

## City Council Chamber, City Hall, Tuesday, November 23, 2004

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Tuesday, November 23, 2004, with Mayor Bill White presiding and with Council Members Toni Lawrence, Carol Mims Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, M. J. Khan, Pam Holm, Adrian Garcia, Carol Alvarado, Mark Ellis, Gordon Quan, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Mr. Arturo Michel, City Attorney, Ms. Jo Wiginton, Senior Assistant City Attorney, Division Chief; Mr. Richard Cantu, Director, Mayor's Citizens Assistance Office; Ms. Marty Stein, Agenda Director and Mr. Jose Soto, Deputy Agenda Director present.

At 8:30 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:21 Mayor White called to order the meeting of the City Council and called on Council Member Edwards for the prayer and pledge of allegiance. Council Members Goldberg, Wiseman, Khan, Garcia and Berry absent.

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

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

**MAYOR'S REPORTS** - CIP Procurement Time Table

Mayor White stated that he wanted to give them a status report because they were doing some things on a CIP procurement a little bit different than in prior years and wanted to make sure that everybody was in the loop, that he would like to visit with them about the approach that the Public Works Department had taken in the procurement of engineering and design services for the City of Houston in order to accomplish the goals along the criteria that he had set forth at the very outset of the year of getting good performance and value for their dollars so that they could do more CIP dollars with the same amount of soft cost, to make sure that they looked at people's track record in doing those selections and innovation, to evidence a strong commitment to diversity in building firms that reflected the full diversity of the community, and to the final element of the weight was a commitment to Houston, community service, community projects, so if there was one firm who had two people doing detailed engineering here and a whole bunch in another City and another that was competing for the same work that was Houston based they did tilt the selection for those folks that had invested in the community, they also, to try and get the most projects out of their soft cost dollars and to make sure that CIP projects did not slip too much as they had done in the prior year, and to make sure that as to the diversity, that they had the whole mosaic in front of them, the Public Works Department under Director Marcotte's direct and personal supervision began a process that looked at all the projects in this year's CIP and thought it included some that carried on to next year, and the design needs for that, put out a request for qualifications on September 8, 2004, had review panels that were personally appointed on a project by project basis by the Director of Public Works, that he charged him that on these important elements, it was something that he wanted periodic personal reports from him and his involvement, received the responses from firms on September 30, 2004, reviewed things like the staffing and experience that people would dedicate to the projects and their track record on the first two weeks of October 2004, short listed firms in mid October, received more specific proposals, there was a second group of panel meetings where people would be brought in and talked to about how they would approach a project, using the criteria that they defined, and there were ultimately recommendations made to him over the last 10 days, which he had approved this morning, that he had talked to the industry about how they could perform City work more efficiently for the taxpayers and they could do that if people could plan in advance about what the workload was going to be for a year otherwise it was particularly onerous for the smaller firms when they did not know until next April if they would get a project, so it was something that he got in feedback so the selections that were made were for projects over the course of the year, the design professionals

would be notified and then matters would come before Council as needed, that they were not going to do the whole thing of paying for a set of plans and drawings that were not even going to be used for a year, there were 105 firms that submitted qualifications and requested to be the prime contractors, out of those there were a number of firms that were selected that all in all totaled 61 firms that were principle subcontractors or prime contractors, that they had a strong commitment to building a more diverse engineering and design community, the number of firms that were selected from the RFQ's as prime contractors were 24, of which 7 were MWBE firms, that the number who were principal consultants with other firms, there were 9 firms, and 7 of those were the MWBE firms, so 14 out of 31, that the number of firms that did not submit any response as a principal, but were selected as subcontracting firms with major roles in projects were 30 of which fully half were MWBE firms of that group, there were others that were selected for noncomplex projects using the same processes that had been previously employed and there were 7 additional firms for that, and 4 out of the 7 were MWBE, so it gave them a sense of what was going on, these were decisions that were made by professionals in the Public Works Department, where there was some interaction to make sure that the criteria that he spelled out at the beginning of the administration was strictly adhered to and if people had questions they could direct them to him or Director Marcotte, that they would begin seeing things on the agenda.

Council Member Goldberg stated that once the projects were designed he thought it was imperative that they have a peer review committee or some civil engineers reviewing the design plans because time after time they were finding problems with the design.

Council Member Quan stated that he wanted to commend Mayor White for his efforts to bring quality control as far as the contractors, and asked if Mayor White would provide a listing of those selected and Mayor White stated yes, that he wanted to add that as much as they attempted to plan there may be changes in the CIP in 6 to 8 months so there may be some changes and there may be other needs, and Council Member Quan asked Mayor White if he planned to have an annual review so the pool might be changed at various times, and Mayor White stated that they intended to do it earlier in the year, submit to the Council the CIP very shortly after the operating budget and have a procedure like this where the selection could be made earlier in the fiscal year, and Council Member Quan stated that he looked forward to seeing the report.

Council Member Khan stated that he also wanted to thank Mr. Marcotte and the Mayor and his administration for really putting a handle on the selection process and prequalification, that during the process he asked Mr. Marcotte a couple of questions about the process and he not only took time but was very forthcoming in addressing those issues, especially the smaller firms, and he requested a copy of the Mayor's report and Mayor White stated that they could put something in writing for the Council Members, and Council Member Khan stated that there were some concerns with smaller firms and was sure that there was some way that Mr. Marcotte and his group would address giving points to the smaller firms who already had the expertise rather than the ones who would go out and acquire expertise after getting the contract, and Mayor White stated that the 7 firms that he listed in the last category, generally they tended to be some of the niche firms that had expertise where Public Works was encouraging people to work on teams on some of the projects to combine talents and expertise and teamwork was a good thing. Council Member Sekula-Gibbs absent.

Council Member Alvarado stated that she wanted to recognize Boy Scout Troop 1496 from the Manchester Magnolia area and they were led by Mr. Paul Cepeda. Council Member Sekula-Gibbs absent.

At 9:41 a.m. the City Secretary began to call the speakers. Council Members Edwards and Khan absent.

Mr. Joe Nelson, 600 Travis #6400, Houston, Texas 77002 (713-238-8100) appeared and stated that he was with Houston Endowment and present speaking on behalf of a number of Houston foundations who were supporting the development of a major new downtown park adjacent to the George R. Brown Convention Center; that along with Houston Endowment they

were the Brown Foundation, Cullen Foundation, Kinder Foundation and Wortham Foundation and together they had firmly committed \$24,000,000.00 in support of the project and were committed to another \$8,000,000.00 to \$10,000,000.00 to support the park and they believed it would be an enduring legacy to the City of Houston and hoped Council would approve and let the project begin. Council Members Edwards and Khan absent.

Council Member Quan thanked Mr. Nelson for coming and stated that he paused on the project as it was vague; that the park could not be used for different things and the city was being asked for millions; and upon questions, Mr. Nelson stated that there were time constraints and they were on the fast track; that they were committed to soliciting input from a broad spectrum and engaging a topflight consultant for the design and topflight design firm; that while the corporation would have the authority for use of the park the design was subject to approval of the Mayor. Council Members Khan and Alvarado absent.

Upon further questions by Council Member Quan, Mayor White stated that in response to the question of having a say Mr. Nelson and the Administration wanted to solicit a whole range of use and especially Council Members on their ideas for functions. Council Member Quan stated that he appreciated everyone who worked on this and it was a major commitment of money and the more he knew the more comfortable he would be voting on it. Council Member Alvarado absent.

Council Member Lawrence stated that she was so appreciative of the Parks Board and all the foundations and this Mayor and his vision and she hoped all Council Members would have that vision because it was hard to develop a park after something was done; that Crescent stepped up and gave a fair price and she was glad they had a vision of where Houston was going and thanked all who made it possible. Council Member Alvarado absent.

Council Member Holm thanked Mr. Nelson and the foundations and stated that once again he stepped up to the plate with the interest of the city and she felt this was a once in a lifetime opportunity; that she hoped if necessary he would speak to Council Members and help them understand as this opportunity was to be seized or not; and Mr. Nelson stated that he agreed and he and his foundation colleagues and counsel, Mr. Jonathan Day, would be happy to respond to anyone's questions.

Council Member Goldberg stated that it was important to understand how far they had come with this project; that years ago a private corporation owned the land and he did not see how a park could be there, but through certain circumstances they were able to get the option on it and Crescent gave them the option; that he was happy to see it as a park, glad they were in the position they were; and Mr. Nelson stated that it was a once in a lifetime opportunity and should be seized.

Council Member Edwards stated that she would like to talk with him or someone to give her understanding of fundamental questions; that it was hard to get parks in her district for children and she had a hard time figuring how they could find money for grownups and not the children and would like to know who was to maintain it, etc., and Mr. Nelson stated that the objective in developing the design for the park was for it to be a people park and they wanted to solicit input from a broad range of stakeholders and design activities to draw people; that they had discussed parking and the Convention and Entertainment Facilities Department and they assured them there should be no problem. Council Members Galloway, Khan and Ellis absent.

Council Member Sekula-Gibbs stated that she wanted to extend congratulations to the Mayor for acquiring and putting together an arrangement so the land would be preserved and utilized by the citizens; that Mayor Brown set the stage and authorized the purchase of the center piece which she believed the statue of Mr. Brown was to be located; that it was critical to have underground parking there; and she thanked the endowment for helping all. Council Members Galloway, Khan and Ellis absent.

Council Member Alvarado stated that she wanted to acknowledge all those who had worked on the project in the past and thanked Mr. Nelson for meeting with all foundations; that it was remarkable so many stepped up to the plate for this and Council Member Sekula-Gibbs was right about the underground parking and she had seen drawings for it; and she looked forward to moving the item. Council Member Galloway absent.

Mayor White stated that during the next year they were looking at issues and alternatives; that most cities had parking plans for areas that would be developed and though they could not have all plans in place he thanked her for their discussions focusing on the need for that issue; and thanked Mr. Nelson for all his work and the work of his colleagues. Council Members Galloway and Garcia absent.

Mr. Kendall Miller, 1661 Tanglewood, Houston, Texas 77056 (713-622-8100) appeared and stated that he was representing the International Conference of Shopping Centers and was a member of the Houston Real Estate Council and was present on Item 44, restricting selling alcohol near child daycare facilities; that it was a new tool to curb nuisances and littering and his industry applauded the spirit of the efforts though the ordinance may be too broad as drafted and he wanted to avoid a backfire of shunning childcare and would request additional time and allow them to work with the Council on the matter. Council Members Lawrence, Galloway and Berry absent.

Council Member Ellis stated that there was not enough thought in the ordinance and he intended to refer it back to the Administration for an advisory panel and requested that Mr. Miller participate along with someone from the restaurant association; that he thought embraced the alcohol free zone but did not want to hinder future sale of real estate. Council Members Lawrence and Galloway absent.

Council Member Garcia thanked Mr. Miller for coming and stated that he appreciated the concern of the real estate community; that the ordinance was about neighborhoods and he would ask that he think about who their buyers were; that his priority was to put families first in the spirit of the ordinance and he appreciated his input; and Mr. Miller stated that he had three boys and could not agree more on the community development principals, but wanted to be sure it did not cause problems in an area where there was no need for a solution. Council Members Lawrence and Galloway absent.

Council Member Berry stated that this was a serious problem and that was why he wanted the benefit of his experience to be sure the solution crafted was really a solution; that they had to be serious about land use planning and that was why some would like a little more time and he asked his colleagues from other cities what they did and get the information to Council. Council Members Lawrence and Galloway absent.

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

Ms. Phyllis Pietrucha-Mays, 4011 Del Bello Road, Manvel, Texas 77578 (713-533-6599) appeared and stated that she was present regarding pension changes and how it would affect some employees at the Houston Zoo; that 2-1/2 years ago they went private and at the time they were given several options, one was if you were within 5 years of your retirement you could remain there, once you hit your 70 rule you could retire and then be hired on as a part of the private organization; that there had been a lot of changes going on and six of them would not meet the requirement by the end of December; that they needed to decide what they were going to do and she would ask that they adhere to their contract signed 2-1/2 years ago and only had about 4 weeks to make their changes. Council Members Lawrence, Galloway and Ellis absent.

Mayor White stated that Mr. Hall would take a look at it and give a report; and upon questions, Mr. Hall stated that he was familiar with it and Mr. Jonathan Day talked with him 4 times about it; that it was not something being ignored but it was a difficult question they had faced with many city employees and the only difference here was when the new contract was entered into there was at that time contemplations with keeping all benefits of all employees the same, the problem here was the transition period worked a hardship on many current city employees; that he hoped to have a written response within the next several days to them and his hope was the issue would at least be explored before the end of the year so they could exercise whatever option they chose under the rules which existed today. Council Members Lawrence, Galloway, Holm and Ellis absent.

Upon questions by Council Member Berry, Mr. Hall stated that the difference was they had a contract to exercise an option of staying with the city or going to the zoo contract, but the provisions were the same. Upon further questions by Council Member Berry, Ms. Mays stated that she was asking if the city was going to adhere to the agreement signed in July 2002; and Mr. Hall stated that at this point there was not a change in the pension provisions that would grant an exception for those employees and did not think there would be. Council Member Berry stated that this was under the previous Administration and one concern of Council Members was that for employees, they wanted them provided with every opportunity as they were longtime city employees and he wanted to make sure they were treated as fairly as the municipal employees and that they would have what was necessary to make their decision; and Mayor White stated that he would make sure they had the information; that on the transition rules wherever they came up with a deadline there was someone not covered, they did not want to single out anyone but they did deserve a level playing field and they deserved a response and would get it. Council Members Galloway, Holm and Garcia absent.

Mr. Munda Olford, 10102 Erin Glen Way, Pearland, Texas 77584 (713-436-5499) had reserved time to speak but was not present when his name was called. Council Members Galloway, Holm and Garcia absent.

Mr. Curtis Lewis, 5518 South Acres Dr., Houston, Texas 77048 (713-734-1562) had reserved time to speak but was not present when his name was called. Council Members Galloway, Holm and Garcia absent.

Ms. Brenda Routt, 9700 Court Glen Dr. #914, Houston, Texas 77099 (281-495-7500) appeared and stated that she was present for the second time complaining of a religious organization placing microchip implants in her body; and continued expressing her personal opinions until her time expired. Council Members Galloway, Holm and Garcia absent.

Mayor White thanked Ms. Routt for coming and stated that maybe Mr. Cantu could give her a referral to agencies who she might speak with. Council Members Galloway, Holm and Garcia absent.

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

Ms. Mary Guerra, 2510 Chatman, Houston, Texas 77009 (713-225-0760) had reserved time to speak but was not present when her name was called. Council Members Galloway, Holm and Garcia absent.

Mr. Donald Burns, 2016 Main #2301, Houston, Texas 77002 (713-571-6001) had reserved time to speak but was not present when his name was called. Council Members Galloway, Holm and Garcia absent.

Mr. Steven Williams, no address (no phone) had reserved time to speak but was not present when his name was called. Council Members Galloway, Holm and Garcia absent.

President Joseph Charles, P. O. Box 52437, Houston, Texas 77052-4373 (713-203-7738) appeared and stated that all knew why he needed more time; and continued expressing his personal opinions until his time expired. Council Members Galloway, Holm and Garcia absent.

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

Ms. Njeri Shakur, 2901 Fulton, Houston, Texas 77009 (713-222-0749) appeared and stated that she was still having a problem with the Housing Authority and had brought a copy of grievance regulations which she presented to Mr. Cantu. Ms. Shakur further stated that the grievance process was not honored and hundreds of people had thousands of dollars extorted from them by the authority, paying charges not legitimate. Mayor White and Council Members Galloway absent. Mayor Pro Tem Alvarado presiding.

Council Member Quan stated that there was a new Board appointed to the Housing Authority of the City of Houston and they had a great deal of enthusiasm and responsiveness to the public and that would be the appropriate place for her to go; and Ms. Shakur stated that she had not had an answer for two weeks and if she had not come before Council they would have continued to charge her the \$15.00 late charge. Mayor White and Council Members Galloway absent. Mayor Pro Tem Alvarado presiding.

Council Member Edwards stated that they kept having housing residents come to Council because they could get no relief and Council would do the same thing over and over and it never resolved the problem; that such problems went on for years and yet Council reacted the same way; that if they could not help they need to tell them and if they had an influence on the board they needed to let them know there needed to be a process where they could hear what the residents were saying and she would like the Administration to talk about process and how they could or could not help. Mayor White and Council Members Goldberg absent. Mayor Pro Tem Alvarado presiding.

Council Member Quan stated that there was a new board of the Housing Authority and he saw them trying to reach out more aggressively, but he would facilitate a meeting with Ms. Shakur and others with complaints with the board; that there was even a resident on the board now as Mayor White was trying to get people on the board with hands on knowledge of the operation; and Council Member Edwards stated that she did not have a problem with that but those were grown people and she did not know why they had to continue going back to them; and Council Member Quan stated that the board had only been there about two months now and he would check for the next meeting date and let Ms. Shakur know. Council Members Goldberg and Green absent.

The City Secretary Stated that Mr. Burns who was not present when his name was called was now present and called on him to speak. Council Members Goldberg and Green absent.

Mr. Donald Burns, 2016 Main #2301, Houston, Texas 77002 (713-571-6001) appeared and stated that he received response from Council Member Edwards office, but was present about the Legal Department's enforcement of deed restrictions which were done by a civic club; that he never received a certified notice of deed restrictions and he owned 12 properties and was now informed he was in violation of having truck trailers on it; that it was inspected 5 times with zero violations and yet he still had a letter from Legal saying he was in violation of deed restrictions; that under the petition it said if a business was in operation on the petitions date then it could be continued unless ownership was to change; that the petition also said he could option out of the deed restrictions and he was exercising that right; that he was officially notified

on November 17th, but Ms. Jenni Crutcher in Legal notified him yesterday that on the 15th day they could come across his fence, but he could not be in violation when he was never in violation; that he passed everything in Neighborhood Protection and this was a select few and it was unacceptable. Council Members Alvarado, Holm and Green absent.

Upon questions by Council Members, Mr. Burns stated that he met inspectors at the property and came into compliance within 30 minutes, his grass had been too high; that within the last 5 years the City of Houston issued occupancy permits for that corner; that first the issue was grass, then the fence and now the truck trailers; that the Shamrock Civic Club kept contacting Council Member Edwards office and the Legal Department and Neighborhood Protection; that Legal was the only one who sent him a notice of violation, but how was that after he was inspected 5 times by Neighborhood Protection. Council Members Alvarado and Green absent.

Council Member Edwards stated that Mr. Burns needed to get with the Legal Department and Ms. Deanna Gray had been working with him and she would like to sit with Legal as it seemed something was wrong, but she felt it could be fixed; and Ms. Wiginton stated that she would have someone who was working on it in Legal get with her. Mr. Burns stated that Ms. Gray was a great mediator. Council Members Alvarado and Green absent.

### **CONSENT AGENDA NUMBERS 1 through 39**

#### **MISCELLANEOUS - NUMBERS 1 through 4**

1. CONFIRMATION of the reappointment of the following to the **HOUSTON-GALVESTON AREA COUNCIL BOARD OF DIRECTORS**, for one-year terms to expire December 31, 2005:

Position One -	Council Member Addie Wiseman
Position Two -	Council Member Mark Ellis
Alternate Position One -	Council Member Pam Holm
Alternate Position Two -	Council Member Ronald Green

- was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. MOTION 2004-1176 ADOPTED.

2. RECOMMENDATION from Chief of Police for Extension of Injury on Duty Leave for Officer **RHONDA TURNER** - was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. MOTION 2004-1177 ADOPTED.
4. RECOMMENDATION from Director of the Department of Planning and Development for the designation of five residential parking permit areas and related parking regulations in the Super Neighborhoods of University Place and Medical Center Area - **DISTRICTS C-GOLDBERG and D - EDWARDS** - was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. MOTION 2004-1178 ADOPTED.

#### **PROPERTY - NUMBER 5**

5. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel AY2-052, located at 9400 E. Avenue J, owned by Ezequiel Benitez, for the **CENTRAL STREET GRADE SEPARATION PROJECT from Central Street Extension over Manchester Avenue to Train Yard**, CIP N-0676-01-2 - \$77,000.00 - **DISTRICT I - ALVARADO** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2004-1179 ADOPTED.

**PURCHASING AND TABULATION OF BIDS - NUMBERS 7 through 9**

7. **ALL PLAY, INC** for Picnic Tables, Grills and Park Benches Contract for Parks & Recreation Department - \$52,920.00 - General Fund - was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. MOTION 2004-1180 ADOPTED.
8. **TOTER INCORPORATED** for Automated Refuse Carts from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for Solid Waste Management Department - \$149,348.75 - Equipment Acquisition Consolidated Fund - was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. MOTION 2004-1181 ADOPTED.
9. **AMEND MOTION #2002-0208, 2/20/02, TO EXTEND** expiration date from February 21, 2005 to February 20, 2006, for Crushed Limestone Contract for Various Departments, awarded to **VULCAN CONSTRUCTION MATERIALS, L.P.** - was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. MOTION 2004-1182 ADOPTED.

**RESOLUTIONS AND ORDINANCES - NUMBERS 15 through 39**

15. ORDINANCE consenting to the addition of 34.062 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 390**, for inclusion in its district – was presented. All voting aye. Nays none. ORDINANCE 2004-1201 ADOPTED.
16. ORDINANCE consenting to the addition of 170.7850 acres of land to **HARRIS-FORT BEND COUNTIES MUNICIPAL UTILITY DISTRICT NO. 5**, for inclusion in its district – was presented. All voting aye. Nays none. ORDINANCE 2004-1202 ADOPTED.
18. ORDINANCE approving and authorizing first amendment to agreement with the **HOUSTON INDEPENDENT SCHOOL DISTRICT** to add Fondren Elementary School as an additional After-School Achievement Program ("ASAP") Site and to provide \$20,000.00 in additional funds - Grant Fund – was presented. All voting aye. Nays none. ORDINANCE 2004-1203 ADOPTED.
23. ORDINANCE approving and authorizing amendment No. 2 to a contract between the City of Houston and **ROGER H. BATES**, a sole proprietor, for Professional Consulting Services in connection with a Traffic and Earnings Report and General Financial Advisory Services for the Houston Airport System – was presented. All voting aye. Nays none. ORDINANCE 2004-1204 ADOPTED.
24. ORDINANCE appropriating \$477,731.00 out of Airports Improvement Fund and approving and authorizing Purchase Agreement between the City of Houston and **CONTINENTAL AIRLINES, INC** for purchase of certain baggage equipment; Project No. 612E; CIP A-0486 - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. ORDINANCE 2004-1205 ADOPTED.
25. ORDINANCE appropriating \$624,865.00 out of Airport System Bonds 1998C Non-AMT Construction Fund, awarding construction contract to **ARC ABATEMENT, INC** for Asbestos Abatement and Demolition of Buildings 18, 19, 20 & 21 for SMGCS/Civil Site Work at William P. Hobby Airport; Project No. 566C; CIP A-0131 and A-0385; providing funding for engineering testing services and for contingencies relating to facilities financed by such funds - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. ORDINANCE 2004-1206 ADOPTED.

26. ORDINANCE appropriating \$1,378.81 out of Parks Consolidated Construction Fund (the "Fund"), and approving and authorizing compromise and settlement agreement between **DEVELOPMENT CONSTRUCTION INC** and the City of Houston to pay a portion of the settlement; providing funding for internal city costs relating to matters financed by the Fund **DISTRICTS B - GALLOWAY, D - EDWARDS and H - GARCIA** – was presented. All voting aye. Nays none. ORDINANCE 2004-1207 ADOPTED.
27. ORDINANCE appropriating \$179,687.00 out of Water & Sewer System Consolidated Construction Fund and \$153,000.00 out of Tax Increment Reinvestment Zone Affordable Housing Fund, approving and authorizing developer participation contract between the City of Houston and **LENNAR HOMES OF TEXAS LAND & CONSTRUCTION, LTD.** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve Section Eight, Phase A of the Greenpark Subdivision; CIP S-0800-E6-03 and R-0800-E6-03 - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. ORDINANCE 2004-1208 ADOPTED.
28. ORDINANCE appropriating \$152,407.00 out of Water & Sewer System Consolidated Construction Fund and \$210,000.00 out of Tax Increment Reinvestment Zone Affordable Housing Fund, approving and authorizing developer participation contract between the City of Houston and **LENNAR HOMES OF TEXAS LAND & CONSTRUCTION, LTD.** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve Section Eight, Phase B of the Greenpark Subdivision CIP S-0800-E7-03 and R-0800-E7-03 - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. ORDINANCE 2004-1209 ADOPTED.
29. ORDINANCE appropriating \$339,073.14 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing contract between the City of Houston and **HOUSTON CAMPUS, L.P.** for the Construction of Water and Sanitary Sewer Lines to serve the Erickson Retirement Communities Subdivision; CIP S-0802-23-03 & R-0802-22-03 - **DISTRICT G - HOLM** – was presented. All voting aye. Nays none. ORDINANCE 2004-1210 ADOPTED.
30. ORDINANCE appropriating \$210,398.50 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing contract between the City of Houston and **HOUSTON CAMPUS, L.P.** for the Construction of Water and Sanitary Sewer Lines to serve the Erickson Retirement Communities Subdivision; CIP S-0802-24-03 & R-0802-23-03 - **DISTRICT G - HOLM** – was presented. All voting aye. Nays none. ORDINANCE 2004-1211 ADOPTED.
31. ORDINANCE appropriating \$82,683.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing developer participation contract (30 percent reimbursement) between the City of Houston and **SMITHERS MERCHANT BUILDERS, L.P.** for Construction of Water and Sanitary Sewer Lines to serve the Park Manor of Westchase Subdivision; CIP S-0802-25-03 and R-0802-24-03 - **DISTRICT G - HOLM** – was presented. All voting aye. Nays none. ORDINANCE 2004-1212 ADOPTED.
32. ORDINANCE appropriating \$19,096.61 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing developer participation contract (50 percent reimbursement) between the City of Houston and **WEST AIRPORT/GATEWAY 15.01, L.P.** for Construction of Offsite Sanitary Sewer Lines to serve the Brentwood Place Subdivision; CIP S-0802-21-03 **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. ORDINANCE 2004-1213 ADOPTED.
33. ORDINANCE appropriating \$185,300.00 out of Water & Sewer System Consolidated Construction Fund and \$240,000.00 out of Tax Increment Reinvestment Zone Affordable

Housing Fund, approving and authorizing developer participation contract between the City of Houston and **S.S.M, L.P.** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve the Section Three of the West Orem Place Subdivision; CIP S-0800-F1 and R-0800-F1 - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. ORDINANCE 2004-1214 ADOPTED.

34. ORDINANCE appropriating \$95,000.00 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation for professional engineering services contract with **COBOURN LINSEISEN AND RATCLIFF, INC** for the Design of West Gray and Emnora Lane Sanitary Sewer Replacement Project (approved by Ordinance No. 02-0619); GFS R-2011-35-2 (WW4854) - **DISTRICTS A - LAWRENCE and D - EDWARDS** – was presented. All voting aye. Nays none. ORDINANCE 2004-1215 ADOPTED.
35. ORDINANCE granting to **DARLING INTERNATIONAL, INC**, a Delaware Corporation, the right, privilege and franchise to Collect, Haul and Transport Solid Waste and Industrial Waste from Commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas - **FIRST READING** – was presented. All voting aye. Nays none. ORDINANCE 2004-1216 PASSED FIRST READING IN FULL.
36. ORDINANCE granting to **FRANK J. GAMBOA**, a Texas Sole Proprietorship, the right, privilege and franchise to Collect, Haul and Transport Solid Waste and Industrial Waste from Commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas - **FIRST READING** – was presented. All voting aye. Nays none. ORDINANCE 2004-1217 PASSED FIRST READING IN FULL.
38. ORDINANCE granting to **ROSE METAL PROCESSING, LTD.**, a Texas Limited Partnership, the right, privilege and franchise to Collect, Haul and Transport Solid Waste and Industrial Waste from Commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas - **FIRST READING** – was presented. All voting aye. Nays none. ORDINANCE 2004-1218 PASSED FIRST READING IN FULL.
39. ORDINANCE granting to **SNEADS, INC**, a Texas Corporation, the right, privilege and franchise to Collect, Haul and Transport Solid Waste and Industrial Waste from Commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas - **FIRST READING** – was presented. All voting aye. Nays none. ORDINANCE 2004-1219 PASSED FIRST READING IN FULL.

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

**MISCELLANEOUS**

3. RECOMMENDATION from Director Health & Human Services Department for approval of revision of the clinic dental fee to accommodate Title V dental funding requirement for income eligible patients - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2004-1183 ADOPTED.

**PURCHASING AND TABULATION OF BIDS**

6. **ROTO-ROOTER SERVICES COMPANY** for Emergency Repair of Sewer Drain Lines at City Hall for Building Services Department - \$17,873.00 - General Fund - was presented, moved by Council Member Khan, seconded by Council Member Alvarado.

Council Member Ellis stated that he had a quick question for Legal and stated that it was a \$17,873 expenditure and was curious why it was even coming to Council, and Ms. Stein stated

that it was an overage.

A vote was called on Item No. 6. All voting aye. Nays none. MOTION 2004-1184 ADOPTED.

## **RESOLUTIONS AND ORDINANCES**

10. RESOLUTION authorizing the creation of **HOUSTON DOWNTOWN PARK CORPORATION**, a Local Government Corporation; approving the Articles of Incorporation; appointing the initial Directors and Chair; and containing other provisions relating to the subject – was presented, and tagged by Council Member Wiseman.
11. ORDINANCE appropriating \$2,500,000.00 out of Disaster Recovery Fund (98D) and transferring such sum into the Convention & Entertainment Facilities Fund Balance (601), and further appropriating \$7,973,889.00 out of Convention & Entertainment Facilities Fund Balance (601) for the purchase of approximately 5.3 acres of land, being the remaining portions of Blocks 123 and 124 and all of Block 127, S.S.B.B., Houston, Harris County, Texas; approving a purchase and sale contract with **CRESCENT REAL ESTATE EQUITIES LIMITED PARTNERSHIP** to acquire such land and all improvements thereon; approving a first amendment to (2002) purchase and sale contract with **CRESCENT REAL ESTATE EQUITIES LIMITED PARTNERSHIP** to modify the City's option to purchase land out of Blocks 99 and 121, S.S.B.B.; approving a joint development agreement between **HOUSTON DOWNTOWN PARK CONSERVANCY, HOUSTON DOWNTOWN PARK CORPORATION** and the City; finding and determining that public convenience and necessity no longer require the continued use of a portion of Crawford Street public right of way between Lamar Avenue and McKinney Avenue, and vacating and abandoning such portion of the public right of way to the City, as owner of the abutting land; approving the sale of approximately 11.7 acres of land and improvements out of Blocks 122, 123, 124, 125, 126, 127, 248, 249, and 250, S.S.B.B., Houston, Harris County, Texas, to **HOUSTON DOWNTOWN PARK CONSERVANCY**, with retained easements and restrictions on the use of such property, in consideration of the payment of \$15,071,111.00 and other valuable consideration to the city, and finding and determining that such consideration is the fair market value of such property as restricted; approving necessary documents related thereto; making various findings and provisions related thereto – was presented, and tagged by Council Members Wiseman, Edwards, Quan and Holm.
12. ORDINANCE amending the Code of Ordinances, Houston, Texas, relating to authority of a Designated Deputy City Controller; containing other provisions relating to the foregoing subject; providing for severability – was presented, and tagged by Council Members Wiseman and Galloway.
13. ORDINANCE amending Division 3 of Article II of Chapter 2 of the Code of Ordinances, Houston, Texas, relating to Fidelity coverage for certain City Officials and Employees; containing other provisions relating thereto; providing for severability – was presented, and tagged by Council Members Wiseman and Galloway.
14. ORDINANCE approving and authorizing Development, Operation and Maintenance Agreement between **HOUSTON INDEPENDENT SCHOOL DISTRICT** and the City of Houston, Texas for the Development, Operation and Maintenance of a tract of land containing 0.6398 acres out of Finnigan Park situated at the intersection of Finnigan Drive and Providence Avenue - **DISTRICT H - GARCIA** – was presented.

Council Member Galloway stated that she had some concerns about the property, it showed where a street came in and divided the properties up and asked if the school had the Parks property fenced up because no one had done a survey and that the school had been using the Parks property all along, and Mayor White stated that she was correct, it was City

property all along. Council Member Goldberg absent.

A vote was called on Item No. 14. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-1220 ADOPTED.

17. ORDINANCE approving and authorizing contract between the City of Houston and **NATIONAL GOLF FOUNDATION CONSULTING, INC** for Professional Consulting Services; providing a maximum contract amount - \$52,000.00 - Special Revenue Fund - was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-1221 ADOPTED.
19. ORDINANCE appropriating \$90,416.00 out of TIRZ Affordable Housing Fund (Fund 872) and approving and authorizing agreement between the City of Houston and **UPLIFT FOURTH WARD, INC**, for the Reimbursement of Infrastructure Costs for the Development of 32 Affordable Single Family Homes Located in the Fourth Ward Area - **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. Council Member Goldberg absent. ORDINANCE 2004-1222 ADOPTED.

Council Member Berry stated that it was real people that needed affordable housing who were in their first home and who could not have had a home otherwise, that it was fantastic and he wanted to commend them, that it was a real poster child for how affordable housing was supposed to work. Council Member Quan absent.

Council Member Edwards stated that they had several discussions about affordable housing and the tax base and how was there anyway to mitigate, that there was someone looking into that to see if there were some models they could look at and was curious as to where they were with that. Council Member Quan absent.

Mayor White stated that they would get her a report on that, that he was familiar with the issue and some alternatives that had been suggested and thought in the coming months it was going to be something that they would focus on.

Council Member Quan stated that he was more than happy to get with Council Member Edwards and knew that there was a CDC that was planning to push legislation to ameliorate the sudden impact on taxes in areas that were being redeveloped.

Council Member Garcia stated that he had the same questions and to be sure that he got the same information, and Council Member Quan stated that he had mentioned in their Housing Committee meeting that they planned to have a seminar on basic tools available to government regarding housing policies such as the land trust, silent second mortgages and things like that, that they might be willing to advocate, that he would have an email going out looking for the best date for everyone to meet on that.

20. ORDINANCE approving and authorizing Legal Services Contract between the City of Houston and **CLARENCE A. WEST**, Attorney at Law, in connection with franchise compliance and access line reviews of SBC, MCI, Sprint and AT&T and other matters relating to right-of-way use fees payable to the City of Houston - \$160,000.00 - General Funds – was presented. All voting aye. Nays none. ORDINANCE 2004-1223 ADOPTED.
21. ORDINANCE amending Ordinance No. 97-1476 which authorized a legal services contract between the City and **ZUMMO, SCHIRRMEISTER & AJAMIE, L.L.P.**, now known as **ZUMMO, MITCHELL & PERRY, L.L.P.** by amending Section 4 of such Ordinance relating to the maximum contract amount - \$40,000.00 - Property and Casualty Fund – was presented, and tagged by Council Members Goldberg and Wiseman.
22. ORDINANCE amending Ordinance No. 2004-0495 to increase the maximum contract

amount to a contract between the City of Houston and **ARCH WIRELESS OPERATING COMPANY, INC** for Pager Rental Services for Various Departments - \$124,404.49 - General, Grant, Enterprise and Other Funds – was presented.

Council Member Alvarado stated that she wanted to recognize Mr. Terrance Fontaine, the Communications Task Force and Mr. James Rodriguez of her office, that they had been working on the whole review of pagers and as a result they were going to see a savings of \$80,000 on an annual basis, that they had gone from almost 4,000 pagers to 2,500 pagers which was about a 33% decline, that in the departments the allocations for each department had gone down from \$29,000 to \$14,000, that it was a pretty significant savings and she wanted to applaud all those who had been involved in that.

Council Member Wiseman stated that she would tag Item No. 22.

37. ORDINANCE granting to **LONE STAR DISPOSAL, L.P.**, a Texas Limited Partnership, the right, privilege and franchise to Collect, Haul and Transport Solid Waste and Industrial Waste from Commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas - **FIRST READING** – was presented. All voting aye. Nays none. ORDINANCE 2004-1224 PASSED FIRST READING IN FULL.

**MATTERS HELD - NUMBERS 40 through 48**

40. RECOMMENDATION from Finance & Administration Department for **THE HOUSTON CHRONICLE PUBLISHING COMPANY DIVISION** for 608,000 Copies of the Annual "Recycling and Neighborhood Cleanup Handbook" for Solid Waste Management \$64,696.00 - Grant Fund – (**This was Item 18 on Agenda of November 17, 2004, TAGGED BY COUNCIL MEMBER LAWRENCE**) – was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. MOTION 2004-1185 ADOPTED.
41. ORDINANCE approving and authorizing twelfth contract amendment between the City of Houston and **CHILD CARE COUNCIL OF GREATER HOUSTON** to provide an extension of such contract and additional funding in the amount of \$2,053,110.00 (\$1,353,110.00 in Emergency Shelter Grants Program Funds and \$700,000.00 in Community Development Block Grant Funds) for the Administration of an Emergency Shelter Grants Program – (**This was Item 30 on Agenda of November 17, 2004, TAGGED BY COUNCIL MEMBER WISEMAN**) - was presented. All voting aye. Nays none. ORDINANCE 2004-1225 ADOPTED.
42. ORDINANCE approving and authorizing contract between the City of Houston and **JPMORGAN CHASE BANK** for Banking Services for three years with an option for two additional one-year renewals – (**This was Item 38 on Agenda of November 17, 2004, TAGGED BY COUNCIL MEMBER WISEMAN**) - was presented. All voting aye. Nays none. ORDINANCE 2004-1226 ADOPTED.
43. ORDINANCE correcting Item Number 13 in the Assessment Roll included within Ordinance Number 93-337 and authorizing a partial release of certain assessment liens and apparent liens created by Ordinance No. 88-624 for the initiation of a Paving Project for the Permanent Improvement of a portion of South Post Oak Road from West Bellfort Avenue to Gasmer Drive in the City of Houston, Texas - **DISTRICT C – GOLDBERG** – (**This was Item 46 on Agenda of November 17, 2004, TAGGED BY COUNCIL MEMBER GOLDBERG**) - was presented. All voting aye. Nays none. ORDINANCE 2004-1227 ADOPTED.
44. ORDINANCE AMENDING CHAPTER 3 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, relating to the Sale of Alcohol within the City – (**This was Item 59 on Agenda of**

**November 17, 2004, TAGGED BY COUNCIL MEMBER EDWARDS)** – was presented.

Council Member Ellis moved to refer Item No. 44 back to the administration for more dialog and possible changes, seconded by Council Member Quan.

Mayor White asked Council Member Ellis if he was designating for how long and Council Member Ellis stated 30 days, if it could be done quicker than 30 days he would not be opposed to that.

Council Member Khan stated that he was in support of Item No. 44 as is, that they should have an ordinance addressing the issue, that they had ordinances restricting school zones and churches and should not treat kids in daycare centers any different than they did in churches.

Council Member Garcia stated that he was also in support of moving the ordinance forward, that he respected the issue of the real estate folks who had come forward and addressed it but they had moved ordinances forward before and worked out the particulars later and was not sure why this was any different especially when it was a priority on children.

Council Member Holm stated that the whole purpose of the ordinance was to protect their children and community and thought it was ultimately important to take 30 days to do it correctly and appropriately, that it was not an issue of real estate community, that they did not want to set something up that they would then go back and change to meet their needs, they needed something that addressed the issue of enforcement as well as the protection and betterment of their community.

Council Member Lawrence stated that she would like, as they were referring the item back, to look at their park system, what parks had restrictions and what parks did not and why, that they should consider what other items their children did use.

Mayor White asked Mr. Michel and Mr. Hall if they had the appropriate team and resources in the administration to help in trying to come up with something that met objectives that they heard around the table and asked their names, and Mr. Michel stated that the lawyers who had been working on it and were familiar with those issues were Mr. Dan Doherty and Ms. Donna Edmundson, and Mayor White asked if there were others within the administration who ought to be engaged within either Planning or Parks, people who were assisting in mapping and the like, and Mr. Hall stated that he thought Planning and the F&A people, who had the responsibility for doing the measurements and all that kind of thing, probably ought to be consulted about how they would go about it, and Mayor White asked Mr. Hall to work with the City Attorney's office and contact those department heads to make sure the appropriate people were designated and they had some of the staff capabilities that they needed so they could act promptly, and Mr. Hall stated that he would, that he thought the best thing was to convene a meeting and Legal ought to be taking the lead and would ask them to get together.

Council Member Edwards asked if they passed the ordinance were they committed to enforce the ordinance, that she would ask if they were going to refer the item back that it be referred back with some focus to it, to a certain committee and that it meet on it within a certain time and deal with certain points so when they brought it back to the table they could move on it appropriately, that she would like to see where the manpower would come to enforce the ordinance if it were in fact passed.

After further discussion, Council Member Galloway moved to call for the question, and Mayor White stated that there were no more Council Members wishing to speak on the item.

A vote was called on Council Member Ellis's motion to refer Item No. 44 back to the administration. Council Members Edwards, Khan and Garcia voting no, balance voting aye. MOTION 2004-1186 ADOPTED.

Mayor White stated that they would work diligently to report back something and that Council Member Ellis asked that those people who had concerns or thought that there needed to be some distinctions to certain areas of the City he invited some specific proposals from them, that he would ask the City Secretary to put the item back on in 30 days and for Chairman Goldberg and Chairman Garcia to work together to try to get the appropriate committee hearing.

45. ORDINANCE approving contracts with Towing Company Operators and authorizing the Chief of Police to enter into contracts between the City and **NORTH HOUSTON MOTORS, INC, UNIFIED AUTO WORKS, T&T MOTORS, CANNINO WEST, INC, MILAM STREET AUTO STORAGE, INC, ALLIED COLLISION CENTER, CORPORATE AUTO SERVICES, INC and WESTSIDE WRECKER SERVICE, INC** for Major Freeway Tow Agreements – Revenue – (This was Item 60 on Agenda of November 17, 2004, TAGGED BY COUNCIL MEMBER EDWARDS) - was presented.

Council Member Green stated that he supported the item but they had many small business owners come to Council and express their concerns and he would like to reiterate what he said at the TIA meeting that he was sure that the administration and those who had put together the plan would closely monitor it and if they saw it was not working they would stop the bleeding very quickly, that he recognized that there were a lot of fears out there and believed they had to start somewhere so they could get some measurement of success of the plan, and Mayor White stated that based on their own concerns and some others that they heard around the table they would make that commitment.

Council Member Quan stated that his concerns were similar to Council Member Green and would like a firm commitment from the administration that they have a review of the process in 6 months after it got started so they could see if it was working or not, that he knew they were signing contracts for a year but like any other contract the City had it could be cancelled in 30 days, that he would like to have it come back to Council with Mr. Saperstein or whoever to give a report on its effectiveness, and Mayor White stated that it was a reasonable request.

Council Member Garcia stated that he had the same sentiments, that he had voiced his concerns several times and on each one of those occasions he had gotten a call from Mr. Breshears and had spoken to Mr. Saperstein yesterday and he was hearing the administrations commitment to making sure that it ran well and that the tow truck drivers were going to get a fair review so he appreciated that dialog and wanted to thank the Mayor for his commitment.

Council Member Lawrence stated that she wanted to reiterate that she thought the neighborhoods felt much better and liked the process, that weekly she had been meeting with different people from the wrecker association, either by phone or through the task force, and thought everybody was trying to do the best job that they could, that she wanted to thank the Mayor for all he had done with that group.

Council Member Berry stated that he wanted to say to his colleagues that he thought they had come a long way in the process and a lot of work had gone in from a lot of his peers to make sure that the small operators had been well represented, that at the end of the day it was designed to address a serious problem, mobility, and thought it was going to make a difference to everyone who drove on the freeways, that Lieutenant Bender worked on tow trucks every day for HPD and along with Sergeant Provost were on it and it was not going into an administrative black hole where no one would be dealing with it, so if they had a concern they should go to Lieutenant Bender or Sergeant Provost, that every single day they regulated the tow truck people, that they needed to recognize how important it was and what a big difference it was going to make, that he thought it was a lot of people working together to solve a problem and thought the drivers were going to appreciate it come January 1, 2005.

Council Member Sekula-Gibbs stated that she had a question regarding the program

evaluation, specifically regarding the reassessment of the cost per each freeway segment and how those determinations would be made and asked if anyone knew how they were going to evaluate whether the dollar value they had set for each segment was appropriate and did they have the flexibility to reduce segment costs if they found that the companies were not able to bring in enough to support the costs of those segments.

Council Member Berry stated that it was not just a couple of people pulling numbers out of a hat, that a, the market responded and gave them the prices, and b, in determining a minimum bid Mr. Bob Stein went in and interviewed the industry and looked at the numbers, that they were wrong, from the City on their first round, they started with 36 zones and dropped it down to 29 in order to make the zones economically viable, they did not want to put people in a position where they did not make money in the zones, they wanted it to be profitable and yet fair to the motorists, that they had dropped the price from \$115 to \$75, so the consumer was getting a cheaper tow than they would otherwise.

Mayor White stated that ultimately it was the quality of service, it was not their business to guarantee a profit, that if it affected the quality of service then they were going to be on it and were going to look at what could be done to structure the economics.

Council Member Khan stated that he wanted to thank Council Member Berry, that there was a great article in the newspaper explaining to the citizens of Houston what the plan was all about, that he wanted to congratulate Mayor White who started out promising to do something about mobility and he delivered, that he had a great team working with him and they all must be congratulated, that he also wanted to acknowledge the efforts made in the area of including small firms, minority owned firms.

Mayor White stated that there was still some work to do, that they were writing the memo on the rules which would be much more consumer oriented than the current system concerning the alternative locations to which vehicles could be towed that Chief Hurtt would promulgate so that people had more choice, they wanted to be customer focused on their drivers who were distressed as well as on the highways, that it would be made much easier by incredible work done by their congressional delegation and Ms. Ann Travis, that over the weekend, through the work of all of the members of the delegation, in the appropriations bill that passed, had a lot of funding for a lot of worthy projects and programs on a scale that the City had not experienced before, that there would be a later briefing on all of that by Ms. Travis and other issues that had been raised.

A vote was called on Item No. 45. Council Members Wiseman and Galloway voting no, balance voting aye. ORDINANCE 2004-1228 ADOPTED.

Mayor White stated that he wanted to thank the Council Members for taking an important step for the City.

46. ORDINANCE appropriating \$360,586.00 out of Street & Bridge Consolidated Construction Fund, awarding contract to **TIKON GROUP, INC** for Safe Sidewalk Program C3 Work Order Project, GFS N-0610A-C3-3 (SB09049-3); setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, construction management, and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund – (This was Item 62 on Agenda of November 17, 2004, TAGGED BY COUNCIL MEMBER EDWARDS) - was presented. All voting aye. Nays none. ORDINANCE 2004-1229 ADOPTED.
47. ORDINANCE appropriating \$403,385.00 out of Street & Bridge Consolidated Construction Fund, awarding contract to **TIKON GROUP, INC** for Safe Sidewalk Program E0 Work

Order Project, GFS N-0610A-E0-3 (SB09136-1); setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, construction management, and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund – (**This was Item 63 on Agenda of November 17, 2004, TAGGED BY COUNCIL MEMBER EDWARDS**) - was presented. All voting aye. Nays none. ORDINANCE 2004-1230 ADOPTED.

48. REVIEW of the record and make determination of the appeal filed by Mr. Henry McGowan on the decision of the General Appeals Board to deny a Manufactured Home Hardship Permit Extension at 13509 S. Wayside Drive, Houston, Texas, 77048 – (**This was Item 64 on Agenda of November 17, 2004, TAGGED BY COUNCIL MEMBER EDWARDS**) - was presented.

Council Member Edwards moved to uphold the decision of the General Appeals Board, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2004-1187 ADOPTED.

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

Council Member Khan stated that he wanted to thank all the people who worked on the mobility ordinance and wanted to acknowledge Council Member Berry's work, that the committee spent tremendous time on it and the leadership provided by Council Member Berry was very impressive to say the least. Council Member Green absent.

Council Member Khan stated that last Saturday there was an article in the Houston Chronicle by the CAO, Mr. Anthony Hall, that in looking at the article it seemed like he was criticizing them when he said in the article that minority and female physicians should be required to go through a cumbersome process to be certified as being minority and female, that if it was a cumbersome process it was their fault and they needed to be doing something about the process, that the whole thing if someone was trying to certify being MWBE in some way was senseless, that it was insulting to all of those people who were part of the MWBE program, that he did not know what needed to be done, maybe they should look into the MWBE program if it was cumbersome and if the process was not fair, but by attacking the process he thought they were being unfair to the people who were part of the process. Council Members Lawrence, Galloway, Edwards, Wiseman, Ellis, Green and Berry absent.

Council Member Khan stated that he wanted to wish everyone a Happy Thanksgiving. Council Members Lawrence, Galloway, Edwards, Wiseman, Ellis, Green and Berry absent.

Mayor White stated that on the MWBE issue his points were well taken and perhaps Mr. Hall could engage in some conversation, that he did not read that editorial as criticizing the MWBE program as had been applied to their contracts, in fact they did not insist on the certification of the individual physicians. Council Members Lawrence, Galloway, Edwards, Wiseman, Holm, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Hall stated that it was a fairly incisive issue and hoped he could explain it in a way that made it very clear, they did not make anybody in the MWBE process prove that they were African American, Hispanic or female, they took their word for the fact that they were and in this program what was listed were the physicians that participated in the program and they declared what they were, no difference in the process, they certified business but they did not certify that they were African American or Hispanic or anything like that, that was what was consistent and that was what he was trying to say in that process, they did not do that for people first either, their doctors had not been certified, their company had. Council Members Lawrence, Galloway, Edwards, Holm, Ellis, Green and Berry absent.

Council Member Quan stated that he knew the Mayor's commitment to parks and wanted to point out an opportunity that they had in the same area but on the other side of the George R. Brown in TIRZ 15 called the East Downtown Management District, there was some abandoned property in that area which a group would like to convert to a park, there were over twelve residential projects underway in the area, 300 families moving into the area but there were no park facilities there, he hoped that the administration would be willing to work with that TIRZ in the development of a park, that in September the City of Houston dedicated a park to Shenzhen, China, it represented the United States and the citizens of Shenzhen, China would like to help develop that park for Houston and he hoped they could look at that as a possible joint venture. Council Members Lawrence, Galloway, Holm, Ellis, Green and Berry absent.

Council Member Quan stated that on Friday after Thanksgiving they would have their annual lighting of Hermann Park, that it was an event that HEB had been a great supporter of and wanted to encourage everyone to come out, that it would start at 6:00 p.m. on Friday evening and was at the overlook near the new reflection pond and McGovern Lake in Hermann Park. Council Members Lawrence, Galloway, Holm, Ellis, Green and Berry absent.

Council Member Quan stated that he would be getting the memo out regarding the seminar on Housing Strategies and Options Available, that he thought it would be helpful to all of them. Council Members Lawrence, Galloway, Holm, Ellis, Green and Berry absent.

Council Member Quan stated that he wanted to wish everyone a Happy Thanksgiving. Council Members Lawrence, Galloway, Holm, Ellis, Green and Berry absent.

Council Member Goldberg stated that last week they had a representative from the FBI visit with their office and understood the FBI visited with a lot of Council Members, that it was the first time in his knowledge that the FBI had actually reached into the community and explained the program, that they explained a program called the Citizens Academy and one of their Council Members, was a graduate of the Citizens Academy, that he wanted to congratulate Council Member Lawrence for completing the FBI Citizens Academy. Council Members Galloway, Holm, Ellis, Green and Berry absent.

Council Member Goldberg stated that he wanted to wish everyone a Happy Thanksgiving and after their Thanksgiving meal to come out to the Galleria area for the Uptown Lighting which would take place after 5:00 p.m. Council Members Galloway, Holm, Ellis, Green and Berry absent.

Mayor White stated that they would make an announce that Ms. Barbara Gubbin, the Library Director, was retiring at the end of the month, that she had overseen a significant expansion of the Library system, there were six new libraries that had been opened on her watch and over twenty major renovations of libraries, that they really had appreciated the service and the professionalism shown by the Library Director. Council Members Galloway, Holm, Ellis, Green and Berry absent.

Council Member Wiseman stated that she was very proud of two schools within her district who were in the football playoffs, Class 5A, Division II, Clear Lake would be going up against Memorial and Dobey was going up against Katy, that she wished the best of luck to all the schools. Council Members Galloway, Holm, Ellis, Green and Berry absent.

Council Member Wiseman stated that they had various weather systems coming through and they had a great deal of flooding, she had to leave her office yesterday to make sure she made it home before Kingwood Drive flooded again, that last week Kingwood Drive was flooded, that her street now flooded every time it rained, that they got calls from constituents throughout her district, Edgebrook, that every time they had rain they had members of the media out there with their cameras on Edgebrook and every time the City says they would do

something about it but it had been going on for twenty years, that she had been trying to get it resolved and nothing gets done, that the businesses along Edgebrook were suffering greatly, that yesterday a constituent sent her an email while stuck at home on the other side of Kingwood from her and she said she could not leave her home because her street was flooded and she did not appreciate the response to her request for assistance that was sent by the Department of Public Works, the response was "our evaluation of the existing drainage system in your block reveals that it has sufficient capacity to convey the storm water runoff in this area per current City design criteria, the criteria requires such storm drainage systems to convey a two year storm event as the design storm, should the rainfall exceed that amount over a 24 hour period or should the area be subjected to heavy rainfall during a short timeframe the runoff would accumulate in the streets until the storm drainage system could catch up with the demand, since there was no apparent design defect to impede the drainage system ability to convey runoff we are not proposing any modification to the existing drainage system at this time", that the constituent was being told that it met the design criteria and it was working the way it should, that in the last few years it had progressively gotten worse, the issue with it not draining, that something was not working and for the City to just dismiss their complaints and say it was doing what it was supposed to do she could not accept that, she thought they needed to honestly address it for the people of the City. Council Members Galloway, Goldberg, Khan, Holm, Garcia, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White asked Council Member Wiseman if she thought they should increase the Capital Improvement spending on the drainage, increase or accelerate it, and Council Member Wiseman stated that she thought they needed to address the problem in the way they had the responsibility to do so, they had not been maintaining the systems, when they had twenty or thirty years of insufficient maintenance they were going to have problems that they needed to be addressed, that she was not addressing the funding, she was addressing the fact that it was their responsibility to get the job taken care of, that she thought the Mayor should be addressing it to the department director as she did not have those answers the director should. Council Members Galloway, Goldberg, Khan, Holm, Garcia, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that the Flooding Committee had been asking for district Council Members to schedule meetings in their districts to address the very issues that Council Member Wiseman was talking about, they only had responses from three offices, they had asked people to attend the flooding meetings, that the accepted level of service for flooding was now that the streets would flood because that was what they could pay for, that the issue of whether or not constituents wanted a higher level of services so that street flooding was minimized, they had to have that discussion with their fellow Council Members and with the community to see who and how were they going to pay for it, that at the same time, year before last, Council Members voted to cut Maintenance and Right-of-Way out of the budget, when they did that there was a consequence to that, that 60% of the flooding was not in the flood plane which implied there was a drainage issue, that they needed to let the community people know not to let their landscape people throw grass clippings down the drainage, that there were a lot of things they needed to do but they needed the help and support of Council, that the issue of low impact development was really something that they could bring to the table and Ms. Travis and her group were looking for funding for that and that was something they should be having on point in the next six months, that she agreed with Council Member Wiseman and her concerns, that the letter from Public Works, although she thought was abrupt, was really speaking to the point that historically they had decided as a City collectively that the level of service was to keep the water in the street and try to keep it out of yards and homes, that they had to address the question of improving or lifting the bar of the level of service and if they did what did it mean and what did it look like on the ground, that the Flooding Committee Meetings were every first Friday at 10:00 a.m. in the Council Chamber, that she would get that information to them. Council Members Galloway, Khan, Holm, Garcia, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that when Mayor White was talking about the design criteria it would be very beneficial, that they talked yesterday about Balkin Street and the fact of the design of those streets, that those people were in the CIP process for years, disaster, those streets were worse off then when they were reconstructed, that Mr. Lincoln and Mr. Krueger had tried every kind of way to mitigate the problem but they could not do it, that she was being told that people had to get back in line for the CIP process and she thought it was unacceptable and she appreciated the Mayor working with her to see if they could do some type of thing because they did the process right and for whatever reason the City did not catch the design flaw. Council Members Galloway, Khan, Holm, Garcia, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that in Chapter 9 the permitting structure needed to be changed as they had a problem where people had single family residences on a property and they now had those properties being built up with maybe 20 to 40 townhomes on it and those properties were still be regulated like they were single family residences and if they did not get on top of changing that permitting structure then in 10 or 15 years they would have an even worse problem and Mr. Peters and Mr. Nelson were looking at it and they had talked to the stakeholders committee about that and what did it mean policy wise and building construction and was it going to be a partnership between City and developers, how were they going to work it out. Council Members Galloway, Khan, Holm, Garcia, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she wanted to thank Lieutenant Bender, Sergeant Yeoman and T. Waters in the HPD Auto Dealers Retail Unit, they had a constituent whose car was stolen, had been picked up and put into a lot and was on a limited budget and those officers were able to retrieve her car because she did not have the funds to pay the storage, that she wanted to congratulate them and thank them for stepping outside the box and helping the constituent out. Council Members Galloway, Khan, Holm, Garcia, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she wanted to thank Chevron Texaco, that at the Chocolate Bayou Festival they were able to raise \$116,000, they had \$100,000 in expenses so the \$16,000 they were using for a scholarship fund and Chevron Texaco sponsored their first scholarship workshop last week, they had 48 students and 26 parents who came for students who could not come because they were working or in school, that it was very successful, that she wanted to thank HCC at the Willie Lee Gay Campus for their partnership in it, that the next workshop was scheduled for January. Council Members Galloway, Khan, Holm, Garcia, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she wanted to congratulate Fire Station No. 33 for the ceremony at the Texas Medical Center, it was great and they looked forward to it being a great addition to that community. Council Members Galloway, Khan, Holm, Garcia, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that they had a SPARK Park celebration at Turner and she wanted to congratulate Yates who was in the playoffs. Council Members Galloway, Khan, Holm, Garcia, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that they passed out stuff about World AIDS Day, that the event on December 3, 2004 was a spin off of the efforts of Mrs. White, they encouraged them to participate in World AIDS Day. Council Members Galloway, Khan, Holm, Garcia, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Lawrence stated that she was out in the neighborhoods seeing if anyone had flooded, that the poster intersection was Antoine and Victory and Public Works had done a wonderful job in District A so far, that people like Mr. Peters and Mr. Nelson were working a lot

more than 40 hours because they loved the City on a limited budget, that she commended Public Works for the work they were doing and appreciated everything they were doing. Council Members Galloway, Khan, Holm, Garcia, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Alvarado stated that she wanted to thank Rhonda from Council Member Garcia's office, she and others worked really hard to put together the City Council Thanksgiving lunch and it was a success, that she wanted to thank everybody who participated. Council Members Galloway, Khan, Holm, Garcia, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Alvarado stated that she wanted to welcome Ms. Rosie Hernandez who was working in the Mayor Pro Tem Office and was the new point of contact there. Council Members Galloway, Khan, Holm, Garcia, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Alvarado asked if any of her colleagues planned to attend the National League of Cities, that they planned their annual dues, that some of the Council Members in the past had expressed an interest through TML to be on the board of National League of Cities and she would suggest if they wanted to be on the board it was a good idea to start attending the conferences and getting to participate at the committee level so they could be considered for a board appointment, if they planned to attend to please let her office know, they were trying to get a count of how many people were going, that it was week after next in Indianapolis. Council Members Galloway, Khan, Holm, Garcia, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Sekula-Gibbs stated that she wanted to congratulate South Central Community Health Center on their 10 years of service to the south central part of the City, especially the Sunnyside area, they were the first federally qualified community center that had existed in the area, they had been carrying out their mission of service to the uninsured and underserved people and they wanted to join in celebrating with them. Council Members Galloway, Khan, Holm, Garcia, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Sekula-Gibbs stated that it was Thanksgiving as they had already acknowledged and wanted to remember all of the troops that were both active and retired and who were serving at home and on foreign soil, that a special tribute and condolences to the families who had lost loved ones in the recent Iraq war. Council Members Galloway, Khan, Holm, Garcia, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 12:02 p.m. Council Members Galloway, Khan, Holm, Garcia, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

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

MINUTES READ AND APPROVED