

City Council Chamber, City Hall, Wednesday, September 7, 2005

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, September 7, 2005, with Mayor Pro Tem Carol Alvarado presiding and with Council Members Toni Lawrence, Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, M. J. Khan, Pam Holm, Adrian Garcia, Mark Ellis, Gordon Quan, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; Mr. Anthony Hall, Chief Financial Officer, Mayor's Office; Mr. Arturo Michel, City Attorney, Ms. Constance Acosta, Labor Division Chief; Ms. Debra Dillard, Mayor's Citizens Assistance Office; Ms. Marty Stein, Agenda Director and Mr. Jose Soto, Deputy Agenda Director present. Mayor Bill White absent on city business.

At 8:32 the City Secretary read the descriptions or captions of items on the Agenda.

At 9:29 a.m. Mayor Pro Tem Alvarado called to order the meeting of the City Council. Council Members Wiseman, Khan, Garcia, Quan and Berry absent.

Mayor Pro Tem Alvarado called on Council Member Goldberg for the prayer and pledge and Council Member Goldberg called on Rabbi Steven Morgan of Congregation Beth Yeshurun to lead them in prayer and Council Member Goldberg led everyone in the pledge. Mayor White absent on city business. Council Members Wiseman, Khan, Garcia and Berry absent. Mayor Pro Tem Alvarado presiding.

Mayor Pro Tem Alvarado requested the City Secretary to call the roll. Mayor White absent on city business. Council Members Wiseman, Khan, Garcia and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Members Green and Wiseman moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Mayor White absent on city business. Council Members Wiseman, Khan, Garcia and Berry absent. Mayor Pro Tem Alvarado presiding. MOTION ADOPTED.

Mayor Pro Tem Alvarado stated that they would begin with the public session.

At 9:32 a.m. the City Secretary began calling the speakers. Council Members Khan, Garcia and Berry absent.

Mr. Ken Ulmer, 17000 Brittmore, Houston, Texas 77043 (821-250-7628) appeared and stated that he was a SafeClear contractor and was concerned about Judge Hoyt's decision on the program, it was a huge blow; that it caused chaos and price gouging almost immediately and even after yesterday's stay was granted it was difficult to return to the planned systematic response that they had; that the public has begun to praise SafeClear as it reduced traffic congestion and secondary accidents; and they wanted to work with Council to bring it to an accepted level for the court. Council Members Khan, Garcia and Berry absent.

Council Member Quan stated that he understood the Judge's decision dealt mainly with consent tows; and upon questions, Mr. Ulmer stated that was true but there was always a misconception about what a consent and non-consent tow was; that the Judge's perception was a consent tow took place when tow trucks licensed by the city responded and the citizen chose among those responders as to who they wanted and that was not a consent tow, a true consent tow was when a consumer called a company and had them come to the scene; that he felt the Judge did backup the program a lot; and Council Member Quan stated that if he picked a truck then he felt that was consent; and Mr. Ulmer stated that was really not right, everyone at the scene came because they listened to a police radio and came on their behalf, not on the driver's consent; that the Judge's ruling did deal only with consent tows and the perception of consent tows. Council Members Garcia and Berry absent.

Mayor Pro Tem Alvarado stated that she was enforcing the five minute rule. Council Members Garcia and Berry absent.

Council Member Lawrence stated that yesterday the Legal Department got a motion to stay and she would like Legal to speak to that later when the City Attorney was present. Council Members Garcia and Berry absent.

Council Member Ellis stated that Mr. Ulmer was one of the eleven contractors hired for the SafeClear Program; and upon question, Mr. Ulmer stated that the Judge basically backed up the program, with a problem in only a few areas and he thought it would be better to correct those specific areas and continue working with those eleven contractors. Council Members Khan, Garcia and Quan absent.

Mayor Pro Tem Alvarado stated that the City Attorney was present and asked if he would respond to the question posed earlier on the Judge's decision; and Mr. Michel stated that the stay meant the Judge would not enforce the order and the status quo would continue until November 1st. Council Members Khan, Garcia and Quan absent.

Council Member Sekula-Gibbs stated that the Judge seemed to think parts of the program were very effective and the safety improvement was excellent, but he did not like the idea of the exclusive contracts; and upon questions, Mr. Ulmer stated that he thought the citizens could have the right to call a towing company that could respond in a fair amount of time and then use a true consent tow and it would take the City out of it, but the Judge really did back the program though he felt it was two complete separate operations, they were picked up and taken to a safe location and then they were allowed to make a choice when that was really done immediately. Council Member Garcia absent.

Mr. Ovide Duncantel, 8002 Crestwick Drive, Houston, Texas 77083 (281-561-6606) had reserved time to speak but was not present when his name was called. Council Member Garcia absent.

Dr. Kevin B. Simms, 7600 Kirby #206, Houston, Texas 77030 (713-838-9777) had reserved time to speak but was not present when his name was called. Council Member Garcia absent.

Mr. William Barker, 9966 Kirkdale Drive, Houston, Texas 77089 (281-481-8730) appeared and stated that he was present regarding citizens having to repair their own sidewalks; that they had petitions going out so the City would repair them; that Reliant had torn them up and they took no responsibility for it; the City planted trees and now sidewalks were standing and they took no responsibility, but the City should take responsibility for what they built. Council Members Holm and Garcia absent.

Council Member Wiseman stated that her office was in communication with Mr. Barker trying to assist him in repairs to his parents house and they wanted to continue, but with respect to sidewalks the Code read that the abutting property was responsible for them, but instances where there was a case of need they did what they could to find outside assistance and her staff was present and would try and put him with someone who could assist; and Mr. Barker stated that he was present for some who could not come to talk also; and Council Member Wiseman stated that the City was not in a position to take on all sidewalks, but when taking them case by case they could put them with someone to help. Council Members Khan and Garcia absent.

Ms. Michelle Ford, 1086 Horn, Houston, Texas 77088 (281-591-7664) appeared and stated that she was a part of the Acres Home Community and Mayor White was the first Mayor to come in trying to make it better, but the problem was the houses being built were \$900.00 to \$1,000.00 a month and most of them could not afford them so it was of no benefit and most of them there lived in dilapidated houses or housing projects; and was asking Council for adequate

and affordable housing. Council Members Lawrence, Khan, Holm and Garcia absent.

Council Member Galloway stated that many in the community wanted to be a part of the progress and she wanted to be sure they were included in efforts to redevelop the area; that the Mayor's plan was not started as yet as they were still trying to acquire the properties, but they would include the community to see what they wanted and they would be a part of it. Council Members Khan, Holm and Garcia absent.

Mr. Joseph Omo Omari, 2820 Palm 2B, Houston, Texas 77004 (832-767-0870) appeared and stated that he thanked the Mayor and Council for providing a platform for unconventional community activists, moderates, Black nationalists, etc.; that over the past month he attempted to address issues he thought were important and relevant to the Black community; and discussed issues they talked about such as a Black agenda, spiritual values, resurrection of marriage, etc., and further stated that he hoped the Black leadership would see this as constructive leadership and what was best for their future. Council Members Khan and Garcia absent.

Mr. Juan Alvarez, 402 Busch, Houston, Texas 77060 (832-282-6997) appeared and stated that he was with the Latin American Organization for Immigrant Rights and was present asking for an investigation for authorizations being made by a City employee who worked for the Mayor's Citizens Assistance Office, in particular he was calling people in the Latin community and telling them he had been saying he would arm the labor workers to defend themselves against the Minute Men and he felt by saying that his life was in danger; and last week laborers in the Washington Avenue/Shepherd Drive area were picked up and promised work but instead were taken to police vehicles and now they were wondering if police and Minute Men were working together and today he was asking for an investigation; and he and the Coalition were against violence. Council Members Khan and Garcia absent.

Mayor Pro Tem Alvarado stated that this was the first she had heard of that, but a city employee gave out very bad information and she spoke with Citizens Assistance and Ms. Dillard was looking into it and the issue would be resolved; that the employee must be very misinformed. Council Members Khan and Garcia absent.

Council Member Quan stated that he heard the story before and would be happy to join the Mayor Pro Tem in investigating what was actually said, but did he say police were posing as contractors; and Mr. Alvarez stated it was Thursday and Friday and he had two labor workers who were picked up by the police; and Council Member Quan stated that did not comply with their order dealing with police action in the area, but it would be looked into; and Upon questions by Mayor Pro Tem Alvarado, Mr. Alvarez stated that they were Houston police officers at the Washington/Shepherd location, it was 40 to 50 labor workers; and Mayor Pro Tem Alvarado stated that if he would make sure she received the information she would see that all Council Members received a copy. Council Members Holm and Sekula-Gibbs absent.

Council Member Garcia stated that he would speak with Sgt. Zeller to find out the particulars; that he knew Mr. Alvarez was informing everyone of the rules but sometimes they did not follow them and he would look into it. Council Members Holm and Sekula-Gibbs absent.

Council Member Khan stated that he would suggest talking to the Chief, if there was a policy they needed to know because he was sure it was spreading in the community that police were picking up day laborers and they needed an explanation. Council Members Galloway, Holm and Sekula-Gibbs absent.

Ms. Maria Jimenez, 7105 Sherman, Houston, Texas 77011 (713—928-6849) appeared and stated that she was coordinating the coalition against intolerance and for respect, attempting to develop a nonviolence response to the Minute Men who were to patrol Houston streets in search of those they thought to be undocumented immigrants; that they were present

because they were alarmed that a Houston employee was using his office to contact leaders to say they were advocating violence which was a lie; that the incident with the day laborers worried them because many in leadership were letting them know they would equally protect people when the Minute Men patrolling began in October, but this led them to wonder if they would be equally treated; that none of the laborers responded with violence and with the City employee saying he would get the FBI to investigate them it implicated the City had problems in terms of employees or entities having a chilling effect on the rights of citizens having freedom of expression; that Monday they did have a meeting with the Police Chief and they wanted to dialogue and reach an agreement to ensure public safety for all and still protect rights so they were asking for an investigation. Council Members Galloway, Holm and Sekula-Gibbs absent.

Mayor Pro Tem Alvarado thanked Ms. Jimenez for her work and stated that her message would be conveyed. Council Members Galloway, Holm and Sekula-Gibbs absent.

Council Member Quan stated that he had attended the Day Labor Task Force Meetings for a longtime and the person in question he always found to be a good positive worker, but he would investigate that portion; and Ms. Jimenez stated that they were conscious to protect the person's rights and that was why they did not give the name, but it did worry them when they had several people saying the same thing; and Council Member Quan stated that the Police Department was very cooperative and they attended the meetings and wanted to work with the day laborers to get them off streets and into centers for processing for jobs; and he hoped she could be a bridge for helping things work for both sides. Council Members Galloway, Wiseman, Holm and Sekula-Gibbs absent.

Council Member Edwards thanked Ms. Jimenez for her work and asked that she contact her office as she would like to speak with her further; that she found her comments very troublesome. Council Members Galloway, Wiseman, Holm and Sekula-Gibbs absent.

Council Member Garcia stated that the two of them had always been able to establish progress and he looked forward to the continued motion on that as well; that when violence or attempted violence occurred it did need to be dealt with and all needed to be equally served and protected; and he was glad she had a meeting with the Chief and he felt the same way; and asked Lt. Mozel to meet with Ms. Jimenez at this time. Council Members Galloway, Wiseman, Holm and Sekula-Gibbs absent.

Ms. Mesha Kelley, 5951 Kenilwood, Houston, Texas 77033 (713-731-2025) had reserved time to speak but was not present when her name was called. Council Members Galloway, Wiseman, Holm and Sekula-Gibbs absent.

Ms. Tracy Kristynik, 19611 River Rock, Katy, Texas 77449 (281-345-8802) had reserved time to speak but was not present when her name was called. Council Members Galloway, Wiseman, Holm and Sekula-Gibbs absent.

Mr. Douglas Nichols, 2418 Broad, Houston, Texas 77521 had reserved time to speak but was not present when his name was called. Council Members Galloway, Wiseman, Holm and Sekula-Gibbs absent.

Mr. Ricardo Rodriguez, 4718 Bell #1, Houston, Texas 77023 (713-547-0500) had reserved time to speak but was not present when his name was called. Council Members Galloway, Wiseman, Holm and Sekula-Gibbs absent.

Mr. John Ryan, 8370 Westview, Houston, Texas 77055 had reserved time to speak but was not present when his name was called. Council Members Galloway, Wiseman, Holm and Sekula-Gibbs absent.

Mr. Aman Khan, 13822 Naomi Hollow Lane, Houston, Texas 77082 (281-496-4487)

appeared and stated that he was present to say that the Mayor and Council were doing a good job on the hurricane relief efforts, especially Council Members Quan and Khan who had met with the Salvation groups; that they had many volunteers, were collecting goods to distribute and placing some in apartments which had a volunteer doctor to look into their needs. Council Members Galloway, Wiseman, Holm and Sekula-Gibbs absent.

Council Member Khan thanked Mr. Khan for the work he and his group were doing and stated that they were providing computer support for registering with FEMA and at the meeting last night the Mayor said apartments could not be registered with the city for reimbursement from FEMA and thought they did this without thinking of reimbursement it was available and he and Council Member Quan were working together and planned a job fair and he thanked him in advance for bringing people and potential employers to the fair. Council Members Lawrence, Galloway, Wiseman, Holm and Sekula-Gibbs absent.

Council Member Quan thanked Mr. Khan for his work and stated that at the meeting last night inn keepers offered 3,250 rooms free of charge for two weeks and pledged money and he thanked them and the group for all their help. Council Members Lawrence, Galloway, Wiseman, Holm and Sekula-Gibbs absent.

Mr. Trent Winters, 7967 W. Airport, Houston, Texas 77071 (713-729-1153) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Galloway, Wiseman, Holm and Sekula-Gibbs absent.

Pastor Nicolle Sanders, 11555 Bissonnet #2106, Houston, Texas 77099 (281-575-3959) had reserved time to speak but was not present when her name was called. Council Members Galloway, Wiseman, Holm and Sekula-Gibbs absent.

Mr. Mohammad Zaheer, 910 Tyler Run, Sugarland, Texas 77479 (713-459-5547) appeared and stated that he represented MTM, a Pakistani American community service organization and he wanted to come and say the Mayor and Council were doing a wonderful job on the hurricane relief efforts and because his community saw what they were doing they were all working and the founder of the organization pledged \$25,000.00 for the fund and they had 20 different cities that were working and gathering and they would contact the Mayor and Council Member Khan as they hoped to place a camp near the Dome, but they would bring their money to the City; and they were very proud of Council Members Quan, Khan and Green for all they always did. Council Members Galloway, Edwards, Wiseman, Holm and Ellis absent.

Council Member Khan thanked Mr. Zaheer for all their efforts and stated that it was people like them who made Houston a great model and they appreciated the funds and all else they had collected; and the City did have a Katrina fund now and all would be in the forefront and would be taken very seriously. Council Members Galloway, Edwards, Wiseman, Holm and Ellis absent.

Commissioner Thelma Scott, 1919 N. Loop West #190, Houston, Texas 77008 (713-869-9377) appeared, presented information and stated that she had been working at the House of Hope with Mr. Tyron Evans for the hurricane survivors and they were providers for the state; that she provided jobs for those with disabilities and she was asking for Council's support and resources to allow her to set up at one of the facilities to hire and help others. Council Members Galloway, Holm and Garcia absent.

Council Member Quan thanked Ms. Scott for coming and for her work and stated that he knew websites were available and there were about 250 jobs on there, but only about two had posted resumes so not many knew it was available; and they would be having a job fair and maybe they could work together; and Ms. Scott stated that many of their clients had no car, etc., and they would pick them up and take them to job sites and go on the interviews with them. Council Members Galloway, Holm and Garcia absent.

Council Member Khan stated that many who were now in Houston had no means to travel and he thanked her for bring up that point as with job fairs people should volunteer to bring them and get them help with resumes, etc. Council Members Lawrence, Galloway, Holm and Garcia absent.

Ms. Labrielle Gant, 6026 Oak Creek Lane, Spring, Texas 77379 (832-515-7881) appeared and stated that she currently volunteered with Ms. Thelma Scott at Endeavors and she would like to work fulltime, but they needed resources. Council Members Lawrence, Galloway, Holm and Garcia absent.

Ms. Marian LaTouche appeared and stated that she was present with Ms. Thelma Scott; and Mayor Pro Tem Alvarado stated that they would need a motion as she had to sign up to speak. Council Members Lawrence, Holm and Garcia absent.

Council Member Green moved that the rules be suspended for the purpose of hearing from Ms. LaTouche at this time, seconded by Council Member Wiseman. All voting aye. Nays none. Mayor White absent on city business. Council Members Lawrence, Holm and Garcia absent. Mayor Pro Tem Alvarado presiding. MOTION 2005-0856 ADOPTED.

Ms. Marian LaTouche further stated that she was a licensed real estate agent in Houston and present with the Endeavors foundation to help refugees of Hurricane Katrina find a home; and was supporting Ms. Scott and Mr. Brown. Council Members Lawrence, Holm and Garcia absent.

Ms. Gracy Thomas, 15014 Weil Place, Houston, Texas 77060 (281-448-0280) appeared and stated that she was a volunteer at Endeavors and she also had disabilities, but she wanted a fulltime job and would like to work with Ms. Scott but she needed funding and that was what she was asking for. Council Members Lawrence, Holm and Garcia absent.

Ms. Rosalinda Morones, 11960 Airline Drive #710, Houston, Texas 77037 (832-758-5219) appeared and stated that she was also a volunteer for Ms. Scott and she enjoyed what she did and they were present asking Council for funding for her so they could be hired fulltime. Council Members Lawrence, Holm and Garcia absent.

Ms. Louise Baldwin, 16234 Beck Ridge, Houston, Texas 77053 (281-416-8955) had reserved time to speak but was not present when her name was called. Council Members Holm and Garcia absent.

Mr. James Partsch Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) appeared and stated that Houston could be both proud and ashamed, proud to help so many and ashamed that former President and Barbara Bush called Houston home; that the USA gave billions to others and refused to take care of its own people first; that Iraq was not worth anymore lives; that nothing in Houston should be named after any Bush and the time was here to galvanize for a new America; that he was candidate for City Council, November 2005. Council Members Holm, Garcia and Quan absent.

Ms. Iva Nelms, 8126 Talton, Houston, Texas 77028 (713-272-7019) had reserved time to speak but was not present when her name was called. Council Members Holm, Garcia and Quan absent.

Ms. Robin Hotard, 10615 Meadow Glen Dr. #412, Houston, Texas 77042 (713-782-6995) appeared in favor of Francis Newton and stated that Ms. Newton was seven days from being executed and too much evidence cast serious doubt in her favor; that the crime lab destroyed evidence which would have exonerated her and the DA said they withheld evidence; the ABA was asking for a new trial; she was represented by an attorney so ineffective a Bill was passed

based on him setting minimal standards on capital punishment cases and her attorney was disbarred, yet his record was still standing with her on death row; and she would like to know who signed a letter asking for the halt of her execution. Council Members Lawrence, Wiseman, Holm, Garcia, Quan and Green absent.

Council Member Khan stated that he did not know the details but if you kill an innocent person it was as if you killed the whole humanity; and thanked Ms. Hotard for coming. Council Members Lawrence, Wiseman, Holm, Garcia, Quan and Green absent.

Council Member Quan stated that after their last visit a letter was circulated and he could give her a copy; that most Council Members signed and a couple were out of town, but they had heard the request and acted on it and were getting it to the Governor. Council Members Lawrence, Wiseman, Holm, Garcia, Quan and Green absent.

Council Member Edwards thanked Ms. Hotard for her vigilance in the matter and stated that she thought Ms. Newton was innocent and that the least they could do would be reexamine the evidence and possibly she could get another trial. Council Members Lawrence, Wiseman, Holm, Garcia, Quan and Green absent.

Council Member Galloway stated that she applauded them for their efforts in trying to save Ms. Newton's life and she had signed the letter as many questions were not answered. Council Members Lawrence, Edwards, Wiseman, Holm, Garcia, Quan and Green absent. (NO QUORUM PRESENT)

Mr. Massoud Nayeri, 13018 Manpucket, Sugarland, Texas 77478 (281-240-2920) appeared in favor of Frances Newton and stated that he was present today in support of her and he thanked Council Members Edwards, Alvarado, Khan, Quan and Wiseman for their support, but he questioned the rest of the Council; that in his hand was a letter from the ABA saying there was enough doubts to stop the execution so why did Council not sign, that there were seven days left; that he also had a letter from the victim's family stating they did not want her killed, what more did they want, he was asking all of Council to sign as a citizen. Council Members Lawrence, Wiseman, Holm, Garcia, Quan and Green absent.

Council Member Sekula-Gibbs asked that Mr. Nayeri pass the letters to Council Members; and Mr. Nayeri presented a copy of each letter for distribution. Council Members Lawrence, Wiseman, Holm, Garcia, Quan and Green absent.

Ms. Nadine Morandi, 11511 Overbrook Lane, Houston, Texas 77077 (281-493-2619) appeared in favor of Frances Newton and stated that she was a part of the Free Frances Newton Committee; that she lived many places but learned here you could be charged for murder based on a policeman's gut feeling and if you could not afford a good lawyer you may be appointed one who was more of a liability than asset; that she was appalled at how the poor were treated; that Frances Newton was a victim of prejudice and a flawed system and they were asking for help to save her. Council Members Lawrence, Wiseman, Holm, Garcia, Quan and Green absent.

Mr. Edward Davis, P. O. Box 524226, Houston, Texas 77052 (832-445-0136) appeared and stated that he was a previous city employee and today was present on behalf of his company, Training Ears and Eyes, and he was looking for assistance that he was interested in helping those who had gone through the recent trauma and hoped to received some feedback. Council Members Lawrence, Wiseman, Holm, Garcia, Quan and Green absent.

Council Member Edwards thanked Mr. Davis for his work and stated that they were proud of the example he gave to the community, especially those with challenges finding there was no need to allow them to be a hindrance; and Mr. Davis stated that he would especially like to assist those from New Orleans and would appreciate a building or something to assist them.

Council Members Lawrence, Wiseman, Holm, Garcia, Quan and Green absent.

Ms. Jhanvi Jariwala, 2102 Bay Hill Drive, League City, Texas 77379 (832-646-5650) appeared, presented flowers to those at the Council table and stated that the Declaration of Independence announced in the course of human events it became necessary for one people to dissolve the political band which connected them to another; that they held the truths to be self evident that all men are created equal. . . . ; that the stripes in the flag represented the colonies and the stars represented the states; that the American gown was a true reflection of international unity and the American Freedom Art Cards were trying to capture and commemorate buildings involved in the September 11th tragedy, and to provide a way for people to write hope and encouragement to American soldiers serving in Iraqi Freedom and protecting us against terrorism. Council Members Wiseman, Garcia and Quan absent.

Council Member Khan stated that he took great pride in people like her, he was very proud of her and what ever he could do to help with the project he would. Council Members Wiseman, Garcia and Quan absent.

Ms. Lorie Kramer, 4050 Woodfox, Houston, Texas 77025 (713-666-9552) appeared and stated that she was present representing the Austin Airwaves Project, to get a low power FM radio station broadcasting in the Astrodome to the survivors of Hurricane Katrina; that she thanked all for their support, however, even after a letter from Council Member Edwards and a license from the FCC, and after meeting all requirements Rita O'Bear said they would have to come with 10,000 radios which they did but still had not heard back about getting into the dome; that they met all requirements and today were looking for assistance so they could help all those relocated; that communication was a human right and during a crisis was essential and they could provide assistance in finding survivors and provide a sense of calm and community. Council Members Wiseman, Quan and Sekula-Gibbs absent.

Mayor Pro Tem Alvarado stated that she would ask Ms. Dillard to have someone visit with her and put her in contact with someone at the Astrodome who could address her concern. Council Members Wiseman, Quan and Sekula-Gibbs absent.

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

Senator Robert Horton, 3714 Bain, Houston, Texas 77026 (713-260-6144) appeared and stated that he was God; and continued expressing his personal opinions until his time expired. Council Members Wiseman, Quan, Sekula-Gibbs and Berry absent.

Mr. Art Browning, 12446 Texas Army Trail, Cypress, Texas 77429 (281-890-7089) appeared in support of Frances Newton and stated that several others spoke on Frances Newton and last week he said Council may not see this as their duty, but it was not his either; that common citizens were sending letters to the Governor and saying it was time to try and save her. Council Members Wiseman, Quan, Sekula-Gibbs and Berry absent.

Mr. Don Cook, 7951 Glenheath, Houston, Texas 77061 (713-705-5594) appeared in favor of Frances Newton and stated that he wanted to know where the Council stood on the matter of Frances Newton, the woman to be executed one week from today' that the thanked those who signed the letter and hoped those who did not would; and if anyone had any other ways of helping please let them know. Council Members Wiseman, Quan, Sekula-Gibbs and Berry absent.

Ms. Hitaji Aziz, 2820 Fountainview #E-126, Houston, Texas 77057 (713-278-2917) appeared and stated that she was with KPFT radio and Ms. Newton's mother was being rushed to the hospital, possibly because of stress, Frances Newton had seven days and it was possible

she would be killed because she was Black; that when she spoke of Frances she thought of the parallels between New Orleans and the Judicial System and that there were 1,000,000 more Blacks in the prison system and on death row; and maybe she was in denial she would never be a full citizen ; and asked any Council Member who had not signed to sign now. Council Members Wiseman, Quan, Sekula-Gibbs and Berry absent.

Ms. Karen Preston, 14551 Beechnut #1306, Houston, Texas 77083 (713-666-9552) appeared in favor of Frances Newton and stated that she was present last week and she thanked all those who had signed the petition for Frances; that she had less than seven days and she was concerned; that Frances was a life and one life was no less than another; that 25,000 people were in Houston because of the hurricane disaster and they were being assisted and she needed assistance for Frances Newton. Council Members Wiseman, Quan, Sekula-Gibbs and Berry absent.

Council Member Goldberg thanked them for the letter; that in it it said her attorney was Ron Mock and he believed that was all he needed to know because if he was her attorney then he was sure her case, along with many others, was not handled correctly; that he thought he was a walking malpractice case and he would sign the petition. Council Members Wiseman, Quan, Sekula-Gibbs and Berry absent.

At 11:00 a.m. Mayor Pro Tem Alvarado stated that they would move to the business agenda.

Council Member Edwards moved to suspend the rules to consider Item Numbers 21, 21a, 21b, 47, 48, 49, 51 and 52 out of order, seconded by Council Member Khan. All voting aye. Nays none. Mayor White absent on city business. Mayor Pro Tem Alvarado presiding. Council Member Quan absent. MOTION 2005-0857 ADOPTED.

21. ORDINANCE enlarging the boundaries of Reinvestment Zone Number Three, City of Houston, Texas, (Main Street/Market Square TIRZ) - **DISTRICT I - ALVARADO** - was presented, and tagged by Council Members Galloway, Green and Garcia.

Council Member Garcia stated that he wanted to reiterate that he had asked the administration for what the guiding principles or policies would be on TIRZs and had not received anything on it as of yet, and Mayor Pro Tem Alvarado stated that as they knew Mayor White stated that he would get that as soon as possible, that his focus had been redirected recently.

Council Member Galloway stated that she had some concerns on some of the construction that was going to be part of the TRIZ as to whether it was being built and how it would affect the low and moderate income persons.

21a. ORDINANCE approving a third amended Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number Three, City of Houston, Texas (Main Street/Market Square TIRZ); authorizing the City Secretary to distribute such plans; determining the portion of tax increment the city will pay from the area annexed into the zone - **DISTRICT I - ALVARADO** - was presented, and tagged by Council Members Galloway, Green and Garcia.

21b. ORDINANCE approving an Economic Development Program for Reinvestment Zone Number Three, City of Houston, Texas (Main Street/Market Square TIRZ) - **DISTRICT I - ALVARADO** - was presented, and tagged by Council Members Galloway, Green and Garcia.

47. ORDINANCE approving and authorizing an amendment to the Advanced Funding Agreement (approved by Ordinance No. 97-1042, Contract No. 38250) between the City of

Houston and **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** for Columbia Tap Rails to Trails, GFS N-0420-22-2 (SB9155-01) - **DISTRICTS D - EDWARDS and I - ALVARADO** - was presented, and tagged by Council Members Edwards, Galloway, Lawrence and Green.

48. ORDINANCE authorizing the purchase of land and improvements thereon out of Tierwester 1/4 League, A-75; James Holman Survey, A-323; G.P. Foster League, A-273; and D.W.C. Harris 1/4 League, A-325; Houston, Harris County, Texas, for the Columbia Tap Hike and Bike Trail Project, CIP N-0420-22-2; approving a Purchase and Sale Agreement with the owner of the land (Union Pacific Railroad Company) - \$3,900,553.00 Bond Funds - **DISTRICT D - EDWARDS and I - ALVARADO** - was presented, and tagged by Council Members Edwards, Galloway and Green.
49. RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel AY2-172C, owned by Union Pacific Railroad Company, a Delaware corporation, for the **COLUMBIA TAP HIKE AND BIKE TRAIL PROJECT from Polk Avenue to Dixie Drive**, CIP N-0420-22-2 - **DISTRICT D - EDWARDS** - was presented, and tagged by Council Members Galloway, Green and Edwards.
51. MOTION by Council Member Khan/Seconded by Council Member Alvarado to adopt recommendation from Director Department of Public Works & Engineering for condemnation of Parcel AY2-173 and AY2-173A, located in the 2300 block of Dixie Drive, owned by The Grocers Supply Company, Inc., a Texas corporation, Jim N. Arnold, Vice President Real Estate and Store Development, for the **COLUMBIA TAP HIKE AND BIKE TRAIL PROJECT**, CIP N-0420-22-2 **DISTRICT D - EDWARDS - (This was Item 51 on Agenda of August 24, 2005, POSTPONED BY MOTION #2005-811)** – was presented.

Council Member Edwards stated that Mayor White and Mr. Marcotte were supposed to meet with the community to give them their decision as to what alternate route was going to be taken and the meeting had not yet occurred, that it would be taking place next Tuesday and moved to postpone Item No. 51 for one week, seconded by Council Member Green. All voting aye. Nays none. Mayor White absent on city business. Mayor Pro Tem Alvarado presiding. MOTION 2005-0858 ADOPTED.

52. RECOMMENDATION from Director Finance & Administration that City Council approve a motion granting a variance to 3520 Old Spanish Trail from the 1,000-foot distance requirement of Section 3-2(e) of the Code of Ordinances relating to the sale of alcoholic beverages, under the condition that such location's alcoholic beverage permits remain in good standing with the Texas Alcoholic Beverage Commission and that the premises will not be open for business during the hours that school is in session at Thompson Elementary School - **(This was Item 4 on Agenda of August 31, 2005, TAGGED BY COUNCIL MEMBER LAWRENCE)** - was presented.

Council Member Edwards stated that the item was becoming more and more convoluted as they go through it, that their office first started conversations with the principle of Thompson Elementary in November 2004 and they had met with civic clubs and so forth throughout the period and there was an agreement through consensus that the club was not a new club, it was a long standing club in the community and it was not a nuisance and that it was not bothersome especially since it did not operate during regular school times, that she was not clear on the problem and knew that Dr. Saavedra sent in a letter yesterday that he was in opposition and she spoke with him last night and he did not know that it was an existing club and did not have any information and had not spoken with their office or the principal of the school, his concern was that there was going to be a precedent set if the variance was passed, and moved to postpone Item No. 52 for one week so they could get some clarity on the issue, seconded by Council Member Khan. All voting aye. Nays none. Mayor White absent on city business. Mayor Pro Tem Alvarado presiding.

Council Member Goldberg stated that he agreed with Council Member Edwards that there had not been enough communication, and did not understand why it got on the agenda without passing the Regulation, Planning and Development Committee, that it came to the committee and they were supposed to come back with more information and it never came to the committee, if they were not going to use the committees for anything like that then they should abandon all the committees all together, that all of the issues that Council Member Edwards had brought up could have been discussed in committee and hammered out and asked the administration what was the item doing on the agenda, and Mayor Pro Tem Alvarado stated that they would get an answer for him.

Council Member Edwards moved to suspend the rules to hear from Mr. Arron Gray, owner of the club, seconded by Council Member Green. All voting aye. Nays none. Mayor White absent on city business. Mayor Pro Tem Alvarado presiding. MOTION 2005-0860 ADOPTED.

Upon questions by Council Member Khan, Mr. Michel stated that there was a prior violation by the former lessee, that when he held the license was when it was revoked, the situation now was that the owner was leasing to another individual who was seeking a new license and now seeking a variance because it was no longer grandfathered.

After further discussion by Council Members, Council Member Lawrence requested that Mr. Michel provide her office with the bars where there was an exception, the year and the school they were close to and Mr. Michel stated that he would do that.

Council Member Edwards requested that Mr. Gray present his position, and Mr. Gray stated that his position was to simply run a business for professionals to network in, the building was an excellent location and had been opened for over 20 years and because the last person who leased the place violated the rules it was effecting the building itself, that they would like an opportunity to conduct business in a professional manner, that the whole area was known as a strip for bars and things of that nature, that they were within maybe 20 or 30 feet of the school but it was the rear of the school and not where the kids entered or exited the school, it was the very back gate and if they took all the way to the front of the school it would be well over 1,000 feet.

Mr. Gray was questioned at length by Members of Council.

## **MAYOR'S REPORT**

### **CONSENT AGENDA NUMBERS 1 through 48**

#### **MISCELLANEOUS** - NUMBERS 1 through 3

1. REQUEST from Mayor for confirmation of the appointment of the following to the **BOARD OF PUBLIC TRUSTS** for terms to expire March 22, 2007:

Position 1 - **MS. ANDREA CHILTON GREER**

Position 7 - **MS. THEOLA PETTEWAY**

Position 9 - **MS. HARRIET FOSTER**

- was presented, moved by Council Member Green, seconded by Council Member Khan. All voting aye. Nays none. Mayor White absent on city business. Mayor Pro Tem Alvarado presiding. MOTION 2005-0861 ADOPTED.

2. REQUEST from Mayor for confirmation of the appointments or reappointments of the following to the **HOUSTON COMMISSION ON DISABILITIES**:

Position One - **MR. JACK H. EMMOTT III**, appointment, for a term to expire 7/26/2007

- Position Three - **MS. MICHELLE LYNN COLVARD**, reappointment, and as Chair, for a term to expire 7/26/2007
- Position Five - **DR. CHARLES E. BRADLEY**, appointment, for a term to expire 7/26/2007
- Position Seven - **MR. STEVEN R. HUNTER**, appointment, for a term to expire 7/26/2007
- Position Nine - **MR. JASON RANDALL BRUMLEY**, appointment, for a term to expire 7/26/2007
- Position Eleven - **MR. JUAN A. RODRIGUEZ**, reappointment, for a term to expire 7/26/2007
- Alternate Position One - **MS. CHERYL AMORUSO**, appointment, for a term to expire 7/26/2007
- Alternate Position Two - **MS. EVE CUGINI**, appointment, for an unexpired term to end 7/26/2006
- Alternate Position Three - **MR. RAUL TELLO**, appointment, for a term to expire 7/26/2007

- was presented, moved by Council Member Green, seconded by Council Member Khan. All voting aye. Nays none. Mayor White absent on city business. Mayor Pro Tem Alvarado presiding. MOTION 2005-0862 ADOPTED.

3. RECOMMENDATION from Director Building Services Department for approval of computer image for dedication plaque for Melrose Park, GFS F-504A-02-3 - **DISTRICT B - GALLOWAY** - was presented, moved by Council Member Green, seconded by Council Member Khan. All voting aye. Nays none. Mayor White absent on city business. Mayor Pro Tem Alvarado presiding. MOTION 2005-0863 ADOPTED.

#### **ACCEPT WORK** - NUMBER 9

9. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$647,996.47 and acceptance of work on contract with **ENVIRONMENTAL ENGINEERS AND CONSTRUCTORS II, LTD.**, for Walden Place, Longwoods and Heather Ridge Lift Stations; GFS R-0267-61-3 (4765-10) - 03.05% over the original contract amount - **DISTRICTS B - GALLOWAY and G - HOLM** - was presented, moved by Council Member Khan, seconded by Council Member Galloway. All voting aye. Nays none. Mayor White absent on city business. Mayor Pro Tem Alvarado presiding. MOTION 2005-0864 ADOPTED.

#### **PROPERTY** - NUMBERS 11 and 12

11. RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners into the Registry of the Court, pay all costs of Court and not file any objections to the Award in connection with eminent domain proceeding styled City of Houston v. Bernadette H. Rosemon, et al., Cause No. 836,707; for acquisition of Parcels AY4-022 and CY4-012, for the **MYRTLE LIFT STATION PROJECT**; CIP/GFS R-0267-60-3 - \$39,227.50 - **DISTRICT H - GARCIA** - was presented, moved by Council Member Khan, seconded by Council Member Galloway. All voting aye. Nays none. Mayor White absent on city business. Council Member Lawrence absent. Mayor Pro Tem Alvarado presiding. MOTION 2005-0865 ADOPTED.
12. RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners into the Registry of the Court, pay all costs of Court and not file any objections to the Award in connection with eminent domain proceeding styled City of Houston v. Tuffli Company, Inc, et al., Cause No. 838,859; for acquisition of Parcels AY4-019, AY4-020, AY4-021, AY4-023 and CY4-013, for the **MYRTLE LIFT STATION PROJECT**; CIP/GFS R-0267-60-3 \$101,678.00 - **DISTRICT H - GARCIA** - was

presented, moved by Council Member Khan, seconded by Council Member Galloway. All voting aye. Nays none. Mayor White absent on city business. Council Member Lawrence absent. Mayor Pro Tem Alvarado presiding. MOTION 2005-0866 ADOPTED.

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

13. **MUNICIPAL EMERGENCY SERVICES, INC** - \$373,000.00 and **DOOLEY TACKABERRY, INC** \$55,500.00 for Fire Fighting Equipment for Fire Department - General Fund - was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Mayor White absent on city business. Mayor Pro Tem Alvarado presiding. MOTION 2005-0867 ADOPTED.
16. **AMEND MOTION #2002-1056, 9/11/02, TO EXTEND** expiration date from September 16, 2005 to September 15, 2006, for the Chemical, Hydrated Lime Slurry and Fine Quicklime Contract for Department of Public Works & Engineering, awarded to **CHEMICAL LIME, LTD.** - was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Mayor White absent on city business. Mayor Pro Tem Alvarado presiding. MOTION 2005-0868 ADOPTED.
18. **C. F. MCDONALD ELECTRIC, INC** for Replacement of Two Power Distribution Units for Department of Public Works & Engineering - \$45,537.45 - Enterprise Fund - was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Mayor White absent on city business. Mayor Pro Tem Alvarado presiding. MOTION 2005-0869 ADOPTED.

**ORDINANCES** - NUMBERS 22 through 46

22. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a 15-foot-wide alley from Shepherd Drive to Parker Street, containing 4,500 square feet of land, more or less, out of Block 54, Brunner Addition, a subdivision plat of record in Volume 42, Page 26 of the Map Records of Harris County, Texas; vacating and abandoning said tract of land to Washington Square Shopping Center, L.P., the owner in fee, in consideration of said owner's payment of \$112,500.00 and other consideration to the City; Parcel SY5-034 - **DISTRICT H - GARCIA** - was presented. All voting aye. Nays none. Mayor White absent on city business. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-1024 ADOPTED.
23. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of seven waterline easements containing an aggregate of 7,730 square feet of land, more or less, Parcels SY3-034A, SY3-034B, SY3-034C, SY3-034D, SY3-034E, SY3-034F and SY3-034G, an electric and telephone easement containing 5,870 square feet of land, more or less, and a waterline, gas and sanitary sewer easement containing 8,197 square feet of land, more or less, Parcels SY3-034H and SY3-034I, all easements being located in the George Bellows Survey, Abstract Number 3, Houston, Harris County, Texas, vacating and abandoning Parcels SY3-034A, SY3-034B, SY3-034C, SY3-034D, SY3-034E, SY3-034F and SY3-034G, SY3-034H and SY3-034I to Memorial City Mall, LP, abutting owner, in consideration of the owner's dedication of a 20-foot-wide waterline easement and two fire hydrant easements and payment of \$38,664.00 and other consideration to the City - **DISTRICT G - HOLM** - was presented. All voting aye. Nays none. Mayor White absent on city business. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-1025 ADOPTED.
24. ORDINANCE approving and authorizing consent to encroach, allowing existing improvements owned by Caps Leeland Enterprises, Ltd., successor in title to, Capsimalis Enterprises, Ltd., the abutting owner, to encroach 3.2-feet, more or less, into Caroline Street, adjoining the property located at 1301 Leeland Street, adjacent to Lots 6 and 7,

Block 331, S.S.B.B., Harris County, Texas; Parcel ENY5-02; subject to the terms and conditions of the consent to encroach **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. Mayor White absent on city business. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-1026 ADOPTED.

25. ORDINANCE consenting to the addition of 2.169 acres of land to **CHIMNEY HILL MUNICIPAL UTILITY DISTRICT**, for inclusion in its district - was presented. All voting aye. Nays none. Mayor White absent on city business. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-1027 ADOPTED.
26. ORDINANCE consenting to the addition of 36.7906 acres of land to **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 25**, for inclusion in its district - was presented. All voting aye. Nays none. Mayor White absent on city business. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-1028 ADOPTED.
27. ORDINANCE consenting to the addition of 4.3354 acres of land to **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 35**, for inclusion in its district - was presented. All voting aye. Nays none. Mayor White absent on city business. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-1029 ADOPTED.
30. ORDINANCE approving and authorizing lease agreement between the City of Houston and **FLETCHER AVIATION, INC** for Certain premises at William P. Hobby Airport - **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. Mayor White absent on city business. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-1030 ADOPTED.
31. ORDINANCE approving and authorizing Lease No. DTFASW-03-L-02030 between the City of Houston and **THE UNITED STATES OF AMERICA** for Aircraft Navigational Aids for Runways 8R and 26L at George Bush Intercontinental Airport/Houston - **DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. Mayor White absent on city business. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-1031 ADOPTED.
32. ORDINANCE approving and authorizing supplemental agreement No. 1 to Lease No. DTFA07-02-L-05883 between the City of Houston and **THE UNITED STATES OF AMERICA** for the Remote Transmitter/Receiver (RTR) Site at George Bush Intercontinental Airport/Houston **DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. Mayor White absent on city business. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-1032 ADOPTED.
39. ORDINANCE approving and authorizing an interlocal agreement among the City of Houston and **HARRIS COUNTY** and the **HARRIS COUNTY FLOOD CONTROL DISTRICT** for Development of Stormwater Detention and Recreational Facilities at Keith-Weiss Park, GFS F-504A-06-3 **DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. Mayor White absent on city business. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-1033 ADOPTED.
40. ORDINANCE approving and authorizing second amendment to Waste Disposal Contract between and among the City of Houston, **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 2** and **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 119**, assignee for part of the Waste Disposal Contract - was presented. All voting aye. Nays none. Mayor White absent on city business. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-1034 ADOPTED.
41. ORDINANCE approving and authorizing an agreement between the City of Houston and the **FORT BEND COUNTY FIRE FIGHTERS ASSOCIATION** for Fire Training for Houston Fire Department Cadets - \$66,060.00 - General Fund - was presented. All voting aye.

Nays none. Mayor White absent on city business. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-1035 ADOPTED.

42. ORDINANCE approving and authorizing amendment to sponsorship agreement approved by Ordinance No. 98-918 with **STONEHENGE III ASSOCIATION, INC** for Solid Waste Collection Services - 11 Months - \$132.00 - General Fund - **DISTRICT G - HOLM** - was presented. All voting aye. Nays none. Mayor White absent on city business. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-1036 ADOPTED.
44. ORDINANCE appropriating \$1,724,000.00 out of Airport System Subordinate Lien Revenue Bonds, Series 2000B (NON-AMT) Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **DMJM AVIATION, INC** for Engineering Services in connection with Rehabilitation of Runway 12R-30L at William P. Hobby Airport (Project No. 619), CIP A-0438 - **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. Mayor White absent on city business. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-1037 ADOPTED.
45. ORDINANCE approving and authorizing Amendment No. 1 to the agreement between the City Of Houston and **JOHNSON CONTROLS, INC**, formerly **JOHNSON CONTROLS WORLD SERVICES, INC**, for Inter-Terminal Train System (ITT) Operations and Maintenance Services at George Bush Intercontinental Airport/Houston - **DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. Mayor White absent on city business. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-1038 ADOPTED.
46. ORDINANCE deappropriating \$34,875.00 from the Public Library Consolidated Construction Fund (GFS E-0143-01-5 from Contract No. 54941 with **GREYHAWK NORTH AMERICA L.L.C.**); appropriating \$89,592.00 out of Public Library Construction Fund (GFS E-0022-01-2 Contract No. 53175) for the existing contract with **RAY BAILEY ARCHITECTS, INC** to perform additional Professional Architectural Services at Stella Link Branch Library - **DISTRICT C - GOLDBERG** - was presented. All voting aye. Nays none. Mayor White absent on city business. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-1039 ADOPTED.

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

**MISCELLANEOUS**

4. RECOMMENDATION from the Chief of Police authorizing, but not requiring, the Police Chief to give 30 days written notice of termination of second amended and restated Major Freeway Tow Agreements - was presented, moved by Council Member Khan, seconded by Council Member Galloway.

Council Member Quan stated that it was his understanding that the item would only authorize the Chief if necessary to terminate the contract, and Mayor Pro Tem Alvarado stated that was correct.

A vote was called on Item No. 4. All voting aye. Nays none. Mayor White absent on city business. Mayor Pro Tem Alvarado presiding. MOTION 2005-0870 ADOPTED.

**ACCEPT WORK**

5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$831,761.99 and acceptance of work on contract awarded to **CYRUS DIVERSIFIED, INC dba BONTERRE CONSTRUCTION CO.** by payment to the contractors Surety, **CAPITAL INDEMNITY CORPORATION** for City of

Houston's National Pollution Discharge Elimination System - Storm Water Pollution Minimization Plan - 8002 Airline, GFS M-0126-48-3 (SM-5020) - 24.17% over the original contract amount - **DISTRICT B - GALLOWAY** - was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Mayor White absent on city business. Mayor Pro Tem Alvarado presiding. MOTION 2005-0871 ADOPTED.

Council Member Quan stated that he was concerned about the fact that it was 25% over the original contract, that it had been explained to him that there was an issue of asphalt storage and hoped that could be resolved, and Mayor Pro Tem Alvarado stated that it was her understanding that they did pass the change order some time back, and Council Member Quan stated that all he was asking was that they clarify in the future was the storage needed to be so they would not have the same problem reoccur.

6. ORDINANCE appropriating \$31,421.90 out of Street & Bridge Consolidated Construction Fund as additional funding for contract with **SOUTH COAST CONSTRUCTION, INC** for Westpark Drive Bridge over HCFCD Unit D129-00-00, GFS N-0557-01-3, (approved by Ordinance No. 02-125) **DISTRICT G - HOLM** - was presented. All voting aye. Nays none. Mayor White absent on city business. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-1040ADOPTED.

6a. RECOMMENDATION from Director Department of Public Works & Engineering for approval of Change Order No. 2 in the amount of \$40,324.10, and final contract amount of \$815,265.01 and acceptance of work on contract with **SOUTH COAST CONSTRUCTION, INC** for Westpark Drive Bridge over HCFCD Unit D129-00-00, GFS N-0557-01-3 (N-0557-01) - **DISTRICT G - HOLM** - was presented, moved by Council Member Garcia, seconded by Council Member Khan. All voting aye. Nays none. Mayor White absent on city business. Mayor Pro Tem Alvarado presiding. MOTION 2005-0872 ADOPTED.

7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,827,201.98 and acceptance of work on contract with **TOTAL SITE, INC formerly known as RAY SMITH CONSTRUCTION, INC** for West Orem Drive Paving from SH 288 to proposed Kirby Drive including Waterlines and Drainage, GFS N-0602-02-3 (SB9106) 03.79% under the original contract amount - **DISTRICT D - EDWARDS** - was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Mayor White absent on city business. Mayor Pro Tem Alvarado presiding. MOTION 2005-0873 ADOPTED.

Council Member Galloway stated that she wanted to make note that the company had a 39% MWBE participation and was rated most outstanding, that the company was Total Site, formerly known as Ray Smith Construction Inc.

8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$222,019.31 and acceptance of work on contract with **CURB PLANET, INC** for Safe Sidewalk Program, GFS N-0610A-G3-3 (SB9029-3) - 24.68% under the original contract amount - **DISTRICTS C - GOLDBERG; D - EDWARDS; G - HOLM and F - KHAN** - was presented, moved by Council Member Green, seconded by Council Member Galloway. All voting aye. Nays none. Mayor White absent on city business. Mayor Pro Tem Alvarado presiding. MOTION 2005-0874 ADOPTED.

**PROPERTY** - NUMBERS 10 through 12

10. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Daniel Dobrowski and Shirley Myers Dobrowski, for abandonment and sale of an alley, from East 4th Street to

the Interstate Highway 10 service road, in exchange for the conveyance to the City of a full-width utility easement, located within Block 311, Houston Heights, Parcels SY5-073, SY6-003, SY6-004, VY6-003, VY6-004 and VY6-005 - **STAFF APPRAISERS - DISTRICT H - GARCIA** – was presented, moved by Council Member Khan, seconded by Council Member Galloway. All voting aye. Nays none. Mayor White absent on city business. Council Member Lawrence absent. Mayor Pro Tem Alvarado presiding. MOTION 2005-0875 ADOPTED.

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

14. **PHILPOTT MOTORS, LTD.** for Automobiles through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council (H-GAC) for Police Department - \$125,680.00 Equipment Acquisition Consolidated Fund – was presented, moved by Council Member Khan, seconded by Council Member Galloway. All voting aye. Nays none. Mayor White absent on city business. Mayor Pro Tem Alvarado presiding. MOTION 2005-0876 ADOPTED.
15. **SEQUEL DATA SYSTEMS, INC.**, a Hewlett Packard authorized reseller, for Three MDT Host Server Systems for Police Department through the City's Master Agreement with the Texas Department of Information Resources for Texas CISV Master Catalog Purchases under Chapter 2157 of the Government Code - \$396,093.02 - Grant Fund – was presented, moved by Council Member Khan, seconded by Council Member Galloway. All voting aye. Nays none. Mayor White absent on city business. Mayor Pro Tem Alvarado presiding. MOTION 2005-0877 ADOPTED.
17. **CRANE WORKS, INC** for Rental of Two Crane Trucks for Department of Public Works & Engineering - \$180,000.00 - Enterprise Fund – was presented, and tagged by Council Member Quan.
19. **AMBU, INC** - \$344,100.00, **CARDINAL HEALTH, INC** - \$9,326,636.12, **CARDIOVASCULAR CONCEPTS, INC d/b/a CVC, INC** - \$297,000.00, **CRITICAL CARE PRODUCTS** - \$32,500.00, **DIVERSIFIED MEDICAL SERVICES INTERNATIONAL, INC (Bid No. 1)** - \$427,950.00, **FERNO WASHINGTON, INC (Bid No. 1)** - \$337,125.00, **FERNO WASHINGTON, INC (Bid No. 2)** - \$45,600.00, **ORTHO CLINICAL DIAGNOSTICS, INC** - \$101,640.00 and **STRYKER CORPORATION** - \$706,750.00 for Medical, First Aid and Emergency (Just-In-Time) and Family Planning (340B Program) Supplies for Various Departments - \$11,619,301.12 - General and Grant Funds – was presented, and tagged by Council Member Lawrence.

Council Member Lawrence stated that in Item No. 19 there were a lot of things lumped together and would like a breakdown on the Family Planning aides and where they were going and what would actually be included in that and cost analysis.

Council Member Wiseman stated that she had the same concerns expressed by Council Member Lawrence with respect to the expenditures and from what she understood it was \$200,000 per year for five years so it was a total of \$1 million, that she was attempting to take a look at that contract, and stated that if Council Member Lawrence would release her tag so that she could make a motion to divide the question so that they could consider that contract separately and go ahead and vote on all the other contracts and then they could see if they could get the information on that specific contract.

Council Member Lawrence released her tag on Item No. 19, and Council Member Wiseman moved to postpone Item No. 19 until the end of the agenda, seconded by Council Member Ellis. All voting aye. Nays none. Mayor White absent on city business. Mayor Pro Tem Alvarado presiding. MOTION 2005-0878 ADOPTED.

## ORDINANCES

20. ORDINANCE **AMENDING SECTION 2-28 OF THE CODE OF ORDINANCES, CITY OF HOUSTON, TEXAS**, relating to Emergency Reassignment of certain employees under extraordinary or catastrophic circumstances – was presented.

After discussion by Council Members, Council Member Sekula-Gibbs requested a report on the cost of the security measures that were in place there, and also the cost and the number of police officers that were being relocated from their regular beats to the Astrodome and the George R. Brown and also the number of police officers that had been moved from the City to outlying cities and even out of State.

After further discussion by Council Members, Council Member Edwards moved to call question, and Council Member Holm stated that she would tag Item No. 20.

28. ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 461** – was presented, and tagged by Council Member Galloway.
29. ORDINANCE consenting to the addition of 65.4274 acres of land to **PINE VILLAGE PUBLIC UTILITY DISTRICT**, for inclusion in its district – was presented, and tagged by Council Member Galloway.
33. ORDINANCE repealing Ordinance No. 2004-0885 and appropriating \$509,338.00 out of the TIRZ Affordable Housing Fund (Fund 872) and approving and authorizing grant agreement between the City and **NEW VISION COMMUNITY DEVELOPMENT** to finance a portion of the costs to acquire land upon which will be constructed a seventy-one unit Elderly Housing Complex located at 1580 Greensmark Drive - **DISTRICT B - GALLOWAY** – was presented, and tagged by Council Member Galloway.
34. ORDINANCE approving and authorizing Texas Traffic Safety Program Grant Agreement between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** for the Speed Selective Traffic Enforcement Program (SPEED STEP); authorizing the Chief of the Police Department, or any designated Assistant Chief, to accept such grant funds and to act as the City's representative in all matters pertaining to the program – was presented. All voting aye. Nays none. Mayor White absent on city business. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-1041 ADOPTED.
35. ORDINANCE approving and authorizing Texas Traffic Safety Program Grant Agreement between the City of Houston and **THE TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** for the Holiday Driving While Intoxicated Selective Traffic Enforcement Program (DWI STEP); authorizing the Chief of the Police Department, or any designated Assistant Chief, to accept such grant funds and to act as the City's representative in all matters pertaining to the program – was presented. All voting aye. Nays none. Mayor White absent on city business. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-1042 ADOPTED.
36. ORDINANCE approving and authorizing Texas Traffic Safety Program Grant Agreement between the City of Houston and the **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** for the Occupant Protection Selective Traffic Enforcement Program (OP STEP); authorizing the Chief of the Police Department, or any designated Assistant Chief, to accept such grant funds and to act as the City's representative in all matters pertaining to the program – was presented. All voting aye. Nays none. Mayor White absent on city business. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-1043 ADOPTED.
37. ORDINANCE approving and authorizing Texas Traffic Safety Program Grant Agreement between the City of Houston and the **TEXAS DEPARTMENT OF TRANSPORTATION**

**(TXDOT)** for the Intersection Traffic Control Selective Traffic Enforcement Program (ITC STEP); authorizing the Chief of the Police Department, or any designated Assistant Chief, to accept such grant funds and to act as the City's Representative in all matters pertaining to the program – was presented. All voting aye. Nays none. Mayor White absent on city business. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-1044 ADOPTED.

38. ORDINANCE approving and authorizing Texas Traffic Safety Program Grant Agreement between the City of Houston and the **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** for the Safe Trucks Driven Safely Selective Traffic Enforcement Program (STDS STEP) authorizing the Chief of the Police Department, or any designated Assistant Chief, to accept such grant funds and to act as the City's Representative in all matters pertaining to the program – was presented. All voting aye. Nays none. Mayor White absent on city business. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-1045 ADOPTED.
43. ORDINANCE appropriating \$2,245,000.00 out of Street & Bridge Consolidated Construction Fund (Number N-0663-RE-1), and approving and authorizing purchase of easements and other interests in real property and payment of the costs of such purchases and/or condemnations of such real property and associated costs for appraisal fees, Title Policies/Services, Recording Fees, Court costs and Expert Witness Fees, for and in connection with, and finding a public necessity for, the Capital Improvement Projects identified in the body of this ordinance – was presented.

Council Member Galloway moved to postpone Item No. 43 until the end of the agenda, seconded by Council Member Green. All voting aye. Nays none. MOTION 2005-0879 ADOPTED.

#### **NON CONSENT AGENDA** - NUMBERS 49 and 50

#### **PROPERTY**

50. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Victor Zambrano, on behalf of MDM Realty L.L.C. (Marshall Mansour, general partner), for abandonment and sale of Pawnee Street, from Alameda Road east to its terminus at the railroad tracks; a 14-foot-wide alley, from Pawnee Street to Lydia Avenue; and a 14-foot-wide alley, from the railroad tracks west to its terminus, in exchange for the conveyance to the City of a 14-foot-wide and a 10-foot-wide utility easement, all located within Institute Place Addition, Parcels SY5-074A, SY5-074B, SY6-005, SY6-006, VY6-001, VY6-002 and VY6-006 - **APPRAISERS - DISTRICT D - EDWARDS**

Council Member Edwards named Mr. John Chambless and Mr. George Coleman Jr. as appraisers and Ms. Sheila Stewart as alternate appraiser and moved approval of the recommendation, seconded by Council Member Khan. All voting aye. Nays none. Mayor White absent on city business. Mayor Pro Tem Alvarado presiding. MOTION 2005-0880 ADOPTED.

#### **MATTERS HELD** - NUMBERS 51 through 54

53. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Trish Ricklefsen, on behalf of Label Imaging Technology, Inc., (William Hossley, Jr., president), declining the acceptance of, rejecting, and refusing the dedication of Washington Avenue and Trinity Avenue, from Brinkman Street to Live Oak Street, located within the Live Oak Addition, Parcels SY6-015A and SY6-015B **DISTRICT A - LAWRENCE** – **(This was Item 13 on Agenda of August 31, 2005, TAGGED BY COUNCIL MEMBER LAWRENCE)** – was presented, moved by Council Member Khan, seconded by Council Member Quan. All

voting aye. Nays none. Mayor White absent on city business. Mayor Pro Tem Alvarado presiding. MOTION 2005-0881 ADOPTED.

54. ORDINANCE appropriating \$1,188,200.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **RWL CONSTRUCTION, INC** for Water Line Replacement in the Alameda Manor Subdivision, GFS S-0035-B3-3 (WA10776); setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, construction management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT D - EDWARDS – (This was Item 29 on Agenda of August 31, 2005, TAGGED BY COUNCIL MEMBER GALLOWAY)** – was presented. All voting aye. Nays none. Mayor White absent on city business. Council Member Berry absent. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-1046 ADOPTED.

#### **Items postponed to end of agenda**

19. **AMBU, INC** - \$344,100.00, **CARDINAL HEALTH, INC** - \$9,326,636.12, **CARDIOVASCULAR CONCEPTS, INC d/b/a CVC, INC** - \$297,000.00, **CRITICAL CARE PRODUCTS** - \$32,500.00, **DIVERSIFIED MEDICAL SERVICES INTERNATIONAL, INC (Bid No. 1)** - \$427,950.00, **FERNO WASHINGTON, INC (Bid No. 1)** - \$337,125.00, **FERNO WASHINGTON, INC (Bid No. 2)** - \$45,600.00, **ORTHO CLINICAL DIAGNOSTICS, INC** - \$101,640.00 and **STRYKER CORPORATION** - \$706,750.00 for Medical, First Aid and Emergency (Just-In-Time) and Family Planning (340B Program) Supplies for Various Departments - \$11,619,301.12 - General and Grant Funds – was again before Council. Council Members Goldberg and Berry absent.

Council Member Wiseman moved to divide the question to consider Cardinal Health, Inc. separate from the other contracts in Item No. 19, seconded by Council Member Khan. All voting aye. Nays none. Mayor White absent on city business. Council Members Goldberg and Berry absent. Mayor Pro Tem Alvarado presiding. MOTION 2005-0882 ADOPTED.

Council Member Wiseman stated that she would tag the Cardinal Health, Inc. portion and Council Members Lawrence and Khan tagged the item as well.

A vote was called on the balance of Item No. 19, moved by Council Member Green, seconded by Council Member Galloway. All voting aye. Nays none. Mayor White absent on city business. Council Members Goldberg and Berry absent. Mayor Pro Tem Alvarado presiding. MOTION 2005-0883 ADOPTED.

43. ORDINANCE appropriating \$2,245,000.00 out of Street & Bridge Consolidated Construction Fund (Number N-0663-RE-1), and approving and authorizing purchase of easements and other interests in real property and payment of the costs of such purchases and/or condemnations of such real property and associated costs for appraisal fees, Title Policies/Services, Recording Fees, Court costs and Expert Witness Fees, for and in connection with, and finding a public necessity for, the Capital Improvement Projects identified in the body of this ordinance – was again before Council. All voting aye. Nays none. Mayor White absent on city business. Council Member Goldberg absent. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-1047 ADOPTED.

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

Council Member Garcia requested a moment of silence for all of the families who had been affected by Hurricane Katrina. Council Members Goldberg and Green absent.

Council Member Garcia stated that he wanted to recognize all of the people and companies who had come together unselfishly to serve in a tremendous moment of need. Council Members Lawrence, Khan, Ellis and Green absent.

Council Member Garcia stated that he wanted to remind everyone that the September 11 anniversary was upon them and they were hosting a candlelight vigil at 7:00 p.m. at the Veterans Memorial Park, that it would honor the men and women who were serving their Country and also to share in supporting the families afflicted by Katrina so he would like to invite everyone to participate and bring non perishables to the vigil. Council Members Lawrence, Khan, Ellis and Green absent.

Council Member Garcia stated that on Monday they would have their Public Safety forum, there would be a lot of information discussed about the massive operation that they had underway and would give updates and insights as to how the Mayor and Judge Eckels had brought the region together. Council Members Lawrence, Khan, Ellis and Green absent.

Council Member Garcia stated that he wanted to give his thanks to Sergeant Zeller for continuing her efforts in the Central Patrol area along with her colleagues, that he also wanted to thank a couple of residents, Mr. Butler and Devon for organizing a community meeting which brought together about 50 people to discuss their concerns about some issues occurring in the neighborhood. Council Members Lawrence, Galloway, Khan, Ellis, Green and Berry absent.

Mayor Pro Tem Alvarado stated that she wanted to congratulate Council Member Edwards and her staff and their community for the Chocolate Bayou Festival, that she had the opportunity to go out there and it was quite a community celebration. Council Members Lawrence, Galloway, Khan, Ellis, Green and Berry absent.

Mayor Pro Tem Alvarado presiding. stated that they would have their State of the District Breakfast on Saturday at 9:00 a.m. at Drexler's Barbeque and invited her colleagues and constituents to attend. Council Members Lawrence, Galloway, Khan, Holm, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Sekula-Gibbs stated that she wanted to congratulate the Harris County Hospital District and the Harris County Medical Society, Baylor College of Medicine and the University of Texas Health Science Center for their good work in delivering excellent health care to the people who were visiting Houston from Louisiana, Mississippi and Alabama in the wake of Hurricane Katrina. Council Members Lawrence, Galloway, Khan, Holm, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Sekula-Gibbs stated that on September 1, 2005 there was a property transfer that concluded a deal that had been working for several months prior, the Army, Navy and Marine Corps reserve base that was at Old Spanish Trail was transferred into ownership of M. D. Anderson Hospital and the Sergeant Major Macario Garcia Reserve Center was relocated to Ellington Field. Mayor Pro Tem Alvarado and Council Members Lawrence, Galloway, Khan, Holm, Ellis, Green and Berry absent. Vice Mayor Pro Tem Goldberg residing. (NO QUORUM PRESENT)

Council Member Sekula-Gibbs stated that Good Hope Baptist Church was looking for volunteers to help out at 3015 North MacGregor and were looking for donated furniture and all the essentials for kitchens and clothing and food and were taking deliveries from 9:00 a.m. to 5:00 a.m., that they could call at 713-526-6578 or her office if they needed more information at 713-247-2005, that she wanted to thank all of the organizations for doing a great job. Mayor Pro Tem Alvarado and Council Members Lawrence, Galloway, Holm, Garcia, Ellis, Green and Berry absent. Vice Mayor Pro Tem Goldberg residing. (NO QUORUM PRESENT)

Council Member Khan stated that he wanted to acknowledge what Houstonians were

doing all across the City, that everybody was so involved in the Katrina relief efforts, that business groups and medical health care professionals, that it was amazing how much a giving spirit Houstonians had and were displaying. Mayor Pro Tem Alvarado and Council Members Lawrence, Galloway, Holm, Garcia, Ellis, Green and Berry absent. Vice Mayor Pro Tem Goldberg residing. (NO QUORUM PRESENT)

Council Member Quan stated that he wanted to congratulate the Mayor, the administration, their colleagues, that it had been wonderful, that there were 100 Asian leaders who met with the Mayor and the Mayor took his time to answer questions and to say how everybody could help in the effort, that the owners of Hong Kong Mall had opened the mall up as a place where people could come to get food, clothing and help of all types, that additionally they had fed approximately 1,000 people every day for the last week, that Catholic Charities had helped over 4,000 people who were not in shelters but who were throughout the community and had given them money to get by through the tough time, SOS Boat People for providing medical assistance, the Philippine American Community, the Consulate General of the Philippines had donated \$25,000 to the community to make sure they assisted in that effort. Mayor Pro Tem Alvarado and Council Members Lawrence, Galloway, Holm, Garcia, Ellis, Green and Berry absent. Vice Mayor Pro Tem Goldberg residing. (NO QUORUM PRESENT)

Council Member Quan stated that this week the Thai Community would be having their festival on the grounds of City Hall and all of the proceeds would go to Katrina relief. Mayor Pro Tem Alvarado and Council Members Lawrence, Galloway, Holm, Garcia, Ellis, Green and Berry absent. Vice Mayor Pro Tem Goldberg residing. (NO QUORUM PRESENT)

Council Member Quan stated that Council Member Khan along with the Asian Chamber of Commerce was organizing a job fair on Saturday at the Knights of Columbus Hall on Bissonnet and they would get more information out to all people interested in that. Mayor Pro Tem Alvarado and Council Members Lawrence, Galloway, Holm, Garcia, Ellis, Green and Berry absent. Vice Mayor Pro Tem Goldberg residing. (NO QUORUM PRESENT)

Council Member Wiseman stated that she too wanted to express her gratitude for the hard work and generous contributions from so many, that with their school supply drive they had been able to assist 11 school districts and had been able to get supplies for thousands of students, that it was amazing what had been done in less than a week, that she wanted to thank everyone who donated and all who volunteered to help in the effort and distribute the supplies, that she wanted to thank Chief Boriskie and all the firefighters throughout the City who allowed them to impose on them and allowed them to place their collection boxes in the fire stations. Mayor Pro Tem Alvarado and Council Members Lawrence, Galloway, Khan, Holm, Garcia, Ellis, Green and Berry absent. Vice Mayor Pro Tem Goldberg residing. (NO QUORUM PRESENT)

Council Member Edwards stated that she wanted to thank everyone who had been noted, that she wanted to thank the community of District D, they had over 7,000 survivors of Katrina being sheltered in District D through churches, community groups and homes, that she wanted to thank them for stepping up. Mayor Pro Tem Alvarado and Council Members Lawrence, Galloway, Khan, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. Vice Mayor Pro Tem Goldberg residing. (NO QUORUM PRESENT)

Council Member Edwards stated that she wanted to ask the administration where was the Houston evacuation plan, that they had been talking about it for a number of years and had the discussion of how they would evacuate people with no cars, people who were homeless, communities who were bedridden and so forth, that as far as she knew those questions had not been answered, that she would suggest that somebody needed to be assigned to looking at it while they had all of the evidence in front of them, that she would like to meet with somebody if they did not want to do it in a public meeting for them to explain to her where they were in Houston, what was the role of Homeland Security and FEMA and what was the role of City government in case this type of thing happened, that she was also concerned about long term

planning regarding education, that she would like for somebody from HISD to give them a report on the status of schools, what were they looking at and what were they looking forward to. Mayor Pro Tem Alvarado and Council Members Lawrence, Galloway, Khan, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Vice Mayor Pro Tem Goldberg residing. (NO QUORUM PRESENT)

Council Member Edwards stated that regarding Houston Media Source she would still like to have her questions answered as to what were the expectations of the new board that were not met by the old board, that she wanted to see it in writing, that she also wanted the questions answered about contract compliance by HMS, was HMS compliant in the contract or not. Mayor Pro Tem Alvarado and Council Members Lawrence, Galloway, Khan, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Vice Mayor Pro Tem Goldberg residing. (NO QUORUM PRESENT)

Council Member Edwards stated that they had talked about canceling the Chocolate Bayou Festival because of Katrina but they were advised since it was not a shelter area and they could run the festival without the City employees the City would have no problem with that, that they had a lot of residents of Louisiana come out and she wanted to thank all of the volunteers who stepped up to the plate and provided security and EMS capabilities, that she wanted to thank the Chocolate Bayou Host Committee, that with the survivors they had children who had breathing problems, asthma and so forth and she wanted to thank Pulma Guard and the office manager Ms. Harris who donated two nebulizers to the clinic in District D. Mayor Pro Tem Alvarado and Council Members Lawrence, Galloway, Khan, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Vice Mayor Pro Tem Goldberg residing. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Goldberg stated that he would make sure the administration would get back with her and answer questions about the evacuation, that they did not want to get caught unprepared. Mayor Pro Tem Alvarado and Council Members Lawrence, Galloway, Khan, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Vice Mayor Pro Tem Goldberg residing. (NO QUORUM PRESENT)

Council Member Goldberg stated that he had visited a lot of the shelters but had never seen anything so organized like the George R. Brown and Ms. Ulrich, that they were so organized and professional and all of the staff was doing a great job; that he knew there were a lot of places to donate money but the Houston Red Cross was not doing well off financially, that they were spending out a lot of money but the money did not come in necessarily from the American Red Cross, if they wanted the local chapter of the Houston Red Cross to get the money they had to send the check to the Houston Red Cross, if it was sent to the American Red Cross it did not necessarily come back to the City of Houston, if they cared about the local chapter he hoped they would send money to the Houston Red Cross; that he knew the Astrodome had a curfew at 11:00 p.m. and he had been there the last two nights and there were many people camped outside the fence, that people were eating, sleeping and drinking out there, that he did not know who was in charge of going around the perimeter but they should not have any people on the outside perimeter at all, that there was no reason not to be back in at 11:00 p.m., if they could not make it into the Astrodome at 11:00 a.m. they ought to be able to stay out in the parking lot, they should not lock them outside the gate all together and he hoped it would be worked out, that they needed to find a situation of what to do with all the people on the perimeter of the Astrodome, that it was beginning to build up a little bit and he talked to the Fiesta Store across the street and they said they were having a tough time keeping the people from not drinking, that they did not allow open containers in their parking lot and they were having a difficult problem and if somebody from the City could look into it and get back to him.. Mayor Pro Tem Alvarado and Council Members Lawrence, Galloway, Khan, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Vice Mayor Pro Tem Goldberg residing. (NO QUORUM PRESENT)

Council Member Edwards stated that one of the issues regarding the point he was making was that they had a lot of Houstonians who were in a homeless situation and they were wondering how could they get some of the service that was going on and she did not know how to address it but thought somebody needed to be looking at that because that population was still in crisis, that hopefully somebody could look at what was happening to see how they could set up something similar so that people could move on with their lives because a lot of the population that were in the large shelters were people who were in similar situations, in dire poverty if not quasi homeless, that her suggestion was how could they stretch that "can do" into the population that they had in Houston all the time that were in similar situations, and Vice Mayor Pro Tem Goldberg stated that he agreed with Council Member Edwards, it was kind of a strange dilemma that they were helping homeless people from another state and they still had some of their own that needed help, that he knew the Mayor had committed that no Houston citizens would suffer any City services while this was going on and he thought it was something that they needed to look at and figure out and Council Member Edwards stated that some of those City services homeless people did not have in the City of Houston, could they look to see if there was any way they could provide a more aggressive homeless project that would help eradicate and help move these people forward as they were trying to do with their brothers and sisters from Louisiana. Mayor Pro Tem Alvarado and Council Members Lawrence, Galloway, Khan, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Vice Mayor Pro Tem Goldberg residing. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 12:32 p.m. Mayor Pro Tem Alvarado and Council Members Lawrence, Galloway, Khan, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. Vice Mayor Pro Tem Goldberg residing. (NO QUORUM PRESENT)

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

MINUTES READ AND APPROVED

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Anna Russell, City Secretary