

City Council Chamber, City Hall, Tuesday, September 27, 2005

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, September 27, 2005, Mayor Bill White presiding and with Council Members Toni Lawrence, Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, M. J. Khan, Pam Holm, Adrian Garcia, Carol Alvarado, Mark Ellis, Gordon Quan, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; Mr. Arturo Michel, City Attorney; Ms. Jo Wiginton, Division Chief, Contract Division, Legal Department; Mr. Xavier Herrera, Citizens Assistance Office; Ms. Marty Stein, Agenda Director; Mr. Jose Soto, Assistant Agenda Director present.

At 2:11 p.m. Mayor White stated that Council would begin with presentations; that with the city being so young some of the greatest Houstonians were still alive; and invited Mr. Leonel Castillo to the podium. Mayor White further stated that this was a very special presentation to someone who was a part of the city's history as well as a history maker, someone who broke down barriers; that he had dedicated his life to serving others and among his contributions he was a twice re-elected City Controller and served as Commissioner of Immigration and Naturalization before returning to Houston and being on many boards of which he made a difference; that he was honored many times throughout his career; and presented him a Proclamation proclaiming Tuesday, September 27, 2005, as "Leonel Castillo Day", in Houston, Texas. Council Member Berry absent.

Mr. Castillo thanked the Mayor for the recognition and stated that he was very appreciative of all the help and support given him; and was very proud of all the work the Mayor and Council Members had done. Council Member Berry absent.

Council Members stated that Mr. Castillo was an inspiration and thanked him for his community service and dedication. Council Member Berry absent.

Council Member Quan stated that September was Leukemia Awareness Month and there was a great Leukemia association in the Gulf Coast Area and invited Mr. Jon Strange of the Leukemia Society to the podium; and Mr. Strange presented information to the Mayor and Council Members and stated that they were presented a Proclamation beforehand, but he brought an "Awareness Band bearing the word "Relentless" and information for the Council as they had to be relentless in fighting blood related cancers; that they were having an awareness night Saturday, October 1, 2005, at the Greyhound Race Track in Galveston County and on October 15, 2005, at the Sam Houston Race Track; that Leukemia killed more children than any other disease, more adults fell victim to it than children and almost 200,000 Americans had Leukemia at this time, in 2005 almost 35,000 new cases would be diagnosed with over 2,200 Americans dying; that the fundraisers would help provide for research and thirty cents of each dollar would go to Hurricane Katrina victims, this was in place before Hurricane Rita, and they appreciated bringing this to the public. Council Member Ellis absent.

Council Member Quan thanked Mr. Strange for his relentless efforts; and Council Member Sekula-Gibbs stated that Mr. Strange was a strong advocate for research done by the Leukemia and Lymphoma Society and the work in research was paying off with an improvement in the cure rate and it was due to his and his team's efforts. Council Member Ellis absent.

At 2:25 p.m. Mayor White called the meeting to order and called on Council Member Green who led all in prayer and pledge. Council Member Goldberg absent.

At 2:26 p.m. the City Secretary called the roll. All present.

Council Members Green and Galloway moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Member Ellis absent. MOTION ADOPTED.

Council Member Garcia moved that the rules be suspended to take Item one out of order, seconded by Council Member Green. All voting aye. Nays none. Council Member Ellis absent. MOTION 2005-0940 ADOPTED.

1. ORDINANCE authorizing the Mayor of Houston to extend or continue a proclamation of a Local State of Disaster for the City of Houston beyond the seven day period after the proclamation was issued, making certain findings related thereto, and declaring an emergency – was presented. All voting aye. Nays none. Council Member Ellis absent. ORDINANCE 2005-1105 ADOPTED.

Council Member Wiseman stated that she had questions on extending the emergency declaration; that most had to do with the advance preparation and actions by the City in preparing the city and residents and then moving forward with evacuations; that she wanted to know what exactly the declaration did, what authority was empowered to the Mayor and the City that they did not already have and had they not already passed that time of emergency; what specifically still had to be done under such a declaration; and Mr. Michel stated that what this did under the statutory provision of Chapter 418 was it allowed implementation of relief and recovery efforts under the management plan that would include items such as debris removal; that at this point he was not sure there was a specific instance that would have to be implemented now, but without the extension if a situation arose they would have to implement the declaration once again; and Mayor White stated that he could think of things right now that Dr. Purse, who was a remarkable individual, now was their jurisdiction; that it had gone from one county to nine counties to nineteen counties and today it was hospital rooms in a thirty county area and that may not be in his ordinary scope of his business or employment of the city; and Council Member Wiseman stated that was correct but that was not detailed in the emergency declaration, it was separate; and Mayor White stated that the benefit of having Council action on this was so Council exercised some public oversight of something the Mayor did, so if the head of EMS was taking over the other functions it was with their permission; that Council Member Wiseman may be right in that the executive authorities in the Office of the Mayor provided a lot of latitude; and Mr. Michel stated that there was quite a bit of it; that questions raised on evacuees and services the city provided in the abstract to know was the continuation of a disaster may be helpful in seeking reimbursement of funds, he was not saying it was necessary, but with the way the federal government was, particularly right now, was relaxing and changing some of the rules relative to reimbursement, but that was in the abstract; and Council Member Wiseman stated that her greatest concern was seizing private property for private uses was already done with the Supreme Court ruling, she understood this was for public use, but she had a problem seizing private property and hoped this declaration did not have that intent; and Mayor White stated that she could be sure of it, in the one case in which there was a unique facility and today the disaster recovery facility for the region for FEMA it was entered into a lease agreement and it was that the owner/landlord was not available for a period of time; and Council Member Wiseman stated that was her concern, the seizure occurred before they had time to say they wanted to work with them. Council Members Goldberg and Ellis absent.

Council Member Sekula-Gibbs stated that they had two opportunities now to run through disaster management, one where they received evacuees and one where they became evacuees; that now the President was discussing openly the opportunity to have more control over the early days of disaster as opposed to waiting for the initiation of the Governor and then the Governor responding to the Mayor; and she wondered if Council would have a part of the discussion so constituents would be a part of the change and she did not know if it would be addressed in Council or committee; and Mayor White stated yes, to the extent people in the effected areas...; that he would expect strong input from local and state governments, but no one called him to see if it was okay to pass a law, but however she wanted to do it; and Mayor White stated that except where federal officials respond promptly in the way that they ask them to, such as provide reimbursement or working shoulder to shoulder in the clinic or traffic control; that almost every other case was more of a problem than an asset in the last month because

they did not know the situation on the ground, but this was a national issue and when he called for fuel he wanted the ability to have military fueling and it was not assessable so they needed to figure a way where state, local and national were to respond in areas that big where other areas of government would heed the call of local leadership; and he felt that the Public Safety and Homeland Security would be an appropriate committee. Council Member Goldberg absent,

Council Member Edwards stated that it was clear to her local leadership needed the tools to do what was necessary in a manner that did not preclude them from having to go and be at the mercy of federal agencies; and moved to call the question. Council Member Goldberg absent.

A vote was again called, however a vote was not recorded as the item had previously been adopted. Council Member Goldberg absent.

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

Ms. Noel Bharadwaja, 21323 Park Mill, Katy, Texas 77450 (832-651-4746) had reserved time to speak but was not present when her name was called. Council Member Goldberg absent.

Mr. Ted Brankhage, 3210 Tilson Lane, Houston, Texas 77080 (no phone) appeared and stated that in the Texas Monthly in 1974 there was an article about a city under water and that city was Houston, the Corps of Engineers predicted 20 feet of water in downtown Houston; that he thought Mayor White was doing a fine job throughout this, but by the article they should not let their guard down; that if the hurricane would have been a category five there would have been much destruction; that he also wanted to know who was in the wrong by someone evacuating before they needed too, someone waiting too late to go, or someone filling up extra gas cans and hauling boats or trailers; that boats and trailers cause backup and lives were more important.

Council Member Khan stated that he was absolutely right; the article he referenced would happen, every city, every town had to make preparation for emergencies, for evacuation and he felt all performed very well and credit needed to go out to Houston citizens also; that with the gasoline shortage and Mayor White asked for people not to top off tanks and put a limit on 10 gallon purchases people reacted; that something is bound to still happen and they would be better prepared in evacuating 2.7 million people or more, as they did not just worry about the city limits they needed help in other governmental agencies in other areas.

Council Member Berry stated that about 2 million people left and they all had stories and what he got from his was the best bit of advise would be for families to carpool and if they needed to call for evacuation again maybe that would be something they should ask for, for people to not take up more pavement space than they needed.

Council Member Goldberg stated that they were lucky that the hurricane veered off and turned what the City did into a drill; that he thought you needed city, county and state cooperation as just the counter flow lane alone was 100 miles and now that they had the drill hopefully it would send a message to all to devise a plan; that Galveston had a plan that would have worked perfectly if so many others had not headed out and he felt Hurricane Katrina was the reason for that. Council Members Galloway, Edwards, Ellis and Green absent.

Mayor White stated that he gave each Council Member a statement which was being

released by Governor Perry and he and Judge Eckles agreed that they could not locally. . ; that it was unacceptable, the plan and implementation for the plan of management of outgoing lanes, refueling and traffic control outside of Houston, that was not good; that intelligent and open people learn and the same should be with government so they were trying to get the best people in logistics, planning, and traffic operations in the state. Council Members Galloway, Edwards and Green absent.

Council Member Lawrence stated that on emergency programming there was a program the county put in place called CERT and they had trained about 75 people with outstanding volunteer through the last hurricanes; that they were starting two classes and she hoped he and his neighbors would participate. Council Members Galloway, Ellis and Green absent.

Mr. Tim Campbell, 208 Caylor, Houston, Texas 77011 (713-928-6119) had reserved time to speak but was not present when his name was called. Council Members Galloway, Ellis and Green absent.

President Joseph Charles, Post Office Box 524373, Houston, Texas 77052-4373 (832-453-6376) appeared and stated that he was denied emergency protection and wanted the Mayor arrested; and continued expressing his personal opinions until his time expired. Council Members Galloway, Ellis and Green absent.

Mr. Robert Horton, 3714 Bain, Houston, Texas 77026 (713-260-6144) appeared and stated that he was Ali; and continued expressing his personal opinions until his time expired. Council Members Garcia, Ellis and Berry absent.

At 2:56 p.m. upon motion by Council Member Galloway, seconded by Council Member Green, City Council recessed until 9:00 a.m., Wednesday, September 28, 2005. Council Members Garcia, Ellis and Berry absent.

City Council Chamber, City Hall, Wednesday, September 28, 2005

The Houston City Council reconvened at 9:00 a.m. Wednesday, September 28, 2005, with Mayor Bill White presiding and with Council Members Toni Lawrence, Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, M. J. Khan, Pam Holm, Adrian Garcia, Carol Alvarado, Mark Ellis, Gordon Quan, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; Mr. Anthony Hall, Chief Financial Officer, Mayor's Office; Mr. Arturo Michel, City Attorney, Ms. Marty Stein, Agenda Director and Mr. Jose Soto, Deputy Agenda Director present.

At 8:26 the City Secretary read the descriptions or captions of items on the Agenda.

At 9:32 a.m. Mayor White reconvened the meeting of the City Council and stated that the first order of business was the Mayor's Report.

MAYOR'S REPORT - Hurricane Rita aftermath

Mayor White stated that he knew there were issues that were addressed, extraordinary measure they were undertaking to assure folks that they did not want City services to suffer as a result of all the relief that the community had given to the evacuees of Katrina and now Rita, that he would say that probably better than going through some of the procedures described in the memo and repeating Ms. Johnson's briefings to them that they worked hard to make sure that FEMA paid the City before they had to pay anything and it was truly extraordinary FEMA procedures as they discussed on that late Friday meeting, that he appreciated their attending, a couple of weeks ago, that under their procedures they typically reimburse City's and County's, local government entities, for various services, so for example that was why the County Commissioners Court over two weeks ago adopted a procedure to contract with community shelters and make those obligations to the County but no payment was due until they got FEMA

reimbursement, that was the basic approach they were taking with those reimbursable FEMA expenditures and something they would hear about, a term of art, was a project worksheet which were those formal compilations and requests they made to FEMA for reimbursement and in some cases advancement of funds from FEMA, those project worksheets were divided into various categories of City expenses, they were fairly detailed and subject to review by FEMA and anybody else who wanted to review them, finally he would say there were some issues in the immediate days following buses showing up on their front door that at all various locations in town usually with no advance warning, where they made a commitment as a community transcending local government lines to get Americans out of shelters so they could live with some independence and dignity, with family members, church groups or apartments, which would be preferable, as quickly as they could so people could make their own decisions, get back on their feet, get their FEMA reimbursement and get on with their lives and in those days things were proceeding 24/7, he had commitments from FEMA and their Congressional delegation, that to remember it was before Congress passed legislation appropriating money, that the City of Houston would be reimbursed for certain amounts and they had kept good on the promises that were made at the time, that to remember that their shelters were at or beyond capacity so that even increased the need to act expeditiously, which they did and with that he thought the memo probably set forth pretty clearly some of the principles and philosophy they were following. Council Member Berry absent.

Council Member Edwards moved to suspend the rules to consider Item Numbers 33 and 15 out of order, seconded by Council Member Quan. All voting aye. Nays none. Council Member Berry absent. MOTION 2005-0941 ADOPTED.

33. REVIEW of the record and make determination of the appeal filed by Rachel Medrano on the decision of the General Appeals Board for denial of a Manufactured Home Hardship Permit at 4812 Lincolnshire, Houston, Texas 77048 - **DISTRICT D – EDWARDS – (This was Item 48 on Agenda of September 21, 2005, TAGGED BY COUNCIL MEMBER QUAN)**

Council Member Edwards moved to grant the appeal, seconded by Council Member Quan. All voting aye. nays none. Council Members Goldberg and Berry absent. MOTION 2005-0942 ADOPTED.

15. ORDINANCE issuing permit to **VALERO LOGISTICS OPERATIONS, L.P.** to own, acquire, construct, operate, maintain, improve, repair, and replace pipelines in certain portions of specified public street rights-of-way and prescribing the conditions and provisions under which said permit is issued - **DISTRICT D – EDWARDS** - was presented, and tagged by Council Member Edwards. Council Members Goldberg and Berry absent.

CONSENT AGENDA NUMBERS 2 through 22

PROPERTY - NUMBER 4

4. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Kenneth J. Martinec of Jones & Carter, Inc., on behalf of Harris County Municipal Utility District No. 285 (MUD 285), for abandonment and sale to Harris County Municipal Utility District No. 285 of a 20-foot-wide water line easement and a 40-foot-wide sanitary sewer line easement, out of the West Canal, located within the John Anderson Survey, Abstract No. 97, and a right of entry for Harris County Municipal Utility District No. 285, Parcels SY6-008A and SY6-008B - **STAFF APPRAISERS** – was presented, moved by Council Member Quan, seconded by Council Member Alvarado. All voting aye. nays none. Council Member Berry absent. MOTION 2005-0943 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 5 and 6

5. **FISHER SCIENTIFIC** for Purchase of equipment and supplies through the Interlocal Agreement for Cooperative Purchasing with the Houston-Galveston Area Council for Houston Fire Department - \$53,267.38 - Urban Area Security Initiative (UASI) Funds – was presented, moved by Council Member Quan, seconded by Council Member Alvarado. All voting aye. nays none. Council Member Berry absent. MOTION 2005-0944 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 7 through 22

10. ORDINANCE amending third amended and restated ordinance relating to the issuance of City of Houston, Texas, General Obligation Commercial Paper Notes, Series D; making certain covenants and agreements in connection therewith; resolving other matters incident and related to the issuance, sale, delivery and security of such notes, including the approval of a second amendment to the Credit Agreement, a fourth amended and restated Issuing and Paying Agency Agreement and a fourth amended and restated Dealer Agreement and an updated Offering Memorandum; and declaring an emergency – had been pulled from the Agenda by the Administration, and was not considered.
14. ORDINANCE consenting to the addition of 117.3 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 410**, for inclusion in its district – was presented. All voting aye. nays none. ORDINANCE 2005-1106 ADOPTED.
17. ORDINANCE amending Ordinance No. 2004-0495 to increase the maximum contract amount to Contract C56063 between the City of Houston and **ARCH WIRELESS OPERATING COMPANY, INC** for Pager Rental Services for Various Departments - \$127,587.68 - General, Grant, Enterprise and Other Funds – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.
20. ORDINANCE appropriating \$43,086.31 out of Street & Bridge Consolidated Construction Fund as an additional appropriation for the Replacement of the Woodway Bridges Crossing Buffalo Bayou, GFS N-0611-25-3 (N-0611-25) under construction contract with **TEXAS DEPARTMENT OF TRANSPORTATION** (approved by Ordinance No. 97-408); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT G - HOLM** – was presented. All voting aye. nays none. ORDINANCE 2005-1107 ADOPTED.
22. ORDINANCE appropriating \$2,339,702.00 out of Airports Improvement Fund, CIP A-0141 and \$40,595.00 out of Airports Improvement Fund, CIP A-0422, awarding construction management at risk contract to **CLARK CONSTRUCTION GROUP-TEXAS, LP** for New East Concourse and Main Terminal Expansion Project at William P. Hobby Airport (HOU), (Project No. 417F); providing funding for the Civic Art Program financed by Airports Improvement Fund - **DISTRICT I - ALVARADO** – was presented. All voting aye. nays none. ORDINANCE 2005-1108 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

2. RECOMMENDATION from Director Finance & Administration Department that the City Council receive the 2005 Appraisal Roll Information, Certified Anticipated Collection Rate and appoint Richard Somerville, James Bell and Keith R. Phillips, to calculate and publish the City's Effective and Rollback Tax Rates in accordance with the "Truth-In-Taxation" provisions of the State Tax Code – was presented, moved by Council Member Garcia,

seconded by Council Member Alvarado. All voting aye. nays none. Council Member Berry absent. MOTION 2005-0945 ADOPTED.

3. REQUEST from Chief of Police for Extension of Injury on Duty Leave for Police Officer **MILTON J. DEMARET** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. nays none. Council Member Berry absent. MOTION 2005-0946 ADOPTED.

PURCHASING AND TABULATION OF BIDS

6. **AMEND MOTION #1999-617, 4/14/99, TO EXTEND** expiration date from October 13, 2005 to March 31, 2006, and **TO INCREASE** spending authority by \$820,784.80 from \$2,051,962.00 to \$2,872,746.80, for Soft Body Armor for the Houston Police Department, awarded to **LONE STAR UNIFORMS, INC** - General Fund – was presented, and tagged by Council Member Wiseman.

RESOLUTIONS AND ORDINANCES

7. RESOLUTION requesting financial assistance from the Texas Water Development Board, authorizing the submission of the application for such financial assistance; and designating the authorized representatives for executing the application and appearing before the Board – was presented, and tagged by Council Member Wiseman. (Note: Council Member Wiseman released her tag later in the meeting.)
8. ORDINANCE amending Exhibit “A” of City of Houston Ordinance No. 2005-134 by adding two hundred (200) Senior Police Officer positions and one (1) Identification Officer position and by deleting two hundred fifty (250) Police Officer positions, one (1) Deputy Administrator-Identification Division position, one (1) Captain position and one (1) Assistant Chief Toxicologist position; substituting the amended exhibit as part of the current Police Department Classified Personnel Ordinance – was presented, and tagged by Council Members Wiseman, Garcia, Alvarado, Khan, Sekula-Gibbs, Quan, Berry, Ellis, Edwards and Galloway.
9. ORDINANCE approving and authorizing the creation of contractual obligations for goods or services included on Hurricane Katrina-related Project Worksheets submitted to the Federal Emergency Management Agency (FEMA) with expenditures to be made only from FEMA receipts – was presented, and tagged by Council Members Wiseman and Green. (Note: Council Member Green released his tag later in the meeting.)
11. ORDINANCE amending amended and restated ordinance relating to the issuance of City of Houston, Texas, General Obligation Commercial Paper Notes, Series E; making certain covenants and agreements in connection therewith; resolving other matters incident and related to the issuance, sale, delivery and security of such notes, including the approval of a second amended and restated Credit Agreement, a second amended and restated Dealer Agreement, a second amended and restated Issuing and Paying Agency Agreement and an updated Offering Memorandum; and declaring an emergency – was presented, and tagged by Council Member Ellis.
12. ORDINANCE approving and authorizing distribution of the Preliminary Official Statement related to the City of Houston, Texas, Certificates of Obligation, Series 2005D, and City of Houston, Texas, Public Improvement Refunding Bonds, Series 2005E; approving or declaring other matters incidental to the issuance and sale of such obligations; making various findings and provisions related thereto; and declaring an emergency – was presented, and tagged by Council Member Ellis.
13. ORDINANCE consenting to the addition of 29.548 acres of land to **HARRIS COUNTY**

MUNICIPAL UTILITY DISTRICT NO. 82, for inclusion in its district – was presented, and tagged by Council Member Galloway.

16. ORDINANCE approving and authorizing first amendment to contract between the City and **SMART CITY NETWORKS, LP** for Telecommunications Services at the George R. Brown Convention Center - 30 days – was presented, and tagged by Council Member Berry.
18. ORDINANCE appropriating \$396,250.00 out of Parks Consolidated Construction Fund, and approving and authorizing first amendment to construction contract between the City of Houston and **CONSTRUCTION, LTD** for Construction of Parks Master Plan - Bid Package 2 - Melrose Park, Montie Beach Park and Garden Villas Park, GFS F-504A-02-3, F-504A-18-3, F-504A-20-3 **DISTRICTS B - GALLOWAY; H - GARCIA and I - ALVARADO** – was presented. All voting aye. nays none. ORDINANCE 2005-1109 ADOPTED.
19. ORDINANCE appropriating \$2,319,643.59 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Advanced Funding Agreement between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** for US 90 from Mercury Drive to Wallisville Road, GFS S-0521-20-3 and R-0521-17-3 (SB9252); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS B - GALLOWAY and I - ALVARADO** – was presented.

Council Member Galloway stated that on this particular item she knew they were going to have an agreement with TXDOT and was wondering since they were spending over \$2 million on this item if they had some agreement for MWBE participation with them, did they have something in place, and Mayor White stated that he understood that it would be in the contract when it came forward, that he assumed it would be normal percentage for a project such as this.

A vote was called on Item No. 19. All voting aye. nays none. ORDINANCE 2005-1110 ADOPTED.

21. ORDINANCE appropriating \$321,000.00 out of Parks Consolidated Construction Fund, awarding construction contract to **RESICOM, INC** for Construction of Mangum Manor Park, GFS F-504C-28-3; 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; providing funding for engineering testing service, construction management and contingencies relating to the construction of facilities financed by the Parks Consolidated Construction Fund - **DISTRICT A - LAWRENCE** – was presented. All voting aye. nays none. ORDINANCE 2005-1111 ADOPTED.

NON CONSENT AGENDA - NUMBER 23

MISCELLANEOUS

23. REVIEW of the record and make determination of the appeal filed by Maria Garcia on the decision of the General Appeals Board for denial of a Manufactured Home Hardship Permit at 5922 Cobalt, Houston, Texas 77016 - **DISTRICT B – GALLOWAY** – was presented.

Council Member Galloway moved to uphold the decision of the General Appeals Board, seconded by Council Member Quan.

Council Member Quan stated that he had questioned the number of the decisions of the Appeals Board but this one he did not question, it seemed that the person who had gotten the waiver before was no longer a resident in that mobile home so he did not think it was prudent to

continue and supported Council Member Galloway's motion.

A vote was called on Item No. 23. All voting aye. Nays none. MOTION 2005-0947 ADOPTED.

MATTERS HELD - NUMBERS 24 through 33

24. ORDINANCE consenting to the addition of 65.4274 acres of land to **PINE VILLAGE PUBLIC UTILITY DISTRICT**, for inclusion in its district – **(This was Item 41 on Agenda of September 14, 2005, POSTPONED BY MOTION #2005-904)** - was presented.

Council Member Galloway moved to postpone Item No. 24 for two weeks because they were going to have a meeting to discuss further on a lot of them that were coming before Council, seconded by Council Member Alvarado.

Mayor White stated to Council Member Berry that there was a matter on Item No. 24 concerning the addition of certain lands to a public utility district and issues of subsidence came and Council Member Galloway had requested a hearing on it and a one week delay which seemed reasonable and the question was when his committee might hold a meeting on the particular topic, and Council Member Berry stated that he needed to check with Carl Davis, and Mayor White asked if they could delay for two weeks, and Council Member Berry stated that he would get a time on that.

A vote was called on the Council Member Galloway's motion to postpone Item No. 24 for two weeks. All voting aye. Nays none. MOTION 2005-0948 ADOPTED.

25. RECOMMENDATION from Director Planning & Development Department to approve amendments to the 2004 Major Thoroughfare and Freeway Plan (MTFP) and authorize publication of the 2005 MTFP in map form – **(This was Item 4 on Agenda of September 21, 2005, TAGGED BY COUNCIL MEMBERS QUAN and WISEMAN)** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado.

Council Member Quan stated that last week he tagged the item to provide more input from communities, that last week was hectic and nobody had a chance to look at anything on the agenda and moved to postpone Item No. 25 for one week, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2005-0949 ADOPTED.

26. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,266,994.78 and acceptance of work on contract with **FORD CONSTRUCTION COMPANY, INC** for Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method, GFS R-0266-13-3 (4258-8) - 00.50% under the original contract amount – **(This was Item 8 on Agenda of September 21, 2005, TAGGED BY COUNCIL MEMBERS GALLOWAY and GREEN)** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2005-0950 ADOPTED.

27. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,243,798.41 and acceptance of work on contract with **T & C CONSTRUCTION, INC** for Westmont and Northshore Lift Stations, GFS R-2011-03-3 (4713-2) - 04.28% under the original contract amount - **DISTRICTS E - WISEMAN and I - ALVARADO – (This was Item 9 on Agenda of September 21, 2005, TAGGED BY COUNCIL MEMBER GALLOWAY)** - was presented, moved by Council Member Alvarado, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2005-0951 ADOPTED.

28. RECOMMENDATION from Director Finance & Administration for Emergency Purchases to address Hurricane Katrina Relief/Aid in an amount not to exceed \$7,623,368.65 to the following:

<u>CONTRACTOR</u>	<u>TOTAL AMOUNT</u>
1. Gallery Furniture	\$4,000,000.00
2. Exclusive Furniture	\$1,000,000.00
3. Finger Furniture	\$ 800,000.00
4. Roto Rooter	\$ 45,000.00
5. Accur Air	\$ 60,000.00
6. W.W. Grainger	\$ 499.50
7. A1 Delivery Service	\$ 1,000.00
8. Big State Trailers	\$ 2,000.00
9. Universal Building Services	\$ 10,000.00
10. Bi Rite Furniture	\$ 300,000.00
11. BFI Waste Systems	\$ 975.00
12. Sleep Shop	\$ 647,388.00
13. Sam's Club	\$ 31,969.04
14. Sunland Engineering	\$ 100,000.00
15. Ardmore Power Logistics	\$ 5,000.00
16. Linens 'N Things	\$ 21,858.12
17. Bed, Bath & Beyond	\$ 5,786.00
18. Wal-Mart	\$ 501,281.64
19. Home Depot	\$ 499.95
20. Lowe's Hardware	\$ 4,459.08
21. Jason's Deli	\$ 489.15
22. Blantex, Inc.	\$ 64,500.00
23. Conn's	\$ 2,357.95
24. Bound Tree Medical	\$ 16,347.22
25. Western Appliance	\$ 1,958.00

- **(This was Item 16 on Agenda of September 21, 2005, TAGGED BY COUNCIL MEMBERS GOLDBERG, LAWRENCE, WISEMAN and KHAN)** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado.

Council Member Lawrence moved to remove number 25. Western Appliance, owned by Ms. Ann Sloane, \$1,958.00, that she made it as a donation, so the total should be \$7,621,410.65, that she recognized her for her generosity, seconded by Council Member Quan.

A vote was called on Council Member Lawrence's motion to amend Item No. 28. All voting aye. Nays none. MOTION TO AMEND CARRIED.

After discussion by Council Members, Mayor White stated that there were a number of people including three on the list that made substantial donations, which of course were not included in those amounts, that there was one other firm that had a massive hiring of evacuees, and that contribution too ought to be noted, that they had received \$39 million from FEMA and furniture would only be a tiny sliver of that, that they had instated procedures in place that provided for a mechanism like the County had in place where they were a conduit and had an obligation but would not make an expenditure and encouraged people to read the City Charter about that, that the vast majority of funds would be used for housing, that the County was providing for some amount of the food in the community shelters, they just divided it up, still others they used private funding for food and still others were project worksheets for elevated expenditures of the City, such as public safety, which had been submitted, that he wanted to assure people that he was very mindful of the fact that there were emergency purchasing procedures that were in place and he personally made sure that people were checking around for prices. Council Member Holm absent.

