

City Council Chamber, City Hall, Tuesday, December 7, 2004

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, December 7, 2004, Mayor Bill White presiding and with Council Members Toni Lawrence, Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, M. J. Khan, Carol Alvarado, Mark Ellis, Gordon Quan, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; Ms. Constance Acosta, Division Chief of the Labor Division, Legal Department; Mr. Roberto Medina, Mayor's Citizens Assistance Office and Ms. Marty Stein, Agenda Director, present. Council Member Pam Holm absent on personal business. Council Member Adrian Garcia out of the city on city business.

At 1:56 p.m. Mayor White stated that Council would begin with presentations and he would begin and invited Mr. David Moore to the podium. Mayor White stated that Elves and More was an organization with thousands of volunteers formed by David Moore; that they were devoted to bringing hope to impoverished children and this Christmas 25,000 children would receive a surprise of a special visit from Santa with 20,000 from ages 4 to 16 receiving new bicycles and 5,000 infants and toddlers would receive treasure boxes full of gifts; and presented Mr. Moore a Proclamation saluting and commending them for their holiday spirit and proclaimed December 7, 2004, as "Elves and More Day" in Houston, Texas. Mr. Moore stated that they were small people trying to make a dent in the lives of children so they would not spend their lives in poverty; that the program was not about bicycles, but about children; that they hoped the bicycles would allow children a new option and they would see dreams could turn into hope, it was the first step of many; that he thanked the city and citizens for all they did and he hoped in five years a bicycle factory would be built in the Fifth Ward, to help the children the parents also needed to be helped; and asked those present with his group to stand to be recognized. Council Members Goldberg, Khan and Sekula-Gibbs absent.

Council Member Berry invited Mr. John Merrill to the podium; and stated that Council Member Holm was unable to attend and had this presentation for him and he would make it for her; that Mr. Merrill began his company in 1979 and it was the first family money management firm in Houston; that they had helped families achieve their dreams and presented Mr. Merrill a Proclamation congratulating and commending his company and proclaimed December 7, 2004, as "Tanglewood Capital Management Day" in Houston, Texas. Council Members Goldberg absent.

Council Member Galloway invited Ms. Ramona Toliver to the podium and stated that Ms. Toliver lived in the Fifth Ward community and was a very active citizen who enhanced the quality of life with her contributions; and presented her a Proclamation congratulating and commending her for her dedication and commitment and proclaimed December 7, 2004, as "Ramona Toliver Day" in Houston, Texas. Ms. Toliver stated that without her family, church and friends she would not be present.

Council Member Sekula-Gibbs congratulated Ms. Toliver and those with her for all that they did.

At 2:15 p.m. Mayor White called the meeting to order and called on Council Member Ellis who led all in the prayer and pledge.

At 2:16 p.m. the City Secretary called the roll. Council Member Garcia out of the city on city business. Council Member Holm absent on personal business.

Council Members Khan and Ellis moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Member Garcia out of the city on city business. Council Member Holm absent on personal business. MOTION ADOPTED.

Council Member Galloway moved to hear Mr. Otis Myles as the first speaker, seconded by Council Member Green. Mayor White stated that with no objection and by consent it would be so ordered.

Council Member Edwards moved to hear Mr. Ken Lindow before Ms. Polly Ledvina; and Mayor White stated that with no objection and by consent it would be so ordered.

Council Member Sekula-Gibbs moved to hear Ms. Kelly Cripe at the top of the three minute speakers or in the appropriate place; and Mayor White stated that with no objection and by consent it would be so ordered.

Mr. Otis Myles, 5606 Yorkwood, Houston, Texas 77016 ((713-633-8067) appeared and stated that he was president of his civic club and was present with a concern for his neighborhood; that he had been trying for two years to get junk cars removed and no one in Neighborhood Protection would respond; that Council Member Galloway had tried also and he was now asking for assistance from the Mayor and Council.

Council Member Galloway stated that there was no excuse for this and she was now asking the Mayor to see that this was rectified; that she had a work order number from 311 since July and still nothing was done; and she urged Mayor White to have it looked into. Council Member Alvarado absent.

Upon questions by Council Member Berry, Mr. Myles stated the cars were in private yards and some vehicles were there about 20 years, they were up on blocks and not operable.

Council Member Edwards stated that District D had the same problem and many cars were on public streets; that she wanted to know once they were tagged could Volunteers of America or someone pick them up; and Mayor White stated that Mr. Norris Davis was present from Neighborhood Protection and he would ask him to get him a report on the status by the next Council meeting; that in the same report he would like to know the deadline by which once a vehicle was reported it could be properly towed, the contractor must tow it and he thought it should be a matter of days and if the contractor could not do it they would find someone who could and then he could be relieved of his obligations under the contract.

Council Member Lawrence stated that most district Council Members did have such problems and she spoke with the legislature and hopefully the city law would be strengthened in the next session.

Council Member Galloway stated that she received no information from the Neighborhood Protection Department and normally she received feedback from

departments addressing her concerns and she hoped in the future various departments would get with Council Members on their concerns. Council Member Green absent.

Ms. Marcia Perry, 1619 Webber, Houston, Texas 77007 (713-863-9773) appeared, presented information and stated that she was president of the First Ward Civic Council and co-chair of the Citizens' Transportation Coalition and spoke on the transportation and planning of toll roads; that the Harris County Toll Road Authority (HCTRA) had no accountability to local communities or cities and that toll roads were being planned with little regard for public input or impact to local communities; that they were not answerable for actions; and urged the Mayor and Council to work with the citizens on increasing the accountability of the Toll Road Authority to everyone. Council Member Green absent.

Council Member Khan stated that it was not a city toll road; and Ms. Perry stated that she understood and they had plans to speak with the commissioners, however, they felt the city could work for changes in the legislation so the city itself could have a voice. Council Members Lawrence and Green absent.

Council Member Goldberg stated that the city had no say so, but would like some; that it did need to go through the legislature as commissioners could point and say they wanted a toll road and it would be there; and urged that she go to commissioners and ask for hearings and go to the legislature. Council Members Lawrence and Sekula-Gibbs absent.

Mr. Tom McKittrick, 1111 Guinea Drive, Houston, Texas 77055 (713-465-4827) appeared and stated that he was a member of the Citizens' Transportation Coalition and also concerned about the impact of toll roads in Houston's neighborhoods; that HB3588 further increased the power of toll road authorities even making it possible to convert existing roads paid for by tax dollars to toll roads; and urged the Mayor to support efforts to improve toll road accountability. Council Members Lawrence, Galloway and Sekula-Gibbs absent.

Upon questions by Council Member Green, Mr. McKittrick stated that he thought trying to mend bridges with Harris County Commissioners Court and the Toll Road Authority, would be a wise thing to do, but the Regional Mobile Authority created by the legislature had an appointed board and could not be elected officials and they must hold hearings and meet environmental needs, so it created more accountability and the Toll Road Authority was not an RMA if they were they would need an appointed board and have to hold public hearings and that was why they were asking for their help in getting them to become an RMA. Council Members Lawrence, Galloway and Sekula-Gibbs absent.

Council Member Edwards stated that she agreed with his comments and suggested that it be taken up in the Transportation Committee, she believed it would get worse before better; and Mayor White stated it was a good suggestion. Council Members Lawrence, Galloway and Sekula-Gibbs absent.

Ms. Margaret Dover, 1112 Highland, Houston, Texas 77009 (713-426-0299) appeared and stated that she was past president of Woodland Heights Civic Association; that the map presented by Ms. Perry showed proposed toll roads and they

were all aimed at the heart of the city and would be taking over the Heights and other neighborhoods and would welcome any support in helping them assert authority over their own city. Council Members Lawrence, Galloway and Sekula-Gibbs absent.

Council Member Goldberg stated that in looking at the map a proposed toll road was right through Memorial Park; that all the roads pointed to downtown and hundreds of thousands of cars would be going through the city and he also believed the Legislative or Transportation Committee should take up and take a stance in the upcoming legislative session. Council Members Lawrence, Galloway and Sekula-Gibbs absent.

Ms. Cheryl Hensley, 725 Columbia, Houston, Texas 77007 (713-906-4021) appeared and stated that she loved and lived in the Heights and was a member of the Bicycle Pedestrian Advisory Committee, Heights Association and Citizens' Transportation Coalition; that she wanted a hike and bike trail built and did not want a toll road destroying their neighborhood and quality of life. Council Members Lawrence, Galloway, Ellis, Sekula-Gibbs and Green absent.

Council Member Khan stated that she needed to express her views to the Houston Galveston Area Council; and Ms. Hensley stated that she would do so. Council Members Galloway, Ellis, Sekula-Gibbs, Green and Berry absent.

Mr. Thomas McWhorter, 712 Main #110, Houston, Texas 77002 (713-216-5000) appeared, presented information and stated that he was director of the Historic Neighborhood Council, the Greater Houston Preservation Alliance, and they advocated for Houston's older residential areas and supported those who invested in the neighborhoods; that toll roads were impacting such neighborhoods across the city and they had copies of editorials on such projects; that they wanted the Mayor and Council to look at the cumulative effects it had on the city and their residents; and encouraged the Mayor and Council to take a leading role in their effort. Council Members Galloway, Ellis, Sekula-Gibbs, Green and Berry absent.

Mr. Ken Lindow, 3317 Morrison, Houston, Texas 77009 (832-754-1202) appeared and stated that the Houston Chronicle quoted Mayor White as saying for the rest of the year and beyond a big goal of the Administration was to improve neglected neighborhoods and protect others; that his neighborhood, Woodland Heights, was threatened by much and now a major toll road was being presented to go through the heart of their near neighbor, the Heights, and urged that he keep his promise and help protect them and preserve the quality of life they worked so hard for. Council Members Galloway, Ellis, Sekula-Gibbs, Green and Berry absent.

Ms. Polly Ledvina, 2375 Bolsover, Houston, Texas 77005 (713-524-4578) appeared and stated that she co-chaired the Citizen's Transportation Coalition and that last June approval of the 2025 Regional Transportation Plan gave a green light to toll road projects found in bright pink on the map presented and the light pink lines through Memorial Park and the Heights were two potential routes supposedly squashed by public opposition, but they were not sure the projects were dead; that they needed to begin thinking proactively about toll roads and their coalition would be lobbying for increased accountability of the Toll Road Authority to local communities and they needed the Mayor and Council's help. Council Members Lawrence, Galloway, Ellis, Sekula-Gibbs, Green and Berry absent.

Council Member Edwards stated that she wanted to commend Ms. Ledvina for standing on point. Council Members Galloway, Ellis, Sekula-Gibbs and Green absent.

Mayor White stated that for those present, this was an issue that with their help and prodding they had been working on and immediately when this came up he spoke with three of the five members in Commissioners Court whose comments echoed those of the citizens not wanting to see a toll road go through the Heights and it would not occur; that the Toll Road Authority reported to the Director of County Infrastructure, Mr. Art Story, who told him it would be illegal to build a toll road along the rail right-of-way and they would not do it; that he was assured there was no plan to do it; that some, like him, wanted to see the right-of-way used for hike and bike trail and he felt Commissioners Court shared the view that in these tight times they wanted to find an appropriate financing mechanism to get the right-of-way so they could have an appropriate use which was wanted by the neighborhood; that remarkable meetings were going on to address concerns citizens outlined; and thanked those present for their leadership. Council Members Galloway, Ellis, Sekula-Gibbs and Green absent.

Mr. Ovide Duncantell, 2900 Woodway #311, Houston, Texas 77087 (713-645-9598) appeared, presented information and stated that he was again present on the longstanding grief caused to their organization by the Martin Luther King Parade Foundation; that they obtained a license for a parade and he had proof from the State of Texas it was not legal to operate under the Texas State Tax Law they were a forfeited organization and they were asking the City of Houston to come up with by Friday a solution to the situation; and urged that the Council look at the packet presented and shut the operation down. Council Members Galloway, Ellis, Sekula-Gibbs and Green absent.

Upon questions by Council Member Edwards, Mr. Duncantell stated that he was asking the City to not work with the organization; that they had no tax ID number, etc., and should not be allowed to do business. Council Members Galloway, Ellis, Sekula-Gibbs and Green absent.

Upon questions by Council Member Edwards, Ms. Acosta stated that as long as an organization had legitimate structure it was not the City's responsibility to investigate to see if it was legitimate and if they complied with the ordinance the permit was issued; that she did not know if it specifically stated they had to be for profit or not for profit, but would check and give her a determination. Mr. Duncantell stated that a for profit organization needed to pay the fee in the ordinance and they had been stealing from the City of Houston and its taxpayers. Council Members Galloway, Ellis and Green absent.

Ms. Kelly Cripe, 15130 Chetland Place, Houston, Texas 77075 (713-480-3003) appeared, presented information and stated that she was present to discuss the Bureau of Animal Regulation and Care; that the city was on record supporting more adoption of animals and now there were less available and none were available for off-site adoption for Saturday following Thanksgiving and only 14 were available over the past Sunday; that many animals were being shoved into garbage bags and taken to a final resting place at the city landfill; that the Spay and Neuter Assistance Program repeatedly offered to alter and transport at least 30 animals for adoption every week and free to the City, yet Dr. Nix failed to utilize the option and continued to kill; that BARC was not just understaffed with vets but the staff was under qualified, the Chief Vet of BARC, Dr. Harris was disciplined by the state for failing to maintain anesthesia when he

operated on a dog and yet the City continued to employ him; and urged for the City to replace Dr. Harris and Dr. Nix with more qualified and humane veterinarians. Council Members Galloway, Ellis and Green absent.

Council Member Berry stated that he was looking at an article he copied regarding the offer made by SNAP; and upon questions, Ms. Cripe stated that she was aware of their offer, but she was not affiliated with SNAP and not able to answer questions regarding them; that one of her concerns was the way animals were treated and several present with her worked for BARC and that was how she was aware of their daily operations. Council Member Berry stated that what she described was unacceptable and he thanked her for bringing it to their attention. Council Members Galloway, Ellis and Green absent.

Council Member Sekula-Gibbs stated that she received a number of E-mails from those who worked at BARC on the sensitive issue; that it was under funded by the Health Department for a long time and one problem was animals were destroyed rather than adopted; that the staff did not like it, but they were not given a lot of choice; that she did believe Dr. Nix was doing what he could with skimpy resources, but matters did need to be addressed and if they were going to make the facility ready for adoption it needed a makeover, but places in the community were needed for adoption and they could work with SNAP on establishing shops in the community; and she hoped Ms. Cripe would continue to work with them; and if another vet needed to be hired then that was needed. Council Members Galloway, Wiseman, Ellis and Green absent.

Mayor White stated that efforts of advocates for animals had highlighted this and it was an issue where other cities did a better job; that there were remarkable private public partnerships in other cities and it needed to be worked on here, they needed the private sector to be with them and he felt they would make a great deal of progress over the next months. Council Members Galloway, Edwards, Ellis and Green absent.

Mr. Michael Thomas, 12211 Fondren #1111, Houston, Texas 77035 (713-283-0505) appeared and spoke on the importance of Section 8 vouchers; and stated that he was head of ADAPT, the Houston Chapter for the Disabled, that Section 8 vouchers made his life easier and many disabled needed them with a three to five year waiting list and they needed Mayor White to step in and make necessary changes. Council Members Galloway, Ellis, Sekula-Gibbs, Green and Berry absent.

Council Member Quan thanked all those who came; and upon questions, Mr. Thomas stated that there were approximately 126 vouchers which needed to be accounted for; and Council Member Quan stated that he would be happy to look into it and would follow-up with the Administration; that Ms. Champaign, Chief of Staff at the Housing Authority could be of help also. Council Members Galloway, Wiseman, Ellis, Green and Berry absent.

Mayor White thanked Council Member Quan for his leadership and stated he should let him know if they could do anything to support his efforts. Council Members Galloway, Wiseman, Green and Berry absent.

Council Member Edwards stated that she would like to work with Council Member Quan and to let her office know what they could do. Council Members Galloway, Wiseman, Green and Berry absent.

Mr. Michael Champion, 6 Burress, Houston, Texas 77022 (713-692-2528) appeared and stated that many wanted to leave the nursing home and had no where to go; that they liked living independently and the vouchers were necessary. Council Members Galloway, Wiseman, Green and Berry absent.

Council Member Edwards stated that in her opinion there was a growing crisis of invisible disabilities, people were living longer and were going to need assisted living; that she would suggest looking at how that population could be handled in a proactive way and not have to react to a crisis. Council Members Galloway, Wiseman, Green and Berry absent.

Ms. JoAnn, Grosman, 5507 Saxon Drive, Houston, Texas 77092 (713-956-6212) appeared and stated that she was physically and mentally challenged and was on her own because of her determination and because she would inherit when her parents were deceased; that the City regulated the Section 8 Housing Program and all wanted to live independent; and asked the Mayor to consider a certain number of vouchers be set aside for the challenged. Council Members Galloway, Wiseman, Green and Berry absent.

Mayor White thanked everyone for coming and stated that he thought this session made all more aware. Council Members Galloway, Sekula-Gibbs, Green and Berry absent.

Mr. Kevin Brown, 8203 Lawler, Houston, Texas 77051 (832-287-9899) had reserved time to speak but was not present when his name was called. Council Members Galloway, Sekula-Gibbs, Green and Berry absent.

Mr. James Vanwinkle, 11956 Metts Road, Conroe, Texas 77306 (936-231-2838) appeared, presented information and stated that he was from Conroe and was representing ADAPT who represented those with disabilities and they were trying to get more funding to get people out of institutions and allow them a chance to become a taxpayer instead of a tax burden; that what happened in Houston had an impact on surrounding communities and it was important to fight for Section 8 vouchers and place emphasis on human life and not dollars. Council Members Galloway, Edwards, Green and Berry absent.

Mayor White thanked Mr. Vanwinkle for putting his statement in writing and allowing them to have contact information. Council Members Galloway, Edwards, Green and Berry absent.

Council Member Quan stated that the issues were complicated and they organized a workshop for Monday at 3:00 p.m. for anyone wanting to understand housing better, what the city could do and their options and there would be a presentation by the Housing Authority of the City of Houston as to their initiatives to address affordable housing; that he felt the more Council Members understood the programs the better they could decide on how funds should be allocated. Council Members Galloway, Edwards, Green and Berry absent.

Mr. Mike Ahmadi, P. O. Box 56662, Houston, Texas 77256 (713-942-4777) appeared and stated that it had been over a year since he moved to a slum and he hoped his Section 8 housing application from June 1997 would go through; that he was

deprived by the City and facing a nightmare and would appreciate the program being expanded and speeded up. Council Members Galloway, Sekula-Gibbs, Green and Berry absent.

Ms. Linda Pickles, 7000 Regency Square #160, Houston, Texas 77036 (713-974-4621) appeared, presented information and stated that she was the community advocacy coordinator at the Houston Center for Independent Living (HCIL) with one responsibility to help those with disabilities apply for Section 8 housing vouchers; that in February they were told by HHAP they had about 200 vouchers but later they learned the money was frozen, they were then told about 50 vouchers were promised but had not yet arrived; that she understood the City of Houston took over the Section 8 Program and they were calling on them to make affordable, accessible housing for people with disabilities a high priority. Mayor White, Council Members Galloway, Green and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Khan stated that he knew people were waiting for Section 8 vouchers forever and today heard the severity of the matter; and upon questions, Council Member Quan stated that they had approximately 17,000 people with Section 8 vouchers, but that was in general and the mainstream vouchers which were the ones being talked about they had about 99 as indicated by Mr. Thomas and another 50 were applied for as indicated by Ms. Pickle and hopefully HUD would be honoring requests; that the money was federal funds which came from Washington and if it did not come they could not meet needs, but would push for the funds. Mayor White, Council Members Galloway, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding.

