

City Council Chamber, City Hall, Tuesday, November 16, 2004

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, November 16, 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 and Ms. Marty Stein, Agenda Director, and Mr. Jose Soto, Deputy Agenda Director, present.

At 1:59 p.m. Mayor White stated that Council would begin with presentations and called on Council Member Edwards who stated that one of the biggest fears of a parent was to have your child go to an event they always went to and then get a call that your child was hurt and that had happened to one of the brightest lights in the community, Marsai Murry; that today they were recognizing the young lady and her work; that on November 8, 2003, a senseless random act of violence took the 17 year old and random violence could happen to anyone; that the Marsai Alert would provide a mechanism to report threats of violence before they became acts of violence; and invited members of her family to the podium and presented them a proclamation saluting and commending those who organized and participated in the endeavor and proclaimed Tuesday, November 16, 2004, as "Marsai Alert Day" in Houston, Texas. Ms. Murray thanked the Mayor and Council for the recognition and stated that she hoped it would make a difference in safety; that her daughter would appreciate what was done in her memory as she believed in helping others. Council Members Wiseman, Holm, Ellis, Sekula-Gibbs and Berry absent.

Council Members congratulated Ms. Murray on the great project done in Marsai's memory. Council Members Wiseman, Holm, Ellis, Sekula-Gibbs and Berry absent.

Mayor White stated that young folks needed to know how the nation, state and city was run as they would be running it and the first, second and third grade students from the Post Oak Elementary School were present, asked them to stand to be recognized; and invited their teacher to the podium and stated that he would like her to ask for their three best ideas if they were Mayor and Council as he had excellent ideas from young people; and thanked her for bringing the class. Council Members Ellis, Sekula-Gibbs and Berry absent.

At 2:11 p.m. Mayor White called the meeting to order and called on Council Member Green to lead in prayer. Council Member Green led all in prayer and in the pledge. Council Member Ellis absent.

At 2:12 p.m. the City Secretary called the roll. Council Members Garcia, Ellis and Berry absent.

Council Members Green and Alvarado moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Members Garcia, Ellis and Berry absent. MOTION ADOPTED.

Mr. John R. Breeding, 1980 Post Oak Blvd. #1580, Houston, Texas 77056 (713-819-3006) had reserved time to speak and when his name was called Mr. Steven Wood appeared and requested to speak on his behalf. Council Members Garcia and Ellis absent.

Council Member Holm moved that the rules be suspended for the purpose of allowing Mr. Steven Wood to speak on his behalf, seconded by Council Member Berry. Mayor White stated that with no objections it would be done by consent. Council Members Garcia and Ellis absent.

Mr. Steven Wood stated that he was present speaking on behalf of Uptown Houston and in opposition to Item 59; that they were supportive of the 300 feet restriction for liquor license near daycare facilities in the effort to protect neighborhoods, however, the proposed restriction was a little too much for their part of town as their concerns were similar to downtown which was opted out and they would ask that the Council consider doing the same for the Galleria area. Council Member Ellis absent.

Upon questions by Council Member Edwards, Mr. Wood stated that he worked for Mr. Breeding and was the in-house counsel for Uptown Houston; that his statement was for Mr. Breeding and the board of directors. Council Member Ellis absent.

Council Member Alvarado stated that he made a good point and that was the reason they included the Central Business District to be exempt because of daycares in high rises and Main Street was determined to be an entertainment district; that the Mayor's Office was working with Legal to see what could be done for other areas such as Uptown; and she appreciated him coming today. Council Member Ellis absent.

Council Member Wiseman stated that many employers did provide daycare and restaurants did sell liquor and that was problematic; and thanked Mr. Wood for coming. Council Member Ellis absent.

Upon questions by Council Member Quan, Mr. Wood stated that a simple proposal may be to exclude the area of the Uptown TIRZ; that his understanding of the alcohol code was there would be a grandfather clause but they would like to see more mixed use development occur there and in other areas of the city. Council Member Ellis absent.

Upon questions by Council Member Quan, Ms. McAbee stated that an amendment could be made at the table by motion of a Council Member or in writing without requiring a second and she did not know of anything unique that would alter the typical process of amending an ordinance as it was being considered by Council. Council Member Ellis absent.

Council Member Holm stated that as they developed the city for multipurpose use it was important to determine the consequences as well as benefits as it would have a dramatic impact on the way the city developed and how citizens were served and she would recommend a careful study to come up with the best. Council Members Alvarado and Ellis absent.

Council Member Garcia stated that it was his recommendation to put the item before Council and it was not for any consequence to commercial districts; that he would invite him to ride with him and see people stumbling out of facilities in the mornings near bus stops, etc., and to put a stop to the ordinance at this time was jeopardizing many families; that there was a grandfather clause and he would ask that he look at this from a different standpoint, it was a whole different reality; that they could incorporate other districts to the ordinance and neighborhoods needed this. Council Members Alvarado, Ellis and Sekula-Gibbs absent.

Council Member Edwards stated that she was nervous when they talked about excluding a district for whatever reasons; that she needed to know who was to determine a business district and how was it to be determined before she could vote on it; and Mayor White stated that someone in Legal was looking at how that might be done and he joined her comments that

they did need to look at the specific language and principle; and as Council Member Garcia pointed out the ordinance had significant interest and people felt threatened everyday so if they could come up with that in short-order; and with Council Member Quan's suggestion he would like to see the extent to which there could be a consensus on Council but that meant language and concept needed to be circulated to all. Council Members Alvarado, Ellis and Sekula-Gibbs absent.

Council Member Lawrence moved that the rules be suspended for the purpose of hearing Mr. Jack McReynolds at the top of the three minute non agenda speakers; and Mayor White stated that with no objections it would be done by consent. Council Members Ellis and Sekula-Gibbs absent.

Council Member Wiseman stated that she would like to introduce a group of home schoolers with a group called PALS and asked them to stand to be recognized. Council Members Ellis and Sekula-Gibbs absent.

Mr. Jim Wilson, 200 Post Oak Blvd. #1950, Houston, Texas 77056 (713-985-6827) appeared and stated that he was regional vice president with Crescent Real Estate, owners and operators of about 12,000,000 square feet of commercial high-rise office properties in the City of Houston and was present to speak on Greenway Plaza; that Lakewood Church had taken over the redevelopment of the former Compaq Center and it adjoined about 50% of their property; that their concern was if the ordinance was in place it would seriously impact their facility which had a private dining facility, etc., and he was requesting the City look carefully at the proposal and maybe send it to committee. Council Members Ellis and Berry absent.

Council Member Lawrence stated that Council would be looking at it, a number of high-rises were in Houston and needed to be considered and before she voted she felt something else would come forward; and thanked Mr. Wilson for being the citizen he was to this city. Council Members Ellis and Berry absent.

Council Member Goldberg stated that in his mind if the ordinance passed building managers may say they did not want a daycare facility because it would affect their property and some had daycares where they worked; and thanked Mr. Wilson for coming and expressing his concerns; and Mr. Wilson stated that the daycare at Post Oak Central was a key part of their amenity mix. Council Members Ellis, Sekula-Gibbs and Berry absent.

Upon questions by Council Member Edwards, Mr. Wilson stated that he would ask that Council send the ordinance to a committee for study; that in his mind the near property was to a daycare was critical when it was primarily related to consumption of alcohol and what he was interested in was dining facilities; and Council Member Edwards stated that she was not speaking of nuisances she was speaking of the same type of reserved establishment as the Houston Club; that if they were going to exempt she wanted it to be clear and would like to speak with him later. Council Members Lawrence, Ellis and Berry absent.

Dr. Lucious Randle, 1213 Hermann Dr. #415, Houston, Texas 77004 (713-526-1872) appeared and stated that he was present regarding Item 56, the Medicare, manage care ordinance; that his dream was to become a physician and return to his neighborhood; that he had been in the same place 20 years and provided service to the affluent as well as the uninsured at no charge; that the name of the game now was which plan you were on and no matter how trained or how accessible you were if you were not on the plan you could not see the patients; that he felt they should have the opportunity to participate in the process, they were qualified to compete and excel if given equal opportunity and was respectfully requesting that

Item 56 be sent back to the Administration for an open and fair bid process. Council Members Lawrence and Ellis absent.

Upon questions by Council Member Sekula-Gibbs, Dr. Randle stated that he had been with the MWBE Certified Physician Health Network about 11 years and was satisfied with quality of management; and Council Member Sekula-Gibbs stated that she expressed to the Administration that the RFP if for no other reason than accountability and transparency needed to start over and go back to square one so they could revisit today's Medicare market; and upon further questions, Dr. Randle stated that Medicare HMO's had been around for years and most had come and gone; that a lot of patients signed up thinking they could see their same physicians and go to the same hospitals and that was not the case and it did cause much confusion. Council Member Khan absent.

Council Member Berry stated that Dr. Randle's reputation preceded him and it was very good; and upon questions, Dr. Randle stated that he was suggesting that Council vote against the item and give others opportunity to participate in the bidding. Council Member Goldberg absent.

Upon questions by Council Member Alvarado, Dr. Randle stated that he did see Medicare patients; that if Item 56 passed he would not be able to continue seeing his patients. Council Member Goldberg absent.

Council Member Edwards stated that her question was to the Administration; that when it was tagged the last time she asked that it be directed to a focused committee where people like Dr. Randle could come and have full discussion and disclosure and if they had it she missed it, but would like a copy of those minutes if it took place and before the vote tomorrow; that she had seen nothing giving her any more information than when it was stopped the last time and she thought she was pretty specific that it be referred to a committee before it came for a vote; and again asked that she get her information today if possible. Council Member Goldberg absent.

Mayor White stated that he remembered the Council Member's request and there was at least one hearing on the issue; that he wanted to make sure there were good minutes of that to provide her and additional briefings; that he would ask Mr. Moore and others monitoring this to get on that request now; and asked Dr. Randle if he had a final statement; and Dr. Randle stated that he was asked by Council Member Alvarado if his concern was he would lose his patients and the quick answer was yes, but the real answer was he was not in medicine for the money and they provided a lot of care, no one was turned away from his office and some were just seen for co pay; that they continued seeing patients who were not on any plan that would pay for his services and he still saw them for the cost of their co pay; that it was not the money, he liked keeping his patients; and upon questions by Mayor White, Dr. Randle stated that he would be willing to participate in a certified Medicare plan; that he was not a member of any Medicare HMO at present; that if patients were given the choice of keeping the same physician he felt a number would stay and a number would leave, but wanted a chance to participate in the bidding; that his understanding was this was limited to two plans and if it was limited to those and he was not a part of the network he would not be able to participate. Council Members Galloway, Goldberg, Holm, Ellis and Quan absent.

Council Member Sekula-Gibbs stated that the Mayor said that in April of 2004 the Medicare reimbursement per-capita rate went up to \$700.00 and she felt that should be underscored because it was at that time the opportunities for Medicare Manage Care became very bright again; that in about 2000 many insurance companies exited the market and left

doctors holding millions of unpaid claims and they do not want to see that again and now more companies were coming back into the market and the market changed significantly and yet they were saying they were going to hurry up and make up their minds without giving the retirees full advantage of the changing market and she did not think they should do it; and upon questions, Dr. Randle stated that he was not as abreast on the business aspect but from past experience when there were many HMOs operating even at the lower reimbursement patients did get benefits and he thought those benefits would be realized again. Council Members Galloway, Goldberg, Holm, Garcia and Ellis absent.

Council Member Green stated that earlier Council Member Edwards asked that it be referred to a committee; and upon questions, Mayor White stated that there was a lengthy hearing in the Fiscal Affairs Committee; and Council Member Green stated that hearing was two days before the Council Meeting and he wanted to know if there had been any other discussion; and yielded to Council Member Edwards who stated that one reason she asked that they revisit this was there was such a long break and some allegations made and memos Council Member Sekula-Gibbs put forward on the issue and she thought they were going to have another meeting on her serious allegations that were put out and she thought they would be discussed in the next meeting and that was the meeting she was talking about and if it took place she wanted the minutes from it; and Mayor White stated that he would confer; that a group did investigate those complaints and he would make sure...; that if there were issues they felt had not been fully ventilated as opposed to covering the same ground; that people should have opportunity and he understood her request now. Council Members Galloway, Goldberg, Holm, Garcia, Alvarado, Ellis and Berry absent.

Council Member Wiseman moved that the rules be suspended for the purpose of hearing Mr. Ali Naqvi after Mr. Jack McReynolds, seconded by Council Member Quan; and Mayor White stated that with no objections it would be done by consent. Council Members Galloway, Goldberg, Holm, Garcia, Alvarado, Ellis and Berry absent.

Dr. Myrtle Oates, 4747 Bellaire Blvd. #395, Bellaire, Texas 77401 (713-839-9898) appeared and stated that she was a practicing obstetrician for 18 years with 11 in Houston; that People First was truly a cohesive medical group where they produced affordable quality outcomes for their patients; that People First and their physician network had a decade of reliable quality and dedicated medical and administrative services to the City of Houston active and retirees and believed they had earned the opportunity to participate in an open process to determine if they were able to participate in all health care options; and requested that Item 56 be sent back to the Administration for an open fair bid process. Council Members Galloway, Holm, Garcia, Alvarado, Ellis and Green absent.

Council Member Sekula-Gibbs stated that 80% of a person's healthcare dollars were spent in the last two years of their life; and upon questions Dr. Oates stated that she did not have numbers but would agree with that. Council Member Sekula-Gibbs stated that retirees in the City of Houston were a part of HMO and another group who were 65 and had Medicare first and then HMO secondary and some were not aware there were two separate situations and those younger than 65 were not eligible for the HMO Medicare package and yet the Administration was asking them questions on a survey; and upon further questions, Dr. Oates stated that any ill individual was at an emotional and physical disadvantage and when there were additional processes in changing service plans they could act as roadblocks to medical care. Council Members Galloway, Edwards, Holm, Ellis and Green absent.

Upon questions by Mayor White, Dr. Oates stated that she would be interested in participating in one of the Medicare plans if it was offered; that as Dr. Randle stated patients

were bonded to them and they were to their patients and some may leave while others would stay; that they were asking people be given an opportunity to participate in the plan; that they absolutely supported choice but wanted to be one of those choices. Council Members Galloway, Goldberg, Edwards, Holm, Garcia, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Tom Balle, 2008 S. Wayside, Houston, Texas 77023 (832-473-0994) appeared and stated that he was present regarding the wrecker contract; that officers were not towing cars unless it was a must; that the safety was a factor as Council changed it to the first wrecker on the scene was the wrecker who loaded and all the drivers were trying to get there as quick as they could and it was putting the drivers and citizens in jeopardy and they were not making money because the officers were not towing the cars; that some drivers were losing their trucks, homes and getting divorced; that they had to get there so quick and the officers took their time; that he felt the officers needed to be prompt and not the tow drivers; that he was a driver for 21 years and there was a problem with this contract and if they continued with it their association was prepared to sue and take it all the way to Washington; that they were not trying to get rich but they were trying to make a living. Council Members Galloway, Goldberg, Holm, Garcia, Ellis, Green and Berry absent.

Ms. Gracie Yerena, 6619 Alfano, Houston, Texas 77076 (713-298-7591) appeared and stated that she worked seven days a week and had two hours sleep today but needed to come to Council; that the big fish always ate the little fish and that was what was going on, but she was determined and was going to stay out there and stay in business; that she was going to take notes of what she saw as she felt Council needed to open their eyes and do some research. Council Members Goldberg, Holm, Garcia, Sekula-Gibbs and Berry absent.

Mr. Johnny Mata, 3131 Cummins #16, Houston, Texas 77027 (713-622-6410) appeared and stated that he was director of media communications for LULAC and previously they expressed the city was trying to reduce their budget at the expense of tow truck drivers; that today they were primarily speaking on the disenfranchise ordinance as far as prime contractors; that the city needed to come up with something more workable for the minority drivers; that as they looked at the diversity in cost there was no prime beef for minorities in the deal, they did not have the thousands to get in and they needed to be realistic and he would recommend very strongly the options be reconsidered. Council Members Goldberg, Holm and Sekula-Gibbs absent.

Council Member Khan stated that Mr. Mata was one of the pillars of the community and upon questions, Mr. Mata stated that his biggest concern was the ability to bid fairly; that they were talking about more profitable zones and the cost to get in it; that it seemed some were trying to get rich instead of coming up with a fair plan, the end product left a lot to be desired. Council Members Goldberg, Holm, Alvarado and Berry absent.

Upon questions by Council Member Garcia, Mayor White stated that there were different segments based on a survey of companies and amounts were assigned to the segments with guidance given by him and the Chairman of the Transportation Committee, but the total of the thresholds should not be too high or too narrow to exclude competition and participation where there was multiple interest and he would get the guidelines to him. Council Member Garcia stated that he wanted to be sure local companies could compete for the segments, it was all a new work in progress and if they needed to scrap it all and go back to the drawing board he would like the Administration to consider it; and Mayor White stated that because of the efforts and clear direction from Council there was about a 350% increase in certified MWBE so there would be choice. Council Members Goldberg and Ellis absent.

Council Member Quan stated that he was concerned with the open process; that they were talking about over \$100,000.00 for a segment; and upon questions, Mr. Mata stated that setting aside all other contracts and just talking about how the zones were bid on it made it more lucrative and if they had to pay more for areas where there were more accidents and it locked out minorities there was a problem; and Council Member Quan stated that he was willing to look at what LULAC had; and Mr. Mata stated that he would E-mail Council Members something that maybe they could all work with as the final product was not acceptable. Council Members Goldberg, Wiseman, Holm and Ellis absent.

Council Member Edwards stated that she would ask the Administration to really look at compliance on this, how it was being worked out and give timelines to come back and say whether it was or was not working, but she also wanted information on whether the training was addressed and if this passed was it ready to roll; and Mayor White stated that Mr. Lewis informed him that it had been taken care of and could brief her. Council Members Goldberg, Holm and Green absent.

Council Member Berry stated that they would have a full Council Meeting at the Mayor's request this coming Thursday at 2:00 p.m. and encouraged Mr. Mata to be present; and further stated that two of the eight contracts let already and which they were about to vote on were MWBE and that was 25% and the goal was less than that; that there were two MWBE operators when they started the process and they now had nine; that the other seven had not received a contract but they were further along now and that was due to much outreach and a cumbersome process; and it was a dedicated fund which went to an incident management fund which administered this and how incidents were dealt with on freeways and because of it the city was going to get clean air funds and a number of other matching funds; that the process was not perfect but it had been more thoughtful than maybe what was conveyed to him. Council Members Galloway, Goldberg, Khan and Holm absent.

Ms. Eva Calderon, 1408 Elliott, Houston, Texas 77023 (713-923-1333) had reserved time to speak but was not present when her name was called. Council Members Galloway, Goldberg, Khan and Holm absent.

Mr. Jack McReynolds, 4414 Rosslyn Road, Houston, Texas 77018 (713-681-3335) appeared, presented information and stated that in 1992 the City of Houston omitted Rosslyn Road from the Major Thoroughfare Plan based on traffic studies and it remained a dead end, then in 1999 the City of Houston promised a turnaround but a work order was never issued; that the city approved a bridge plan by a developer and caused the neighborhood to file suit against the developer and the city and then the developer sued the citizens individually and it was thrown out of the court; that the proposed bridge was now in a third redesign and submitted to the City of Houston for approval and he was asking the Mayor and Council to investigate the continued assault on their area and to decline any new request for permit. Mayor White, Council Members Galloway, Goldberg and Khan absent. Mayor Pro Tem Alvarado presiding.

Council Member Lawrence stated that she appreciated his neighborhood coming today and asked all those present to stand to be recognized. Council Member Lawrence further stated that the Council appreciated them having one spokesperson; and upon questions, Mr. McReynolds stated that there were other entrances to the area but the developer wanted to go through Rosslyn Place because it enriched his lot value; and Council Member Lawrence stated that every neighborhood should have the same rights as a new neighborhood and she had a tremendous problem with someone trying to throw traffic into a neighborhood to increase

another areas value. Mayor White, Council Members Galloway, Khan and Berry absent. Mayor Pro Tem Alvarado presiding.

Upon questions by Council Member Sekula-Gibbs, Council Member Lawrence stated that she did not believe the subdivision being created had a name as yet, her problem was this was going to happen unless this Council and Public Works...; that he had three other options, three other major thoroughfares to and from his location and wanted to change a neighborhood to make more money. Mayor White, Council Members Galloway, Khan, Garcia, Green and Berry absent. Mayor Pro Tem Alvarado presiding.

Mr. Ali Naqvi, 9223 Misty Vale Lane, Houston, Texas 77075 (281-704-9073) appeared and stated that he had corresponded with Council Member Wiseman about a deed enforcement problem in the Bridge Gate Subdivision built by Suburban Homes; that the deed restrictions were clear they were to have established a homeowner association as of January 1, 2002, and they failed to do so and now there were 700 homes which had no enforcement at all and as a result many things were happening and causing the home values to go down; that he called deed enforcement and got the run around and was asking Council to make some effort so that builders could not build until the deed restrictions were in place and he wanted to know what could be done. Mayor White, Council Members Galloway, Khan, Garcia, Green and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Wiseman stated that she had tried to address this and it was not easy to get support to enforce neighborhood protection on violations; that she would request the Administration in meeting with Legal revisit the issue of homeowners association so she would know what happened before she came to Council on this and see if they could revisit it and assist the neighborhood in getting it accomplished; and would like to visit with him and Planning with a member of Legal present. Mayor White, Council Members Lawrence, Galloway, Garcia, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding.

Upon questions by Council Member Khan, Mr. Naqvi stated that he had tried to get a homeowner association established, but because there was so much going on now they did not want to do anything and the only options was to move or stay with the decaying value of the home. Council Member Khan stated that this was not a unique problem and he felt Neighborhood Protection could get involved and suggested they look at it and put enforcement in place. Mayor White, Council Members Lawrence, Galloway, Garcia, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding.

Ms. Mildred Jones, 714 E. 41st, Houston, Texas 77022 (713-695-7644) appeared and stated that she had a serious problem with property lines and boundaries, the property was located at Tidwell @ Sam Rose, her neighbor barricaded and built on the encroachment and she was asking for the best way to resolve it without having to go to her neighbor and confront him. Mayor White, Council Members Lawrence, Wiseman, Holm, Garcia, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Galloway stated that the property was in her district; that the dead end street ended at her neighbor's property and had for many years and she still had access to her property; and Ms. Jones stated that she only had access from Sam Rose and she had 1-1/2 acres and wanted to subdivide her property and let her children get their part and she could not do it with the encroachment; and Council Member Galloway stated that it had always been a dead end there as she had checked the situation and it was that way when she bought it; and Ms. Jones stated that it was but she wanted to subdivide it and felt she should have adequate

entrance. Mayor White, Council Members Wiseman, Holm, Garcia, Ellis, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Alvarado stated that someone from Public Works and Planning could visit with her at this time and give guidance if she would like; that Mr. Norman was standing behind her. Mayor White, Council Members Wiseman, Holm, Garcia, Ellis, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Lloyd Robinson, 6156 S. Loop East #602, Houston, Texas 77087 (832-545-9687) appeared and stated that he was wrongfully terminated from the Houston Fire Department and was asking to be reinstated; that he failed a background check and wrote an appeal letter and had a sworn statement he did not owe an apartment complex money and his appeal was approved and a second background check was done which he passed; that he submitted a letter from his wife which said he was clear, but later found out it had been falsified by his wife so he went to the apartments and agreed to pay them off. Council Members Lawrence, Wiseman, Khan, Holm, Garcia, Ellis, Quan and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Mr. Robinson stated that he was terminated as they said he lied on a sworn statement, but he did not lie and had been going off the information from his wife, it was substantiated his wife had lied but she was not in this state; that he explained it to HFD but they gave him an indefinite suspension and charged him with perjury; that he was not legally divorced. Council Members Lawrence, Wiseman, Khan, Holm, Garcia, Alvarado, Ellis, Quan and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Galloway, Mr. Robinson stated that on the first background check they found he owed money and his wife sent a letter which showed it was paid and did an appeal and then a second background check was done and he was allowed in class; that he and his wife separated in 2001 and he received information from her in 2002; that during the trial they knew he had not made it up and he was wanting to be reinstated; and Council Member Galloway stated that she would need to check and see what could be done. Council Members Lawrence, Wiseman, Khan, Holm, Garcia, Alvarado, Ellis, Quan and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Green, Mr. Robinson stated that the investigation was done October 16th and he was to graduate November 13th; that he was found guilty and was currently appealing; that he was told he would not be able to reopen his case but he did not really know the process. Council Members Lawrence, Wiseman, Khan, Holm, Garcia, Alvarado, Ellis, Quan and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Mr. Robinson stated that the trial was not really about him but about his wife's wrongdoings, what she had done in her past; and because they were still legally married he should have known of her wrong doings. Council Members Lawrence, Wiseman, Khan, Holm, Garcia, Alvarado, Ellis, Quan and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Ms. McAbee stated that the indefinite suspension occurred prior to the perjury conviction; it was based on the false statements made during the OIG investigation and the perjury case was referred to the DA and that preceded along a parallel track while the indefinite suspension was being appealed to the arbitrator and the arbitrator was having its process unfold. Council Members Wiseman, Holm, Garcia, Alvarado, Ellis, Quan and Berry absent.

Mr. Juan Jose Guajardo, 6633 Langdon, Houston, Texas 77074 (713-397-9899) appeared and stated that there were several proposals he would like to share for creating solutions in the Houston area and more important economical, creating new employment which creates stability and reducing crime; that new technology was important and he had been in the sewing industry and represented high-tech sewing machines from Germany; that in the US they used obsolete equipment and it consumed more time; that he was hoping to be led to the right door because with his lack of money he felt he was going to lose everything and hoped Council could lead him to the right person. Mayor White, Council Members Galloway, Goldberg, Wiseman, Holm, Garcia, Ellis, Quan and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Alvarado stated that he could leave his information to Mr. Cantu. Mayor White, Council Members Galloway, Goldberg, Wiseman, Holm, Garcia, Ellis, Quan and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Robert Fogal, 3003 Memorial Court #2407, Houston, Texas 77007 (713-952-3444) appeared and stated that he was a 69 year old senior citizen and he and his wife were having construction problems; that they bought their home 2-1/2 years ago and found out there were many defects and now have mold and rotted materials and they found out the builder knew of the problems and failed to disclose it to them, but the problem was they could not touch him; that it was designed incorrectly and he was in forced arbitration with Triple A and the Home Builders Association joint venture; that since 1996 homeowners in Texas were at the mercy of homebuilders and forced arbitration was a bad law. Mayor White, Council Members Galloway, Goldberg, Wiseman, Holm, Garcia, Ellis, Quan and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Green, Mr. Fogal stated that they had to go to forced arbitration; that his wife had been picketing in front of them and because she had been doing so they were placed on a 60 day fast track and now were being forced to make decisions already; that it was a \$6,000.00 fee to get in and \$6,000.00 a day minimum for the arbitrators; that in their community five people had a class action suit against the same people; that they were looking for someone to step up and slow things down for them so they might have a chance. Mayor White, Council Members Galloway, Goldberg, Wiseman, Holm, Garcia, Ellis, Quan and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Alvarado thanked Mr. Fogal for coming and pointing out faults; that sometimes the legislators like to pride themselves on tort reform, but he was right when it got right down to it and read what it was about it was very much against consumers. Mayor White, Council Members Galloway, Goldberg, Wiseman, Holm, Garcia, Ellis, Quan and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that he referred to state law and he was correct it did need to be looked at; that what she understood on what the city tried to do was to send out inspectors to help reinforce discrepancies and problems; and upon questions, Mr. Fogal stated that signing a waiver was mandatory with 80% of the builders in Houston; and Council Member Edwards stated that she did not know if the city could slow it down and she was sorry for what had happened; that this was an interesting case and it may give the cause to see what more could be done on the forefront. Mayor White, Council Members Galloway, Goldberg, Wiseman, Holm, Garcia, Ellis, Quan and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Lawrence encouraged Mr. Fogal to get with State Representative Wong and Dewayne Bohak before they went back into session; that they would be the ones to carry the Bill; and she would ask he be the poster person and help out others by contacting those representatives. Mayor White, Council Members Galloway, Goldberg, Wiseman, Holm, Garcia, Ellis, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that she would also request he speak with Senator Ellis as he had a passion for that type thing. Mayor White, Council Members Galloway, Goldberg, Wiseman, Holm, Garcia, Ellis, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

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

Ms. Stacy Barnes, 1708 Rosewood, Houston, Texas 77004 (832-741-1330) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Galloway, Goldberg, Wiseman, Holm, Garcia, Ellis, Quan and Berry absent. Mayor Pro Tem Alvarado presiding. (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. Mayor White, Council Members Lawrence, Galloway, Goldberg, Wiseman, Holm, Garcia, Ellis, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Jordan Fogal, 3003 Memorial Court #2407, Houston, Texas 77007 (713-802-9727) appeared and stated that she and her husband lived in an apartment now and owned a \$360,000.00 home; that Jorge Castenero and Tom Tibidoe were renegade builders and she was told she had to pick an arbitrator by Thursday. Mayor White, Council Members Lawrence, Galloway, Goldberg, Wiseman, Holm, Garcia, Ellis, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Ms. Fogal stated that the builders of the homes were about 22 companies if you looked at the Secretary of States Office, they were listed to Jorge Castenero and Tom Tibidoe, they were Treemont Towers, Treemont Custom Homes, Stature Construction, Stature Commercial Construction, etc. Mayor White, Council Members Lawrence, Galloway, Goldberg, Wiseman, Holm, Garcia, Ellis, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Upon questions by Mayor Pro Tem Alvarado, Ms. Fogal stated that she spoke to people including Mr. Bridges and asked if such companies would still be given permits and was told each home was looked at individually and yes they would. Mayor White, Council Members Lawrence, Galloway, Goldberg, Wiseman, Holm, Garcia, Ellis, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Upon questions by Mayor Pro Tem Alvarado, Ms. McAbee stated that under the existing Building Code, the way the current system worked, if you met the mechanical requirement, if you met the rules to the chapters in the construction code then you were entitled to a permit; that the inspection process backed it up and the Construction Code was designed to remove as much subjectivity as possible from the issuance of a permit so the plan reviewer looked at the

plan and compared it to the Code in a very objective way; that under the circumstances it was a reasonable thing to ask if there was an opportunity to inject some sort of subjectivity into the process and now it was as objective as it could be and whether they could was a question which would need to be researched; and Mayor Pro Tem Alvarado stated that she would make the request then and if her office would research that; that she did not think people should get away with it and she would speak to the Mayor. Mayor White, Council Members Lawrence, Galloway, Goldberg, Wiseman, Holm, Garcia, Ellis, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that she was going to get the names of the individuals and the homes and projects and the permits which came across her desk she did not have to vote for and she would make sure the history was brought up any time they applied for permits anywhere in the city; and just as she would be asking for histories on anyone being given a loan or contract she would be asking the same for builders for affordable housing; and Ms. Fogal stated that Jorge Casanero, her builder, was now appointed to the Harris County Housing Authority by Judge Robert Eckels. Mayor White, Council Members Lawrence, Galloway, Goldberg, Wiseman, Holm, Garcia, Ellis, Quan and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that as a part of the RCA process she would like to have the history of the persons, at least five years, and asked that they see if that could be done. Mayor White, Council Members Lawrence, Galloway, Goldberg, Wiseman, Holm, Garcia, Ellis, Quan and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Khan stated that Ms. Fogal should go to the Commissioners Court and ask why someone who did such work was appointed to the Housing Board; that he also felt what Council Member Edwards was asking should be done, they should know who was building subdivisions, etc. Mayor White, Council Members Lawrence, Galloway, Goldberg, Wiseman, Holm, Garcia, Ellis, Quan and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Steven Williams, no address (no phone) appeared and stated that he wanted to ask Council Member Goldberg, the Jews and some White Catholics to help him put together a lab to analyze blood; and continued expressing his personal opinions until his time expired. Mayor White, Council Members Lawrence, Galloway, Goldberg, Wiseman, Holm, Garcia, Ellis, Quan and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

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

President Joseph Charles, P. O. Box 52437, Houston, Texas 77052-4373 (713-203-7738) appeared and stated that he was the US President; and continued expressing his personal opinions until his time expired. Mayor White, Council Members Lawrence, Galloway, Goldberg, Wiseman, Holm, Garcia, Ellis, Quan and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Suzanne Poole, P. O. Box 1035, Missouri City, Texas 77489 (281-438-5427) appeared and stated that when Mr. Mata was present he brought up the situation of the minorities in their business and one of the biggest things they wanted Council to understand

was they wanted to remain independent businessmen; that they were offered to work with those who got the first round of the contracts for 30% of the going rate, to remove an abandoned vehicle from the freeway they would get \$17.20, to handle an accident they would normally get \$75.00 but would now get \$22.50, that was how they wanted their participation, but it would not allow them to stay in business. Mayor White, Council Members Lawrence, Galloway, Goldberg, Wiseman, Holm, Garcia, Ellis, Quan and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Khan stated that he needed to know which companies were going to pay them 30% because it was absolutely against MWBE requirements, they were supposed to give them the same amount for contract which they received from the city; that they were in violation as he understood and he wanted to make sure they did not get his vote, it was absolutely not acceptable; and Ms. Poole stated that it was a partner in the Westside Wrecker Service contract; that they were trying to offset their expense through the minority contracts; and if this was for safety and to move the traffic what was the problem with the money; that they offered to move the traffic, to do it as quickly as possible, but they were still being hit with the money; and Council Member Khan stated that he hoped they would show up at the meeting Thursday and he would try and find out about them offering one-third of the money. Mayor White, Council Members Lawrence, Galloway, Goldberg, Wiseman, Holm, Garcia, Ellis, Quan and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Sekula-Gibbs, Ms. Poole stated that the whole problem with mobility in Houston was traffic was not being moved fast enough, first it was the wreckers because there were so many but they were now limited to first wrecker, first vehicle so if there were only two vehicles now the first two wreckers stopped and the others went on, so there was no longer a congestion problem based on the number of wreckers at a scene; that there was still the issue of how the officers was going to move the accidents; that in July the drivers offered an expansion of the test program on the Katy Freeway, everything everyone liked about it to be placed on the street by July first, but everything regarding safety and moving traffic was offered and refused and the only thing they kept coming back to was money. Mayor White, Council Members Lawrence, Galloway, Goldberg, Edwards, Wiseman, Holm, Garcia, Ellis, Quan and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

At 5:06 p.m. City Council recessed until 9:00 a.m., Wednesday, November 17, 2004. Mayor White, Council Members Lawrence, Galloway, Goldberg, Edwards, Wiseman, Holm, Garcia, Ellis, Quan and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, November 17, 2004

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, November 17, 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 9:32 a.m. Mayor White reconvened the meeting of the City Council and recognized Council Member Quan for a point of personal privilege. Council Members Wiseman, Garcia, Alvarado and Green absent.

Council Member Quan stated that they were joined today in the Council Chamber by a number of officials from Hangzhou, China who were present through the sponsorship of the University of Houston Center for Public Policy to observe their government process and to review the City's economic development programs and asked that they stand and be recognized. Council Members Wiseman, Alvarado and Green absent.

## **MAYOR'S REPORT**

Mayor White stated that there were two very brief items, that he would direct their attention to the report to him by the Director of Public Works and Engineering on delays in the Kirby Drive Project, which was important in contributing to a 25% reduction in the peak discharges through the Medical Center with a 100 year rainfall event, that it was extremely important and they had approved the project and put it on what they thought was an expedited process last year, that he monitored it with the Director of Public Works just like the downtown road and street construction because it was so critical that they address the drainage needs, that because the amounts were disbursed last summer to the telecom companies to relocate their utilities work did not become occurring with those telecom companies until relatively recently and that was going to set them behind for several weeks, that he had some discussions that Council Member Berry was aware of to come up with some procedures to expedite those so that they saw what they could agree on and not agree on with the telecom companies and they had given some pretty significant deadlines on that, that he just wanted Council to note that they were doing whatever they could given the current ordinance authority that they had, that they were frustrated by the fact that they did not have the power to impose a deadline on the actions by which the telecom companies must commence or in their work, so there had been ordinance drafted and it was a matter of weekly meetings, that they needed to do what was in the public interest and City Council and the only reason that there had been in taking the action that he believed the majority of the Council Members supported was because they did not want to take an action at the Council table simply to find people from outside of Houston in the Legislature undoing what Houston did to protect a special interest, that they needed to understand the reality of that.

Mayor White stated that secondly, he knew there were a number of Council Members who had been fighting additional rail lines through the neighborhoods near Clear Lake and on the eastside and he wanted to report to them that in his office they met with the CEO of the two carriers and the Chairman of the Surface Transportation Board and the Majority Leader and Congressman Green also joined them in some meetings, that he and the Majority Leader had set a November 15, 2004 deadline for coming up with an alternative that did not require new rails to be built through the neighborhoods and preserve jobs in the area and it was a very clear message from the citizens, through elected representatives and with consequences they maintained their positions, although there had been armies of lobbyists come at them on the issue, they maintained their hard stand in opposing additional new rail lines through the neighborhoods in litigation, which was where the argument occurred very recently, and now they did get some notification yesterday that the railroads had come up with some solution that would avoid that necessity and there were certain other parties that were being consulted but he would say he was optimistic that they would put the whole episode behind them in the near future; that he thanked the Members of City Council and others for helping move to address one of the principal mobility and safety issues on their thoroughfares, with the towing ordinances, changes that were made, recommendations of various Council Members and the public had

been helpful in the process, that just a reminder to him, he was reviewing those things where they could have a measurable impact on mobility with their community, the number one issue that the citizens wanted the elected officials to address, that those concerns always came first, that obviously in any competitive process there were winners and losers but they were committed to the general principles that were incorporated in the ordinance of having more efficient dispatch of people to the scene so they would not have eight vehicles at the site, lower rates and training qualifications of the tow truck operators and more support from instant management so that they could remove those vehicles more quickly, and that concluded the Mayor's Report. Council Members Alvarado and Green absent.

Council Member Goldberg thanked Mayor White for bring the report to their attention regarding utility relocation and asked Mayor White if he could clarify if they were setting a precedent and were they telling the companies that this was the way they were doing business on all relocations or was it a one time exception and that they wanted to get an ordinance in place stating exactly what their position was, and Mayor White stated that it was a one time exception, that he would tell them that companies just wanted them to open the public pocketbook and pay for the relocation expenses and he would tell them also that on the streets of their City this was the first time that they had asked for and received any reimbursement for the relocation expenses on the storm drainage projects that were on the City streets and they claimed that something that occurred in 1998 or 1999 limited their authority to require them to bare the costs and he had heard claims that just because they wanted to be nice they had not insisted on that position, that he did not think it was the case, he thought they were looking at the fact that the City had a significant storm drainage program in place, that the City was proceeding in good faith and they made some very specific offers and proposals and in short order they must get the matter moving before City Council, that they had been working on it since March 2004 and the other utilities were fine and they were proceeding as they always done with all utilities but it was the telecom utilities in particular that they still needed to address. Council Members Khan, Alvarado and Green absent.

Council Member Garcia stated that regarding the Mayor's comments on rail, he had met with the North Lindale Community in his district and in several other areas that as he had visited it was very interesting to hear the comments from the community that they could not remember being in meetings and having presentations by Metro on what the proposed route was going to be and he wanted the Mayor's help in asking Metro to help produce either the information, meeting dates and things of that nature that had occurred over the previous administration for the last three years because a lot of folks were really concerned that someone arbitrarily picked the route, that they had, as of late, been working with the Near Northside Community and talking about the final adjustments to it, but when they got north of the loop everyone seemed to feel that they were not engaged, and his question on the Mayor's comments in looking for an alternative, would the alternative still stay with the concept of mass transit or would it be a commuter alternative, and Mayor White asked if he was talking about Northline in particular, and Council Member Garcia stated yes. Council Members Lawrence, Holm, Alvarado and Green absent.

Mayor White stated that he would try to respond as best he could, that first, he would make a note that the community was involved in routing decisions, that he knew that was the decision, second, when they talked about what people generally thought about commuter was something that had, compared to an inner city rail system, few stops, because that was how they got speed, that although Metro had said that they were open minded concerning new technologies and ways to integrate the rail into the traffic patterns without some of the risk they had seen on the Main Street line, that he was sure it would be somewhat slower when it went through neighborhoods than it would be if they had rail extensions that were also worthy of

support to die into Fort Bend County and out to Highway 290, that it was his understanding that the direction of the line, going north, there was no deviation from that, what was true was that rail would be built in stages so that all streets were not torn up at once and they did not wait until they got all the money before they began anything, that he was not going to speak for Metro but knew that extending the existing line some distance to the north was a very high priority with the Metropolitan Transit Authority, and Council Member Garcia stated that as Mayor White talked to the folks at Metro he would ask that the North Lindale Community really needed to be engaged. Council Members Lawrence, Holm, Alvarado and Green absent.

Mayor White stated that there tended to be a lot of speculation about this or that and he was one of those who was a strong advocate about expanding rail and other mass transit alternatives but the issues that were confronting the board were more along the lines of how much money did they actually have that they could count on from Metro and the federal government because it would be not responsible to tell people that blank amount was going to be built within blank amount of days unless they knew where that money was coming from. Council Members Lawrence, Holm, Alvarado and Green absent.

Council Member Sekula-Gibbs stated that she wanted to thank the Mayor for his support of the alternatives for the proposed San Jacinto rail and called for the orders of the day. Council Members Lawrence, Holm, Alvarado and Green absent.

### CONSENT AGENDA NUMBERS 1 through 52

#### MISCELLANEOUS - NUMBERS 1 through 4

1. REQUEST from Mayor for confirmation of the appointment of **MR. JAMES MYERS** to Position 2 of the **BUILDING AND STANDARDS COMMISSION**, for a term to expire December 31, 2005 – was presented, moved by Council Member Khan, seconded by Council Member Edwards. All voting aye. Nays none. – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2004-1150 ADOPTED.
2. REQUEST from Mayor for confirmation of the appointment of **MS. PATRICIA D. GARZA** (representing Texas State Senate District Six) to Position One of the **OLD SIXTH WARD REDEVELOPMENT AUTHORITY BOARD OF DIRECTORS**, for a term to expire December 31, 2006 – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2004-1151 ADOPTED.
3. RECOMMENDATION from Director Finance & Administration Department for renewal of membership in the **NATIONAL LEAGUE OF CITIES** - \$34,411.00 - General Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2004-1152 ADOPTED.
4. RECOMMENDATION from Director Department of Public Works & Engineering for payment of invoice in the amount of \$27,326.00 from the **ASSOCIATION OF METROPOLITAN SEWERAGE AGENCIES (AMSA)** for 2005 Membership Fee - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2004-1153 ADOPTED.

Council Member Ellis stated that they just approved Mr. Myers to the Building and Standards Commission and he was present in the Council Chamber and asked that he stand and be recognized and thanked him for serving on the commission.

**DAMAGES** - NUMBER 7

7. RECOMMENDATION from City Attorney for settlement of lawsuit styled **ARVON CARUTHERS**, Individually and as Representative for the Estate of Wanda Caruthers, Deceased; Michael Caruthers and Peggy Bainbridge v. City of Houston, Houston Transtar, The Texas Department of Transportation and Montgomery County Texas - \$36,000.00 - Property and Casualty Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2004-1154 ADOPTED.

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 13 through 18

13. **AMEND MOTION #2003-1568, 12/23/03 TO INCREASE** spending authority on award to **OUTDOOR OUTFITS** from \$394,416.75 to \$501,732.00 for the Special Purpose Clothing, Part II, Contract for Fire Department - General Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2004-1155 ADOPTED.
15. **PITNEY BOWES, INC** for Lease of One Digital Mailing System and Postage Meter Machine Rental from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for Neighborhood Protection Division \$140,508.00 - General Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2004-1156 ADOPTED.
16. **ALPHA LAVAL, INC** for Centrifuge Feed Tubes for Department of Public Works & Engineering \$34,602.90 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2004-1157 ADOPTED.
17. **BEVCO COMPANY** for One Clarifier Drive Unit for Department of Public Works & Engineering \$44,667.00 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2004-1158 ADOPTED.

**ORDINANCES** - NUMBERS 19 through 52

19. ORDINANCE consenting to the addition of 77.89 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 368**, for inclusion in its district – was presented. All voting aye. Nays none. ORDINANCE 2004-1169 ADOPTED.
20. ORDINANCE consenting to the addition of 705.6446 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 386**, for inclusion in its district – was presented. All voting aye. Nays none. ORDINANCE 2004-1170 ADOPTED.
21. ORDINANCE consenting to the addition of 135.2362 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 82**, for inclusion in its district – was presented. All voting aye. Nays none. ORDINANCE 2004-1171 ADOPTED.

22. ORDINANCE consenting to the addition of 0.86 acre of land to **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 84**, for inclusion in its district – was presented. All voting aye. Nays none. ORDINANCE 2004-1172 ADOPTED.
23. ORDINANCE consenting to the addition of 87.121 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 96**, for inclusion in its district – was presented. All voting aye. Nays none. ORDINANCE 2004-1173 ADOPTED.
24. ORDINANCE consenting to the addition of 80 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 391**, for inclusion in its district – was presented. All voting aye. Nays none. ORDINANCE 2004-1174 ADOPTED.
25. ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 432** – was presented. All voting aye. Nays none. ORDINANCE 2004-1175 ADOPTED.
26. ORDINANCE consenting to the addition of 8.2857 acres of land to **MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 60**, of Montgomery County, Texas; for inclusion in its district – was presented. All voting aye. Nays none. ORDINANCE 2004-1176 ADOPTED.
28. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of two portions of the East Riding Street right of way, Parcels S97-09A and S97-09B containing an aggregate of 11,275.97 square feet of land, more or less, out of the Albion Addition Subdivision, Harris County, Texas; vacating and abandoning said tracts of land to Arthur's Auto Service, Inc., also known as Angle Arthur Cruz, d/b/a Arthur's Auto Service, abutting owner, for and in consideration of the owner's dedication of (i) Parcel C96-88B, in fee simple title, (ii) a temporary construction easement, Parcel C96-088A and (iii) a 5-foot-wide utility easement, Parcel V-99-028, and other consideration to the City - **DISTRICT C - GOLDBERG** – was presented. All voting aye. Nays none. ORDINANCE 2004-1177 ADOPTED.
29. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of Farnsworth Street right of way from Julia Street (formerly known as Fairfax Street) ± 130 feet north to its dead-end, located in Dawnridge Addition, John S. Black Survey, A-163, Harris County, Texas; vacating and abandoning said street right of way to Curtis Lamar Everett, the abutting owner, in consideration of his payment of \$9,800.00 and other consideration to the City; Parcel SY2-025 - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. ORDINANCE 2004-1178 ADOPTED.
31. ORDINANCE appropriating \$54,615.00 out of TIRZ Affordable Housing Fund (Fund 872) and approving and authorizing an agreement between the City of Houston and **FOURTH WARD COMMUNITY COALITION COMMUNITY DEVELOPMENT CORPORATION** for the reimbursement of infrastructure costs for the development of 22 Affordable Single Family Homes located in the Fourth Ward Area - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. ORDINANCE 2004-1179 ADOPTED.
32. ORDINANCE appropriating \$64,545.00 out of TIRZ Affordable Housing Fund (Fund 872) and approving and authorizing an agreement between the City of Houston and **MIRACLE OF HOPE, INCORPORATED** for the reimbursement of infrastructure costs for the development of 26 Affordable Single Family Homes located in the Fourth Ward Area -

**DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. ORDINANCE 2004-1180 ADOPTED.

39. ORDINANCE approving and authorizing contract between the City and the **UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER AT HOUSTON** for Tuberculosis Physician Services; providing a maximum contract amount - 1 Year with three one-year renewal terms - \$57,600.00 Grant Fund – was presented. All voting aye. Nays none. ORDINANCE 2004-1181 ADOPTED.
40. ORDINANCE approving and authorizing a contract for Professional Services between the City of Houston and **NORTH HARRIS MONTGOMERY COMMUNITY COLLEGE DISTRICT** \$1,125,000.00 - 3 Years with two one-year options – Enterprise Fund - **DISTRICTS B - GALLOWAY, E - WISEMAN and I - ALVARADO** – was presented. All voting aye. Nays none. ORDINANCE 2004-1182 ADOPTED.
41. ORDINANCE appropriating \$164,000.00 out of Airport System Subordinate Lien Revenue Bonds Series 1998B AMT (535); authorizing the purchase of an Avigation Easement and Restrictive Covenant upon land out of Greenview Manor Section Two, McAuley Survey, A-577, Houston, Harris County, Texas, for a Noise Compatibility Program at Bush Intercontinental Airport, CIP A-0476-52.1 (Project 617); approving a demolition and use agreement with the owner of the land (Steven P. McKinley) - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. ORDINANCE 2004-1183 ADOPTED.
42. ORDINANCE appropriating \$1,121,477.00 out of Airport System Subordinate Lien Revenue Bonds Series 1998B AMT (535); authorizing the purchase and condemnation of land and improvements thereon out of Greenview Manor Sections One and Two, and Beeler Subdivision (unrecorded), McAuley Survey, A-577, Houston, Harris County, Texas, for a Noise Compatibility Program at Bush Intercontinental Airport, CIP A-0476-53.1 (Project 617); approving a purchase and sale agreement with the owners of the land (Emilio Silva and Martha B. Silva; John E. Smith; Terry L. Tyner and Elaine Tyner; and Eldridge Palmer, Jr. and Irma Cantu Palmer) - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. ORDINANCE 2004-1184 ADOPTED.
43. ORDINANCE appropriating \$50,000.00 out of General Improvements Consolidated Construction Fund; as an additional appropriation for task order contract with **NATEX CORPORATION ARCHITECTS** (Contract No. 55669) CIP D-0115-02-2, H-0062-02-2 and R-0268-42-2 - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. ORDINANCE 2004-1185 ADOPTED.

ORDINANCE appropriating \$50,000.00 out of General Improvements Consolidated Construction Fund; **NATEX CORPORATION ARCHITECTS** (Contract No. 55669)

44. ORDINANCE approving and authorizing agreement between the City of Houston, Texas and **UPTOWN DEVELOPMENT AUTHORITY** for certain Public Infrastructure Improvements **DISTRICTS C - GOLDBERG and G - HOLM** – was presented. All voting aye. Nays none. ORDINANCE 2004-1186 ADOPTED.
45. ORDINANCE approving and authorizing a second amendment to a transportation improvement agreement between the City, the Metropolitan Transit Authority of Harris County and Harris County for construction of Orem Drive from Telephone Road to Almeda Road (approved by Ordinance No. 92-1120) (CIP No. N-0602-01) - **DISTRICTS D -**

**EDWARDS and E - WISEMAN** – was presented. All voting aye. Nays none. ORDINANCE 2004-1187 ADOPTED.

47. ORDINANCE correcting Item Number 26 in the Assessment Roll included within Ordinance Number 87-341 and authorizing a partial release of certain assessment liens and apparent liens created by Ordinance No. 85-456 for the initiation of a Paving Project for the Permanent Improvement of a portion of Scott Street from Griggs Road to Blodgett Avenue in the City of Houston, Texas - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. ORDINANCE 2004-1188 ADOPTED.
49. ORDINANCE appropriating \$1,670,600.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **D. L. ELLIOTT ENTERPRISES, INC** for Water Line Replacements: Elgin Area, GFS S-0035-A6-3 (WA10766); providing funding for engineering and testing and contingencies relating to construction of facilities financed by Water & Sewer System Consolidated Construction Fund - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. ORDINANCE 2004-1189 ADOPTED.
50. ORDINANCE awarding construction contract to **PATRIOT UTILITY & EXCAVATION, L.P.** for Construction of Water, Sanitary Sewer and Storm Drainage Systems to Serve the Galleria Estates at White Heather Subdivision; approving and authorizing an assignment of the construction contract to **JL DEVELOPERS, L.L.C.**, CIP S-0800-C8-03 and R-0800-C8-03 (DPC-068); **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. ORDINANCE 2004-1190 ADOPTED.
51. ORDINANCE awarding construction contract to **SER CONSTRUCTION PARTNERS, LTD.** for Construction of Water, Sanitary Sewer and Storm Drainage Systems serving Section One of the Sierra Vista Subdivision; approving and authorizing an assignment of the construction contract to **KB HOME LONE STAR, L.P.**, CIP S-0800-C9-3 and R-0800-C9-3 (DPC-059); - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. ORDINANCE 2004-1191 ADOPTED.
52. ORDINANCE awarding construction contract to **SOUTH TEXAS UTILITIES** for Construction of Water, Sanitary Sewer and Storm Drainage Systems serving Section Two of the Skyview Park Subdivision; approving and authorizing an assignment of the construction contract to **KB HOME LONE STAR, L.P.** - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. ORDINANCE 2004-1192 ADOPTED.

Council Member Sekula-Gibbs moved to suspend the rules to consider Item Numbers 56, 59 and 60 out of order, seconded by Council Member Khan. Mayor White stated that if there were no objections it was so ordered.

56. 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 71 on Agenda of November 9, 2004, POSTPONED BY MOTION #2004-1113**)

Council Member Alvarado stated that she had a written motion to amend Item No. 56 that she had passed out to the Council Members and knew it was the first time everybody was seeing it and certainly understood if her colleagues wanted some time to think it over and tag the item, that she was offering the amendment to address some of the issues that had been

raised about the RFP process and it simply would allow any other companies that met the criteria and qualifications to come back and compete, that it also stated that the other two companies would not have a head start and not be able to market to try and attract any other clients or patients away from the current plan, that anybody who came in and met the criteria would all start on equal footing, and she asked her colleagues to consider the item.

Council Member Alvarado presented the following written motion to amend item 56 by:

1. Amending the proposed agreements by and between the City of Houston and Texas HealthSpring I, LLC and SelectCare of Texas, L.L.C. as attached to Item 56 of the November 17<sup>th</sup> City Council Agenda to revise the effective dates of such agreements from January 1, 2005 to May 1, 2005, with the first plan year ending December 31, 2005, in every place such dates appear.

**AND**

2. Amending the ordinance that is Item 56 of the November 17<sup>th</sup> City Council Agenda to add the following new Section:

“Section 5A. The City Council hereby authorizes a continuing request for proposals for Medicare Advantage plans for the City’s Medicare eligible employees, dependents, survivors and retirees. Any vendor that meets the following criteria may submit to the Human Resources Director a proposal for providing Medicare Advantage care:

1. Be licensed/certified/contracted by the Centers for Medicare and Medicaid Services as a provider of insured Medicare Advantage plans; and
2. Be licensed/certified by the Texas Department of Insurance to operate as an insured Medicare Advantage plan; and
3. Meet the MWBE participation goals as set forth in the City’s predominant/base plan agreement for the provision of health care services to City employees and retirees in effect at the time of proposal submission; and
4. Provide a plan design that offers service levels at least as comprehensive as the plan levels in existing City Medicare Advantage plans, if any, for health care services for City employees and retirees at the time of proposal submission.

The City shall make best efforts to negotiate an agreement with any vendor that submits a proposal that meets the above qualifications. All plans satisfying the criteria shall be presented to City Council for approval and, if approved, shall be presented as options to retirees beginning no sooner than 75 days from the commencement of the plan year (May 1, 2005). Plans qualifying after that time shall be presented, after City Council approval, to retirees in an expeditious and fair manner.”

Council Members Edwards and Sekula-Gibbs stated that they would tag the amendment.

Council Member Sekula-Gibbs stated that there were several people in the audience who came to support referring Item No. 56 back for a complete request for proposal, that she appreciated Council Member Alvarado’s hard work in preparing something that would be acceptable but it was not going to be acceptable, just giving the contract to Select Care, which was Texan Plus and Texan Health Spring automatically closes the door for other companies to apply, the simple fact that they had been given the contract tells other companies that they did not need to apply because they had been given approval and in order for any insurance to make a profit they had to have a legitimate chance at a piece of the market and the market in this case was the retiree’s lives, that even though it sounded good and that they were being open

they were in fact not being open and by also doing this they were excluding their MWBE participation because the two companies did not have legitimate, certified, MWBE participation, that in addition she had asked for information from the HR department on the number of physicians that those companies had and asked for their actuarial data and had not gotten anything and she had also requested the financials from these companies in the last quarter and they had not been available, that they needed to know their financials before they issued a five year contract, that she believed the best solution would be an expedited RFP, that she had discussed it with the Mayor, that it opened the door for everyone out there.

Council Member Khan asked if the amendment was approved how long would it take for other companies to participate and did they have any kind of level playing field with the other companies that were getting the contract or would they be handicapped and would the same contract be offered to the new companies, and were there any MWBE companies who would be able to participate, that he would like for someone to give him some answers.

Mayor White stated that as some point Mr. Hall would address specific comments, but in a brief answer to each of his questions, number one, they would have throughout next year, at any time, before any company could begin marketing to the retirees, that would not occur until 75 days from the effective date, which was pushed back to May 1, 2005, in other words retirees would not have the options before May 1, 2005, that number two, in answer to his last question, obviously it could create the opportunity for participation by more MWBE firms and they would have to meet the same criteria that anybody qualified would have to meet the same MWBE standards as they had in their current based plan, that number three, on the level playing field issue, no firm would be able to market before the start date and they would all be presented as a package together, they would get him further information on that. Council Member Goldberg absent.

Council Member Quan stated that he appreciated Council Member Alvarado's amendment in an attempt to provide more opportunities for other companies and he was also cognizant of Council Member Sekula-Gibbs feeling that having other companies in early on would quell competition, it was a five year contract, one year with four options of one year each and it was his understanding that the contract provided that the determination of the options would be made by the department and not by Council, and Mayor White stated that it was a significant difference in what they had done in order to accommodate the concerns of Dr. Randall and others, that pursuant to the terms of the amendment, set the hurdle or criteria or threshold that companies would have to pass, that they would not chose the plan for them, that they would put more choice in the hands of the retirees, that in answer to the last question, the plans would have to be approved by City Council and in fact nobody would have any head start in marketing over anybody else, and Council Member Quan stated that he would like to see a provision in the contract that there would be a review by City Council of the effectiveness of the program before the end of the first year so they could make an intelligent choice as to whether they did need to go out for a new RFP or whether they just continued to extend the contract that they had. Council Member Goldberg absent.

Mayor White asked Mr. Hall to address it, that he thought it had been done and was an appropriate comment, and Mr. Hall stated that he needed to find out whether or not Council was presently required to approve the extensions, that the contract was for one year and certainly that could be done and they did not have a problem with that, that they wanted to review it also to make certain that the vendors were performing appropriately and properly. Council Member Goldberg absent.

Council Member Wiseman stated that according to City Charter any contract that the City Council entered into was for a period of 12 months unless Council approved a longer period of time not exceeding 5 years, it did not say that they could approve the department to make that determination each year, that it was her feeling that it was something that did require Council approval. Council Member Goldberg absent.

Mr. Hall stated that this represented a one year contract with four one year options, whether or not the options were exercised regularly was delegated to the department head, that was the standard process. Council Member Goldberg absent.

Mayor White stated that he thought it would be appropriate for Council Member Quan's committee to review and make some recommendations concerning the performance, and Council Member Quan stated that he thought it was only fair that they monitor what they said they were going to do and that they get the best benefit for their retirees, that it came to them at a late moment for Fiscal Affairs, only two days before it appeared on the agenda so there really was not an opportunity to see if that was done, that he saw the savings that they were going to potentially recognize and the benefits for retirees but wanted to make sure that they continued to get the best deal and wanted to make a friendly amendment to her amendment and Council Member Alvarado stated that she would be happy to accept it. Council Member Goldberg absent.

Council Member Quan stated that the friendly amendment was "that the contract would come back to Council prior to the one year so that the Council would vote on whether the option was taken or not", and would tag it as well. Council Member Goldberg absent.

Council Member Edwards asked Council Member Quan to restate his amendment, and Council Member Quan stated that his amendment would require that the contract come back to Council prior to the one year expiration for Council to determine its effectiveness and whether the option was taken or not, and Council Member Edwards asked who would be responsible for bringing it back to Council, and Council Member Quan stated that the administration, he would assume, would bring it back to Council and he would hope they would have an appropriate hearing before either Fiscal Affairs or the Neighborhood Housing and Redevelopment Committee, and Council Member Edwards stated that she would like for them to specify who would do what, and Council Member Quan stated that he would add that Fiscal Affairs would be the appropriate committee. Council Member Goldberg absent.

Mayor White asked if there was any objection to the amendment.

Council Member Green stated that he would echo the sentiments of Council Member Sekula-Gibbs and call for a whole new RFP process, that he thought the amendment, with all due respect, addressed some of the issues, but did not address the underlying issue for him, that he likened it to the pick of a new superintendent in one of the school districts, they could not give somebody the interim job and then say all good people now send in your resume, that it was an open process but they had the interim, that excluded too many people for him, if they said that the person who was now the interim could not compete against the new applicants then he believed that was a new playing field for everybody at that stage, that he did not think it sent a message that it was an open application process.

After further discussion by Council Members, Council Member Sekula-Gibbs moved to refer Item No. 56 back to the administration, seconded by Council Member Green.

After further discussion by Council Members, Council Member Galloway moved to call the question, seconded by Council Member Wiseman. All voting aye. Nays none. MOTION 2004-1159 ADOPTED.

After further discussion, Mr. Hall stated that if the item was referred back to the administration the two motions to amend would disappear, that he wanted to be clear in his response, they had Item No. 56 on the table that had been tagged and delayed, it was the item before the City Council right now, there was an offer of an amendment to Item No. 56 that had been tagged, they did an awkward thing in that they had a second amendment to an amendment that had already been tagged, and the amendment to the amendment got tagged to, so they had two tagged deals for an item, there was now a motion to refer an item that they were to amend back so there was nothing to amend for those two amendments, they went away in effect, could the administration bring something back, of course, they could bring something back every week and put whatever they wanted in it, and Mayor White stated that he did not oppose the motion to refer back, that they would be bringing the item up quite promptly.

After further discussion, a vote was called on the motion to refer Item No. 56 back to the administration. All voting aye. Nays none. MOTION 2004-1160 ADOPTED.

Mr. Hall stated that he wanted to ask a question for clarity, the qualifications that were required in the old RFP that were embodied here would be the substance of what they would ask them to respond to, and Mayor White stated that was correct and thought that the time table for implementation may be off by a week in Council terms but they pushed the effective date to May 1, 2005 and if because of the controversy people drop out then they had done what they had to try to give the retirees a choice.

59. **ORDINANCE AMENDING CHAPTER 3 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the Sale of Alcohol within the City – **(This was Item 19 on Agenda of November 9, 2004, TAGGED BY COUNCIL MEMBER GOLDBERG)** – was presented, and tagged by Council Member Edwards.

Council Member Lawrence stated that students from Spring Branch School of Choice were present in the audience and asked that they stand and be recognized, that they were a group of students ninth grade through twelfth and they had received the National Award of Excellence.

Council Member Garcia stated that Council Member Edwards had tagged Item No. 59 and he respected the concern that was brought before the Council on the matter, that he had spoken with Mr. Michel earlier and as they had done with previous ordinances they had passed the ordinance to work out the particulars involved and he would ask for some consideration in that regard so they could put the ordinance in place and work through the items that folks yesterday brought before the Council.

Council Member Goldberg stated that he would like to see Item No. 59 go through a committee to hash it out because of the concerns that were brought up at public session yesterday, it was a huge problem of huge proportions, they were not talking about a couple of cantinas, it was much bigger than that, that it was a land use problem and if they pass it as is they would be getting a variance request every single week and if they granted one variance they had to grant them all, plus they would be telling shopping centers do not put daycare centers in their shopping centers because they may not be able to use the rest of the property as they see fit, he had asked to find out if there was any other City in Texas that did it that way

and to his knowledge there was not and there was no one that could really answer that question anyway, the research just had not been done on it, there was no research at all and at a minimum he thought they needed to hash it out in a committee hearing, and Mayor White asked Council Member Goldberg if he would be able to jointly with the Public Safety Committee have some hearing, he did not know if there was a time on Monday and asked if that would be acceptable and if they could let Council Members know the time and schedule, and Council Member Garcia stated that they could do it at 2:00 p.m. on Monday.

Council Member Quan stated that he would echo the sentiments of his colleagues, he had a chance to talk to Ms. McAbee yesterday after the public session, that they had to set some type of standards, there had to be some criteria that they could really depend upon and look at for future reference, that he appreciated their efforts in taking up the issue and thought they needed a thorough airing of all views.

Council Member Edwards stated that while she supported the concerns of Council Member Garcia she did not want this ordinance to end up like the Civility Ordinance where everybody could come in and be exempted from it or use it at their pleasure, so she really wanted them to make some definitions as to what they were talking about and hopefully they could get that hammered out at the meeting on Monday.

60. ORDINANCE approving contracts with Towing Company Operators and authorizing the Chief of Police to enter into contracts between the City and **NORTH HOUSTON MOTORS, INC, UNIFIED AUTO WORKS, T&T MOTORS, CANNINO WEST, INC, MILAM STREET AUTO STORAGE, INC, ALLIED COLLISION CENTER, CORPORATE AUTO SERVICES, INC** and **WESTSIDE WRECKER SERVICE, INC** for Major Freeway Tow Agreements - Revenue – (This was Item 31 on Agenda of November 9, 2004, TAGGED BY COUNCIL MEMBERS WISEMAN, GARCIA, GALLOWAY, QUAN and SEKULA-GIBBS) – was presented, and tagged by Council Member Edwards.

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

**MISCELLANEOUS**

5. RECOMMENDATION from Director Department of Public Works & Engineering for payment of invoice from **TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ) CONSOLIDATED WATER QUALITY (CWQ)** fees for FY 2005 - \$1,187,108.20 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2004-1161 ADOPTED.
6. RECOMMENDATION from Director Municipal Courts Administration for supplemental allocation in the amount of \$345,782.00 for contract with **MAXIMUS, INC** for Professional Services related to Integrated Case Management System - Equipment Acquisition Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2004-1162 ADOPTED.

**ACCEPT WORK** - NUMBERS 8 through 12

8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$803,393.55 and acceptance of work on contract with **BRC SERVICES, INC** for Construction of On-Call Water Main and Sanitary Sewer Extensions, GFS S-0700-OC-3 (10561) - 19.66% under the original contract amount – was

presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2004-1163 ADOPTED.

9. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,207,737.92 and acceptance of work on contract with **CONRAD CONSTRUCTION COMPANY, INC** for Construction of Neighborhood Street Reconstruction Project No. 435, GFS N-0367-01-3 (N-0367-01) - 03.66% over the original contract amount **DISTRICT A - LAWRENCE** – was presented, moved by Council Member Khan, seconded by Council Member Quan.

Council Member Galloway stated that many times when the contracts come up they did not recognize the contractors who exceeded their MWBE goals, they always recognized those who did not exceed their MWBE goals so she just wanted to note that Conrad Construction Company, Inc. exceeded their MWBE goals and thought they ought to be commended. Mayor White absent. Mayor Pro Tem Alvarado presiding.

A vote was called on Item No. 9. All voting aye. Nays none. Mayor White absent. Mayor Pro Tem Alvarado presiding. MOTION 2004-1164 ADOPTED.

10. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,870,741.53 and acceptance of work on contract with **CONTRACTOR TECHNOLOGY, INC** for Construction of Neighborhood Street Reconstruction No. 440, GFS N-0373-01-3 (N-0373-01) - 11.13% under the original contract amount - **DISTRICT C – GOLDBERG** – was presented, moved by Council Member Khan, seconded by Council Member Quan. Mayor White absent. Mayor Pro Tem Alvarado presiding.

Council Member Galloway stated that she wanted to recognize Contractor Technology, Inc. for exceeding their MWBE goals as well. Mayor White absent. Mayor Pro Tem Alvarado presiding.

A vote was called on Item No. 10. All voting aye. Nays none. Mayor White absent. Mayor Pro Tem Alvarado presiding. MOTION 2004-1165 ADOPTED.

11. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,417,252.90 and acceptance of work on contract with **PM CONSTRUCTION & REHAB. L.P.** for Construction of Neighborhood Sewer Rehabilitation in Southwest Service Area, GFS R-2011-30-3 (4762) - 12.48% under the original contract amount **DISTRICT C - GOLDBERG** – was presented, moved by Council Member Khan, seconded by Council Member Quan. Mayor White absent. Mayor Pro Tem Alvarado presiding.

Council Member Galloway stated that she wanted to recognize PM CONSTRUCTION & REHAB. L.P. for exceeding their MWBE goals as well. Mayor White absent. Mayor Pro Tem Alvarado presiding.

A vote was called on Item No. 11. All voting aye. Nays none. Mayor White absent. Mayor Pro Tem Alvarado presiding. MOTION 2004-1166 ADOPTED.

12. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,736,425.91 and acceptance of work on contract with **RWL CONSTRUCTION, INC** for Construction of 30-inch Water Line along Lakeside

Forest Lane, Wilcrest Drive, Appletree Road, HL&P Fee Strip, Lasso Lane, Autumn Oaks Lane, Water Line Easements and IH-10 from HL&P Fee Strip to Abandoned Railroad, GFS S-0900-53-3 (WA10626) - 03.45% over the original contract amount - **DISTRICT G - HOLM** – was presented, moved by Council Member Khan, seconded by Council Member Quan. Mayor White absent. Mayor Pro Tem Alvarado presiding.

Council Member Galloway stated that she wanted to recognize RWL CONSTRUCTION, Inc. for exceeding their MWBE goals as well. Mayor White absent. Mayor Pro Tem Alvarado presiding.

A vote was called on Item No. 12. All voting aye. Nays none. Mayor White absent. Mayor Pro Tem Alvarado presiding. MOTION 2004-1167 ADOPTED.

### **PURCHASING AND TABULATION OF BIDS**

14. **THERMOELECTRON SCIENTIFIC INSTRUMENTS CORPORATION** for Fourier Transform Infrared Microscope from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for Houston Police Department \$70,319.75 - Police Special Services Fund – was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Mayor White absent. Mayor Pro Tem Alvarado presiding. MOTION 2004-1168 ADOPTED.

18. **THE HOUSTON CHRONICLE PUBLISHING COMPANY DIVISION** for 608,000 Copies of the Annual "Recycling and Neighborhood Cleanup Handbook" for Solid Waste Management \$64,696.00 - Grant Fund - was presented, and tagged by Council Member Galloway. (Note: Council Member Galloway released her tag later in the meeting.)

Council Member Lawrence moved to suspend the rules to hear from Mr. Thomas Buchanan, Director, Solid Waste Management at this time, seconded by Council Member Goldberg. All voting aye. Nays none. Mayor White absent. Mayor Pro Tem Alvarado presiding. MOTION 2004-1169 ADOPTED.

Upon questions by Council Member Lawrence, Mr. Buchanan stated that the grant was awarded by the HGAC, it was a pass through grant from the TCEQ and for about the last 12 years the HGAC had selected the City of Houston to help implement the production of a brochure that would receive wide distribution throughout the HGAC region alerting citizens in that region as to what recycling opportunities were available to them, that he believed they selected the City of Houston Solid Waste Department, because they were the largest recycling entity in the region and had more information about the opportunities for recycling than any of the other members, but the grant was only for the production of that brochure, the funds were not available other than for the production of that brochure, that they received calls quite frequently from citizens that were requesting information about where they could recycle batteries, anti freeze, textiles, rubber products and things like that, and organizations were requesting that information all the time, they generally provided them a copy of the brochure and they could select a facility that was close to wherever they were operating and take the material to those facilities, that the City of Houston recycling opportunities were available on the Solid Waste website, what the department and other City departments provided was available on the website but not the commercial entities that recycled brass and copper and all those various things that people wanted to recycle in the region, that it had information about recycling opportunities in the entire 13 County region of HGAC, that he did not believe that the entire brochure was produced in Spanish but portions of it, especially Hispanic businesses that did

recycling, had Spanish language information about their business. Mayor White and Council Members Wiseman and Khan absent. Mayor Pro Tem Alvarado presiding.

Council Member Garcia stated that he wanted to get specifics about the Spanish language information in the brochure and wanted to know the definition of a publication, that he wanted to see if there was more thought given to a more strategic process to getting the information out to areas that could really benefit from it, and Mr. Buchanan stated that the nature of the publication was 20 to 24 page insert in the Chronicle and there was a message from the Mayor, the County Judge and the HGAC encouraging folks to recycle and to utilize the facilities that were available and identified in the brochure, that he did not know if Council Member Garcia received a copy last year but they distributed it to Council Members for their use when constituents called, that they had Spanish language recycling material available for the City of Houston's recycling opportunities but as imperfect as it may be the Houston Chronicle was probably the largest distribution avenue that was available to get the most information into the most hands and for that reason alone it had been historically used for the last 12 years to produce and distribute the information. Mayor White and Council Members Quan and Berry absent. Mayor Pro Tem Alvarado presiding.

Upon questions by Council Member Edwards, Mr. Buchanan stated that they only provided curbside recycling services to about 162,000 of their customers out of a total of 370,000, that the total volume of recycled material in Houston increased each year, not just what the City did but in the region it increased each year, that the City of Houston recycled, they did not spend as much money because they recycled, that he could not tell them that they made money but they received revenue, which depending on where they picked it up and what they picked up, covered some or most of collection, and Council Member Edwards stated that if they had the opportunity she would like to see some kind of way of monitoring how effective the publication was, and Mr. Buchanan stated that he believed it had been effective and he would provide to Council the volume recycled over years information, region wise and City of Houston wide, and Council Member Edwards stated that she wanted information on how the City of Houston recycled, that she wanted to double check that her office was doing what the rest of the City was doing. Council Members Alvarado and Berry absent.

Council Member Sekula-Gibbs stated that she wanted to compliment Mr. Buchanan and his department and suggested that they get a link between the Solid Waste Department and the HGAC so that they could see where all the expanded sites were, and Mr. Buchanan stated that he did not know if HGAC had the information but would get with the webmaster about making the pertinent pages available on the website. Council Members Alvarado and Berry absent.

Upon questions by Council Member Galloway, Mr. Buchanan stated that the brochure was not about curbside recycling, it was about recycling in general and listed all of the places that citizens in the region could take the material, that what they had done since the inception of the program in 1992 was solicit from communities, subdivisions, their desire to participate, if any subdivision in the City of Houston had the desire to participate all they had to do was contact the Solid Waste Department and they would place them in the order that they contacted them on a waiting list to get on the program, that they had the same resources available for curbside recycling today that they had in 1992 when they began with 67,000 homes, and Council Member Galloway stated that she did not know that the constituent had to call the City to get that type of service and now that she knew it she was certainly going to enlighten them to that point and would release her tag because she thought education information was a good tool, that she would also like to know why they did not have distribution to minority newspapers because many people did not take the Chronicle newspaper, especially in the minority areas, that the information could be assessable to maybe the Hispanic or the African American

newspapers as well, that she thought they needed to think about that in the future because she thought it was a disservice to the minority communities. Council Members Ellis, Sekula-Gibbs and Berry absent.

Council Member Khan asked if they could include other information like heavy trash pickup schedules since they were publishing something, was there any benefit of including some information like that if it was not there already, and Mr. Buchanan stated that they did include quite a bit of information about City of Houston Solid Waste services, that the heavy trash schedule would be very difficult to put in a few pages of the brochure, they referred folks with heavy trash questions to the website or to 311 and they can get specific information about their schedule for their address, that many of those routes did not lend itself to publication in a relatively small brochure, that they tried to get the most publicity for the funds available and they would pursue additional funds and put them in as many places as they possibly could. Council Members Edwards, Goldberg, Holm, Sekula-Gibbs and Berry absent.

Council Member Lawrence stated that she would like to get a copy of the grant and what they asked for, that for 12 years doing the same thing she doubted that one person around the table could tell him about the pamphlet and that they kept it, that she had subscribed to the Chronicle for over 25 years and could not remember ever getting the brochure so it was not making an impression on her, that maybe they could produce a third of it in English and a third in Spanish, just thinking different things to do to make it more noticeable, that she thought that his budget was limited in recycling and their growth from last year to this year she would be very interested in that and was the brochure really going to help that, did he have the budget to increase recycling, that they needed to look for alternative ways of educating people who maybe did not want to read it in English, that she hated to waste money and it was a tremendous amount of money even if it was grant money, and would tag the item. Council Members Edwards, Goldberg, Khan, Holm, Sekula-Gibbs and Berry absent.

## **ORDINANCES**

27. ORDINANCE approving and authorizing the sale to CenterPoint Energy Houston Electric, LLC (formerly Reliant Energy HL&P) of a 10-foot-wide utility easement and two 10-foot-wide aerial easements containing an aggregate of 0.073 acre of land, more or less, Parcels SY2-044A, SY2-044B and SY2-044C, being out of a 0.877 acre tract to Harris County Water Control and Improvement District No. 78, located South of Oakcenter Drive at Bandlon Drive, situated in the R. Reynolds Survey, A-662, Harris County, Texas for and in consideration of CenterPoint's payment of \$1,639.00 and other consideration to the City - **DISTRICT F – KHAN** – was presented. Council Member Sekula-Gibbs absent. All voting aye. Nays none. Council Member Sekula-Gibbs absent. ORDINANCE 2004-1193 ADOPTED.

Mayor White asked Council Member Wiseman, Ms. Stein and Council Member Alvarado to confer to see if there could be some kind of Council procedure to segregate items or identify that Council Members were confident they would tag, if people could talk about it, and Council Member Ellis stated that they did that, that was what the pull sheet was all about, that it was on the pull sheet if it was their intention to discuss it and or tag it.

Council Member Wiseman asked for point of order and stated that with all due respect to the Mayor's inquiry it was out of order because it was not an item that was posted on the agenda, and Council Member Ellis stated that he would bring it up during pop-off, and Mayor White stated that he would like some kind of discussion during pop-off.

30. ORDINANCE approving and authorizing twelfth contract amendment between the City of Houston and **CHILD CARE COUNCIL OF GREATER HOUSTON** to provide an extension of such contract and additional funding in the amount of \$2,053,110.00 (\$1,353,110.00 in Emergency Shelter Grants Program Funds and \$700,000.00 in Community Development Block Grant Funds) for the Administration of an Emergency Shelter Grants Program – was presented, and tagged by Council Member Wiseman.
33. ORDINANCE awarding construction contract to **REYTEC CONSTRUCTION RESOURCES, INC** for the Single Family Home Repair Program; providing funding for environmental testing services and contingencies relating to construction of facilities financed by the Tax Increment Reinvestment Zone Funds \$550,000.00 - TIRZ Affordable Housing Fund – was presented, and tagged by Council Member Garcia. (Note: Council Member Garcia released his tag later in the meeting.)

Council Member Quan stated that as they knew they were behind in the home repair program and it was his hope that questions could be answered as soon as possible, they needed to get on track and addressing the needs of the houses and until they got a contractor on board they would not be doing that, that he hoped Council Member Garcia's questions were answered fairly quickly so they could move forward.

Council Member Khan stated that yesterday in their meeting they had a very detailed discussion on the issue and there was a lot of progress was being made, that he hoped they did not delay any further because there were homeowners waiting for repairs to be done on their homes. Council Member Berry absent.

Mayor White asked Council Member Garcia if it would be helpful to him if Mr. Walsh could give him a briefing today, and Council Member Garcia stated that there were specific questions that they had asked and had not gotten information back on and Mayor White stated that he would ask Mr. Fontaine to see if they could get that information to him during the Council meeting. Council Member Berry absent.

34. ORDINANCE approving and authorizing agreement between the City of Houston and various other interested parties who will join to form the Gulf Nuclear Superfund Sites PRP Group, for allocation of costs associated with the Gulf Nuclear Superfund Sites in Odessa, Houston and Webster, Texas – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2004-1194 ADOPTED.
35. ORDINANCE approving and authorizing cooperative agreement between the City of Houston and the **NATIONAL INSTITUTE OF JUSTICE (NIJ)** for Participation in the DNA Capacity Enhancement Program Grant - \$487,014.00 - Grant Fund – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2004-1195 ADOPTED.
36. ORDINANCE approving and authorizing cooperative agreement between the City of Houston and the **NATIONAL INSTITUTE OF JUSTICE (NIJ)** for Participation in the Forensic Casework DNA Backlog Reduction Program Grant - \$509,479.00 - Grant Fund – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2004-1196 ADOPTED.
37. ORDINANCE approving and authorizing contract between the City of Houston and **MITRE CORPORATION** for Professional Services to assess the reliability of the Consolidated Computer-Aided Dispatch and Records Management Systems located at the

Houston Emergency Center (HEC) - \$162,185.00 - Houston Emergency Center Fund - was presented. Council Member Berry absent.

Council Member Garcia stated that Ms. Counterman was in the audience, that he had some questions as to where they were going with the different issues that were affecting the HEC Center, that he wanted to make sure they were coming to some conclusion on some of the issues. Council Member Berry absent.

Council Member Garcia moved to suspend the rules to hear from Ms. Sharon Counterman, seconded by Council Member Khan. Mayor White stated that if there were no objections so ordered. Council Member Berry absent.

Upon questions by Council Member Garcia, Ms. Counterman stated that the item was to asses the whole CAD system, that what they expected the item to do was to come in and take a look at the CAD system and make sure that the current CAD system that they had today meets the needs for the City, that they were also going to look at the contract and make sure that the contract had been fulfilled the way it was originally written and if they needed to make amendments to future contracts, they were going to look at that and then they were going to look if the CAD system did not meet the needs of the City and what they needed today, what did they need to do to insure it was brought up to the correct speed that it should be; that the people at the time who did this may not have understood everything that was needed to put in a consolidated center, there was a lot of technology out there and unless they worked in the field as their daily living they may have a problem understanding some of the complexities of it, so what they wanted to make sure was that the City got what was best for police, fire, EMS and most important the citizens, that they would be getting a study report to help identify what their strengths and weaknesses were and what corrective actions needed to be taken. Council Members Khan and Berry absent.

A vote was called on Item No. 37. All voting aye. Nays none. Council Members Lawrence, Khan and Berry absent. ORDINANCE 2004-1197 ADOPTED.

38. ORDINANCE approving and authorizing contract between the City of Houston and **JPMORGAN CHASE BANK** for Banking Services for three years with an option for two additional one-year renewals – was presented, and tagged by Council Member Wiseman. Council Members Lawrence, Khan and Berry absent.
46. ORDINANCE correcting Item Number 13 in the Assessment Roll included within Ordinance Number 93-337 and authorizing a partial release of certain assessment liens and apparent liens created by Ordinance No. 88-624 for the initiation of a Paving Project for the Permanent Improvement of a portion of South Post Oak Road from West Bellfort Avenue to Gasmer Drive in the City of Houston, Texas - **DISTRICT C - GOLDBERG** – was presented, and tagged by Council Member Goldberg. Council Members Lawrence, Khan and Berry absent.
48. ORDINANCE approving and authorizing first amendment to construction contract between the City and **TEXAS STERLING CONSTRUCTION, L.P.** for Kirby Drive Storm Sewer Project Segment One - Brays Bayou to Dorrington Street (approved by Ordinance No. 2004-0683), CIP M-0771-01-3 (SM5044-01) - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Members Lawrence, Khan and Berry absent. ORDINANCE 2004-1198 ADOPTED.

## **MISCELLANEOUS**

53. RECEIVE nominations for Positions One and Two, and Alternate Positions One and Two of the **HOUSTON-GALVESTON AREA COUNCIL BOARD OF DIRECTORS**, for one-year terms to expire on December 31, 2005 – was presented.

Council Member Ellis stated that he wanted to nominate Council Member Wiseman for reappointment to Position One of the Houston-Galveston Area Council Board of Directors for the calendar year of 2005. Council Members Lawrence and Berry absent.

Council Member Wiseman stated that she wanted to nominate Council Member Ellis for reappointment to Position Two of the Houston-Galveston Area Council Board of Directors. Council Member Berry absent.

Council Member Green stated that he wanted to nominate Council Member Holm for reappointment to Alternate Position One of the Houston-Galveston Area Council Board of Directors. Council Member Berry absent.

Council Member Holm stated that he wanted to nominate Council Member Green for reappointment to Alternate Position Two of the Houston-Galveston Area Council Board of Directors. Council Member Berry absent.

Council Member Galloway moved to close nominations for Positions One and Two and Alternate Positions One and Two of the Houston-Galveston Area Council Board of Directors, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Berry absent. MOTION 2004-1170 ADOPTED.

## **PROPERTY**

54. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from J. Michael Boyd, on behalf of Carl A. Detering, Jr., for abandonment and sale of a ±6,349 square feet of excess fee-owned Studemont Street right of way, consisting of two triangular pieces (±5,249 square feet and ±1,100 square feet), being the remainders of Lots 3, 6, 13 and 14, Block 12, John Brashear Addition, Parcels SY5-021A and SY5-021B - **TWO APPRAISERS and ONE ALTERNATE APPRAISER DISTRICT H – GARCIA** – was presented.

Council Member Garcia named Mr. John Fox and Mr. Frank Flores as appraisers and Mr. Patrick O'Connor as alternate appraiser and moved approval of the recommendation, seconded by Council Member Lawrence. All voting aye. Nays none. Council Member Berry absent. MOTION 2004-1171 ADOPTED.

55. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Karen Riddle of Able Permits, on behalf of 3201 Kirby, Ltd. [3201 Kirby II, L.L.C., (Richard A. Plessala, M.D., president), general partner], for abandonment and sale of a portion of a 10-foot-wide utility easement, within Lot 3, Block 1, and a portion of two 5-foot-wide utility easements, within Lots 4, 5 and 6, Tract 8; Lot 1, Tract 7; and Lots 3, 4, 5 and 6, Block 1, in exchange for the conveyance to the City of a 10-foot-wide utility easement, within Lot 6, Block 1, all out of the George Rich Subdivision, Parcels SY5-022A, SY5-022B, SY5-022C and VY5-002 - **TWO APPRAISERS and ONE ALTERNATE APPRAISER - DISTRICT C – GOLDBERG** – was presented.

Council Member Goldberg named Mr. Thomas Bazan and Mr. Michael Copland as appraisers and Mr. Patrick O'Connor as alternate appraiser and moved approval of the recommendation, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Berry absent. MOTION 2004-1172 ADOPTED.

**MATTERS HELD** - NUMBERS 57 through 65

57. RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$23,428,116.35 and acceptance of work on contract with **MANHATTAN CONSTRUCTION COMPANY** for ISEP Utility Tunnel to Terminal E, FIS Foundations, Excavation and Site Utilities at George Bush Intercontinental Airport/Houston; Project No. 500J, CIP A-0203 - 20.73% over the original contract amount - **DISTRICT B – GALLOWAY – (This was Item 9 on Agenda of November 9, 2004, TAGGED BY COUNCIL MEMBER GALLOWAY)** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. Council Member Berry absent.

Council Member Khan asked why the contract was 20.73% over the contract amount and Council Member Galloway stated that the scope was over because of a change order that was made due to some unseen happenings at the airport, that she had tagged it last week and had checked on some things and they were explained in detail. Council Members Garcia and Berry absent.

Mayor White stated that there were two things that caused some changes or delays, that those were subsurface conditions and also homeland security considerations and those did causes change orders, and Council Member Galloway stated that also their reaching their MWBE goals because of the situation, but every thing was worked out and she was satisfied with the results. Council Members Garcia and Berry absent.

A vote was called on Item No. 57. All voting aye. Nays none. Council Members Garcia and Berry absent. MOTION 2004-1173 ADOPTED.

58. **AMEND MOTION #2000-15, 1/5/00, as amended by #2002-1093, 9/25/02, TO EXTEND** expiration date from January 5, 2005 to January 4, 2006, for Wheel Replacement Parts Contract for Various Departments, awarded to **POLAR SERVICE CENTERS – (This was Item 18 on Agenda of November 9, 2004, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. Council Members Garcia and Berry absent.

Council Member Wiseman stated that she tagged the item last week because she wanted to review the procedure used in this situation, the contract was originally awarded by City Council in 2000 and the item to extend the contract for another year would extend the contract to 6 years and the City Charter was very clear when it said they could accept contracts to be longer than the 12 month period if Council approved it however no contract could exceed a 5 year period so that was why she tagged the item to verify if that was indeed what they were doing and it was what they were doing therefore she could not support the item and would have to vote no. Council Member Garcia absent.

Mayor White asked Mr. Michel to comment and Mr. Michel stated that he had looked into it and knew the Legal Department had not issued an opinion but the practice had been to allow amendments as long as they came before Council, from the point of the original contract to the amendment to extent beyond 5 years and the theory to allow that would be that the amendment

was in fact a new contract, but it was a Charter interpretation by City Council. Council Member Garcia absent.

Council Member Wiseman stated that it would have to be a new contract it could not be the existing contract, that it said they could not go beyond a 12 month period unless Council approved a longer period of time not exceeding 5 years for a specific contract by motion, resolution or ordinance, adopted by a vote of at least two thirds of the Council Members present and voting and that was Article II, Section 19A, and Mr. Michel stated that he still went back to that it was a determination of Council of the Charter interpretation, but the legal theory to allow it was that the amendment was in effect a new contract and technically a new arrangement and that was what they were permitting and had been the past practice of the City, that the issue of the bid laws was a separate process where they had certain restraints on how much a contract could change before they run a foul of the bid laws and from the information he had been provided he thought they were still within the original contract price and that was separate consideration would not be an issue. Council Member Garcia absent.

Council Member Galloway asked if they were violating the rules that were set out by the Charter and how did they interpret what the Charter was saying, and Mr. Michel stated that he was trying to separate out the two and say that the bidding was a separate issue if they were simply looking at the question of how long they could have a contract and the Charter limitation on it, that he did not think passing the item would be in violation of the Charter if they had the interpretation that the amendment began a new contract and that they had to come back to Council for those amendments. Council Members Holm and Garcia absent.

After further discussion Mayor White stated that he would suggest that something be provided in writing by the Legal Department and a vote was called on Item No. 58. Council Members Galloway, Wiseman, Khan and Sekula-Gibbs voting no, balance voting aye. Council Members Holm and Garcia absent. MOTION 2004-1174 ADOPTED.

61. ORDINANCE appropriating \$152,482.00 out of Public Health Consolidated Construction Fund and approving and authorizing Professional Architectural Services Contract between the City of Houston and **CHARLES D. GOODEN CONSULTING ENGINEERS, INC** for Design of the Renovation and Expansion of the Fifth Ward Multi-Service Center, CIP D-0071-01-2; providing funding for Civic Art Program and contingencies relating to construction of facilities financed by the Public Health Consolidated Construction Fund and Community Development Block Grant \$300,000.00 - CDBG Fund - **DISTRICT B – GALLOWAY – (This was Item 38 on Agenda of November 9, 2004, TAGGED BY COUNCIL MEMBER GALLOWAY)** – was presented. All voting aye. Nays none. ORDINANCE 2004-1199 ADOPTED.
62. ORDINANCE appropriating \$360,586.00 out of Street & Bridge Consolidated Construction Fund, awarding contract to **TIKON GROUP, INC** for Safe Sidewalk Program C3 Work Order Project, GFS N-0610A-C3-3 (SB09049-3); setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, construction management, and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund – **(This was Item 40 on Agenda of November 9, 2004, TAGGED BY COUNCIL MEMBER GALLOWAY)** - was presented, and tagged by Council Member Edwards.

63. ORDINANCE appropriating \$403,385.00 out of Street & Bridge Consolidated Construction Fund, awarding contract to **TIKON GROUP, INC** for Safe Sidewalk Program E0 Work Order Project, GFS N-0610A-E0-3 (SB09136-1); setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, construction management, and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund – **(This was Item 41 on Agenda of November 9, 2004, TAGGED BY COUNCIL MEMBER GALLOWAY)** - was presented, and tagged by Council Member Edwards.
64. REVIEW of the record and make determination of the appeal filed by Mr. Henry McGowan on the decision of the General Appeals Board to deny a Manufactured Home Hardship Permit Extension at 13509 S. Wayside Drive, Houston, Texas, 77048 – **(This was Item 45 on Agenda of November 9, 2004, TAGGED BY COUNCIL MEMBER ALVARADO, QUAN and GARCIA)** - was presented, and tagged by Council Member Edwards.
65. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Kim Icenhower of Brown & Gay Engineers, Inc, on behalf of Americor Development, LLC (Ignacio Grillo and John Hunt, co-managers), for abandonment and sale of a ±0.7921-acre (±34,502-square-foot) surplus fee-owned portion of West Bellfort Avenue right of way, out of a ±5.54-acre (±241,332-square-foot) tract located within the James Hamilton Survey, Section 34, Tract 4, A-887, Parcel SY5-016 - **TWO APPRAISERS and ONE ALTERNATE APPRAISER - DISTRICT C – GOLDBERG – (This was Item 47 on Agenda of November 9, 2004, TAGGED BY COUNCIL MEMBER GOLDBERG)** – was presented.

Council Member Goldberg named Mr. William Kvinta and Mr. Thomas Bazan as appraisers and Mr. Tom Kvinta as alternate appraiser and moved approval of the recommendation, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Berry absent. MOTION 2004-1175 ADOPTED.

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

Council Member Sekula-Gibbs stated that the Denver Harbor Community Health Center, also known as Houston Community Health Centers or La Roca, was going to be officially moving from their small clinic on the second floor of a church to their new facility at 424 Halo on Friday, they had been so exceptional and the Mayor had supported them with an opportunity for some CDBG money and they would use it in the future to refurbish a cantina and expand it which had been reclaimed from ill use in the community to now a building that would be very well served to give health care to needy people in the Denver Harbor area, that Council Member Garcia had supported the clinic and they really thanked him for that, that they would be applying for a look alike status as a federally qualified health center within the very near future if they had not already done so and they had a very good chance of getting that status because they had been supported also by many Houston and national foundations, that Ms. Jana Mullins had helped with that, that she wanted to thank Mr. Daniel Montez and Ms. Rachel Martinez who worked very closely with Reverend Martinez in pulling it all together. Council Members Lawrence and Wiseman absent.

Council Member Sekula-Gibbs stated that tonight the Denver Harbor Civic Club would have a scholarship dinner at the Foust Distributing Facility and would be raising money for

scholarships for their community students, that she wanted to thank Mr. Joe Padilla for working very hard as always in his community. Council Members Lawrence and Wiseman absent.

Council Member Sekula-Gibbs stated that she did a television show on the Municipal Channel on the Bureau of Animal Regulation and Care, that she did the piece with the folks at BARK in July, that it called attention to the fact that they were chasing their tail on dealing with strays, that in Harris County they had about five groups that took care of strays and unwanted pets but they were losing because they were exterminating about 80,000 pets and unwanted animals a year, that she knew the Mayor had allocated more resources to put animal control officers on the street so they could reduce their response time but at the same time they had been forced to cut the overall BARK budget and forced to cut some of the shelter employees, that they were building a new expanded shelter and that was part of the show that she did with Mr. John Nicks, who was the director there, that she thought they could stop chasing their tail if they put more resources into spaying and neutering, that the cost of picking up an animal and holding it for three days and then exterminating it was running about \$175, the cost to do a spay and neuter was between \$35 and \$75 so it was a better deal for them to invest in spay and neutering, that groups like SNAP, Spay and Neuter Assistance Program, were willing to work with the City, that she knew the City did not have General Fund dollars to put toward it but they could be resourceful and get some of the perhaps unused property that they had within the neighborhoods to house some of the clinics because people had a hard time taking their pets all the way to BARK, which was at 2700 Louella, that it was too far for most families to take their pets for the low cost spay and neuter programs, that she would ask the Mayor to look into that, that Los Angeles as a City was spending \$500,000 per year for spay and neuter services and Houston spends \$20,000, that they did not destroy nearly as many animals as Houston did and it cost Houston in the long run, that she would be very happy to see further work on the subject. Council Members Lawrence and Wiseman absent.

Council Member Garcia stated that he would release his tag on Item No. 33, that he appreciated Mr. Walsh and Ms. Stiner coming over and addressing his questions. Council Members Lawrence and Wiseman absent.

33. **ORDINANCE** awarding construction contract to **REYTEC CONSTRUCTION RESOURCES, INC** for the Single Family Home Repair Program; providing funding for environmental testing services and contingencies relating to construction of facilities financed by the Tax Increment Reinvestment Zone Funds \$550,000.00 - TIRZ Affordable Housing Fund – was again before Council. All voting aye. Nays none. Council Members Lawrence and Wiseman present. **ORDINANCE 2004-1200 ADOPTED.**

Council Member Khan stated that they had the Marketing Alief Breakfast this morning, that the business community in the Alief area came together at the Knights of Columbus at 1611 Beechnut, the Alief Super Neighborhood Council organized it, it was a good networking session for the business community, that they were very pleased with Mayor White's work and were very pleased that Proposition 3 and 1 were passed, that some of them were supportive of Proposition 2 and wanted to know the outcome of that and were waiting for a final resolution of that issue, they also brought up signs that were put up by businesses and were an eyesore to the neighborhood, that he said he would bring it to Mayor White and Council Member Holm's attention to see if there was anything they could do in that area; that he wanted to thank Mr. Donald Perkins, Planning Department, who was present this morning answering many of the questions raised by those people. Council Members Lawrence, Wiseman, Holm, Garcia and Sekula-Gibbs absent.

Council Member Khan stated that tonight they would be having a Dwali dinner and wanted to thank Mayor White, that the whole Indian Community appreciated Mayor White being there, that the community had requested Mayor White to spend a few extra minutes listening to the community members, that he wanted to thank Council Members Berry and Quan who had very graciously accepted to be part of the program, that rain or shine they would be having the event. Council Members Lawrence, Wiseman, Holm, Garcia and Sekula-Gibbs absent.

Council Member Khan stated that he wanted to thank Mr. Michael Moore, the Mayor's Chief of Staff, that he dealt with him for many months and he had always been there for them. Council Members Lawrence, Wiseman, Holm and Sekula-Gibbs absent.

Council Member Quan stated that they had a public access channel, Houston Media Source Channel 17 on cable and they had an open house this week and several Council Members attended, they moved to new facilities on Texas Avenue and encouraged all Council Members who would like to have a program on public access television to come forward and there was no charge in doing that, that they encouraged the public if they would like to have a show on their channel to also contact them, that he would encourage people to take advantage of that. Council Members Lawrence, Wiseman, Holm and Sekula-Gibbs absent.

Council Member Quan stated that yesterday the Holocaust Museum honored Sanford and Joan Alexander for all of their contributions to the City of Houston with their Guardian of the Human Spirit Award and wanted to congratulate the Alexander's for all the numerous boards they served on and numerous contributions they had made to the community. Council Members Lawrence, Wiseman, Holm and Sekula-Gibbs absent.

Council Member Quan stated that on Saturday, Blueprint Houston was having a leaders conference at the George R. Brown to talk about where they had come as far as looking at the future of the City of Houston and encouraged people who were interested to attend that as well. Council Members Lawrence, Wiseman, Holm and Sekula-Gibbs absent.

Council Member Berry stated that he wanted to remind his colleagues and anyone interested that tomorrow, Thursday, at 2:00 p.m. they would be taking up the issue of tow trucks and would have their first 8 tow contracts, that he knew there were a lot of questions, that it was their job to make sure the process was fair, they laid out rules that were clear and understood that there was a fair and open process and that the selection occurred with that in mind. Council Members Lawrence, Wiseman and Sekula-Gibbs absent.

Council Member Berry stated that he wanted to welcome Mr. Dan Patterson, the Parks Department Council Liaison, that he enjoyed working with the Parks Department, they had three or four issues to team up with them on and he really applauded the current leadership who he thought was doing a wonderful job. Council Members Lawrence, Wiseman and Sekula-Gibbs absent.

Council Member Berry stated that he wanted to acknowledge Mr. Larry Sykes a Parks Department employee who was on his way from one project to another and a member of Council Member Berry's team was stuck behind a car that caught on fire on Stella Link and South Braeswood, that the fire got worse and worse and no one wanted to step in and Mr. Sykes made his way through the traffic and had a fire extinguisher in his City vehicle and came up and with other people put the fire out, that he potentially saved lives and a potentially bad situation and he did not have to do that, that the fire was almost put out by the time the firefighters got there and they commended him and everyone in the public that was watching it

was very impressed, that he knew that Mr. Turner was going to acknowledge him but it was worth noting. Council Members Lawrence, Wiseman and Sekula-Gibbs absent.

Council Member Berry stated that he wanted to join Council Member Khan in offering every one a Dwali Mubarak, that his wife was in India, that there were a lot of people in the City of Houston who were exited about the Dwali celebrations, that it was equivalent of Christmas in India. Council Members Lawrence, Wiseman and Sekula-Gibbs absent.

Council Member Berry stated that he knew Council Member Garcia had put in a lot of time and he applauded him on it but was very concerned about what was going on in the Municipal Courts Department, there was an overcrowding issue that he thought violated the Fire Marshall orders, that he was getting calls about the problems that were going on, that they were to the point of a real hazard and they simply could not allow that to happen. Council Members Lawrence, Wiseman and Sekula-Gibbs absent.

Mayor White stated that a lot of people showed up not knowing that they could just pay and they were working on that and asked if there were other types of things that he thought they ought to be considering, they were doing 311 and processes but was Council Member Berry suggesting that there may be some buildings or infrastructure components that he thought they ought to look at and Council Member Berry stated that he knew there were a lot of smart people inside and outside the Mayor's office including Council Member Green who had paid close attention to it and maybe it was putting another officer out front or putting some public information person out front, that he thought it was to a point of a crises. Council Members Lawrence, Wiseman and Sekula-Gibbs absent.

Council Member Green stated that December 15, 2004 was their next meeting for the Municipal Courts Task Force and they would bring this up specifically and was glad that Council Member Berry brought it up. Council Members Lawrence, Wiseman and Sekula-Gibbs absent.

Council Member Berry stated that someone wrote him a whole letter about it so he could forward it to Council Member Green, that someone arrived for jury duty at 8:30 a.m. for a 9:00 a.m. jury call, they were dismissed for lunch at 12:15 p.m. and brought back at 12:45 p.m. they heard their case at 5:20 p.m., a 25 minute case and were dismissed at 5:50 p.m. so they had been there 10 hours, that he did not care if they were a CEO of a large company or unemployed or anywhere in between their time was valuable and to stick people in a municipal court situation for 10 hours out of a day for a traffic ticket was a real problem, that he had them document everything about it so that Mayor White and Council Member Green could see it but he thought they owed more to their citizens especially those who showed up for jury duty than to have them stay there for 10 hours for a traffic ticket, that he appreciated Mayor White's attention to it and Council Member Green's leadership but thought they had a real problem and needed to get on it fast. Council Members Lawrence, Wiseman and Sekula-Gibbs absent.

Mayor White stated that as they formulated their legislative agenda one of the issues they would be facing was certain changes in law or an AG's opinion that would allow them to treat certain things as civil versus criminal and there would be some people who made their living over there who would not like it and they may have to be thinking that they were abusing some of their citizens and they needed to be thinking about doing something that really worked and remember customer service. Council Members Lawrence, Wiseman and Sekula-Gibbs absent.

Council Member Ellis stated that this week they had a pension review committee meeting and Council Member Holm put forward a motion to request the administration open up a Meet and Confer negotiations and come up with an agreement which specifically would terminate

Plan C, that it was the intention of the committee that they not go and try to make it retroactive and take away any accrued benefits, but that from January 1, 2005 and going forward the directors would no longer get two for one credits, that he did not know what the proper process was, and Mayor White stated that he had asked an outside committee to advise the administration on those issues and they would implement it, and Council Member Ellis stated that it was his understanding that the Executive Director of the Municipal Pension Board came up and said he did not think it would be a problem with his board. Council Members Lawrence, Wiseman and Sekula-Gibbs absent.

Council Member Ellis stated that some people were gearing up for campaigns for the City of Houston and knew there were some candidates out there right now that were running for certain City positions and he would request that the Chairman of the Ethics Committee take a look at the fund raising activities that occurred, specifically if an individual was an office holder presently and intended to be a candidate for a City office, did that individual have to adhere to the same campaign restrictions that the Council Members did or an individual who was not an office holder and was going to be a candidate, for example if they were a State Representative and could go out and raise \$20,000 right now would that be eligible to be transferred over into an account and used for a City election, two things came to mind, they were limited to \$5,000 if it was an individual and they were also in a blackout period so he would just request that the Ethics Committee look at that and evaluate it, that if they wanted to be fair and transparent and he thought it was something that this administration had talked about and brought to Council and City Hall, that they addressed it three or four years ago and knew it had been addressed by Council Member Quan in the past, that he thought there should be a meeting and it should be made clear to all the office holders and candidates, what they could or could not do. Council Members Lawrence, Wiseman and Sekula-Gibbs absent.

Council Member Quan stated that the committee met when there was a need for a discussion on topics and Council Member Ellis raised it at the beginning of the Council meeting and he was more than happy to call a meeting of the Ethics Committee and get a briefing on it, and Mayor White encouraged if there were amendments to be made to the law to make them so there was a level playing field. Council Members Lawrence, Wiseman, Sekula-Gibbs and Berry absent.

Council Member Ellis stated that with regard to Mayor White's request if they knew there were items that were not going to be tagged he did not know where Mayor White was going with that, and Mayor White stated that as he understood it the issue on consent and non consent was a different issue than if people wanted something tagged or delayed for a week, that they might segregate those items some place in the agenda, and Council Member Ellis stated that the process seemed to work and it actually put them in a position where they could also negotiate and then come back and remove their tag at the end of the meeting, and Mayor White stated that the reason he raised the issue was that it had to do with the issue of customer service, that there were people in the Council Chamber, and he was thinking that if it was clear something was going to be delayed, and he did not have an agenda on that, but sometimes he had been a little troubled by the fact that if they could just have had some of that information at the agenda meeting on Monday then there would be a little more certainty for all those involved but it may be that the current system was the best that they could do. Council Members Lawrence, Wiseman, Quan, Sekula-Gibbs and Berry absent.

Council Member Goldberg stated that he wanted to thank the SPARK Park Program and congratulate them, that tomorrow morning at Roberts Elementary they were opening a new SPARK Park there, which was a great collaboration of private sector and was just a great

program all around. Council Members Lawrence, Wiseman, Quan, Sekula-Gibbs and Berry absent.

Council Member Goldberg stated that he wanted to bring attention to two exhibits at the Holocaust Museum, that the first had to do with the Diary of Anne Frank, a replica of the diary would be on exhibit there along with the actual pictures that her father took during the war in the 1930's and 1940's of Anne Frank and her sister and so forth, that they were black and white pictures and was a really interesting exhibit; that also at the Holocaust Museum was an interesting exhibit telling the little known story about a Japanese Counsel General who saved the lives of hundreds of Lithuanian people by giving them, illegally and against his government's wishes, visas to leave the country and get away and go to Japan and thus saving their lives, that it was akin to a Shindler's List kind of story, that he put his family's lives in danger because they were with him but they finally did escape, that the exhibit detailed that story. Council Members Lawrence, Wiseman, Quan, Sekula-Gibbs and Berry absent.

Council Member Galloway stated that they had a public hearing in her district where the Riverside General Hospital was trying to open up a halfway house in the heart of Fifth Ward, by churches and schools, that she had some concerns at the hearing because first of all they did not follow the procedures of notice and second, when she visited the hospital at a health fair the past Saturday they stated that they were not going to open it at that particular location, so as she spoke at the hearing last night she told them to notify the director that if they were not going to open a location on Lyons Avenue then they should amend that public notice in the newspaper and there would not have been a need for a public hearing and they also did not follow the procedure for notice and consent and nor did they have a published agenda so there had been a lot of processes that they did not follow in the procedure that was governed by the law, so she wanted the administration to monitor it very carefully because her constituents did not want that particular half way house located in the heart of Fifth Ward. Council Members Lawrence, Wiseman, Quan, Sekula-Gibbs and Berry absent.

Council Member Galloway stated that she wanted to concur with Council Member Berry on the Municipal Court, that she had an experience with her grandson, that in February he went to court and was rescheduled for another date sometime in August and then was rescheduled for another date because the City had changed the rule so they started all over where he had to appear three times, but now it was really four times that he was going to appear for one citation, that she went to observe and found out that on Monday they could hardly get into the place, that people had problems when they parked because many of the people who came down and it was their first time they did not know there was an automatic machine and thought when they drove into the parking lot and saw a booth that there was someone in the booth when they came out but there was an automatic machine to insert the money while they were in the court building and they go out and stick it in the slot to get out, so those people went out to the parking lot and get in their car and drive up to the gate and wonder where was the body in the booth and did not realize because there were no directions for them when they came into the parking lot so then they held up the line and everyone else was lined up behind them and it caused a backlog of traffic, that it was a major problem; that she talked to some jurors while she was there and come to find out when they were called for jury duty and went to hear a case and then they were told to report back to the jury assembly room because there were not enough jurors and they had to go back and were assigned to another court and another jury, that the process was completely out of control and they needed to look at it. Council Members Lawrence, Goldberg, Wiseman, Quan, Sekula-Gibbs and Berry absent.

Council Member Galloway stated that she wanted to know what process they had in personnel as it related to an employee, that for instance if an employee had been employed for

18 years and happened to see their personnel file after they were employed for 7 years and noticed that there had been some false accusation memos put in their file and they were unaware of it and had never seen them and even the supervisor had witnesses to witness the false accusations and placed it in their file, well the employee found out about it and referred it to the OIG and they investigated and concluded that it was false and the person who did it was reprimanded and suspended for falsifying government documents, but yet the employee could not get the false accusations that had been proven by OIG out of their personnel file, was that in the policy, did they allow it, it seemed that if something had been proven than everything would be discarded, and Mayor White stated that he would have Mr. Lonnie Vara, Director of Human Resources, to respond to her. Council Members Lawrence, Goldberg, Wiseman, Quan, Sekula-Gibbs and Berry absent.

Council Member Galloway stated that this was SPARK Park Week and she was excited about it because a couple of schools in her district were having their dedication this week, that yesterday it was Issac Elementary and on Friday, Concord Elementary would be having their SPARK Park dedication, that Ms. Kathleen Ownby was present and she invited her to the podium, that they had some beautiful color books and calendars that she passed out to all the Council Members. Council Members Lawrence, Goldberg, Edwards, Wiseman, Quan, Sekula-Gibbs and Berry absent.

Ms. Kathleen Ownby stated that they had printed 9,000 of the calendars that they would be giving out this week and they were public art projects on school campuses in conjunction with the SPARK Park and Mr. William Hill made it possible to distribute coloring books to all of the schools that they would be dedicating this week, that they had seven dedications that they were holding this week, that they were doing everything they could to make it a joyous occasion at each of the schools. Council Members Lawrence, Goldberg, Edwards, Wiseman, Quan, Sekula-Gibbs and Berry absent.

Council Member Green stated that on November 5, 2004 he participated in the Houston Fire Department's Fire Operations 101 Training, that he knew some of his colleagues talked about it last week, that he had a great time at the fire training academy and his hat went off to the level of training which the cadets received and the level of commitment that the department showed towards training a good work force, that he wanted to commend the staff at Station No. 25 at Scott and Wheeler Street, that he spent some time out there on Friday evening riding out with them and they received an inordinate amount of calls and did a great job, they were excellent with the community and took their jobs seriously and cared about the people they served, and did an excellent job, along with all the other stations. Council Members Lawrence, Goldberg, Edwards, Wiseman, Quan, Sekula-Gibbs and Berry absent.

Council Member Green stated that on Sunday he presented a proclamation to the Omega Psi Phi Fraternity, a Houston area coalition of chapters who had a Founders Day Banquet on Sunday at the Crowne Plaza Hotel downtown, that he wanted to extend best wishes for a good Founders Day for them, they were very active in the community and took care of a lot of community service efforts in their community. Council Members Lawrence, Goldberg, Edwards, Wiseman, Quan, Sekula-Gibbs and Berry absent.

Council Member Green moved to suspend the rules to stay in session beyond the noon recess to complete the agenda, seconded by Council Member Galloway. Mayor White stated that if there were no objections it was so ordered. Council Members Lawrence, Goldberg, Edwards, Wiseman, Quan, Sekula-Gibbs and Berry absent.

Council Member Edwards stated that she wanted to acknowledge the excellent programs that U.S. Veterans had on Veterans Day, that she was disturbed by the lack of attendance by the community, that she wanted to congratulate Mr. Anthony Love and his staff and Mr. Tim Cantwell and the U.S. Veterans for the work that they were doing. Council Members Lawrence, Wiseman, Goldberg, Quan, Sekula-Gibbs, Green and Berry absent.

Council Member Edwards stated that she had been disturbed by the number of reports they heard about reservists coming back to their jobs and the jobs not being there or their being in dire situations, that she wanted a report of the status of reservists of the City of Houston and make sure that their jobs were safe, that if they could get her that information she would appreciate it. Council Members Lawrence, Wiseman, Goldberg, Quan, Sekula-Gibbs, Green and Berry absent.

Council Member Edwards stated that she would like to encourage everybody to go to the Museum of Natural Science, they had some awesome displays there right now, the Tibet Display, the Roof of the World, was an excellent display, they also had the Dead Sea Scrolls Display and that was an awesome piece, they had it setup in such a way that even young children could appreciate it; that the Lucy Exhibit would be in Houston in 2006 at the museum, the extraordinary value of that was that they would probably have over 2 million visitors come to see the exhibit in the City of Houston, that it was the first time that the actual Lucy skeleton would be actually coming out of Ethiopia, that in Germany and France where they had the display it had been a replica and because of the work in Houston they had convinced not only the Ethiopian Government but also the Holy Patriarch of the Coptic Church that not only would Lucy be here but also a lot of artifacts from Ethiopia that would be in Houston as well, that one of the interesting lessons that she learned in traveling and working with the project that there was a long history of the three major religions, Judaism, Muslim and Christianity in Ethiopia and the Ethiopian communities had found a way to live together. Council Members Lawrence, Wiseman, Quan, Sekula-Gibbs, Green and Berry absent.

Council Member Edwards stated that she wanted to thank the Rockets Organization and the Parks Department for their youth organization basketball program, that they had put together an awesome piece which she thought could be a prototype for an organized youth program in the City for their children, for any young people who would like to be in their basketball training skills camp there were applications available through the Parks and Recreation Department and she encouraged them to get involved. Council Members Lawrence, Wiseman, Quan, Sekula-Gibbs, Green and Berry absent.

Council Member Edwards stated that she was still harping on the DNA and Crime Lab status, where were they, did they have a special master and had that been applied, where were they in the process of doing that, and also with all of the different reports of HPD personnel change and shortages she would like to have a conscience memo that said what the status of HPD was and the people who they had in place. Council Members Lawrence, Galloway, Wiseman, Quan, Sekula-Gibbs, Green and Berry absent.

Council Member Edwards stated that she did not tag Item No. 35 but would like to see if Council Member Garcia, through his committee, give her information, that she was not clear on what the participation in the DNA Capacity Enhancement Program was and how did it fit in with the whole position of trying to lift the DNA Lab up and was it part of the accreditation process, she assumed that it was probably was, if she could have some more information she would appreciate it. Council Members Lawrence, Galloway, Wiseman, Quan, Sekula-Gibbs, Green and Berry absent.

Council Member Edwards stated that regarding Riverside Hospital, Council Member Galloway referred to it as a halfway house, it was referred in the meeting they had on OST last night as a treatment program and there was a distinct difference between a halfway house and a treatment program, especially in regard to how the clients were handled and monitored and so forth, that as she understood it Riverside Hospital was looking for a treatment program for parolees, that the concerns she heard the most last night were security and safety and that tied in with the police so she would like if his office would support them in an effort to meet with Chief Hurtt and maybe Chief Lambert of Metro Police and Mr. Gibson and other people in the community to talk about if there was any way for HPD or Metro or even the medical community police staffing could address the issues of concern or to talk about the differences between a treatment center and a halfway house and what those security issues were, that she thought the community needed to hear from experts as to delivery of service and what could or could not be done and what were they actually talking about, that they were going to try to hold that meeting and anyone who was interested in attending that meeting was welcome. Council Members Lawrence, Galloway, Wiseman, Quan, Sekula-Gibbs, Green and Berry absent.

Mayor White stated that he would ask the Agenda Director to make sure that various people follow up on Council Member Edwards requests. Council Members Lawrence, Galloway, Wiseman, Quan, Sekula-Gibbs, Green and Berry absent.

Council Member Garcia stated that he would look into the information for Council Member Edwards as soon as possible and get it to her office. Council Members Lawrence, Galloway, Wiseman, Quan, Sekula-Gibbs, Green and Berry absent.

Council Member Garcia stated that he wanted to congratulate some people in the Mayor's administration, Mr. John Walsh, Mr. Joe Turner, Director, Parks Department, Mr. Michel, City Attorney, Mr. Richard Cantu, Mayor's Assistance Office. Council Members Lawrence, Galloway, Wiseman, Quan, Sekula-Gibbs, Green and Berry absent.

Council Member Garcia stated that he wanted to congratulate the U.S. Marine Corp, who just had a birthday, that it was a fascinating event and a great tradition to see in action, that he wanted to thank Mr. Richard Perez for his invitation to attend. Council Members Lawrence, Galloway, Wiseman, Quan, Sekula-Gibbs, Green and Berry absent.

Council Member Garcia stated that he and Council Member Edwards were at a celebration for the Peace and Justice Center where there were many good people being recognized, that he wanted to send a special congratulations and appreciation to Mr. David Smith for his work on reducing gun violence, specifically on the issue of addressing and bringing awareness to celebratory gunfire, especially with New Year's Eve and all that they tended to hear, whether it was fireworks or gunfire, they wanted to remind Houstonians that it did not mix and was too dangerous. Council Members Lawrence, Galloway, Wiseman, Quan, Sekula-Gibbs, Green and Berry absent.

Council Member Garcia stated that he wanted to congratulate CenterPoint Energy, that he and Council Member Alvarado were at a chilly groundbreaking ceremony, that he wanted to thank CenterPoint for selecting a portion of the East End close to Districts I and H to set up a new facility. Council Members Lawrence, Galloway, Wiseman, Quan, Sekula-Gibbs, Green and Berry absent.

Council Member Garcia stated that Hamilton Middle School received a new SPARK Park and wanted to thank Ms. Ownby for her continued diligence in spreading that tremendous

program into the various communities, that he wanted to thank her for her hard work and commitment to the program. Council Members Lawrence, Galloway, Wiseman, Quan, Sekula-Gibbs, Green and Berry absent.

Council Member Garcia stated that on Monday the Council offices would have a potluck lunch and invited Mayor White to come and share some turkey with them, that they would really appreciate it. Council Members Lawrence, Galloway, Wiseman, Quan, Sekula-Gibbs, Green and Berry absent.

Council Member Garcia stated that one comment that was made at the Marines celebration was that too often elected officials paid homage to the veterans during time of war, but they did not often do enough during time of peace, that he only mentioned it because they had the Veterans Day Parade and asked if there was anything they could do to get behind a public awareness campaign because he was disheartened not to see people lined up to see the Marines, that maybe they could do a better job to make the City aware and ask the Houston Chronicle to commit a half page ad to next year's Veterans Parade and maybe announcing it and give it the appropriate pomp and circumstance it deserved. Council Members Lawrence, Galloway, Wiseman, Quan, Sekula-Gibbs, Green and Berry absent.

Council Member Alvarado stated she wanted to acknowledge the work of the Mayor's staff and Harris County for sponsoring the workshops on how to protest the alcohol license, that she was glad to see they were educating themselves and the community on it, and as a result they were getting some of those businesses closed down, however there was a business on Main Street called the Meat Rack and was kind of a special circumstance, that it was a private club and there were some loop holes that she believed they were getting around in order to stay in business, they did not have an alcohol license, however they had been found to serve alcohol in some circumstances, that their website was pretty graphic, how did they prevent businesses like it, how did they even allow those businesses to even get up and running, she did not think something like that had any place in their City to be in business, that she hoped between the Legal Department, Police Department and Legislative staff they could look at ways of not even allowing them to open. Council Members Lawrence, Galloway, Wiseman, Quan, Sekula-Gibbs, Green and Berry absent.

Council Member Alvarado stated that last week she talked about the parking tickets that were issued on Saturday and she was assured that it would not happen, that they had a grace period that would go through January 2005, that she knew the issue had been dealt with and wanted to thank Chief Breshears for attending to it but just after they talked about it, this past Saturday, there were tickets given to people parked on the 500 block of Rusk Street, how was it they discussed something at the Council table and the people at the top knew what was to happen but somehow it did not make it down the chain of command, that for the folks that were in charge of the process to please make sure it got down to the folks that were on the street. Council Members Lawrence, Galloway, Wiseman, Quan, Sekula-Gibbs, Green and Berry absent.

Council Member Alvarado stated that last Friday was a sad day in Houston, that for 34 years running Rock 101 KLOL was rocking Houston fans for over 30 years and the format was changed and Rock 101 would certainly be missed. Council Members Lawrence, Galloway, Wiseman, Quan, Sekula-Gibbs, Green and Berry absent.

Mayor White stated that because of the problem with parking they were looking at a more aggressively accelerated time period with what other cities do to have parking authorities and

accountability. Council Members Lawrence, Galloway, Wiseman, Quan, Sekula-Gibbs, Green and Berry absent.

There being no further business before Council, the City Council adjourned at 12:36 p.m. Council Members Lawrence, Galloway, Wiseman, Quan, Sekula-Gibbs, Green and Berry absent.

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

MINUTES READ AND APPROVED

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Anna Russell, City Secretary