braeswood, that it was really bad and the problem was that the sewer lines had to go under a bridge and that meant

that none of the gases could go past that because it was all liquid and they added force mains which forced sewer into the connection and the gas had no place to go, that it was not just the bayou smelling bad, that it was the sewer line, that Public Works came up with the plan to add chemicals to the sewer line to neutralize it and that was obviously not working and it was a huge problem and he saw no sign at all of anything being done to fix it and was asking the administration's help, that right now there was no plan and the company he talked to said there was at least 5 or 6 solutions to the problem, that he would like to know which one they were going to pick and go with so he could at least tell his constituents that help was on the way, and Mayor White asked that someone get a report to him. Council Members Holm and Green absent.

Council Member Wiseman stated that in her district they had a very successful Meet and Greet this week, that it was an opportunity to bring people from all sides of the district together to collectively address the issues that were unique to District E and each individual area, that they set up coffee and refreshments and just visit with the people and take their concerns and interests and begin to address them the next day, that she wanted to thank everyone for their participation. Council Members Holm and Green absent.

Council Member Wiseman stated that with regard to the safety of pedestrians and commuters in the Clear Lake area, they had addressed an issue with regard to the speed limit for Space Center boulevard near Villagedale and the need to address the issue of students crossing at the intersection to get to and from school, there was an accident there this morning and it was something that members of the community had been pointing out as a great concern of their's and she was asking for the assistance of Public Works and HPD to assist her in very carefully and closely monitoring the situation to make sure they were doing everything to avoid accidents at the intersection, that she wanted to thank her colleagues for supporting the effort to keep the speed limit at a reasonable level on Space Center Boulevard but they needed to address the intersection, that the community had put in a call for traffic synchronization at the intersection and perhaps it was something they needed to take very seriously into consideration and review. Council Members Garcia, Quan and Green absent.

Council Member Wiseman stated that she wanted to introduce her newest intern, Mr. Andrew Sundstrom, who was a Kingwood resident, an Eagle Scout, a recent graduate of Notre Dame, where he received a Bachelor of Arts in Management Information Systems, he was involved in student government and ROTC and had just been commissioned as a Second Lieutenant in the U.S. Army and would report to Fort Sill in Oklahoma in November 2004 and would report to Fort Campbell in Kentucky in May 2005, and with the time he had left he decided to spend that time interning in her Council office to serve his community of District E. Council Members Garcia, Quan and Green absent.

Council Member Galloway stated that she was going to give the Mayor the title of King of Trash Abatement, that she had the title of Queen of Trash Abatement and for the Mayor and his administration to take the lead of eradicating the City of trash and illegal dumping she wanted to applaud him for his efforts and what he was doing in that regard, that her community was very excited for his taking the effort, that they had more cameras and zero tolerance and it was something she had been pushing for a long time. Council Member Green.

Council Member Galloway stated that Mayor White would be with her on Saturday at the Kashmere Gardens Multi Purpose center where they were having a massive cleanup out there, that everybody was waiting to greet Mayor White, that it would be at 9:00 a.m. Council Member Green absent.

Council Member Galloway stated that she wanted to thank her colleagues who donated to the CMC Campaign, that she heard that the auction was a success and they raised quite a bit of money. Council Member Green absent.

Council Member Edwards stated that since the Houston Comets kind of fell short she did not think there was any other team she would have loved to see win the championship than the Seattle Storm and they did, that there was a Houston connection to the Seattle Storm, their assistant coach was the University of Houston coach for 7 years and had also been a strong supporter of youth sports in Houston and wanted to congratulate Coach Jessie and the Seattle Storm in their victory in the WNBA. Council Member Green absent.

Council Member Edwards stated that she had the opportunity to participate in a very enlightening performance with her colleagues Council Member Alvarado and City Controller Annise Parker in the celebration of the 75th anniversary of Ms. Anne Frank, that they participated in the reading of the Diary of Anne Frank, that Ms. Andrea White, the First Lady, was also a part of it, and a lot of other women in the community, that she had read the Diary of Anne Frank when she was a kid but to read it and really internalize it was a very powerful experience for her. Council Member Green absent.

Council Member Edwards stated that she was concerned about the homeless population congregating in Hermann Park since they had been pushed out, that there needed to be some thought given to that, that she did not know what the solution was, that it was an issue that they really needed to look at. Council Member Green absent.

Council Member Quan stated that they started the numeration and the needs assessment and they should have a report for their November meeting as to how the plan was coming along, that he would be glad to get it moved up for her. Council Member Green absent.

Council Member Edwards stated that the election was coming up and Monday, October 18, 2004, was the first day of early voting and there had been a lot of talk about the national slate that was up but there were some very strong local election pieces that she was not hearing very much talk about, that she would encourage people to vote the entire ballot, that she knew there had been a lot of talk about Proposition 1 and Proposition 2, but she had not heard anything about Proposition 3, she had been to several civic club meetings and no one seemed to know that the proposition was on the ballot, that she would encourage people to check out Proposition 3 to make sure that they knew about it and vote however their conscience told them to, and to look at the judges and so forth that were on the ballot because they needed to have more accountability in the courtrooms. Council Member Green absent.

There being no further business before Council, the City Council adjourned at 11:35 a.m. Council Member Green absent.

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary