

City Council Chamber, City Hall, Tuesday, November 30, 2004

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, November 30, 2004, Mayor Bill White presiding and with Council Members Toni Lawrence, 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. Council Members Carol M. Galloway and Mark Goldberg out of the city on city business.

At 1:56 p.m. Mayor White stated that Council would begin with presentations and called on Council Members Quan and Sekula-Gibbs. Council Member Quan thanked everyone who contributed to Houston's 2004 Sports Day and he and Council Member Sekula-Gibbs recognized those who worked to make it a success and all the winners. Council Members Garcia and Berry absent.

Council Member Ellis stated that he wanted to recognize those of Scottish descent and invited those present for his presentation to the podium. Council Member Ellis read a Proclamation from Governor Perry which stated that the Lone Star state was deeply influenced by settlers of Scottish descent and proclaimed November 13, 2004 as "Texas Day of the Scots". Mr. E. J. Jones played the Eyes of Texas on his bagpipe; and a crystal glass and Scottish plaid tie was presented to Mayor White. Council Members Garcia and Berry absent.

At 2:12 p.m. Mayor White called the meeting to order and called on Council Member Lawrence who invited Pastor Greg Matts with First Baptist Church to lead in prayer and Council Member Lawrence led all in the pledge. Council Members Garcia and Berry absent.

Mayor White stated that many thought Pastor Matts was young, but since he had come they thought the right choice was made; that he led an important institution; and thanked him for coming. Council Members Garcia and Berry absent.

Council Member Green introduced members of Leadership Houston Class 23, of which he was a member, and asked them to stand to be recognized. Council Members Garcia and Berry absent.

At 2:16 p.m. the City Secretary called the roll. Council Members Galloway and Goldberg out of the city on city business. Council Members Garcia and Berry absent.

Council Members Green and Holm moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Members Galloway and Goldberg out of the city on city business. Council Members Garcia and Berry absent. MOTION ADOPTED.

Ms. Ranetta Williams, 3227 Main, Houston, Texas 77002 (713-526-KIDS) had reserved time to speak but was not present when her name was called. Council Members Garcia and Berry absent.

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

Ms. Nia Colbert, 5800 Bayou Court #706, Houston, Texas 77004 (713-747-7884) appeared and stated that she was present to address her concerns regarding Neighborhood Protection and she hoped her concerns would be addressed so no family would have to experience what she did, a denial of a problem, that she lived in a Third Ward apartment community and followed all procedures to get management to repair water leaking into her electrical which was a hazardous situation, Neighborhood Protection responded immediately and thought it to be a hazard, but it resulted in Chief Lumpkin stating there was no problem and he would not send out inspectors because she was unstable; that she did have a disorder, but her concern and safety should not be dismissed. Council Member Berry absent.

Council Member Edwards stated that she had heard similar complaints from other residents regarding maintenance on Section 8 housing and having a mental challenge did not escape the reality of problems at the facility; that they had been working with Ms. Colbert and Neighborhood Protection agreed there was a problem; and Mayor White stated that Mr. Norman Davis was present and could speak with her; and he agreed if something was against Code it should be enforced; and thanked Ms. Colbert for coming. Council Member Quan absent.

Mr. Deloyd Parker, 3201 Elgin, Houston, Texas 77004 (713-651-0003) had reserved time to speak but was not present when his name was called. Council Member Quan absent.

Mr. Bruce Williams, 834 Granville, Houston, Texas 77091 (713-694-2187) appeared, presented a copy of a partial letter to the City Secretary and stated that he was present to speak about Ms. Francis Newton, a friend who was on death row, that her case was not properly investigated and her attorney did not represent her thoroughly and she was found guilty and tossed aside; that drug dealers stated they knew who put the hit on her husband and would testify if they would not be held guilty of anything they had done; and urged that Mayor White phone the Governor and ask for a reprieve so the truth would have time to come out. Council Member Quan absent.

Council Member Edwards stated that she joined Mr. Williams in asking the Mayor to phone the Governor and ask for the 120 days for several reasons, the evidence and ballistics testing testimony of a city employee and other relative things to the case, it would be unconscionable for them to not support a stay of execution while they figured out the part the city played in this and to make sure the right thing was done. Council Member Quan absent.

Council Member Berry stated that he had received the same information and 120 days were recommended; and Mayor White stated that he did support capital punishment, but it was important for everyone to be confident that a person had all opportunities to show evidence and exhaust appeals and because of the point made by Council Member Edwards that this did involve results of forensics by the City of Houston this did bear on competency they wanted people to have on the Criminal Justice System and he would accept the Parole Board's recommendation. Council Member Quan absent.

Mr. Joshua Bullard, 3328 McGowen, Houston, Texas 77004 (713-654-0037) had reserved time to speak but was not present when his name was called. Council Member Quan absent.

Mr. James Partsch-Galvan, 16100 Holman, Houston, Texas 77004 (713-528-2607) had reserved time to speak but was not present when his name was called. Council Member Quan absent.

Mr. John Cieslewicz, 1252 Dunbarry, Houston, Texas 77018 (281-513-2639) appeared, presented information regarding child bicycle safety and stated that because he could not say

want he wanted in one minute he would just ask that the Mayor and Council read the information he presented. Council Member Quan absent.

Senator Robert Horton, 3714 Bain, Houston, Texas 77026 (713-260-6144) had reserved time to speak but was not present when his name was called. Council Member Quan absent.

Mr. Steven Williams, no address (no phone) had reserved time to speak but was not present when his name was called. Council Member Quan absent.

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. Council Member Quan absent.

Ms. Njeri Shakur, 2901 Fulton, Houston, Texas 77009 (713-222-0749) appeared and stated that she came with a heavy heart, but now wanted to express her appreciation to Council Member Edwards and Mayor White for picking such leadership for the community; that people's lives should not be wrecked without proper investigation; that Ms. Newton had been on death row 17 years and this 120 day stay was needed. Council Member Quan absent.

At 2:35 p.m. City Council recessed until 9:00 a.m., Wednesday, December 1, 2004. Council Member Galloway out of the city on city business. Council Member Goldberg out of the country on city business. Council Members Quan and Sekula-Gibbs absent.

City Council Chamber, City Hall, Wednesday, December 1, 2004

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, December 1, 2004, with Mayor Bill White presiding and with Council Members Toni Lawrence, 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. Council Members Carol Mims Galloway and Mark Goldberg out of the city on city business.

At 8:43 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:28 a.m. Mayor White reconvened the meeting of the City Council. Council Members Ellis and Berry absent.

MAYOR'S REPORT

Mayor White stated that he wanted to thank all the Members of City Council who several months responded to a memo with suggestions about the Planning Commission, that today or tomorrow there would be some announcements made about the Planning Commission re-appointments and new people joining the Planning Commission as well as some reorganization of the Planning Commission which was being done. Council Members Ellis and Berry absent.

Mayor White stated that at the next Mayor's Report they would have some briefing and overview of some of the work done by Ms. Ann Travis as well as Council Members Alvarado, Ellis, Green and Lawrence on the Legislative Agenda and people who represented the City's interest in Austin, that there had been some fair amount of speculation and misinformation and Ms. Travis would be prepared to address those issues. Council Members Ellis and Berry absent.

Mayor White stated that the Director of F&A and the City Controller would now present the Financial Report. Council Members Ellis and Berry absent.

9:00 A.M. - REPORT FROM CITY CONTROLLER AND THE CITY ADMINISTRATION REGARDING THE CURRENT FINANCIAL STATUS OF THE CITY including but not limited to, a revenue, expenditure and encumbrance report for the General Fund, all special revenue funds and all enterprise funds, and a report on the status of bond funds

Ms. Annise Parker, City Controller, stated that it was the Monthly Financial Report for the month of October 2004, that the Controller's office was currently projecting a shortfall of \$25 million, it was an increase of \$1.9 million from last month's report, the increase in the shortfall was entirely on the expenditure side, spending by the Solid Waste Department was projected to be up by \$1.8 million, it was tied to higher fuel costs for the department's fleet and a fuel cost related increase in the cost of disposal contracts, that although Solid Waste was the only department to amend its budget as a result of the escalating fuel costs they would expect that other of their large fleet departments, Police, Fire and Public Works would be having some similar difficulties and knew that would be monitored as they moved forward; that there were no changes in their revenue projections, they believed it was still too early to make any revisions, however the current trend in Sales Tax continued to be up about 6.5%, which was higher than projections so she would anticipate that by next month's MOFAR they may be adjusting their revenues up and hopefully that would help close the gap a little bit, that this month's report did reflect the transfer of Neighborhood Protection from the Planning Department to the Police Department, it was a net zero impact on the budget but they would notice that the total amount of expenditures for those two departments would change; that Council Member Khan, she knew, paid attention to their Debt Financing and if they kept track of it they would notice that in this month's report that it showed more than 23% of their GO Debt was in a variable rate structure and to keep in mind that it was the October report and did not reflect the activity for November, that the variable rate debt had actually fallen to 20% with the issuance of \$300 million fixed rate pension obligation bonds that they did earlier in the month and they would drop well below 20% when they went to market with \$188 million public improvement bond deal, that actually in about a half an hour they would be seeing results from that, the proceeds of the day's deal would be used to convert \$160 million of their commercial paper from variable rate to fixed rate financing, the City routinely used commercial paper as interim financing for public improvement projects, they refinance when their commercial paper program gets near capacity or they near their threshold for variable rate exposure, that the deal would provide about \$24 million for the first payment of the settlement of their long standing firefighter dispute and the \$3.5 million for the Police taser purchase, when they were all done it should be about 50% of GO Debt that was in variable rate exposure, that they had raised the issue before, the Convention and Entertainment debt was well above the 20% as well, there would be no changes to it, it was due to the aggressive variable rate schedule used in financing the Convention Center Hotel, they had actually benefited from it, it made more sense to leave it in variable rate instruments, they had been saving about \$5 million a year over the original projections because of the rate structure in the deal, that Council Members should be aware that in conjunction with the bond issuance's they were doing they had meetings with the rating agencies a couple of weeks ago and all of their rating agencies had held their ratings steady, they had based it on not only the increasing economy in the greater Houston area but also they had made a point of complementing the City of Houston on the way they had dealt with the financial issues that had come forward over the last few months, the pension, health benefits and firefighter settlement, they felt that the City had taken aggressive action to address problems and they liked seeing that, that there were some concerns expressed over Proposition 1 and 2, but when it was impressed upon them that Proposition 1 would prevail they took a neutral position on that and if Council Members were interested they could provide them with the actual statements from the different rating agencies, and that concluded her report. Council Members Green and Berry absent.

Ms. Judy Gray Johnson, Director, Finance and Administration, stated that the main changes that they had made since last month were that they had increased the estimate for the Sales Tax revenues for the fiscal year, that the Controller was a little conservative compared to them, plus they felt that the numbers were so strong that they felt they could increase their estimate for the full year; they felt Sales Tax would probably come in at about \$1.5 million above their original budget number, they had also increased their estimate for the Gas Franchise, it was based on the prices for natural gas which was the formula upon which their Gas Franchise was based and Entex had indicated that they would adjust those fuel surcharges more often than every six months, they had indicated they might do it for this year as often as every month which increases the gas bills that they would all pay but also had the ancillary benefit to the City coffers of bringing in that money a little sooner; that on the expenditure side, as the Controller mentioned, the Solid Waste Department had expressed concern that they may not be able to provide all of the services that they had planned to provide without going over budget and it was primarily due to the diesel fuel cost increase and the main reason that they were having more difficulty than other departments was that their disposal contracts had a fuel surcharge built into the contracts as well and as a result diesel fuel costs had a much bigger impact on their overall budget than it had on some of the other budgets; that as to the Municipal Courts Justice budget, they had been notified by Judge Bertha Mejia that one of her long standing judges had announced an intent to retire this year with a termination pay due of \$119,000 and she may not be able to manage that within her budget, in fact she probably would not be able to handle that, it was unexpected, that those were the two departments that they thought at this time would likely go over budget, that almost exactly matched the increase in revenue estimate over budget so they thought they would be able to handle that if they had to without challenges, that the rating agencies said such nice things as that the City had a manageable debt load and that they had satisfactory financial operations, that was better terminology than they had used in the past, that they were pleased that it was a better report than in the past; that they were still projecting that they would end the year with a fund balance that was higher than what they originally budgeted, that primarily was due to the fact that their new estimates of the opening fund balance, the ending numbers for June 2004 were higher than what they had anticipated when they put the budget together; that they did not have any significant changes in any of the Enterprise Funds at this time, they made some minor changes in the Convention and Entertainment facilities, and that concluded her report.

Council Member Sekula-Gibbs stated that as to the EMS situation what she saw happening was that they were not billing the insured as they should, Medicaid, Medicare and private insurance was still slipping through their fingers and she did not see that as any thing other than a systems problem, that ACS had a long time to understand how the City operated to see where the problems were and to offer some solutions and they had not been that forthcoming with the solutions, that she would like a report as to what ACS was really going to do in terms of helping the City with collections, and Mayor White stated that he shared her concerns and for that reason he got a periodic detailed report from Gary Gray, that in the spring the collections were inadequate and they informed the vendor of that fact and the vendor made a number of commitments and in the period, especially August and September, the performance of the vendor going to a new system was totally unacceptable, they were going to pursue all legal remedies against that vendor because there were some bills that were not submitted in timely fashion to the reimbursements because of some problems they had with their computer systems, there were liquidated penalties within the contract if they were not paid and then that company would never get any City business if they had to hire a City Attorney to collect those, that there was some good news, if they looked at the patterns of billings in October and collections in November they were seeing some of the fruits of the improved systems, that Council Member Sekula-Gibbs point was right on and they were monitoring it and they ought to have a report to some relevant Council committee in the near future about it because they were expecting better performance out of that contract.

Council Member Holm stated that yesterday and today Ms. Johnson talked about the Municipal Courts collections and they had sent her some questions about that revenue and why it was down, that she had a friend in her district who had an accident at the corner of San Felipe and 610 three weeks ago and her car was broadsided, that HPD arrived at the scene and the officer, who said he had been on the force for twenty years, did not cite the driver that hit her, that the driver did not have a drivers license or insurance and the HPD officer's response was that it did not do any good, he had been doing it for twenty years, he did not give tickets because all it meant was that he had to spend time at the Municipal Courts system, that there ought to be something that they could get down to address those issues, that she wanted the numbers of why it was down, where it was coming from, if it was the lack of citations or enforcement and she would also like for them to continue looking at the comprehensive process of it because there had to be a better policy for the protection of the citizens as well as the practices of the department.

Ms. Parker stated that they discussed a little bit the Municipal Courts yesterday and first, that person should not be a police officer any longer, he was not doing his job, but there had been a change in the department and she understood that they changed the policy on traffic enforcement, flagging cars, that apparently in the last few weeks there had been a change in policy to prohibit that and she would anticipate that they would see a further drop in ticket issuance based on that new change in policy and that might be something for the committee to consider.

Council Member Edwards asked if it was appropriate for them to ask the other departments and people who had large pools to do an analysis so they could get a handle of where they were, if they were going to go over budget she did not want them just to come to a Council meeting and say that they were now \$1 million over budget, and Ms. Johnson stated yes, that they had a fleet group that was in charge of making sure that all the bills were paid timely on fuel and making sure that the accounting for those costs were accurate and they were now in the process of doing an analysis that would update a projection for the year based on reasonable assumptions as to what the fuel costs might be for the year and see which other departments might be under pressure and they would get her a summary, and Council Member Edwards asked how important a role did the maintenance play in the fuel consumption of the automobiles, and Ms. Johnson stated that she did not know a detailed answer to that, and Council Member Edwards stated that the other issue regarding the Municipal Courts her concern was not the number of tickets that were written, but how did they handle those tickets that were written, she did not see any progression in that changing, that she would like for somebody to give her a status report of where they were with all the new technology and what was the prognosis for any improvement and Ms. Johnson stated they would do that. Council Member Green absent.

Council Member Quan stated that yesterday there was some discussion dealing with the next Police cadet class and the funding for that and he noticed that on the charts on page 19 there was a steep decline in the staffing of HPD and projections for more retirements and was concerned about when the class was going to take place and Ms. Johnson stated that she believed it was to start in January and they had enough funding to do that. Council Member Green absent.

Council Member Alvarado stated that she wished at some point if somebody could pinpoint what the problem was at Municipal Courts rather than that the police were not writing enough tickets, that she did not think it was a good message to send out to the public, that on the increased cost for Solid Waste, of the \$1.8 million, how much of that was attributed to the increase in the disposal contract, and Ms. Johnson stated that it was \$660,000 higher than expected of diesel fuel and \$1.143 million that was the disposal cost based on the index, the surcharge that was built into the contract, that she believed that it was 2 years ago that the contract was renewed and at that time the formula was changed to have the fuel escalation cost in it and it was done in return for a lower base price when the contract was negotiated. Council Member Green absent

Council Member Khan stated that he wanted to congratulate Ms. Parker for having Proposition 3 passed, that he heard there was some concern that the Legal Department was not cooperating with Ms. Parker in fulfilling the requirement for Proposition 3 and they were putting language which would make the Proposition 3 Charter Change moot in some aspect, and Ms. Parker stated that she appreciated Council Member Khan asking the question and thanked the administration for helping her get Proposition 3 passed and thought in the long run it would make a big difference for the City, that they had some problems getting the audit contract out but understood they would be seeing it next week, that part of the problem was that it expired at the end of October 2004 and at first the Legal Department was attempting to write language in case Proposition 3 did not pass and she told them at that point to wait until after it passed so it would be cleaner and they had some difficult negotiations on the contract but she received a final version late yesterday and there were some minor typos to clean up and they should see it next week, and Council Member Khan stated that he would appreciate it if Ms. Parker would bring it to the Council's attention before it got printed in the newspaper, and Council Member Khan asked if they were going to conduct surprise audits, and Ms. Parker stated that they did surprise audits but they tended to be cash handling audits or sudden inventory audits where they were dealing with goods and services, that most of their audits they wanted everyone to know they were coming so they could fix it before they came, the object was compliance.

Council Member Lawrence stated that she wanted to compliment Council Member Green in the job he was doing in working with Municipal Courts and the changes being made there, but to add a little bit to what Council Member Alvarado stated she did not think they could put the blame on one particular group, she was at an event the other night and a person there said they had a moving violation and had a ticket and had to leave early and a couple of them decided to leave and watch the procedure and see how the Municipal Courts work at night, that they got down there and the judge had to go some place and he dismissed all of the docket so that meant that all of those tickets were negated that night, that there needed to be some credibility of what happened, that everybody was dismissed so the City lost that money, that there were some major problems like that and she just happened to be there and saw it first hand.

After further discussion by Council Members, Council Member Ellis moved to accept the Monthly Financial Report, seconded by Council Member Khan. All voting aye. Nays none. Council Members Galloway and Goldberg out of the city on city business. MOTION 2004-1188 ADOPTED.

CONSENT AGENDA NUMBERS 1 through 32

MISCELLANEOUS - NUMBERS 1 through 6

1. REQUEST from Mayor for confirmation of the appointment of the following to the **AFFIRMATIVE ACTION CONTRACT COMPLIANCE COMMISSION:**
 - Position One - **MR. IKE ALLEN**, for a term to expire January 1, 2005
 - Position Two - **MR. ELIAS J. DE LA GARZA**, for a term to expire January 1, 2005
 - Position Three - **MS. IRIS CORREA-ALVAREZ**, for a term to expire January 1, 2006
 - Position Four - **MR. SEAN A. ROBERTS**, for a term to expire January 1, 2006
 - Position Five - **MS. MUNIRA S. PANJWANI-ZAHID**, for a term to expire January 1, 2006

- was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Galloway and Goldberg out of the city on city business. MOTION 2004-1189 ADOPTED.

2. RECOMMENDATION from Fire Chief for Extension of Injury on Duty Leave for Firefighter **JORGE MONTES** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Galloway and Goldberg out of the city on city business. MOTION 2004-1190 ADOPTED.
3. RECOMMENDATION from Fire Chief for Extension of Injury Leave for Captain **ANTHONY SCHILLACI** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Galloway and Goldberg out of the city on city business. MOTION 2004-1191 ADOPTED.
4. RECOMMENDATION from Director Department of Public Works & Engineering for payment of \$161,080.50 permit fee to the **HARRIS-GALVESTON COASTAL SUBSIDENCE DISTRICT** for Permit Year 2004 accrual of Over-Conversion Credits - Enterprise Fund - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Galloway and Goldberg out of the city on city business. MOTION 2004-1192 ADOPTED.
5. RECOMMENDATION from Director Department of Public Works & Engineering for payment of \$855,268.00 permit fee to the **HARRIS-GALVESTON COASTAL SUBSIDENCE DISTRICT** for Permit Year 2005 Groundwater Withdrawal Fee and accrual of Over-Conversion Credits Enterprise Fund - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Galloway and Goldberg out of the city on city business. MOTION 2004-1193 ADOPTED.
6. RECOMMENDATION to approve annual funding for Basic Software Maintenance and Preventive Maintenance in the amount of \$687,072.77 for **PUBLIC SAFETY INCORPORATED, a subsidiary of NORTHROP GRUMMAN** for Houston Emergency Center's Consolidated Dispatch and Records Management Systems - Houston Emergency Center Fund - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Galloway and Goldberg out of the city on city business. MOTION 2004-1194 ADOPTED.

ACCEPT WORK - NUMBER 7

7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$85,566.52 and acceptance of work on contract with **RELIANCE CONSTRUCTION SERVICES, L.P.**, for Construction of On-Call Emergency Water Main and Sanitary Sewer Replacements, GFS S-0035-P3-3 (WA 10660-01) - 91.44% under the original contract amount - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Galloway and Goldberg out of the city on city business. MOTION 2004-1195 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 8 through 12

8. **PAVEMENT TECHNOLOGIES INTERNATIONAL CORP (Bid No. 2)** for Asphalt Recycler with conveyer/loader for Houston Airport System - \$46,245.00 - Airport System Capital

Outlay Fund - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Galloway and Goldberg out of the city on city business. MOTION 2004-1196 ADOPTED.

9. ORDINANCE appropriating \$88,462.50 out of Fire Consolidated Construction Fund for the construction of an ambulance bay at Fire Station No. 58 for the Building Services Department (CIP C-0142) - was presented. All voting aye. Nays none. Council Members Galloway and Goldberg out of the city on city business. ORDINANCE 2004-1231 ADOPTED.
- 9a. **APACHE SERVICES, INC** for Construction of Ambulance Bay for Building Services Department \$84,250.00 and contingencies for a total amount not to exceed \$88,462.50 - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Galloway and Goldberg out of the city on city business. MOTION 2004-1197 ADOPTED.
10. **LONE STAR CHEVROLET (Bid Nos. 1 and 1A) - \$274,536.00 and PHILPOTT MOTORS, LTD. (Bid Nos. 2 and 2A) - \$69,418.00** for Medium and Heavy Duty Trucks for Public Works and Engineering Department - Enterprise Fund - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Galloway and Goldberg out of the city on city business. MOTION 2004-1198 ADOPTED.
11. **XL PARTS, LP (Bid No. 18)** for Automotive, Vehicle and Heavy Equipment Filters for Various Departments - \$645,081.32, minus a commission fee (3% for Internet-based reverse auction services) for a net award amount not to exceed \$625,728.88 - General, Enterprise and Fleet Management Funds - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Galloway and Goldberg out of the city on city business. MOTION 2004-1199 ADOPTED.
12. **TURTLE AND HUGHES, INC** for Sport Lighting and Controls for Various Departments - \$279,000.00 minus a commission fee (2% for Internet-based reverse auction services) for a net award amount not to exceed \$273,420.00 - General Fund - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Galloway and Goldberg out of the city on city business. MOTION 2004-1200 ADOPTED.

Mayor White and Members of Council congratulated the new appointees to the Affirmative Action Contract Compliance Commission and thanked them for their service to the City.

ORDINANCES - NUMBERS 14 through 32

14. ORDINANCE establishing the east and west sides of the 1200 block of Cortlandt Street within the City of Houston as a special building line requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - GARCIA** - was presented. All voting aye. Nays none. Council Members Galloway and Goldberg out of the city on city business. ORDINANCE 2004-1232 ADOPTED.
15. ORDINANCE approving and authorizing lease agreement between the City of Houston and **TEXAS MEDICAL CENTER** for Certain Space in the New Federal Inspection Services Building at George Bush Intercontinental Airport/Houston - **DISTRICT B** -

GALLOWAY - was presented. All voting aye. Nays none. Council Members Galloway and Goldberg out of the city on city business. ORDINANCE 2004-1233 ADOPTED.

18. ORDINANCE approving and authorizing contract between the City of Houston and **COALITION FOR THE HOMELESS OF HOUSTON/HARRIS COUNTY**, providing up to \$75,000.00 in Community Development Block Grant Funds to conduct an Enumeration of the Homeless, a Comprehensive Needs Assessment, and to Develop a Strategic Plan to end Chronic Homelessness - was presented. All voting aye. Nays none. Council Members Galloway and Goldberg out of the city on city business. ORDINANCE 2004-1234 ADOPTED.
19. ORDINANCE approving and authorizing the submission of a grant application, acceptance of the award, and an intergovernmental agreement between the City of Houston and the **HOUSTON-GALVESTON AREA COUNCIL (H-GAC)** for participation in the FY2005 Solid Waste Management Grant Program to target illegal dumping by Expanded Video Camera Surveillance - was presented. All voting aye. Nays none. Council Members Galloway and Goldberg out of the city on city business. ORDINANCE 2004-1235 ADOPTED.
20. ORDINANCE approving and authorizing submission of a grant application, acceptance of the award, and an intergovernmental agreement between the City of Houston and the **HOUSTON-GALVESTON AREA COUNCIL (H-GAC)** for participation in the FY2005 Solid Waste Management Grant Program to target illegal dumping by Educating and Training the Public - was presented. All voting aye. Nays none. Council Members Galloway and Goldberg out of the city on city business. ORDINANCE 2004-1236 ADOPTED.
23. ORDINANCE authorizing and approving settlement agreement between the City of Houston and the **DEPARTMENT OF STATE HEALTH SERVICES** to settle a claim - \$140,907.40 - Enterprise Fund - was presented. All voting aye. Nays none. Council Members Galloway and Goldberg out of the city on city business. ORDINANCE 2004-1237 ADOPTED.
25. ORDINANCE appropriating \$60,000.00 out of Parks Consolidated Construction Fund; \$50,000.00 out of PIB Petroleum Storage Tank Reimbursement Fund; and \$45,000.00 out of C & E Reserve Fund as an additional appropriation for Professional Consulting Services, CIP F-0509-15-5, under contract with **ENVIRONMENTAL CONSULTING SERVICES, INC** (approved by Ordinance No. 01-0814) - was presented. All voting aye. Nays none. Council Members Galloway and Goldberg out of the city on city business. ORDINANCE 2004-1238 ADOPTED.
26. ORDINANCE appropriating \$268,946,000.00 out of Fire Consolidated Construction Fund, approving and authorizing professional architectural services contract between the City of Houston and **HERMES ARCHITECTS, INC** for Renovation and Expansion of the Fire Training Academy Master Plan; CIP C-0068-01-2; providing funding for contingencies relating to construction of facilities financed by the Fire Consolidated Construction Fund - **DISTRICT E - WISEMAN** – had been pulled from the Agenda by the Administration, and was not considered.
27. ORDINANCE awarding construction to **REDDY ENGINEERS AND CONTRACTORS, LTD.**, for Construction of Theater District Flood Doors and Flood Gates Phases 2A & 2B, GFS B-0074-01-3; setting a deadline for the bidder's execution of the contract and delivery of all Bonds, Insurance and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for contingencies

relating to construction of facilities financed by the Convention & Entertainment Enterprise Fund - \$1,148,828.00 - Enterprise Fund - **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. Council Members Galloway and Goldberg out of the city on city business. ORDINANCE 2004-1239 ADOPTED.

28. ORDINANCE No. 2004-1216, passed first reading November 23, 2004
ORDINANCE granting to **DARLING INTERNATIONAL, INC**, a Delaware Corporation, the right, privilege and franchise to Collect, Haul and Transport Solid Waste and Industrial Waste from Commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas - **SECOND READING** - was presented. All voting aye. Nays none. Council Members Galloway and Goldberg out of the city on city business. ORDINANCE 2004-1216 PASSED SECOND READING IN FULL.
29. ORDINANCE No. 2004-1217, passed first reading November 23, 2004
ORDINANCE granting to **FRANK J. GAMBOA**, a Texas Sole Proprietorship, the right, privilege and franchise to Collect, Haul and Transport Solid Waste and Industrial Waste from Commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas - **SECOND READING** - was presented. All voting aye. Nays none. Council Members Galloway and Goldberg out of the city on city business. ORDINANCE 2004-1217 PASSED SECOND READING IN FULL.
30. ORDINANCE No. 2004-1224, passed first reading November 23, 2004
ORDINANCE granting to **LONE STAR DISPOSAL, L.P.**, a Texas Limited Partnership, the right, privilege and franchise to Collect, Haul and Transport Solid Waste and Industrial Waste from Commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas - **SECOND READING** - was presented. All voting aye. Nays none. Council Members Galloway and Goldberg out of the city on city business. ORDINANCE 2004-1224 PASSED SECOND READING IN FULL.
31. ORDINANCE No. 2004-1218, passed first reading November 23, 2004
ORDINANCE granting to **ROSE METAL PROCESSING, LTD.**, a Texas Limited Partnership, the right, privilege and franchise to Collect, Haul and Transport Solid Waste and Industrial Waste from Commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas - **SECOND READING** - was presented. All voting aye. Nays none. Council Members Galloway and Goldberg out of the city on city business. ORDINANCE 2004-1218 PASSED SECOND READING IN FULL.
32. ORDINANCE No. 2004-1219, passed first reading November 23, 2004
ORDINANCE granting to **SNEADS, INC**, a Texas Corporation, the right, privilege and franchise to Collect, Haul and Transport Solid Waste and Industrial Waste from Commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas - **SECOND READING** - was presented. All voting aye. Nays none. Council Members Galloway and Goldberg out of the city on city business. ORDINANCE 2004-1219 PASSED SECOND READING IN FULL.

Council Member Holm moved to suspend the rules to consider Item Numbers 37 and 38 out of order, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Galloway and Goldberg out of the city on city business. MOTION 2004-1201 ADOPTED.

37. RESOLUTION authorizing the creation of **HOUSTON DOWNTOWN PARK CORPORATION**, a Local Government Corporation; approving the Articles of Incorporation; appointing the initial Directors and Chair; and containing other provisions relating to the subject – **(This was Item 10 on Agenda of November 23, 2004, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented.

Council Member Alvarado stated that they had plenty of discussion about the proposed park and she wanted to congratulate the administration and the foundations for stepping up to the table and entering into what she thought was a very ambitious partnership between the public and private sector, that it was one way of looking after their \$700 million interest within the Super Block area, that she appreciated all of the work that had been done, that she hoped her colleagues would support the item.

Council Member Sekula-Gibbs stated that she wanted to thank Mayor White and former Mayor Lee Brown, that the partnership between the public and private sector would bring new greenspace and low rise development downtown, that it would be an opportunity for Houston to divest itself of some of the old image and walk into a new day of having more beauty.

Council Member Edwards stated that yesterday they had a very long discussion regarding the corporation and it was brought by several colleagues that the discussion was had under the administration of Mayor Brown and she went back and looked at her notes and they did not have anything about a corporation, it talked about retail development and a lot of things but did not talk about this particular issue, so she had no discussion regarding the corporation, that she did not have a problem with greenspace and the City moving forward, she thought it was a great idea but she thought they had to have some integrity as to how they move forward, that she would like to have a distinct ability to have some control by Council, that she would have to have the Office of the Director of C&E being appointed to that board on a regular basis and thought that Council should have an appointment to that board.

Mayor White stated that on the first point he thought there were some members who were ex-officio Members of the Board and it was their intention to appoint the Director to that board, that they would work with Council Member Edwards to make sure that an ex-officio appointment was designated as the Director of C&E and on the other issue he did believe, and it was subject to some negotiation, the Local Government Corporation is a Mayoral appointment and Council approval, that the ex-officio member would not be a voting member of the board of the local corporation, and Council Member Edwards stated that she needed somebody in there who had some clout and could be an important member of the board.

Council Member Khan stated that it was great that they were doing something about the parks and wanted to congratulate Mayor White, that it would go a long way in improving appearance and the quality of life, but he also wanted to remind everybody that Houston was a park poor City all over Houston not just in downtown Houston and for the amount of money that they had to put for the downtown park they could put probably 10 or 20 times as much park in some other parts of town, that he was looking forward to the Mayor's leadership to increase some park land in other parts of Houston.

Mayor White stated that they had ambitious plans to do what other cities did and have the private sector lead the acquisition and much of the development of new park space with maintenance and operations to be a public function, that they would send a strong signal with this vote to the private sector that they were reliable partners to a common goal.

Council Member Berry stated that he had two concerns, first regarding General Fund obligations, that he was concerned about any new potential obligation on the General Fund against public safety and their basic necessities, that the second issue was that they knew that the homeless shelters were terribly under funded, they could provide meals for less than \$1 a piece and nobody could do that for pennies on the dollar and yet they could not provide as many meals as they needed and there was a correlation between open space that was not privately owned and those who were without a home, leaving them with a situation where parks were no longer parks, they were places where the homeless congregated, that he knew they were undertaking an inventory of who the homeless were and how they could better serve them and thought it was noble and they needed to do it and most of all the homeless needed to be respectfully served and knew they would do that, that he would ask that the commitment made to this park, that it be made to every park in the City and that was that they needed to improve the homeless services and as a result of doing that they needed to get serious about making park space for families, children and people to play in, that he thought those two went hand in hand.

Mayor White stated that the homeless was not one of hunger but also one of treatment and having places for people to stay and the proper balance between humane treatment, that it was something that they all had to take responsibility as citizens, that they needed to do a better job, that they would not see a decrease in any effective level of maintenance, operations and programming of any other City park or facility as the result of the commitment made to this park, that they would work to identify funds which would insure that the substantial investment they made was well maintained, that very specifically on the over \$30 million of private funding and \$8 million of C&E funding there was not a penny of that money that could be used for normal General Fund type purposes.

Council Member Wiseman stated that she understood the concerns that were voiced by Council Member Edwards, to what extent did the City Council have on oversight and the issue of ex-officio directors versus voting directors was a concern, that she had a question with respect to what authority the board would have, would they have the authority to enter into debt on behalf of the City, and Mr. Michel stated no, it would and could not, and Council Member Wiseman stated that her issues dealt more with Item No. 38 and that was the commitment they were making of a minimum of three quarters of a million dollars annually and they had no firm assurances that the money would not come out of the General Fund.

Council Member Lawrence stated that she thought everybody at the table was very excited in one way or another about the park and would encourage everybody to do, especially the corporation that was being set up, was to please come back and give the City Council reports, that she hoped that the people on the corporation board would come back to either the Quality of Life Committee or the neighborhoods committee and let them know what was going on, but to let them know what was going on, that if Mayor White would include that in his Mayor's Report, that it would be very helpful.

After further discussion Council Member Ellis stated that if they posed it another way the LGC would have the authority to issue debt and Mr. Michel stated that only with Council approval, and Council Member Ellis stated that in those debt instruments it would talk about the revenue stream that would come from the City for operation and maintenance of the park, that there seemed to be a few Council Members who intended to vote for the item but were uncomfortable with where the revenue source starting in 2007, where were they going to tab into the \$750,000 per year plus CPI, that there were transferring an asset worth \$32 million and contributing another \$8 million and it was coming out of the Convention and Entertainment Enterprise Fund so it would only seem appropriate that the fund should also generate the

revenue for the operation and maintenance of that piece of property and he thought that was where everybody was concerned, that they were hopeful that it would generate more ad valorem property taxes to the General Fund and were hopeful that the light retail that would be developed there would generate more Sales Tax to the General Fund but they were concerned what it would do to the General Fund, that they would like a commitment from the administration to analyze it and to make them feel comfortable that they would not take it from the General Fund, and Mayor White stated that they had that commitment, that he was reluctant to make commitments in terms of contractual commitments that involved City finances.

After further discussion by Council Members, Council Member Wiseman asked the Legal Department if there was anything to prevent the Council at this time to consider a motion to amend the agreement to include a voting member from Council to be on the board, and Mr. Michel stated that legally it would be permitted but would require renegotiation with the other parties involved, the Conservancy.

A vote was called on Item No. 37. Council Member Edwards voting no, balance voting aye. Council Members Galloway and Goldberg out of the city on city business. RESOLUTION 2004-022 ADOPTED.

38. ORDINANCE appropriating \$2,500,000.00 out of Disaster Recovery Fund (98D) and transferring such sum into the Convention & Entertainment Facilities Fund Balance (601), and further appropriating \$7,973,889.00 out of Convention & Entertainment Facilities Fund Balance (601) for the purchase of approximately 5.3 acres of land, being the remaining portions of Blocks 123 and 124 and all of Block 127, S.S.B.B., Houston, Harris County, Texas; approving a purchase and sale contract with **CRESCENT REAL ESTATE EQUITIES LIMITED PARTNERSHIP** to acquire such land and all improvements thereon; approving a first amendment to (2002) purchase and sale contract with **CRESCENT REAL ESTATE EQUITIES LIMITED PARTNERSHIP** to modify the City's option to purchase land out of Blocks 99 and 121, S.S.B.B.; approving a joint development agreement between **HOUSTON DOWNTOWN PARK CONSERVANCY, HOUSTON DOWNTOWN PARK CORPORATION** and the City; finding and determining that public convenience and necessity no longer require the continued use of a portion of Crawford Street public right of way between Lamar Avenue and McKinney Avenue, and vacating and abandoning such portion of the public right of way to the City, as owner of the abutting land; approving the sale of approximately 11.7 acres of land and improvements out of Blocks 122, 123, 124, 125, 126, 127, 248, 249, and 250, S.S.B.B., Houston, Harris County, Texas, to **HOUSTON DOWNTOWN PARK CONSERVANCY**, with retained easements and restrictions on the use of such property, in consideration of the payment of \$15,071,111.00 and other valuable consideration to the city, and finding and determining that such consideration is the fair market value of such property as restricted; approving necessary documents related thereto; making various findings and provisions related thereto – **(This was Item 11 on Agenda of November 23, 2004, TAGGED BY COUNCIL MEMBERS WISEMAN, EDWARDS, QUAN and HOLM)** – was presented.

Council Member Wiseman stated that the concerns she had with Item No. 38 dealt with the public funds that were being committed to the project, that she was very appreciative of the commitment from the private sector and their generosity, that another concern she had was would the group qualify for HOT Tax funds for CACH/H distributions, that they had no written guarantees that it would not come from the General Fund and she could not support the item.

Council Member Quan stated that he to expressed some of the concerns raised by Council Member Wiseman, but wanted to ask a technical point to Mr. Michel and asked if they

were transferring property to the Local Government Corporation and Mr. Michel stated that they were transferring to the conservancy and then in turn by contract give it to the Local Government Corporation, and Council Member Quan asked if that required 10 votes of the City Council, and Mr. Michel stated yes, that under the Charter it was a transfer of real property interests from the City to the conservancy and it would require 10 votes, that it was still a Local Government Corporation governed by the same State Rules as other corporations, that the Council would have had a voice in the creation of other corporations.

After further discussion by Council Members, Council Member Edwards asked what was the role of the Sports Authority in this process, and Mayor White stated that there may be a significant role for the Sports Authority, that the County and Sports Authority Board Members ought to be engaged in the process.

After further discussion by Council Members, Council Member Wiseman stated that she would urge her colleagues to look very carefully at what they were voting for today, it stated very clearly that they were voting to approve the Joint Development Agreement, which committed the City to \$750,000 annually, they were committing public funds in the agreement and did not have anything that committed to them that it would not come out of the General Fund.

Upon questions by Council Member Khan, Mayor White stated that there would be C&E money spent in 2005 and there would not be operating money expended in 2007, that the foundation funders had worked long and hard to come up with financial structures in order to get the transaction done in a way that they could get the best possible price.

After further discussion by Council Members, a vote was called on Item No. 38. Council Member Wiseman and Quan voting no, balance voting aye. Council Members Galloway and Goldberg out of the city on city business. ORDINANCE 2004-1240 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

ORDINANCES

13. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a 14-foot-wide utility easement, Parcel SY4-023, and its attendant aerial easement, both located within the D.W.C. Harris Survey, A-325, Harris County, Texas; vacating and abandoning both said easements to **URBAN LOFTS VII, LTD.**, the abutting owner, in consideration of its payment of \$26,333.00 and other consideration to the City - **DISTRICT D – EDWARDS** – was presented, and tagged by Council Members Wiseman and Edwards.
16. ORDINANCE approving and authorizing first amendment to agreement between the City and **500 TEXAS AVENUE LIMITED PARTNERSHIP** for Lease and Development of Property formerly known as Albert Thomas Convention Center - **DISTRICT I – ALVARADO** – was presented, and tagged by Council Member Ellis.
17. ORDINANCE approving and authorizing: (1) second amendment and Modification Agreement between the City of Houston (“City”) and **LEISURE LIFE SENIOR APARTMENT HOUSING, LTD.** (“borrower”) to reinstate and extend term of City’s loan conditioned upon new Senior Financing; and (2) Subordination and Modification Agreement between the City, borrower and **GREYSTONE SERVICING CORPORATION,**

INC - DISTRICT F – KHAN – was presented, and tagged by Council Members Quan, Holm and Edwards.

Council Member Holm stated that she would like to go to committee as they needed process and procedures on these items and Council Member Quan stated that he agreed and the item would be brought to the committee next Tuesday.

21. ORDINANCE approving and authorizing contract between the City of Houston and **COATS ROSE YALE RYMAN & LEE, P.C.** for Legal Services to resolve construction disputes in connection with the close out of the Construction Contract for the Expansion of the George R. Brown Convention Center - \$75,000.00 - Enterprise Fund - **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. Council Members Galloway and Goldberg out of the city on city business. Council Member Berry absent. ORDINANCE 2004-1241 ADOPTED.
22. ORDINANCE approving contracts with towing company operators and authorizing the Chief Police to enter into contracts between the City and **NORTH HOUSTON MOTORS, INC., UNIFIED AUTO WORKS, FIESTA WRECKER SERVICE, NATIONAL AUTO COLLISION, INC., MILAM STREET AUTO STORAGE, INC., KTL ENTERPRISES, INC., WESTSIDE WRECKER SERVICE, INC.** and **CORPORATE AUTO SERVICES, INC.** for Major Freeway Tow Agreements - was presented. Council Member Wiseman voting no, balance voting aye. Council Members Galloway and Goldberg out of the city on city business. ORDINANCE 2004-1242 ADOPTED.
24. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **SOUTHWESTERN BELL TELEPHONE, L.P.** for Jail Inmate Telephone and Security/ Surveillance Systems for the Houston Police Department to add a concession for commissions on local and long distance calls on public pay telephones at non-jail locations - Revenue – was presented, and tagged by Council Members Alvarado and Wiseman.

NON CONSENT AGENDA - NUMBERS 33 through 36

PROPERTY

33. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Cameron Armstrong, on behalf of Earhart Interests, L.L.C., A Texas limited liability company (Cecily Horton, owner-manager), for abandonment and sale of a portion of Colquitt Street, from ±40 feet west of Ferndale Street to its dead-end, in exchange for the conveyance to the City of two 5-foot wide utility easements, located within the Second Replat of David Crockett Subdivision or Forrester Addition, Parcels SY3-040, SY5-027, VY3-009 and VY5-003 - **TWO APPRAISERS AND ONE ALTERNATE APPRAISER - DISTRICT C – GOLDBERG** – was presented, and tagged by Council Member Alvarado.
34. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Kleber J. Denny of Terra Associates, Inc., on behalf of Feagan Shepherd Ltd. [Ghozali Interests, L.L.C. (Helen Ghozali, manager), general partner], for abandonment and sale of a 15-foot wide utility easement, from Durham Drive to North Shepherd Drive, located in Block 11, Brunner Addition, Parcel SY5-023 - **TWO APPRAISERS AND ONE ALTERNATE APPRAISER - DISTRICT G – HOLM** – was presented.

Council Member Holm named Mr. Tom Kvinta and Mr. George Sims as appraisers and Mr. Alan Dominy as alternate appraiser and moved approval of the recommendation, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Galloway and Goldberg out of the city on city business. Council Member Berry absent. MOTION 2004-1202 ADOPTED.

35. 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 2221 West Dallas Partners, Ltd., [2221 WDGP, LLC (Jonathan Farb, president), general partner], for the abandonment and sale of portions of two prescriptive sanitary sewer easements in exchange for the conveyance to the City of a 10-foot-wide sanitary sewer easement, out of a 5.738-acre tract, located within Tract 3, Unrestricted Reserve A, Obedience Smith Survey, Abstract 696, Parcel SY5-024A, SY5-024B and DY5-006 - **TWO APPRAISERS AND ONE ALTERNATE APPRAISER - DISTRICT D - EDWARDS** – was presented.

Council Member Edwards named Mr. George Coleman and Ms. Jasmine Quinerly as appraisers and Mr. Samuel Stewart as alternate appraiser and moved approval of the recommendation, seconded by Council Member Khan. All voting aye. Nays none. Council Members Galloway and Goldberg out of the city on city business. Council Member Berry absent. MOTION 2004-1203 ADOPTED.

36. RECOMMENDATION from Director Department of Public Works & Engineering, to declare surplus and authorize the sealed bid sale of ±2.32 acres of land and buildings located at 306 McGowen Street, Settegast and Upham Addition and Fairground Addition, Parcels SY5-025A, SY5-025B, SY5-025C - **TWO APPRAISERS AND ONE ALTERNATE APPRAISER - DISTRICT D – EDWARDS** – was presented.

Council Member Edwards named Mr. John Chambless and Ms. Shelia Stewart as appraisers and Mr. Samuel Stewart as alternate appraiser and moved approval of the recommendation, seconded by Council Member Khan. All voting aye. Nays none. Council Members Galloway and Goldberg out of the city on city business. Council Member Berry absent. MOTION 2004-1204 ADOPTED.

MATTERS HELD - NUMBERS 39 through 42

39. ORDINANCE amending the Code of Ordinances, Houston, Texas, relating to authority of a Designated Deputy City Controller; containing other provisions relating to the foregoing subject; providing for severability – (**This was Item 12 on Agenda of November 23, 2004, TAGGED BY COUNCIL MEMBERS WISEMAN and GALLOWAY**) – was presented. All voting aye. Nays none. Council Members Galloway and Goldberg out of the city on city business. Council Member Berry absent. ORDINANCE 2004-1243 ADOPTED.
40. ORDINANCE amending Division 3 of Article II of Chapter 2 of the Code of Ordinances, Houston, Texas, relating to Fidelity coverage for certain City Officials and Employees; containing other provisions relating thereto; providing for severability – (**This was Item 13 on Agenda of November 23, 2004, TAGGED BY COUNCIL MEMBERS WISEMAN and GALLOWAY**) – was presented. All voting aye. Nays none. Council Members Galloway and Goldberg out of the city on city business. Council Member Berry absent. ORDINANCE 2004-1244 ADOPTED.

41. ORDINANCE amending Ordinance No. 97-1476 which authorized a legal services contract between the City and **ZUMMO, SCHIRRMEISTER & AJAMIE, L.L.P.**, now known as **ZUMMO, MITCHELL & PERRY, L.L.P.** by amending Section 4 of such Ordinance relating to the maximum contract amount - \$40,000.00 - Property and Casualty Fund – **(This was Item 21 on Agenda of November 23, 2004, TAGGED BY COUNCIL MEMBERS GOLDBERG and WISEMAN)** – was presented. Council Member Wiseman voting no, balance voting aye. Council Members Galloway and Goldberg out of the city on city business. Council Member Berry absent. ORDINANCE 2004-1245 ADOPTED.
42. ORDINANCE amending Ordinance No. 2004-0495 to increase the maximum contract amount to a contract between the City of Houston and **ARCH WIRELESS OPERATING COMPANY, INC** for Pager Rental Services for Various Departments - \$124,404.49 - General, Grant, Enterprise and Other Funds – **(This was Item 22 on Agenda of November 23, 2004, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. All voting aye. Nays none. Council Members Galloway and Goldberg out of the city on city business. Council Member Berry absent. ORDINANCE 2004-1246 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Quan stated that he wanted to thank Council for their support of Item No. 18 which allocated \$75,000 toward the enumeration of the homeless and working on a plan to end chronic homelessness, that the survey was coming along quite well, almost 2,000 surveys had been done and a report would be ready in early February with a final report coming to Council in early April 2005 with a strategy to address homelessness in Houston. Mayor White and Council Members Wiseman, Green and Berry absent.

Council Member Quan stated that on Tuesday they would be having their next Neighborhood Housing and Redevelopment Committee meeting, that the item that he and Council Member Holm tagged would be on that agenda. Mayor White and Council Members Wiseman, Green and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Quan stated that Mr. Roy Menter had passed away, that he had worked in the Mayor Pro Tem's Office for several years and last worked in Finance and Administration and asked for a moment of silence in memory of Mr. Menter. Mayor White and Council Members Wiseman, Green and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Edwards stated that she wanted to remind everyone that today was World AIDS Day and there were several events that would be going on, that there would be a discussion on HIV and AIDS and would be held at the Ensemble Theater on Friday December 3 that it was free and open to the public. Council Members Wiseman, Quan, Green and Berry absent.

Council Member Edwards stated that today at the Ensemble Theater the Windsor Village AIDS Ministry was having a program at the theater at 12:00 p.m. and Thomas Street Clinic was having a program this afternoon as well. Council Members Wiseman, Quan, Green and Berry absent.

Council Member Edwards stated that she wanted to encourage everyone to see the Dead Sea Scrolls Exhibit at the Museum of Natural Science, that it was an excellent exhibit and awesome presentation and set up so where adults and children could appreciate what had gone on over the last 2,000 years. Council Members Wiseman, Quan, Green and Berry absent.

Council Member Edwards stated that as the Francis Newton situation, she wanted to commend the Mayor for taking the leadership of writing the Governor and taking the stand that he had taken. Council Members Wiseman, Quan, Green and Berry absent.

Council Member Lawrence stated that they were about to have another Super Neighborhood, it would be Spring Branch North which encompassed a large area of Houston with the Springs Shadows area, that they wanted to have more voice as to what was going on in their area. Council Members Wiseman, Quan, Green and Berry absent.

Council Member Lawrence stated that they followed up yesterday on the gentleman that appeared at public session with the three accidents coming into his home, that she wanted to compliment Public Works for putting some speed humps out there, that no one had come into his home again. Council Members Wiseman, Quan, Green and Berry absent.

Council Member Sekula-Gibbs stated that she wanted to congratulate the North Central Civic Association on celebrating their 13th anniversary on Saturday, they would have their event at Jefferson Davis High School cafeteria on Saturday. Council Members Lawrence, Wiseman, Holm, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Sekula-Gibbs stated that the McCall Mural which hung at Johnson Space Center had been duplicated in a large fashion and the copy was going to be dedicated as it hung in Sylvan Rodriguez Elementary, that it would happen at 2:00 p.m. today. Council Members Lawrence, Wiseman, Holm, Garcia, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Sekula-Gibbs stated that last night she attended the Bay Area Transportation Partnership's Annual Gala and it was a fine event and an opportunity to hear about the progress that the group had made in increasing transportation, general mobility and improving air quality in their region. Council Members Lawrence, Wiseman, Holm, Garcia, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Sekula-Gibbs stated that today was World AIDS Day and she wanted to acknowledge the good work that the Thomas Street Clinic and Montrose Clinic for people who suffered with AIDS. Council Members Lawrence, Wiseman, Holm, Garcia, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she wanted to thank everyone for their inquiries regarding her health, that she had eye surgery, that she appreciated everyone's emails and concerns. Council Members Lawrence, Wiseman, Holm, Garcia, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 11:21 a.m. Council Members Lawrence, Wiseman, Holm, Garcia, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary