

City Council Chamber, City Hall, Wednesday, June 2, 2004

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, June 2, 2004, with Mayor Bill White presiding and with Council Members Toni Lawrence, Carol Mims Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, M. J. Khan, Pam Holm, Adrian Garcia, Carol Alvarado, Mark Ellis, Gordon Quan, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Mr. Arturo Michel, City Attorney, Mr. Don Cheatham, Senior Assistant City Attorney; Mr. Richard Cantu, Director, Mayor's Citizen Assistance Office; Ms. Marty Stein, Agenda Director and Mr. Jose Soto, Deputy Agenda Director present.

At 8:22 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:07 Mayor White called the meeting to order and called on Council Member Sekula-Gibbs to lead in prayer. Council Member Sekula-Gibbs invited Father Miguel Solarzano of Saint Philip of Jesus Catholic Church to the podium and he led all in the prayer; and Council Member Sekula-Gibbs led all in the pledge of allegiance. Council Members Galloway, Goldberg, Wiseman, Garcia and Green absent.

Mayor White requested the City Secretary to call the roll. Council Members Goldberg, Wiseman, Garcia and Green absent.

Council Members Khan and Quan moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Members Goldberg, Wiseman, Garcia and Green absent. MOTION ADOPTED.

At 9:12 a.m. Mayor White stated that the first order of business was a briefing from the Building Permits Task Force and invited Mr. John Walsh, Chair, Ms. Martha Seng, Mr. Robert Litke, Director, Planning & Development Department and Paul Nelson, Assistant Director, Public Works & Engineering Department to the Council table. Council Members Goldberg, Wiseman, Garcia and Green absent.

**MAYOR'S REPORTS** - Briefing on Building Permits Task Force

John Walsh, Chair

Martha Seng, AIA, Member Mayor's Board on Building Permits Task Force,

Robert Litke, Director, Planning & Development Department

Paul Nelson, Assistant Director, Public Works & Engineering Department

Mr. Walsh, Ms. Seng and Mr. Nelson reviewed a brief report titled "Promoting Development Within The City of Houston", a copy of which is on file in the City Secretary's Office for review. Council Member Green absent.

Mr. Walsh was questioned at length by Mayor White and Members of Council. Council Member Green absent.

At 9:54 a.m. Mayor White stated they would move to the public session and the City Secretary began to call the speakers. Council Members Garcia, Ellis and Green absent.

Mr. Dell York, 8855 Gulf Freeway, Houston, Texas 77017 (713-791-8000) appeared and stated that Council probably had a copy of the proposal to redo the Almeda-Sims Drying Facility which had a cost of \$42,000,931.00 and the biggest cost of it being the flash dryers and instead he was asking for \$2,000,000. to put up a building; that he had now reduced his price from \$150.00 a ton, as opposed to the \$300.00 a ton they were now paying, to \$100.00 a ton and in addition he would make the city his partner and give the city one half of proceeds on the compost sales. Council Member Garcia absent.

Upon questions by Council Member Sekula-Gibbs, Mr. York stated that he made a proposal and would make it more formal and send it to all Council Members. Council Member Sekula-Gibbs stated that they were looking for ways to be greener and cost effective and if he could help they would appreciate it. Council Members Goldberg, Khan and Garcia absent.

Council Member Quan stated that they spoke numerous times on this, but the main thing was he had no permit; and upon questions, Mr. York stated that the permit was a two to four month process and he or the city would have to hire an engineering company. Council Member Quan stated that it took money to make money and if he would get the permit then the city would consider it; and Mr. York stated that he thought it unfair to pay for a permit when he did not know if he would get the work and would like Council Member Quan to write him a letter on what the city might do if he brought the permit. Council Members Galloway, Goldberg, Khan and Garcia absent.

Ms. Pamela J. Brown, 512 E. 40th, Houston, Texas 77022 (713-215-7798) appeared and stated that she wanted to speak on the narcotics, prostitution and weeded lots in her area; that the house next door had weeds and poison ivy and thought it to be a health hazard and several cars cruised her area of Independence Heights and she hoped to reduce or eliminate the radios blaring in the early morning hours; that she was told the property was under court and nothing could be done until it was clear; that she had made calls on narcotics and prostitution and she hoped something could be done. Council Members Galloway, Goldberg, Garcia, Alvarado and Sekula-Gibbs absent.

Mayor White stated that on Neighborhood Protection it did not make sense they could not get the lot next door cleaned and he appreciated her coming; that they were mowing a record number of lots and tearing down a record number of houses, but there was a lot to do; that this would be a priority and Assistant Chief Perales was present and he wanted to say to him that he had heard about the drug dealing a lot and he would like something done where those dealing would have an element of fear. Council Members Galloway, Goldberg and Sekula-Gibbs absent.

Ms. Diana Jackson, 5021 South Acres Drive, Houston, Texas 77048 (713-733-5491) had reserved time to speak but was not present when her name was called. Council Members Galloway, Goldberg and Sekula-Gibbs absent.

Mr. Douglas Nichols, 2418 Broad Street, Baytown, Texas 77521 (no phone) had reserved time to speak but was not present when his name was called. Council Members Galloway, Goldberg, Wiseman and Sekula-Gibbs absent.

Mr. G. H. Kennada, 9626 Fonville, Houston, Texas 77075 (713-862-9974) had reserved time to speak but was not present when his name was called. Council Members Galloway, Goldberg, Wiseman, Garcia and Sekula-Gibbs absent.

Mr. Robert Tomerlin, no address (no phone) had reserved time to speak but was not present when his name was called. Council Members Galloway, Goldberg, Wiseman, Garcia and Sekula-Gibbs absent.

Mrs. Ruby Cooper, 8814 Linda Vista, Houston, Texas 77028 (713-631-4198) appeared and stated that she was president of the East Houston Civic Club and present objecting to a drug rehab house; that a house had been vacant and a church had now bought it and wanted to make it a drug rehab; that it was next door to senior citizens and many children lived in the area; that they had drugs on every corner and you did not put a drug rehab in the middle of that it would be like placing children in a basket of Hershey kisses; that they had no deed restrictions and they were asking for help as she did not see how it could help those people to be in that area anyway. Council Member Garcia absent

Upon questions by Council Member Sekula-Gibbs, Ms. Cooper stated that she was president of their civic club and speaking on behalf of the community; that the rehab house was planned, but she did not know if it was permitted as yet. Council Members Khan, Holm and Berry absent.

Ms. Eloise Harris, 9414 Crestview Drive, Houston, Texas 77078 (713-631-4198) appeared and stated that she lived next door to 9418 Crestview Drive where the rehab was to open; that HRC Church bought the house and was to turn it into the rehab and her information came from those cleaning the yard; that she had been there since 1953 and it was a good neighborhood; that since the flood it had really gone down, but they had many children and a lot of problems; that young men went in and out all hours of the night and she picked up the garbage from the yard; that weeds got up to four feet but it was cut now by those at the church. Council Member Berry absent.

Council Member Galloway stated that it was not a church but Houston Recovery Campus who was interested in the house, but as of today it had not been purchased by them and was still in the owner's name, Martinez, and no permits were pulled; that they were going to notify her as to whether they were considering its purchase; and Ms. Harris stated that they would like something done about the house, the city would post notice on it and others would tear it down and the house was wide open. Council Member Galloway stated that she would check with Neighborhood Protection as to the notices and get back with her. Council Member Berry absent.

Mayor White stated that he would like Council Member Galloway to keep him informed and her judgment on what should be next. Council Member Berry absent.

Ms. Patricia Penington, 9153 Woodlyn, Houston, Texas 77078 (281-328-5600) appeared and stated that she was a concerned parent and grandmother and present on the same issue, the house at 9418 Crestview, her sister owned a rehab before and no one supervised them and they came and went as they wanted and she felt the citizens in her area would be responsible and they should not be exposed to that environment. Council Member Berry absent.

Council Member Galloway stated that as she previously said to Ms. Harris the property was still in the owners name and no permits were pulled for the location; that she would monitor it and let Houston Recovery Campus know that those in the neighborhood were against it, but with no deed restrictions they did have the right to place it there. Council Members Ellis, Green and Berry absent.

Upon questions by Mayor White, Ms. Penington stated that right now the house was open to whatever and yesterday HPD came out and arrested four young men in there; that every weekend she or Ms. Harris called police about the house; that they were trying to cleanup the community and this house just kept giving them problems; and Mayor White stated that he would ask the representative of Legal to give a 24 or 40 hour study and give him understanding of what their authority could be on such a house to get it forfeited; that to Chief Perales he wanted to say he liked what he heard about the arrests yesterday, but he wanted to take a real look at what could be done; that Allen Parker was also present and he wanted a look at whether there were delinquent taxes; that he heard what they were saying and they should be able to take the place down. Council Member Berry absent.

Ms. Harris again appeared at the podium and stated that she had signatures from those in the area about the house; and Mayor White requested that she give them to Mr. Cantu. Council Member Berry absent.

Mr. Robert Sampson, 1715 Northfolk, Houston, Texas 77098 (713-526-0987) appeared, presented information for the Council Members and stated that he was present before about

Ervin Chew Park, a very small park next to his driveway; that the park now had a dog run in it and it was a nuisance and should have never been put in; that it was about 25 feet from his bed and dogs began barking at 6:30 a.m.; that Council Member Edwards held a meeting which had no rules of order and she would not recognize him at the meeting; that the dog run was railroaded through. Council Member Berry absent.

Council Member Edwards stated that she disagreed with Mr. Sampson's analysis and characterization of the meeting and it was the third meeting; that approximately 110 attended and a thorough presentation was made and those opposed to the run were also recognized; that Friends of Ervin Chew Park worked in the park for advancement and development of the park and they paid for the dog run; that she was sorry he disagreed, but there was a meeting and it was voted for and it was the communities consensus. Council Members Galloway and Berry absent.

Ms. Sue Lovell, 1802 W. Main, Houston, Texas 77098 (713-520-6756) appeared and stated that she was president of the board of Friends of Ervin Chew Park and they were very proud to have the first dog run in the city; that they had compromised with all civic associations in the area and did so as there was no where in the area for the dogs to run and the little league field was being used as the dog run; that they monitor the area very carefully and the only complaint had been from Mr. Sampson which she was sorry for that, but they were doing a very good job at the park which had a regulation little league, a soccer field, picnic area, swimming pool, basketball court, playground and now a dog run; and thanked all who helped. Council Members Galloway and Berry absent.

Council Member Edwards stated that what was happening at the park was outstanding and her office was willing to continue working with the community, park board and Mr. Sampson. Council Members Galloway and Berry absent.

Mayor White stated that Ms. Lovell and her support group were a real model; that they heard many complaints regarding safety in many parks, and people say the number one thing to increase safety was to increase utilization and he did appreciate their leadership. Council Members Galloway and Berry absent.

Council Member Quan thanked Ms. Lovell for her work and the model that it was; and upon questions, Ms. Lovell stated that Sunday was the closing ceremony of the Neartown Little League Season from 5:00 p.m. to 7:00 p.m. and she would invite all to come; that the noise level was up in the park but that was because people were now able to use it and she was proud of that. Council Member Galloway absent.

Mr. James Wallace Garrett, 1214 Sandrock Drive, Houston, Texas 77048 (713-991-4615) appeared and stated that he was present on behalf of his granddaughter and an incident at Jesse Jones High School; that they held her for stealing and he was there when an officer came in; that they had pulled his granddaughter out of testing and she was crying and the man kept pointing in her face saying why was she lying; that she was held without lunch and taken to the Mykawa Police Station and held until 6:00 p.m. still with no food; that later the girl who stole them brought back the calculators; that she was only 14 and he did not think she should have gone through such treatment. Council Members Galloway, Quan and Sekula-Gibbs absent.

Council Member Edwards stated that she would like to get with him and meet with the Police Department and get to the bottom of it. Council Members Galloway, Quan and Sekula-Gibbs absent.

Mayor White stated that there was also representation of the Police Department present and if he chose to pursue it there was a procedure and he would be happy to receive the complaint. Council Members Galloway, Quan and Sekula-Gibbs absent.

Mr. Gordon Bing, 9448 Long Point, Houston, Texas 77055 (713-468-4516) had reserved time to speak but was not present when his name was called. Council Members Galloway, Edwards, Quan and Sekula-Gibbs absent.

Mr. Cliff Harris no address (no phone) appeared and stated that he was disabled and on a lot of medication and had in print where certain city services were supposed to be available and he read in the newspaper time after time where in the inner city neighborhoods they were supposed to have block grants, etc., but he talked with Housing and though they said they provided services the elderly were living in heat and in inhumane conditions and he had pictures of places they were forced to live in; that they had bad sewage, bad streets and train problems and taxes raised; that they had abandoned properties that needed to be cleaned and fixed up and grants were available. Council Members Galloway and Quan absent.

Council Member Edwards stated that changes in HUD was affecting housing in the city and Mr. Harris was speaking to some of those; that she would like to meet with him and see if she could help him get housing; and upon questions, Mr. Harris stated that his phone number was 713-547-0751. Council Member Quan absent.

Council Member Quan stated that many would like to get involved in development of communities and there was a consolidated plan every year they had to have a meeting on; that he was concerned the date of the meeting kept changing and was now set for Monday night; that many would like to come and share ideas with housing but because it kept moving it gave the idea they really did not want their input and he wanted to say that they needed to make sure the people did have a voice and that the meeting was set for Monday night in the Annex Council Chamber, June 7th at 7:00 p.m. and Mr. Harris could sign up to speak; and Mr. Harris stated that those who lived there needed to be put to work.

Ms. Sudaphon Kinney, 225 Aldine Bender #708, Houston, Texas 77060 (281-448-4190) appeared and stated that she had a lot of problems for many years; that next door to her was a criminal and now she lived in an apartment, no one could take care of that, she continued to speak about her daughter, police not doing anything, her being accused of stealing and her husband and son being in the armed forces until her time expired.

Mayor White stated that Mr. Cantu would meet with her and see where within the city administration the best contact point would be.

Ms. Gracie Yerena, 6619 Alfano, Houston, Texas 77076 (713-298-7591) had reserved time to speak but was not present when her name was called.

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.

Mr. Randall Smith, 3213 Burkett, Houston, Texas 77044 (713-652-3801) appeared and stated that one way to see if someone was working was to inspect the area and if they would look at the area he marked on his map they would see someone was not doing their job for a long time now; that the area was one of the most undesirable places to live in Houston.

Council Member Edwards stated that the area he spoke of she agreed was neglected and had been a longtime; that he could not say Council Member Alvarado was the only one neglecting it; that it did look like an undeveloped country and it would take more than a six year term to clean it up; that issues there were so profound she did not know how the Health Department allowed for it to continue; that people did deserve better and it would need a massive effort to even start getting it better; that the area was close to downtown and townhomes would be there soon, but then people would be displaced and she wondered what would happen to the people then, but she did appreciate his activism.

Council Member Alvarado stated that she agreed and it did not occur over the last five or ten years, it was decades in the making; that some things this Administration was doing with HPD, Solid Waste and Health was at least trying to get rid of immediate eyesores and areas in the pictures he brought to Council last week had now been cleaned; that they all wanted it cleaned; and Mr. Smith stated that this went far beyond getting cleaned, it was drugs, dilapidated infrastructure and it was because of lack of law enforcement. Council Members Holm and Garcia absent.

Ms. Cozeters Sias, 12406 Clear River, Houston, Texas 77050 (281-442-0233) had reserved time to speak but was not present when her name was called. Council Members Holm and Garcia absent.

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (713-203-7738) appeared and expressed his personal opinions until his time expired. Council Members Edwards and Garcia absent.

Council Member Galloway stated that she had been on Council since 2000 and he spoke continuously about being assassinated and so far nothing had occurred and she wondered if he had a reason as to why nothing had occurred; and President Charles stated that he wore dentures because all his teeth were butchered out and now one of those was chipped out and Council Member Green had knowledge of it and all of his vital organs were cut out. Council Member Edwards absent.

Mr. Lon Vasquez, 1704 Webber, Houston, Texas 77007 (713-864-5667) appeared and stated that the 90 day window was up for his proposal; that he only had a summary and asked Mayor White and Council Member Green to retrieve a copy from Council Member Quan's office as it was ready for them. Council Member Edwards absent.

Mr. William E. Beal, 4718 Boicewood, Houston, Texas 77016 (713-633-0126) had reserved time to speak but was not present when his name was called. Council Member Edwards absent.

Mr. Robert Horton, 3714 Bain, Houston, Texas 77026 (713-260-6144) appeared and expressed his personal opinions until his time expired. Council Member Edwards absent.

Mr. Douglas Nichols, 2418 Broad Street, Baytown, Texas 77521 (no phone) was recalled and appeared, presented information and stated that government officials around the world were not who they claimed to be and were criminals and frauds and put regulations on him when he was supposed to be the one paid and continued expressing his personal opinions until his time expired. Council Member Edwards absent.

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

At 11:15 Mayor White stated that they would now move to the Monthly Financial Report and invited Ms. Annise Parker, Controller and Ms. Judy Gray Johnson, Director, Finance and Administration, to the Council table.

Ms. Parker stated that she was pleased to present the Monthly Financial Report for the period ending April 30, 2004, that they continued to experience health growth in sales taxes and her office currently projected Sales Tax Revenues of \$345.9 million, it was an increase of \$3.9 million over last months projections, the change was based on higher than anticipated year to date receipts, it was 17% higher than the same period a year ago, once again the majority of that increase was due to actual collections during the month of March, the rest represented some adjustments to prior periods, there was a State's Sales Tax Amnesty Program and businesses were still taking advantage of that as they tried up their accounts, their projection for Property Tax Revenues had also increased, coming up \$1 million from last month,

unfortunately some increased spending was offsetting the increased revenues and according to their latest projections the General Fund was heading toward a \$1.2 million shortfall, it was due to increased expenditures that had occurred since she signed and City Council approve the Appropriations Ordinance last month, the additional expenditures were mainly attributed to increases in termination pay caused by retirements, that late last week the administration apparently took steps to bring the budget back into balance and that occurred after they had their meeting on the Monthly Report so it was not reflected in her letter in the MOFAR and the expenditure numbers were changed to reflect the administration's steps, that her staff had not had the opportunity to go over them as they just received the information yesterday, she would look to see if they represented a real savings and assumed they were deferred expenditures, that she wanted to take time to inform the Council Members of some excellent detective work by the Controller's office, that her staff netted the City \$1.5 million of extra cash and she was very proud of them, that it went back to some of their annexations, just prior to the annexation in the mid 1970's several of the municipal utility districts in the Kingwood area issued bonds for capital projects and set up administrative escrow agreements and upon annexation the MUDs were dissolved and Houston became responsible for the outstanding debt, when the escrow agreements expired three years ago the money became Houston's to keep and apparently those accounts were relatively forgotten and her staff stated some sleuthing and the City gained \$1.5 million from those accounts, the money had now been transferred to the Debt Service Fund and they believed it was sloppy paperwork at the time of annexation and a lot of turnover in the City and the bank and wanted to congratulate and salute Ms. Sue Bailey and Ms. Melanie West for their initiative in doing the research in tracking those accounts down, that they were going to keep looking but did not think there were very more MUDs that they could tap for that type of new money, found money.

Ms. Parker stated that the Council Members had a copy of the Controller's Office Annual Trends Report, that the document provided 5 years worth of data on City revenues and expenditures and was prepared each year to assist Council as they moved through the budget process and reviewed a few of the high points, a copy of which is available in the City Secretary's office for review.

Ms. Johnson stated that they continued to see really good news in their Sales Tax Revenues, that as the Controller stated the ongoing revenues were coming in at a clip that was close to double digits as well, not just the nonrecurring Sales Tax Revenues from the Amnesty Programs that the State Comptroller had put in place, that Delinquent Property Tax Collections were also coming in stronger than they had originally anticipated and they had increased their property tax projections for Fiscal 2004 as a result by \$1 million, that another high point that they hoped for in June was the Municipal Courts Amnesty that was announced last week, that they were seeing their expenditures at about the same total as last months estimates with more spending in the departments and somewhat less spending in the General Government accounts, partly due to the final shift between the Superbowl expenditures that were now fully recognized in the departmental budgets, and that concluded her report.

Upon questions by Council Member Wiseman, Ms. Parker stated that as the Monthly Financial Report books were put together the week before the Controllers office and the administration meet to discuss what the differences were and why and they had an opportunity to make adjustments if the had made an incorrect assumption, that there were further changes and at that point they had indicated there was a gap from the amount that was certified and the administration said they would address it and they had time to address it but they went ahead and changed the Monthly Report after the meeting, that they found out yesterday that they had changed some of their expenditure numbers and they had not had a chance to look at them, that it normally would have been caught in next months report, and Council Member Wiseman asked if she could give her an update later in the week.

Ms. Parker was questioned at length by Council Members on the Annual Trends Report. Council Members Edwards, Holm, Alvarado and Berry absent.

Council Member Ellis moved to accept the Monthly Financial Report, seconded by Council Member Garcia. All voting aye. Nays none. Council Members Edwards, Holm, Alvarado and Berry absent. MOTION 2004-0621 ADOPTED.

**CONSENT AGENDA NUMBERS 1 through 43**

**PROPERTY - NUMBER 2**

2. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Reverend Alves LaFleur, on behalf of Van Fleet Greater New Testament Baptist Church, for abandonment and sale of a 10-foot-wide utility easement and the attendant aerial easements, located within Lots 1 through 3 and 40 through 42, in exchange for the conveyance to the City of a 10-foot-wide utility easement along the west property line of Lot 39, all within Block 2, South Park Addition, Section 3, Parcels SY4-029 and VY4-009 - **STAFF APPRAISERS - DISTRICT D - EDWARDS** – was presented, moved by Council Member Green, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Edwards, Holm and Berry absent. MOTION 2004-0622 ADOPTED.

**RESOLUTIONS AND ORDINANCES - NUMBERS 7 through 42**

7. ORDINANCE approving and authorizing sale of a parcel of land containing 4,469 square feet (0.1026 acre), more or less, being portions of Lots 1, 2 and 3, Block 1, amended plat of Block 53, Lum Terrace Addition, H. B. Prentiss Survey, A-56, Harris County, Texas (Parcel S99-009), subject to the City's Retention of a 5-foot-wide utility easement thereon, to Ben Goldberg, the abutting owner, in consideration of his payment of \$6,400.00, and other consideration to the City; subject to the terms and conditions of the conveyance - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Members Holm and Berry absent. ORDINANCE 2004-0527 ADOPTED.
8. ORDINANCE issuing permit to **LOUISIANA/WALKER LIMITED, and AV AMERICA GRUNDBESITZVERWALTUNGSGESELLSCHAFT MBH CO.**, for constructing, maintaining, operating, using occupying and repairing a pedestrian tunnel adjacent to Block 90, South Side of Buffalo Bayou, and within and underneath portions of Milam Street, a public street right-of-way of the City of Houston, Texas; containing findings and prescribing the conditions and provisions under which said permit is issued - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Members Holm and Berry absent. ORDINANCE 2004-0528 ADOPTED.
14. ORDINANCE approving and authorizing first amendment to interlocal agreements for the Anti-Violent Crime Initiative Overtime Program between the City of Houston and **HARRIS COUNTY SHERIFF'S DEPARTMENT, GALVESTON COUNTY SHERIFF'S DEPARTMENT, THE PASADENA POLICE DEPARTMENT** and the **TEXAS DEPARTMENT OF CRIMINAL JUSTICE** for the Division of Grant Funds from the United States Department of Justice through the Executive Office of the United States Attorney – was presented. All voting aye. Nays none. Council Members Holm and Berry absent. ORDINANCE 2004-0529 ADOPTED.
15. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **L D SYSTEMS, LP (Formerly known as L D SYSTEMS, INC)**, for Audio Equipment and Sound System Maintenance and Repair Services for Mayor's Office of Special Events (as approved by Ordinance No. 99-1159) – was presented. All voting aye. Nays none. Council Members Holm and Berry absent. ORDINANCE 2004-0530 ADOPTED.

16. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **GULF EQUIPMENT CORPORATION (Formerly known as KINSEL INDUSTRIES, INC/GULF EQUIPMENT COMPANY A Joint Venture)** for Disaster Debris Removal Services for the Solid Waste Management Department (as approved by Ordinance No. 99-902) – was presented. All voting aye. Nays none. Council Members Holm and Berry absent. ORDINANCE 2004-0531 ADOPTED.
17. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **AUS-TEX PRINTING & MAILING** for Printing Services for Various Departments (as approved by Ordinance No. 99-224) – was presented. All voting aye. Nays none. Council Members Holm and Berry absent. ORDINANCE 2004-0532 ADOPTED.
20. ORDINANCE appropriating \$3,000,000.00 out of Airports Improvement Fund and approving and authorizing professional consulting services contract between the City of Houston and **4B TECHNOLOGY GROUP, LLC**, in connection with Information Technology and Telecommunications Infrastructure Field Inspection Services at George Bush Intercontinental Airport/Houston, William P. Hobby Airport and Ellington Field, CIP A-0138 - **DISTRICTS B - GALLOWAY; E - WISEMAN and I - ALVARADO** – was presented. All voting aye. Nays none. Council Members Holm and Berry absent. ORDINANCE 2004-0533 ADOPTED.
22. ORDINANCE appropriating \$539,000.00 out of Airport System Consolidated 2001 NON-AMT Construction Fund (549); authorizing purchase of land and improvements thereon out of Greenview Manor Section Two and R. F. Beeler Subdivision, McAuley Survey, A-577, Houston, Harris County, Texas, for a Noise Compatibility Program at Bush Intercontinental Airport, CIP A-0476-33.1; approving purchase and sale agreements with the owners of the land (Maudie Marie Burress, Jose G. Pineda and Francisca Pineda, Gary F. Sipe and Kathleen M. Sipe, and Bruce F. Warren and Kimberly I. Warren) - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Members Holm and Berry absent. ORDINANCE 2004-0534 ADOPTED.
23. ORDINANCE appropriating \$204,149.49 out of Water & Sewer System Consolidated Construction Fund and \$237,640.39 out of Tax Increment Reinvestment Zone Affordable Housing Uptown Fund and approving and authorizing Developer Participation Contract between the City of Houston and **WEST AIRPORT/GATEWAY 15.01 L.P.**, for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve the Brentwood Place Subdivision, CIP S-0800-D4-03 and R-0800-D4-03 - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Members Holm and Berry absent. ORDINANCE 2004-0535 ADOPTED.
24. ORDINANCE awarding construction contract to **REDDICO CONSTRUCTION COMPANY, INC** for Water, Sanitary Sewer and Storm Drainage Systems to serve Section Six of Post Oak Place Subdivision; approving and authorizing an assignment of the construction contract to **KENDALL HOMES CORPORATION**; CIP S-0800-A5-3 and R-0800-A5-3 (DPC-044) - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Members Holm and Berry absent. ORDINANCE 2004-0536 ADOPTED.
25. ORDINANCE appropriating \$50,000.00 out of Street & Bridge Consolidated Construction Fund and \$50,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Materials Engineering Laboratory Contract between the City and **FUGRO CONSULTANTS, L.P.**, CIP N-0396-08-2 and R-0019-01-2 – was presented. All voting aye. Nays none. Council Members Holm and Berry absent. ORDINANCE 2004-0537 ADOPTED.

26. ORDINANCE deappropriating \$285,392.50 out of Street & Bridge Consolidated Construction Fund, which was appropriated under Ordinance No. 98-0508; appropriating \$315,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing professional engineering services contract between the City of Houston and **KLOTZ ASSOCIATES, INC** for the Bikeway Program Projects, CIP N-0420-40-2 (SB9191); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICTS A - LAWRENCE; C - GOLDBERG; D - EDWARDS and I - ALVARADO** – was presented. All voting aye. Nays none. Council Members Holm and Berry absent. ORDINANCE 2004-0538 ADOPTED.
27. ORDINANCE appropriating \$896,067.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing professional engineering services contract between the City of Houston and **NATHELYNE A. KENNEDY & ASSOCIATES, INC** for Design of Pinemont Paving Improvements from T. C. Jester Boulevard to Ella Boulevard, CIP N-0475-01-2 (SB9174); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT A - LAWRENCE** – was presented. All voting aye. Nays none. Council Members Holm and Berry absent. ORDINANCE 2004-0539 ADOPTED.
28. ORDINANCE appropriating \$476,850.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing professional engineering services contract between the City of Houston and **WAYNE SMITH AND ASSOCIATES D/B/A SCL ENGINEERING** for Design of Ley Road Paving Improvements from Homestead Road to Kirkpatrick Boulevard, CIP N-0587A-02-2 (SB9178); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Members Holm and Berry absent. ORDINANCE 2004-0540 ADOPTED.
29. ORDINANCE appropriating \$592,152.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing professional engineering services contract between the City of Houston and **WCW INTERNATIONAL, INC** for Design of York Street from Navigation Boulevard to Polk Street, CIP N-0698-01-2 (SB9182); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund **DISTRICTS H - GARCIA and I - ALVARADO** – was presented. All voting aye. Nays none. Council Members Holm and Berry absent. ORDINANCE 2004-0541 ADOPTED.
33. ORDINANCE appropriating \$451,600.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional engineering services contract between the City of Houston and **KLOTZ ASSOCIATES, INC** for Design of Improvements to various Ground Water Production Facilities, CIP S-0533-05-2 (WA10806); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS A - LAWRENCE; B - GALLOWAY and D - EDWARDS** – was presented. All voting aye. Nays none. Council Members Holm and Berry absent. ORDINANCE 2004-0542 ADOPTED.
34. ORDINANCE appropriating \$4,624,400.00 out of Water & Sewer Contributed Capital Fund, awarding contract to **CALCO CONTRACTING, LTD.** for 42-inch Water Line along Scenic Ridge Dr., Oak Spring Dr., Oak Stream Dr., Timberline Rd., Brittmoore Rd., and Church Ln., from Katy Addicks Pump Station to abandoned railroad easement, GFS S-0900-86-3 (WA10624-04); providing funding for engineering testing, construction management and contingencies relating to construction of facilities financed by the Water & Sewer Contributed Capital Fund - **DISTRICT A - LAWRENCE** – was presented. All

voting aye. Nays none. Council Members Holm and Berry absent. ORDINANCE 2004-0543 ADOPTED.

37. ORDINANCE appropriating \$4,782,155.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **INSITUFORM TECHNOLOGIES, INC** for Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method, GFS R-0266-A6-3 (WW4258-14); providing funding for engineering testing services and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – was presented. All voting aye. Nays none. Council Members Holm and Berry absent. ORDINANCE 2004-0544 ADOPTED.
38. ORDINANCE appropriating \$1,487,123.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **UNDERGROUND TECHNOLOGIES, INC** for Wastewater Collection System Rehabilitation and Renewal Contract, GFS R-0266-B2-3 (WW4235-25); providing funding for engineering testing services and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – was presented. All voting aye. Nays none. Council Members Holm and Berry absent. ORDINANCE 2004-0545 ADOPTED.
39. ORDINANCE appropriating \$3,676,233.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **UNDERGROUND TECHNOLOGIES, INC** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Method, GFS R-0266-D2-3 (WW4257-52); providing funding for engineering testing services and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – was presented. All voting aye. Nays none. Council Members Holm and Berry absent. ORDINANCE 2004-0546 ADOPTED.
40. ORDINANCE appropriating \$539,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **R&B GROUP, INC** for Coffee Lift Station, GFS R-0267-59-3 (4276-32); providing funding for engineering testing and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Members Holm and Berry absent. ORDINANCE 2004-0547 ADOPTED.
41. ORDINANCE appropriating \$655,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **PELTIER BROTHERS CONSTRUCTION, LTD.** for Lang Lift Station Replacement, GFS R-0267-70-3 (WW4816-02); providing funding for engineering testing and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT A - LAWRENCE** – was presented. All voting aye. Nays none. Council Members Holm and Berry absent. ORDINANCE 2004-0548 ADOPTED.
42. ORDINANCE appropriating \$1,441,856.13 out of Water & Sewer Contributed Capital Fund and \$618,643.87 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **LAUGHLIN-THYSSEN, LTD.** for Katy Addicks and Spring Branch Pump Station Improvements, GFS S-0900-83-3 (WA10624-01); providing funding for engineering testing, construction management and contingencies relating to construction of facilities financed by the Water & Sewer System Contributed Capital Fund and Water & Sewer System Consolidated Construction Fund - **DISTRICT A - LAWRENCE** – was presented. All voting aye. Nays none. Council Members Holm and Berry absent. ORDINANCE 2004-0549 ADOPTED.

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

## MISCELLANEOUS

1. RECOMMENDATION from Director Department of Solid Waste Management for additional funding in the amount of \$200,000.00 on contract with **WASTE MANAGEMENT, INC** to provide funds for costs for the remainder of FY04 - General Fund – was presented, moved by Council Member Sekula-Gibbs, seconded by Council Member Alvarado. Council Members Holm and Berry absent.

Council Member Quan stated that while he recognized the need for the item he would like to have the department give him a briefing on the nature of the contract. Council Members Holm and Berry absent.

A vote was called on Item No. 1. All voting aye. Nays none. Council Members Holm and Berry absent. MOTION 2004-0623 ADOPTED.

## PURCHASING AND TABULATION OF BIDS

3. ORDINANCE appropriating \$677,176.50 out of C & E Construction Fund for Theater District Marquees for Convention & Entertainment Facilities Department – was presented. All voting aye. Nays none. Council Members Holm and Berry absent. ORDINANCE 2004-0550 ADOPTED.
- 3a. **DAKTRONICS, INC** for Theater District Marquees for Convention & Entertainment Facilities Department - \$644,930.00 and contingencies for a total amount not to exceed \$677,176.50 – was presented, moved by Council Member Quan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Holm and Berry absent. MOTION 2004-0624 ADOPTED.
4. **AMEND MOTION #2001-867, 8/1/01, TO INCREASE** spending authority from \$217,415.21 to \$271,769.01, for Vehicle Console Systems Contract for Police Department, awarded to **SMC/ADVANCED PRODUCTS** – was presented, moved by Council Member Khan, seconded by Council Member Quan, and tagged by Council Member Ellis. Council Members Holm and Berry absent.

## RESOLUTIONS AND ORDINANCES

5. RESOLUTION of the City Council prescribing the date, time and location of a public hearing on the City Budgets for the time period July 1, 2004 through June 30, 2005; authorizing notice of such public hearing and making other provisions related to the subject – was presented. All voting aye. Nays none. Council Members Holm and Berry absent. RESOLUTION 2004-0014 ADOPTED.
6. ORDINANCE appropriating \$934,054.93 out of Reinvestment Zone Number One, City of Houston, Texas (Lamar Terrace Zone) Tax Increment Fund (Fund 228); \$3,510,608.65 out of Reinvestment Zone Number Two, City of Houston, Texas (Midtown Zone) Tax Increment Fund (Fund 910); \$4,633,565.52 out of Reinvestment Zone Number Three, City of Houston, Texas (Market Square Zone) Tax Increment Fund (Fund 906); \$2,860,028.18 out of Reinvestment Zone Number Four, City of Houston, Texas (Village Enclaves Zone) Tax Increment Fund (Fund 908); \$1,069,679.83 out of Tax Increment Reinvestment Zone Number Five, City of Houston, Texas (Memorial Heights Zone) Tax Increment Fund (Fund 911); \$1,483,116.56 out of Reinvestment Zone Number Seven, City of Houston, Texas (Old Spanish Trail/Almeda Corridors Zone) Tax Increment Fund (Fund 915); \$413,132.47 out of Reinvestment Zone Number Nine, City of Houston, Texas (South Post Oak Zone) Tax Increment Fund (Fund 913); \$4,007,031.10 out of Reinvestment Zone Number Ten, City of Houston, Texas (Lake Houston Zone) Tax Increment Fund (Fund 912); \$2,088,240.00 out of Reinvestment Zone Number Eleven, City of Houston, Texas (Greater

Greenspoint Zone) Tax Increment Fund (Fund 916); \$371,324.91 out of Reinvestment Zone Number Twelve (City Park Zone) Tax Increment Fund (Fund 917); \$254,063.48 out of Reinvestment Zone Number Thirteen, City of Houston, Texas (Old Sixth Ward Zone) Tax Increment Fund (Fund 918); \$876,053.17 out of Reinvestment Zone Number Fourteen, City of Houston, Texas (Fourth Ward Zone) Tax Increment Fund (Fund 920); \$513,838.00 out of Reinvestment Zone Number Fifteen, City of Houston, Texas (East Downtown Zone) Tax Increment Fund (Fund 921); \$4,036,453.51 out of Reinvestment Zone Number Sixteen, City of Houston, Texas (Uptown Zone) Tax Increment Fund (Fund 922); \$36,724.84 out of Reinvestment Zone Number Eighteen, City of Houston, Texas (Fifth Ward Zone) Tax Increment Fund (924); and \$1,131,953.89 out of Reinvestment Zone Number Nineteen, City of Houston, Texas (Upper Kirby Zone) Tax Increment Fund (925) for Affordable Housing, Administrative Expenses, Payment of Project Costs, payments to the Houston Independent School District, the Humble Independent School District, Houston Housing Finance Corporation and certain redevelopment authorities as provided herein; containing provisions relating to the subject – was presented.

Council Member Alvarado stated that she would like some information about the affordable housing fund. Council Members Holm and Berry absent.

Mayor White stated that he would like the Mayor Pro Tem and Council Members Ellis and Quan to discuss how Council could help in the oversight and governance of certain TIRZ balances within the administration, and also Mr. Hall, and if Ms. Johnson and Mr. Litke could coordinate a discussion on it, that it was an issue that was ripe for discussion for them as a City and was very cross cutting, and the TIRZs, as Council Member Quan had pointed out, were at the point where they did have cash balances in some of the TIRZs and it was not going to be occurring with his consent that they pay for all the basic City services and people pay for fancy street lights and they did not have enough money for police training classes, that stuff like that was not going to happen, that maybe it would be a Council task force or ad hoc committee, that they needed a group within the administration to think about it and pull together, that he had read the law and the law required a lot of the contracts by the TIRZs to be approved just like every thing else that appeared on the agenda, and Mr. Michel stated that was correct. Council Members Holm and Berry absent.

After further discussion by Council Members a vote was called on Item No. 6. All voting aye. Nays none. Council Members Holm, Quan and Berry absent. ORDINANCE 2004-0551 ADOPTED.

9. ORDINANCE issuing permit to the **UNIVERSITY OF TEXAS SYSTEM** for constructing, maintaining, using, occupying, operating and repairing an aerial pedestrian walkway within the 6900 Block of Bertner, and the 1500 Block of Holcombe, public street rights-of-way of the City of Houston, Texas; containing findings and prescribing the conditions and provisions under which said permit is issued - **DISTRICT D – EDWARDS** – was presented. Council Members Holm, Quan and Berry absent.

Council Member Edwards stated that she was going to tag the item because there had been a lot of community activism around the development in that area and wanted to make sure the community was advised as to what was going on up front so they would not have to undo it, that she would like to have discussions with the community groups, and Mayor White stated that he would ask a representative of Public Works to get with Council Member Edwards immediately. Council Members Holm, Quan and Berry absent.

10. ORDINANCE approving and authorizing contract between City and **GREATER HOUSTON CONVENTION AND VISITORS BUREAU** for the Promotion of Tourism and the Solicitation of Convention Business – was presented, and tagged by Council Member Khan. (Note: Council Member Khan released his tag later in the meeting.) Council Members Holm, Quan and Berry absent.

Council Member Khan stated that after the Superbowl he thought they needed to look at how they were promoting the City and would like know more about the promotion, and Mayor White stated they would make sure that was done. Council Members Holm, Quan and Berry absent.

11. ORDINANCE approving and authorizing contract between the City and **ARTS COUNCIL OF HOUSTON/HARRIS COUNTY REGION** for the Support of the Arts Community – was presented, and tagged by Council Member Goldberg. Council Members Holm, Berry and Quan absent.
12. ORDINANCE approving and authorizing acceptance of grant funds form the **TEXAS PARKS AND WILDLIFE DEPARTMENT** for Improvements to Hermann Park - \$1,000,000.00 - Grant Fund - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Members Holm, Quan and Berry absent. ORDINANCE 2004-0552 ADOPTED.

Council Member Goldberg stated that Mr. DeMontrond was present in Council for Item No. 10 and he just wanted to thank him for being present all morning. Council Members Holm, Quan and Berry absent.

Council Member Khan stated that he wanted to release his tag on Item No. 10 and would request that they brief him on their promotion efforts. Council Members Holm, Quan and Berry absent.

Council Member Alvarado moved to suspend the rules to consider Item No. 10 at this time, seconded by Council Member Ellis. All voting aye. Nays none. Council Members Holm, Quan and Berry absent. MOTION 2004-0625 ADOPTED.

10. ORDINANCE approving and authorizing contract between City and **GREATER HOUSTON CONVENTION AND VISITORS BUREAU** for the Promotion of Tourism and the Solicitation of Convention Business – was again before Council. All voting aye. Nays none. Council Members Holm, Quan and Berry absent. ORDINANCE 2004-0553 ADOPTED.

Council Member Galloway moved to remain in session beyond the scheduled noon recess until 12:45 p.m. to complete the agenda, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Holm, Quan and Berry absent. MOTION 2004-0626 ADOPTED.

13. ORDINANCE approving and authorizing acceptance of grant funds from the Office of National Drug Policy for the 2004 High Intensity Drug Trafficking Area Grants Program; declaring the City's eligibility for such grant; authorizing the Chief of the Houston Police Department to accept such grant funds and to apply for and accept all subsequent awards, if any, pertaining to the program – was presented. All voting aye. Nays none. Council Members Holm, Quan and Berry absent. ORDINANCE 2004-0554 ADOPTED.
18. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **RIDGWAY'S, INC** for Printing Services for Various Departments (as approved by Ordinance No. 99-281) – was presented. All voting aye. Nays none. Council Members Holm, Quan and Berry absent. ORDINANCE 2004-0555 ADOPTED.
19. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **ALLPRINTING** for Printing Services for Various Departments (as approved by Ordinance No. 99-282) – was presented, and tagged by Council Members Green and Galloway. Council Members Holm, Quan and Berry absent.

21. ORDINANCE appropriating \$367,020.00 out of Airport System Subordinate Lien Revenue Bonds Series 1998B AMT (535); authorizing purchase of land and improvements thereon out of Greenview Manor Section Two, McAuley Survey, A-577, Houston, Harris County, Texas, for a Noise Compatibility Program at Bush Intercontinental Airport, CIP A-0476-34.1; approving purchase and sale agreements with the owners of the land (Donald E. Thorp and Maribel Thorp; and John L. Satterwhite) - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Members Holm, Quan and Berry absent. ORDINANCE 2004-0556 ADOPTED.
30. ORDINANCE appropriating \$359,700.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional engineering services contract between the City of Houston and **ROLANDO H. BRIONES, JR. D/B/A BRIONES CONSULTING** for Design of Waterline Replacement in the Cliffwood Area, CIP S-0035-B8-2 (WA10781); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT C – GOLDBERG** – was presented, and tagged by Council Member Goldberg. Council Members Holm, Quan and Berry absent.

Council Member Goldberg stated that he was going to tag the item, that he had told Mr. Gary Norman some questions and they were going to come back by next week with some answers. Council Members Holm, Quan and Berry absent.

31. ORDINANCE appropriating \$526,860.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional engineering services contract between the City of Houston and **TSC ENGINEERING COMPANY** for Design of Waterline Replacement in the Jensen-610 Area, CIP S-0035-C4-2 (WA10786); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT H - GARCIA** – was presented, and tagged by Council Member Garcia. Council Members Holm, Quan and Berry absent.
32. ORDINANCE appropriating \$305,900.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional engineering services contract between the City of Houston and **LBG-GUYTON ASSOCIATES** for Design of Water Well at District 184 and Site Selection and Preliminary Engineering Report for a Water Well in the Park Glen #1 Pump Station Service Area, CIP S-0100-15-2 (WA10807); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT F - KHAN** – was presented, and tagged by Council Member Khan. Council Members Holm, Quan and Berry absent.

Council Member Khan stated that he wanted to have someone visit with him about moving away from groundwater, and Mayor White stated that they had made that request to Public Works. Council Members Holm, Quan and Berry absent.

35. ORDINANCE appropriating \$4,861,000.00 out of Water & Sewer Contributed Capital Fund, awarding contract to **TEXAS STERLING CONSTRUCTION, L.P.** for 48-inch Water Line and 30-inch Well Collection Line along Wickchester Lane, Moorwick Lane, Wickhollow Lane and proposed City of Houston Water Line Easements along Turkey Creek from Well Site No. 2 Private Access Drive to Katy Addicks Pump Station, GFS S-0900-87-3 (WA10624-05); providing funding for engineering testing, construction management and contingencies relating to construction of facilities financed by the Water & Sewer Contributed Capital Fund - **DISTRICT A - LAWRENCE** – was presented, and tagged by Council Member Goldberg. Council Members Holm, Quan and Berry absent.

36. ORDINANCE appropriating \$3,720,300.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **REDDY ENGINEERS & CONTRACTORS, LTD.** for Clinton Park Wastewater Treatment Plant Improvements, GFS R-0265-26-3 (WW4760-06); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT I - ALVARADO** – was presented, and tagged by Council Member Ellis. Council Members Holm, Quan and Berry absent.
43. ORDINANCE appropriating \$13,500.00 out of Storm Sewer Consolidated Construction Fund, \$20,250.00 out of Street & Bridge Consolidated Construction Fund and \$95,850.00 out of Water & Sewer System Consolidated Construction Fund for advertising costs for various CIP projects relating to construction of facilities financed by the respective consolidated construction funds for the Department of Public Works & Engineering – was presented. All voting aye. Nays none. Council Members Holm, Quan and Berry absent. ORDINANCE 2004-0557 ADOPTED.

**MATTERS HELD** - NUMBERS 44 through 51

44. MOTION by Council Member Khan/Seconded by Council Member Quan to adopt recommendation from Director Building Services Department for approval of final contract amount of \$2,146,968.56 and acceptance of work on contract with **TIMES CONSTRUCTION, INC** for Parks to Standard Program - Phase II, Bid Package 5 - Linkwood and Oak Forest Parks, GFS F-0363-05-3 - 07.78% over the original contract amount - **DISTRICTS A - LAWRENCE and C - GOLDBERG** – **(This was Item 25 on Agenda of May 26, 2004, TAGGED BY COUNCIL MEMBER GOLDBERG)** Council Members Holm, Quan and Berry absent.

Council Member Goldberg stated that he wanted to thank Mr. Issah Dadoush for working with the project. Council Members Holm, Quan and Berry absent.

A vote was called on Item No. 44. All voting aye. Nays none. Council Members Holm, Quan and Berry absent. MOTION 2004-0627 ADOPTED.

45. MOTION by Council Member Ellis/Seconded by Council Member Alvarado to adopt recommendation from Finance & Administration Department to award to **TASER INTERNATIONAL, INC** for 15 Taser Stun Guns and Associated Supplies for Houston Police Department - \$42,027.75 - Police Special Services Fund – **(This was Item 27 on Agenda of May 26, 2004, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. All voting aye. Nays none. Council Members Holm, Quan and Berry absent. MOTION 2004-0628 ADOPTED.

46. RESOLUTION establishing the policy of the City of Houston to prohibit retaliation against any employee for Good Faith Report of a violation of law to an appropriate law enforcement authority and requesting the Mayor to adopt related procedures – **(This was Item 30 on Agenda of May 26, 2004, TAGGED BY COUNCIL MEMBERS WISEMAN and GALLOWAY)** – was presented. Council Members Holm, Quan and Berry absent.

Council Member Wiseman moved to refer Item No. 46 back to the Governance Committee for another opportunity for a public hearing, seconded by Council Member Khan. Council Members Holm, Quan and Berry absent.

After discussion by Council Members a vote was called on Council Member Wiseman's motion to refer Item No. 46 to committee. All voting aye. Nays none. Council Members Holm, Quan and Berry absent. MOTION 2004-0629 ADOPTED.

47. ORDINANCE approving and authorizing supplemental Agreement No. 1 to Park and Recreation Lease No. DACW64-1-82-60, Cullen Park, Buffalo Bayou and Tributaries Flood Control Project, Addicks Dam between the **SECRETARY OF THE ARMY**, as owner, and the City of Houston, as lessee, deleting 2,264.46 acres, more or less, from the leased area; containing findings and other provisions related to the subject - **DISTRICT A – LAWRENCE – (This was Item 32 on Agenda of May 26, 2004, TAGGED BY COUNCIL MEMBER GOLDBERG)** – was presented. Council Members Holm, Quan and Berry absent.

Council Member Goldberg stated that he wanted to recognize Council Member Lawrence for the incredible work she did with Item No. 47, that they had a meeting with people from the Parks Department and Mayor's Citizens Assistance. Council Members Holm, Quan and Berry absent.

A vote was called on Item No. 47. All voting aye. Nays none. Council Members Holm, Quan and Berry absent. ORDINANCE 2004-0558 ADOPTED.

48. ORDINANCE approving and authorizing Professional Litigation Support Services Contract between the City of Houston and **RYDER SCOTT COMPANY, L.P.** for Professional Litigation Support Services Contract - \$100,000.00 - Enterprise Fund – **(This was Item 44 on agenda of May 26, 2004, TAGGED BY COUNCIL MEMBER WISEMAN)** - was presented. All voting aye. Nays none. Council Members Holm, Quan and Berry absent. ORDINANCE 2004-0559 ADOPTED.
49. MOTION by Council Member Quan/Seconded by Council Member Alvarado to adopt recommendation from Director Department of Public Works & Engineering for approval of final contract amount of \$1,131,166.55 and acceptance of work on contract with **SILVA, INC** for Construction of Generic Overlay Program (Package I), GFS N-1037-22-3 (OL2022) - 04.18% under the original contract amount - **DISTRICT C – GOLDBERG – (This was Item 58 on Agenda of May 26, 2004, POSTPONED BY MOTION #2004-618)** – was presented. All voting aye. Nays none. Council Members Holm, Quan and Berry absent. MOTION 2004-0630 ADOPTED.
50. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,480,149.13 and acceptance of work on contract with **KINSEL INDUSTRIES, INC** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods, GFS R-0266-18-3 (4257-28) - 02.55% over the original contract amount - **DISTRICTS A - LAWRENCE; B - GALLOWAY; C - GOLDBERG; D - EDWARDS; E - WISEMAN; G - HOLM; H - GARCIA and I – ALVARADO – (This was Item 58 on Agenda of May 26, 2004, POSTPONED BY MOTION #2004-594)** – was presented, moved by Council Member Alvarado, seconded by Sekula-Gibbs. All voting aye. Nays none. Council Members Holm, Quan and Berry absent. MOTION 2004-0631 ADOPTED.
51. MOTION by Council Member Khan/Seconded by Council Member Quan to adopt recommendation from Director Department of Public Works & Engineering for approval of final contract amount of \$1,268,163.26 and acceptance of work on contract with **TROY CONSTRUCTION, L.L.P.** for Sanitary Sewer Rehabilitation by Point Repair Method, GFS R-0266-25-3 (4235-13) - 04.89% over the original contract amount – **(This was Item 60 on Agenda of May 26, 2004, POSTPONED BY MOTION #2004-592)** – was presented. All voting aye. Nays none. Council Members Holm, Quan and Berry absent. MOTION 2004-0632 ADOPTED.
52. ORDINANCE awarding construction contract to **TROY CONSTRUCTION, L.L.P.** for Water Distribution System Rehabilitation and Renewal, providing funding for engineering testing services and contingencies relating to the repair of facilities financed by the Water & Sewer System Operation Fund (WA10633-03) - \$1,600,100.00 - Enterprise Fund – **(This**

**was Item 68 on Agenda of May 26, 2004, POSTPONED BY MOTION #2004-591** – was presented. All voting aye. Nays none. Council Members Holm, Quan and Berry absent. ORDINANCE 2004-0560 ADOPTED.

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

Council Member Galloway stated that she wanted to thank the Houston community for all of the assistance they gave to Ms. L. Sherman, the senior who came to City Hall with the pistol, that many Houstonians poured their hearts out to her and the weeded lots that the City had yellow tagged on both sides of her home were cut by some volunteers as well as they cut her yard and trimmed her trees, they donated clothing and she had been in the hospital and her health was improving. Council Members Wiseman, Holm, Ellis, Quan and Berry absent.

Council Member Galloway stated that she hoped they could do more and get the weeded lots cut because she had plenty of them and had yellow tags on them for almost a year and they had still not been cut, that she wanted the Mayor to urge the department of Neighborhood Protection that when they posted those yellow tags that they expedite them as soon as possible, and Mayor White stated that he wanted to look at the staffing and contracting on the mowing of weeded lots and how many people and how much equipment was employed on any given day and what could they do to increase that. Council Members Wiseman, Khan, Holm, Ellis, Quan and Berry absent.

Council Member Green stated that he wanted to congratulate Ms. Vicki McBride of Housing and Community Development who was recently installed as the President of the Woman Professionals in Government, the Local Chapter. Council Members Wiseman, Khan, Holm, Ellis, Quan and Berry absent.

Council Member Green stated that he wanted to acknowledge Mr. Steven Maheshwary who won the spelling bee and was now in Washington, D.C. in the second round of the national competition and was representing the City well. Council Members Wiseman, Khan, Holm, Ellis, Quan and Berry absent.

Council Member Green stated that Mr. Mike O'Brien had passed away on Monday and their prayers went out to his family, that he had been a stalwart in the community and organized many of the civic clubs around the City. Council Members Wiseman, Khan, Holm, Ellis, Quan and Berry absent.

Council Member Edwards stated that she wanted to thank Chief Hurtt and his staff, that they held two Meet the Chief meetings and she wanted to thank them for attending those and having a great impact on the community. Council Members Wiseman, Khan, Holm, Ellis, Quan, Green and Berry absent.

Council Member Edwards stated that she was very concerned about the new HUD regulations, particularly how they would impact what was happening locally, that she was not clear what impact it would have regarding waiting lists in Houston and certifications and so forth, so if someone from Housing could give them a briefing she would appreciate it. Council Members Wiseman, Khan, Holm, Ellis, Quan, Green and Berry absent.

Council Member Edwards stated that she would like to encourage what Council Member Galloway stated about the number of abandoned properties and weeded lots and how they just tagged and tagged the items, that she did not know how they could bring in young people but she was very impressed with groups like Youth Build and did not see why they could not find a way to use them in the issue of weeded lots and remodeling or tearing down and would encourage to seek out people like that to help them with those issues. Council Members Wiseman, Khan, Holm, Ellis, Quan, Green and Berry absent.

Council Member Edwards stated that they had several incidents in their community where they had new streets or sidewalks constructed and the design and the construction process was so horrible that the only recourse they had was to tear up new streets or sidewalks that were only five years old and redo them, that she was trying to find out how to deal with contractors who did that type of work and thought that they needed to look aggressively of how they could give their communities relief from that sort of thing. Council Members Wiseman, Khan, Holm, Ellis, Quan, Green and Berry absent.

Mayor White stated that Mr. Hall had been spending some time into the HUD matter that Council Member Edwards had discussed and there had been some action in Washington that Ms. Travis and others had been working on that would improve the situation from what people feared but were trying to understand how much gap was left. Council Members Wiseman, Khan, Holm, Ellis, Quan, Green and Berry absent.

Council Member Edwards stated that she wanted to compliment Mr. Vara and his staff for getting on top of Ms. Sias situation and hopefully they would be able to give her some relief and assistance. Council Members Wiseman, Khan, Holm, Ellis, Quan, Green and Berry absent.

Council Member Garcia stated that in regard to Youth Build, if it was the same group that was associated with Gulf Coast Trade Center, they were absolutely right, he had seen the homes that those young folks built and they were talking about first class work product, that it would be a great organization to partner with if it was possible. Council Members Lawrence, Galloway, Wiseman, Khan, Holm, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Garcia stated that he wanted to invite everyone to attend the Saint Patricks Catholic Church Bazaar on Saturday and Sunday in the northside area as well as the Heights 5K Fun Run and Walk. Council Members Lawrence, Galloway, Wiseman, Khan, Holm, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Garcia stated that he wanted to congratulate Mr. Robert Feiderlein who was recently promoted to Chief of Staff of Public Works. Council Members Lawrence, Galloway, Wiseman, Khan, Holm, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Sekula-Gibbs stated that she wanted to invite everyone to the Monday night, June 7, 2004 meeting of the Housing Departments Consolidated Plan, it was an important meeting where the allocations of much of the HUD money would be discussed, that it would be in the City Hall Annex and begin at 7:00 p.m. Council Members Lawrence, Galloway, Wiseman, Holm, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Sekula-Gibbs stated that she wanted to welcome three new interns to her office who would be staffing the office for the summer. Council Members Lawrence, Galloway, Wiseman, Holm, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Khan stated that he wanted to inform everyone that tomorrow evening they would be having a meeting at Bayland Park at 6:00 p.m. regarding the cellular tower which was scheduled to go up in the area at the corner of Hillcroft and Bissonnet. Council Members Lawrence, Galloway, Wiseman, Holm, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 12:31 p.m. upon MOTION by Council Member Alvarado, seconded by Council Member Khan. Council Members Lawrence, Galloway, Wiseman, 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

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Anna Russell, City Secretary