A vote was called on Item No. 28 as amended. Council Member Wiseman voting no, balance voting aye. Council Member Holm absent. MOTION 2005-0952 ADOPTED AS AMENDED

29. ORDINANCE approving and authorizing Special Warranty Deed conveying to **AFSANEH KEYHANI** a tract of land containing 10,724.25 square feet (0.2462 acres), more or less, Parcel S95-066, in the Barkers Landing Subdivision, Section 1, according to the plat recorded at Volume 251, Page 103, of the map records of Harris County, Texas (excess fee-owned land located at 15640 Whitewater Lane); also subjecting the parcel to certain covenants and restrictions; in consideration of Afsaneh Keyhani's payment to the City of \$70,550.00 and other good and valuable consideration - **DISTRICT A – LAWRENCE- (This was Item 22 on Agenda of September 21, 2005, TAGGED BY COUNCIL MEMBER LAWRENCE)** - was presented. All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2005-1112 ADOPTED.
30. ORDINANCE approving and authorizing first amended Section 457 Eligible Deferred Compensation Plan for all City employees – (**This was Item 29 on Agenda of September 21, 2005, TAGGED BY COUNCIL MEMBER ELLIS**) – was presented.

Council Member Ellis stated that there was an interoffice memo that was circulated to Mayor White and all of the Council Members regarding Item No. 30, that it was an addendum from Ms. Judy Gray Johnson, which was more specific in nature than the RCA was and talked about the asset transfer caps, transfer policies, communication and transfer process and moved to amend Item No. 30 with the addendum that had been circulated by Ms. Johnson, seconded by Council Member Khan.

Agenda Item 30 Addendum

“As a clarification of City Council agenda item number 30, please note the following:

1. Asset Transfer Cap

Total assets transferred on an annual basis should not exceed 20% of total assets in the City Plan, held on behalf of the Police Officers. A 20% cap should be reestablished on an annual basis. Quarterly transfer reports should be provided from each 457 vendor to the Plan Administrator for auditing purposes.

2. Transfer Policies

Transfers shall commence no later than January 1, 2006, therefore eliminating the need for an MVA recapture provision for the Police Officers Plan. Transfers will be allowed on a first come first serve basis, as not to exceed the 20% annual limit. A City transfer form should be developed and used by both vendors in order to streamline the transfer process.

3. Communication Process

Communications to all eligible employees should be approved by both the City and Police Officers prior to dissemination. Communications prior to the start date of transfers should provide comparative information on each Plan's investment options, fee structure, and transfer rules. All materials should be approved and disseminated prior to November 30, 2005 in order to allow participants adequate time to review information.

4. Transfer Process

The transfer process established by the City should apply to both Plans so that transfers are permitted both from the City Plan to the Police Officers plan and from the Police Officers Plan to the City Plan.

A vote was called on Council Member Ellis's motion to amend Item No. 30. All voting aye. Nays none. MOTION 2005-0953 ADOPTED.

A vote was called on Item No. 30 as amended. All voting aye. Nays none. ORDINANCE 2005-1113 ADOPTED.

31. ORDINANCE approving and authorizing first amendment to contract between the City and **GREAT-WEST LIFE & ANNUITY INSURANCE COMPANY** for Third-Party Administration Services for the City's Section 457 Deferred Compensation Plan – **(This was Item 30 on Agenda of September 21, 2005, TAGGED BY COUNCIL MEMBERS GREEN, KHAN and ELLIS)** - was presented.

Council Member Green stated that he wanted to get detailed for future reference on a contract of this nature, that he had talked to representatives from Great West and they had been very forthcoming and he thought it was a good situation for the City but the issue he ran across was that they were unaware, several individuals that spoke on their behalf, that they had an MWBE goal on it initially and it was a five year contract and something had happened along the lines that they did not know they had not met their MWBE goal until after he had tagged it last week, that it concerned him, if they were going to have the MWBE goals and not have anybody monitoring them it was not fair to the prime in this case, that it was not fair to tag it at the end of the day and hold up their money if no one had told them that they had not done it along the lines of the time period, until they got to the fourth quarter and they had to make it up and in this case they had a 12% goal and they had made about 5%, which was less than 50% of it, so they were about \$125,000 off when it came to their goal, but it was very difficult to have somebody make it up a week before their contract expired, his issue was that they had to do something about the monitoring situation because it was not an emergency contract and they had to be a little more vigilant about it.

Council Member Galloway stated that as the Chair of the MWBE Committee this was what they had discussed extensively about meeting and setting the goals, that they were getting complaints that they did not have enough MWBE participation, it had dropped tremendously, that the Mayor had told her they were going to work to get more participation and make sure that it was being carefully monitored, that she would like for the Affirmative Action Department to look closely at this particular contract and really monitor many of them and periodically check them as they proceed when they did get the contract that they were meeting the MWBE goal, that she was glad that they were going to attempt to get the 12% on the contract.

Mayor White stated that there was a board that reviewed some of the Deferred Compensations and they would never compromise, ever, for the benefit of the employees, that they would not pay a penny more out of the pockets of the employees in order to get some minority participation.

Council Member Khan stated that he had a concern as to why they were extending the contract, what was the compelling reason to extend the contract instead of calling for a new RFP process in order to issue a contract, that he would still like to see what procedure they had available in order for the contract. Mayor White absent. Mayor Pro Tem Alvarado presiding.

Mayor Pro Tem Alvarado stated that she understood that there was an RFI that was issued and also a survey by City employees and there was overwhelming support. Mayor White absent. Mayor Pro Tem Alvarado presiding.

Council Member Quan moved to hear from Ms. Judy Gray Johnson at this time, seconded by Council Member Khan. All voting aye. Nays none. Mayor White absent. Mayor Pro Tem Alvarado presiding. MOTION 2005-0954 ADOPTED.

Upon questions by Council Members, Ms. Johnson stated that in this case what they did was a request for information and part of what they concentrated on was that they sent a formal request to a number of Cities, Counties and State organizations who had plans that were similar to Houston's, it was a different way of testing the market rather than going to the vendor's they went to the entities that were most similar to Houston's and talk about what processes they had gone through recently in selecting their vendors and what price terms, arrangements and level of service that they had experienced and they followed up with phone calls and talked to those people and the results of that survey was that they had very good confidence, the contract that they had was good terms, good solid service level and based on that knew that they were not going to be getting better terms by going out with a Request for Proposal, that it was certainly a different mechanism of doing it but they could provide them all of the documentation on it if they liked, that the reason for the Request for Information was twofold, to make sure if they decided to do a Request for Proposal that they would be asking the right questions and structuring it with the best structure of the contract and twofold was to find out from the other entities of Houston's size what they had done, rather than being always on the cutting edge of everything, they wanted to be the cutting edge but found that other entities also had come up with new ways or better ways of doing things, what they found was that the contract they had was a very good one, that the last time that the City did a full Request for Proposal on it they hired a consultant at considerable cost and the overall cost of doing that process was sizeable, it cost about \$100,000 for the consultant and related services the last time they did a request for proposal on this, that as to the cost of the extension, there was no direct cost to the City, the fees were paid by the participants in the plan, the total amount of the fees over the three years would be about \$700,000 depending on the number of participants, etc., that Aerial Capital Management was not considered as one of the certified MWBE components to the contract, that it was a firm that was owned by minorities but they did not have a significant presence in Houston and were not certified with the City's Affirmative Action Division, that it was her understanding that they did not have significant local presence in Houston, they did not have an office in Houston, that all of the Great West employees who served Houston's account must be registered representatives, that what they were saying was that 50% of the people who handled Houston's account and helped the City and their participants and answer questions and provide those services, 50% were minorities. Council Members Goldberg and Wiseman absent.

After further discussion Council Member Galloway stated that when the contract was issued in 2000 there were no MWBE goals set or participants, that it did slip through the cracks when it was issued and the company did not even know that they had to have an MWBE participation on there, that was the reason the Affirmative Action was unaware of it, the only way they can monitor them was when the goals are set and they input them in, that now they could monitor it the goal had been set on the particular contract this time so it would be monitored by Affirmative Action, that she thought they were improving and moved to call the question, seconded by Council Member Khan. Council Members Green, Edwards and Garcia voting no, balance voting aye. Council Members Goldberg and Wiseman absent. MOTION 2005-0955 ADOPTED.

A vote was called on Item No. 31. All voting aye. Nays none. Council Member Wiseman absent. ORDINANCE 2005-1114 ADOPTED.

32. ORDINANCE approving and authorizing contract between the City and **MAIN STREET MARKET SQUARE REDEVELOPMENT AUTHORITY** to Purchase Pedestrian Amenities along Main Street in Downtown as part of the Main Street Corridor Revitalization Project - \$100,000.00 - Grant Fund **DISTRICT I - ALVARADO** – **(This was Item 36 on Agenda of September 21, 2005, TAGGED BY COUNCIL MEMBER LAWRENCE)** – was presented. Council Member Wiseman absent.

Council Member Lawrence stated that when she looked at the intersections downtown she saw beautiful brick walkways and nice benches and that was what the ordinance was all about, but every corner had ten or fifteen colored boxes with ten or fifteen logos on it, that some of

them dump over and newspapers go all over the place and the City had not addressed the issue, that she had been working on it with the Legal Department and talked to different newspaper people for about a year, that she had presented to the Legal Department, Chicago's ordinance, the City itself makes about \$16 million per year by hiring a French Company and she had passed out a handout and all of the newspapers, free or that charge money, go in the boxes, the French street furniture, that it was much more attractive, that San Francisco and New York City used it and everybody had ordinances in place, that what they had in Houston was chains running to light poles, turned over little plastic boxes, there was no limit of how close they could be in the corner, they were on the sidewalks and to her it was definitely blight, that she would like to see the ordinance brought through committee and start addressing it, that she would like to see them move a little bit faster and thought that the Legal Department could help them.

Mayor White stated that Council Member Lawrence had been persistent on it and he would ask the City Attorney that they needed to get it out and get it into committee, that so long as they did not find themselves infringing on someone's freedom of speech, that what his colleague says made a lot of sense to him and he wanted to make sure they went through some process where they got stakeholder input.

After further discussion, Council Member Galloway call for the order of the day and a vote was called on Item No. 32. All voting aye. Nays none. Council Member Wiseman absent. ORDINANCE 2005-1115 ADOPTED.

Item received during the meeting.

17. ORDINANCE amending Ordinance No. 2004-0495 to increase the maximum contract amount to Contract C56063 between the City of Houston and **ARCH WIRELESS OPERATING COMPANY, INC** for Pager Rental Services for Various Departments - \$127,587.68 - General, Grant, Enterprise and Other Funds – was presented, and tagged by Council Member Wiseman.

Council Member Green stated that he wanted to release his tag on Item No. 9, however it remained tagged by Council Member Wiseman.'

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Mayor White stated that a lot of people had been under stress or pressure and performed magnificently and it was a statement that applied to all people who he appointed to office, the Mayor's staff, the Department Directors and others who were non Civil Service and it applied to all of his colleagues on Council, that he personally would represent or be the voice of any City employee who was treated by anybody in those categories with disrespect, that in the last week he had gotten reports and did not judge those reports, he just looked for patterns but whether it be a senior manager within the administration or the Mayor's office or a Council Member that accountability, deadlines, clarity and consequences by the person authorized to do that was all fine, that was part of the workplace, but at times conduct words could get into disrespect and he just wanted every instance that it occurred, including Members of Council, he did try to investigate and he would tell people that he took it very seriously.

Council Member Sekula-Gibbs stated that she wanted to invite two ladies to the podium who were in the audience, Ms. Mary Nell Lovett and Ms. Lorie Abriego, from M. D. Anderson and Council Member Holm had asked her to support her in this, that they were from M. D. Anderson and were bringing information about a very important event, "The Tour of Hope", that they were very privileged to have Mr. Lance Armstrong, the seven time winner of the Tour De France, coming to Houston and riding his bicycle, that he was probably one of the most famous athletes that existed in the world today and was leading a team of cyclists from San Diego through Phoenix, through the southern part of the United States and would be arriving in

Houston on Monday, October 3, 2005, that the reason for the tour was to raise awareness on the importance of cancer research, that Bristol Meyer Squibb was the number one sponsor for the tour and he was going to be supported by M. D. Anderson and the entire host of the Texas Medical Center Researchers and survivors and families of survivors.

Ms. Lovett and Ms. Abriego appeared and shared with them what M. D. Anderson had prepared for the thrilling and exciting event that would happen on Monday, that the tour was a nine day bicycle tour that went across the Nation and would start on Thursday, September 29, 2005 in San Diego and end up at the Elypse in Washington, D. C. in eight days, that there were 24 cyclists that had been chosen to make the ride and they all had been chosen because they had been touched by cancer in some way, that they would be traveling in four teams across the Nation, that the purpose of the ride was to bring awareness across the Nation about clinical trials, research and survivorship, that starting at noon on Monday there would be a ceremonial bike ride that would include Mr. Armstrong and some of the members of the 2005 Tour of Hope Team as well as some of the alumni that had ridden in the 2003 and 2004 ride, that on either side of them would be M. D. Anderson riders who had been selected as well as representatives from the Texas Medical Center, that there would be a survivors rally and they would be greeted by Mayor White and Dr. Mendelson and the CEO of Bristol Meyer Squibb, Mr. Peter Dolan, that it should be a lot of fun and they were hoping that a lot of the Council Members would be there for the event, that she wanted to acknowledge that they received from various community centers, HEB, Highland Village, the Galleria and the City of Houston, the Houston Police Department, Metro, representatives from the Museum District and Parks and Recreation had all been involved and they thanked them very much. Council Member Garcia absent.

Council Member Sekula-Gibbs stated that she knew Mayor White gave his Mayor's Report regarding Hurricane Rita earlier but had a question and comment regarding the evacuation, that as they knew she lived in Clear Lake and her medical practice was in Clear Lake, Zone B, the zone that was mandatory evacuation, that it took them 19 hours to move out and get to a safe harbor and during that time they did not know how it was going to work, they were surrounded by other families who were in serious situations, that it was difficult and people were running out of gas, that whenever they called for a mandatory evacuation in the future she thought they really needed to have immediate contra flow access, that she thought they needed to start thinking about that sort of thing, that she respected his ability to reach out in a greater sense and connect with the Governor and make it work so that they could get the contra flow, that it was important that they have the contra flow available so that people could get out, that she emailed the Mayor, that she thought they had areas that they needed to work on. Council Members Holm and Garcia absent.

Mayor White stated that the thing they called for by the State, the highest was traffic control on freeways and fuel, they called for well in advance, they said they had a plan and a timetable, that plan was not implemented, that he agreed completely on contra flow, TXDOT refused, he had to get the Governor out of bed, what they had to do was look forward and the statement that he would be releasing with Governor Perry and Robert Eckels, they were going to get some of the citizens in the State that were most experts in transportation, fueling and logistics to review the whole situation and make recommendations to governmental officials at all level of government concerning how those things could be done better in the future, that he did not think an evacuation should be a disaster itself. Council Members Wiseman and Garcia absent.

Council Member Khan stated that Officer Muzaffer Siddiqui, HPD, was being recognized and would receive the National Association of Police Organization 2005 Top Cop Award in Washington, D. C., that they selected one cop from each State and he congratulated Officer Siddiqui and HPD. Council Member Wiseman absent.

Council Member Khan stated that on Sunday the Messina Clinic would have their ground breaking ceremony, it was the clinic which was providing free services to all of the people who

could not afford health care, that they had two locations, one on Wilcrest and one in Clear Lake and he congratulated all of the people who were volunteering. Council Member Wiseman absent.

Council Member Khan stated that everybody recognized that it was the largest evacuation in history, that most of his constituents were sending a sentiment of gratitude to Mayor White, that people recognized that it was tough and an emergency but the City of Houston performed very well and he did not know what else the City of Houston could have done to make the evacuation less stressful for people. Council Members Lawrence, Holm, Ellis and Green absent.

Council Member Quan stated that he wanted to give his appreciation to Mayor White's leadership and his staff. Council Members Lawrence, Holm, Ellis and Green absent.

Council Member Quan stated that he also wanted to commend Officer Siddiqui, as Council Member Khan had indicated. Council Members Lawrence, Holm and Green absent.

Council Member Quan stated that he wanted to recognize all of the citizens who had done such a great job in responding, that he and Council Members Berry and Khan had a chance to meet with the Houston Retailers Association and they had their members opening their stores immediately after the storm to provide food and gasoline when they could, that he also wanted to mention the Asian American Hotel Owners Association who had been working with him and had provided over 50 rooms at a reduced cost for the evacuees of the Port Arthur and Beaumont area. Council Members Lawrence, Holm and Green absent.

Mayor White asked Mr. Hall to pass on to their communication office that they needed to put up a website where citizens who had comments or complaints could communicate so they could learn from their experience, that he would review all of them, that it may not be on the City website but if there was something that could be done. Council Members Lawrence, Holm and Green absent.

Council Member Quan stated that Mayor White made mention of possibly some City employees being rude or acting improperly but he had found the opposite, everybody that he had dealt with had been extremely responsive trying to do the very best they could in a very professional way. Council Members Lawrence, Holm and Green absent.

Mayor White stated that if a City Council Member berated a City employee it was not acceptable, or a person on his staff or a Department Head, that somebody had to stick up for the City employees. Council Members Lawrence, Holm and Green absent.

Council Member Berry stated that he wanted to thank the gas station owners and jobbers who at Mayor White's request met with him and Council Members Khan and Quan and Congressman Al Green and Congresswoman Sheila Jackson Lee, that one of the things they learned was that their personnel were essential personnel and they would keep them in town next time; that he wanted to say to all City employees, County employees and the Sheriff's Department that he thought they did a wonderful job and thanked them for sticking it out, that they were the people who kept the peace, and finally he wanted to commend CenterPoint Energy who he thought did a fantastic job restoring service in Houston; that his parents and brother and everyone were displaced from Orange, Texas and he had gotten calls from Orange of CenterPoint employees of Houston working in Orange, Beaumont and Port Arthur volunteering their time to restore service, and to the Houston Fire Department, many of their firefighters had taken their days off and gone over and served voluntarily to relieve the Port Arthur, Beaumont and Orange Fire Department personnel. Council Members Lawrence, Holm and Green absent.

Council Member Goldberg stated that during the hurricane he split his time between the

HEC center and TranStar and wanted to thank Chief Hurtt and Chief Boriski, who were there all the time, Mr. Mike Marcotte and his staff, Mr. Storemski, Mr. Michel and his staff members, Mr. Buchanan and Mr. Nick Noriega, Mr. Richard Lewis, Ms. Elena Marks and Dr. Persse, Mr. Rick Flannigan, Mr. Dadoush and his staff and Mr. Steve Powell who brought emergency radios for all of the Council Members who were there, and the permanent employees at the HEC center, that the whole time everybody cooperated and really wanted to help, that he wanted to thank Michael Moore, Terence Fontaine, Richard Lapin, Patrick Trahan, Frank Michel and John Del Valle; that he thought around the Country it just showed their appreciation, they got an email where someone sent a check to the Hurricane Fund for \$10,000 from Mr. Eric Cleage from Los Altos California and they got \$1 million from Pacific Care, that they were all inspired by the cooperation shown by all of the governments, which he thought was unprecedented with the County and City working together. Council Members Lawrence, Holm and Green absent.

Mayor White stated that there were so many people who had stepped up and wanted to be plugged in, that he would distribute a list, that they should ask people what Michael Moore did. Council Members Lawrence, Holm, Green and Berry absent.

Council Member Wiseman stated that she would like to make some information known to residents of Kingwood who were concerned about reports that the water quality in Kingwood was not where it should be and they should be boiling their water, that was not the case, they had confirmed with the Public Works Department that their water was just fine, there were areas outside of Kingwood that had that issue, Twin Oaks Mobile Home Park, Forest Creek Apartments, Oak Hill Estates, Wallraven, Tall Ciders Mobile Home Park, Urban Acres, Forest Manor, Heather Gate, Green Gate Acres, Highland Mobile Home Park, Huffman Heights, Medowlake Estates, Reed Estates, North Belt Forest Water System and The Highland Ridge, those were the water systems, that she wanted to make sure that people understood that the Kingwood area that was within the City of Houston was not affected by that at all. Council Members Lawrence, Holm, Green and Berry absent.

Council Member Wiseman stated that she was pleased as how well the City had responded, City crews were out in Kingwood ready to clean up the debris, CenterPoint, she was extremely grateful for how quickly they had been working out there, Kingwood was hard hit due to all of their trees and they desperately needed those services and they were out there in force, that she was also touched by how quickly the community itself stepped forward to start removing tree debris off of the streets by taking their own chainsaws and clearing the path for emergency vehicles, that they appreciated that very much, that unfortunately they did have an issue with the Solid Waste Department in trying to get clarification and conformation on the storm debris removal in Kingwood, that she had to step in on behalf of one of her employees who was on the receiving end of some tough approach that was not necessary, that in attempting to get some clarification on the Kingwood area and the annexation service plan she got one bit of information that she shared with the community from Mr. Buck Buchanan that confirmed they would be going out with private crews to start collecting the storm debris, then she got information that they were not going to do that and maybe by the end of the month they would get done picking it up, that she tried to explain that it was a sponsorship agreement area and they did not have City of Houston heavy trash pickup, that the frustration she had to deal with was unacceptable, that they had presented to Mr. Buchanan an opinion provided by Ms. Susan Taylor, Legal Department, in 1998, of what the City was supposed to provide in the way of storm debris removal, they were having to try to get information to residents of Kingwood as far as when that storm debris removal would be removed and how it would be removed, they contracted privately with Waste Management, that they did not have a monthly service pickup for heavy trash collection, the legal opinion made it very clear that the private contractors needed to get out there and start collecting the storm debris and Waste Management was informing their customers that the City of Houston would be removing storm debris, so they needed to make sure that communication was there, that people understood what they were talking about and that people understood the parameters under which they were having to operate so they could get the job done. Council Members Lawrence, Holm, Green and Berry

absent.

Council Member Wiseman stated that it was inspiring to see all of the private individuals who stepped up to help people during the crisis, that she wanted to share something that a twelve year old girl from Fairhaven, New Jersey did, that Sarah Frank, in hearing about the Katrina victims and how they were displaced in Texas and needed to get back to school wanted to do her part to help children her own age, that she took it upon herself to start a school supply drive for these kids to send them down to Houston from New Jersey, that what was fascinating about this was that she was having to go through so much herself, that she had to have an operation two weeks ago which required some healing time, that she had not been feeling well since May and had undergone eight surgeries since, that the project was great as it kept her mind on other people, that she was truly a role model. Council Members Lawrence, Holm, Green and Berry absent.

Council Member Wiseman stated that she would release her tag on Item No. 7.

7. RESOLUTION requesting financial assistance from the Texas Water Development Board, authorizing the submission of the application for such financial assistance; and designating the authorized representatives for executing the application and appearing before the Board – was again before Council. All voting aye. Nays none. Council Members Lawrence, Holm, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. RESOLUTION 2005-0020 ADOPTED.

Council Member Galloway stated that she had been trying to research and gather information, that she had spoken with her constituents in the Pleasantville Community and they had a concern where back in the late 1980's or early 1990's the City entered into an agreement with the Pleasantville Community in regards to enforcement of no through trucks without destination, that specifically what the sign stated and at that time they also placed concrete barricades in all the entry ways and that was when the agreement came about, if the truck did not have a destination it could not remain in the community, although they did have ordinances governing where large trucks could go, what they could do and how long they could stay in the community before they had to be moved out, that they had called the police officers and nothing had been enforced, that they say the agreement existed and it came about in the Planning Department when the barricades were placed in all the entry ways of that community, that she was still trying to research to find the agreement, she did not know if it was an ordinance, she did not think so because she had been unable to find it, that she was requesting to get a copy, if the Legal Department could provide her with a copy because it was supposed to have been a legal agreement regarding the large trucks coming into the community, and Mayor White stated that if they could not find it they should pass it because trucks should not be going through Pleasantville as a shortcut period. Council Members Lawrence, Khan, Holm, Ellis, Quan, Green and Berry absent.

Council Member Galloway stated that she too wanted to compliment all of the law enforcement on the night of Hurricane Rita, that she thanked Mayor White for seeing that the Council Members had satellite radios so they could stay in close communication to any emergency situation, that she was able to tour the community during the storm, that she wanted to compliment all of the Northeast Substation officers who worked out of that area, that they had been going on all night long with looting calls, that she could tell them that the Northeast Substation officers really did work hard, they were constantly on the go, that she wanted to thank her constituents for looking out for one another. Council Members Lawrence, Wiseman, Khan, Holm, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that hurricane season was not over and she hoped that someone was documenting all of the events and processes that had been developed during this process in case they had to go back and revisit; that she wanted to thank Mayor White, Mr. Fontaine and Mr. Moore and the Mayor's staff, especially Ms. Marks and Dr. Persse, that she

wanted to give a special thank you to the citizens of District D not only did they show up for the Katrina survivors, but they were still on the march now, that she went out on Saturday and Sunday and they were pretty well pleased with what was going on and how it was handled, that the issue of the evacuation on I-45, that they planned to take some older residents to Dallas on Thursday morning but they never got any further than West Road, but the issue of what happened on I-45 she thought spoke to the poor planning or no planning or the poor response of the State rather than the City, that she learned a lot from the situation. Council Members Lawrence, Wiseman, Khan, Holm, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she wanted to thank Mr. Fontaine, they had one of their constituents who was life flighted to Alabama who died in Alabama and getting her back was problematic initially but through working with FEMA and Terrance they were able to get that squared away, that she wanted to once again thank the Mayor's office and Mr. Costello who was the head of FEMA for us now. Council Members Lawrence, Wiseman, Khan, Holm, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she wanted to thank the media, her colleagues, HPD, HFD, EMS and the citizens of Houston were the greatest of all. Council Members Lawrence, Wiseman, Khan, Holm, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Galloway stated that she wanted to make note that they had lost a most active member from their City, Mr. George Dillard and would like to send condolences to his family, as well as one of her constituents and long life friend, who was a entrepreneur in the Acres Home community, who also passed, Ms. Johnola Owens, and wanted to send condolences to her family as well. Council Members Lawrence, Wiseman, Khan, Holm, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Garcia stated that Council Member Goldberg went through a whole litany of folks that needed to be recognized and there were many more people who were just the worker bees helping and he just wanted to say to every single employee, they knew who they were and what they were doing and he wanted to say thank you for making them all proud to be Houstonians and part of the great City, that he wanted to thank Mr. Powell, Motorola, that he made available several radios for Council Members to have so they could monitor the situation, and he wanted to say to those individuals who broke into homes they were a disrespect to all of them for taking advantage of their neighbors. Council Members Lawrence, Wiseman, Khan, Holm, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Garcia stated that he wanted to offer a special note to Ms. Jill Juitt, she was faced with some very tragic circumstances but she held the reins firm and continued to do her job and stayed focused, that he wanted to say to her that his heart and prayers were with her; that he wanted to thank Colonel Norriega for his leadership, Council Member Alvarado and Mr. Fontaine. Council Members Lawrence, Wiseman, Khan, Holm, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Garcia stated that when he got the call that non essential employees not to come to work he was hearing that some folks were being asked to burn vacation time for those days and asked if that was going to be the policy, and Mayor White requested Mr. Hall to address the issue, and Mr. Hall stated that pursuant to the Mayor's directive sent out notice that the two days, Thursday and Friday, Monday and Tuesday ought to be treated as matters of where people's work assignments were actually assigned by Department Directors, that it did not involve any overtime for folks who came or any docking for people who were assigned at home. Council Members Lawrence, Wiseman, Khan, Holm, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Garcia stated that he would encourage families to spend a few minutes and talk to their kids, that kids were resilient but sometimes they did not share a whole lot of what they had experienced and this had been pretty traumatic, that there were great counseling services throughout the City. Council Members Lawrence, Wiseman, Khan, Holm, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Garcia stated that on Friday they would be opening up the Carnegie Library Police Storefront at 1:00 p.m.; that on Sunday was the Heights Parade and he would encourage folks to come out and enjoy that. Council Members Lawrence, Wiseman, Khan, Holm, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Garcia wanted to congratulate Office Siddiqui for his recognition. Council Members Lawrence, Wiseman, Khan, Holm, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Alvarado stated that she wanted to say ditto to what all of her colleagues had stated about all of the City employees, senior staff and Department Directors; that she wanted to thank HPD and Constable Victor Trevino's office, they were going door to door in her district that were identified as storm surge and the efforts really paid off, that as a result they had a lot of vacant neighborhoods, so when those concerns came up about burglary and looting HPD and Precinct 6 stepped up to the plate; that she wanted to thank Mr. Powell, Motorola, who went through a lot of trouble to get the radios; that she also wanted to join in to pay condolences to Ms. Juitt and family and also to Mr. George Dillard; that not to forget Mr. Noriega, that she wanted to thank everyone for their efforts. Council Members Lawrence, Wiseman, Khan, Holm, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Alvarado stated that Officer Maddis, HPD Motorcycle Patrol, was injured yesterday and was recovering at Hermann Hospital and she wanted to send her get well and well wishes to him and thank him for the service that he provided to the City. Council Members Lawrence, Wiseman, Khan, Holm, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 11:38 a.m. Council Members Lawrence, Wiseman, Khan, Holm, 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