Mayor Pro Tem Alvarado stated that she would like to say there was no one present from the Housing Authority and numerous attempts were made from various people in the Administration to contact them; that they chose not to return the call or chose to not send someone and that was another disappointment with the Housing Authority. Mayor White, Council Members Galloway, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Edwards stated that she wanted to know if vouchers were set aside for people with challenges; and Council Member Quan stated that there were some, but he did not know that number; that was one thing they could discuss in the workshop; that there were 16,000 on the waiting list which was now closed as there were so many; that they did have flexibility on annual turnover, but that was why he would like Council to understand the way the program worked so they would know what they wanted to do with it and who they felt was most needy. Council Member Edwards stated that she wanted to know how many people currently with Section 8 vouchers had physical challenges and what was the normal percentage; and Council Member Quan stated that he would be glad to ask for those numbers. Council Members Galloway, Ellis, Sekula-Gibbs, Green and Berry absent.

Ms. Gina Havens, 2110 Tangle, Houston, Texas 77005 (281-787-8799) had reserved time to speak but was not present when her name was called. Council Members Galloway, Wiseman, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Issa Aljirbi, 1123 Woodside Court, Sugarland, Texas 77479 (713-774-0773) had reserved time to speak but was not present when his name was called. Mr. Michael

Qutob appeared and stated that he was general manager of the Allied Collision Center and representing Mr. Issa Aljirbi; that they had a concern with the major freeway contracts, Segment 29; that they were told when bidding began it would be a continued segment from the Katy county lines to the 610 Loop; that they were awarded three segments, but were told a piece from Beltway 8 to 610 was taken away and it would go up for additional bidding; that the segment was not picked up and he was called and told since it was taken from them they would give it to them, an opportunity to bid for \$7,500.00 and they said they would pay as much as \$4,000.00 or \$5,000.00 and were told fine, but then they found it was awarded to KTL another company for \$4,000.00 when they paid over \$100,000.00 for the adjacent segment when it was to be the same thing; that hours after they bid others knew and they did not think it professional for Auto Dealers to let the information seep out and for that company to be awarded the segment. Council Members Galloway, Wiseman, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White asked Mr. Qutob to please spell his name for the record; and he said it was Michael Qutob. Mayor White stated that Captain Jones was in the Chamber and might be able to furnish him information. Council Members Galloway, Wiseman Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Khan, Mr. Qutob stated that the segments were relisted under different numbers; that they were awarded three, but a portion of the Katy Freeway segment was taken away and awarded to another company; that he was with Allied Collision Center. Council Member Khan stated that there was a reason the segment was taken out and he was sure Captain Jones would explain. Council Members Galloway, Wiseman, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Gordon Minyard, 3150 E. Hwy 6, Alvin, Texas 77511 (281-382-9039) appeared and stated that he was from Alvin, Texas, and seven to eight years ago the lights in downtown Houston were changed to where you had to stop every four or five blocks when before you could get all the way through with no stop; that the problem with transportation was the corridors to neighborhoods and he could show how to drive from Freeport to Little Rock without stopping; and Mayor White stated that he was interested in this and if he had something in writing he would appreciate him leaving it. Council Members Galloway, Wiseman, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Eric Warren, 4915 Cosby, Houston, Texas 77021 (713-885-3658) had reserved time to speak but was not present when his name was called. Council Members Galloway, Wiseman, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Cynthia Potter, 8800 Broadway #5371, Houston, Texas 77061 appeared and stated that she recently signed retirement papers from the City and her complaint was the DMA Department, Disability Management Alternative Department, they had not been fair in dealing with her disability; that she had breast Cancer and now was evicted and was needing help; that she had to call doctors to get information as they would not do it. Council Members Galloway, Wiseman, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Marsha Lister, 515 Wildwind, Houston, Texas 77013 (713-675-3858) had reserved time to speak but was not present when her name was called. Council Members Galloway, Wiseman, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

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 Galloway, Wiseman, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Joshua Bullard, 3328 McGowen, Houston, Texas 77004 (713-654-0037) appeared and stated that the L.A.R.A. situation had gotten out of hand; that he disagreed with trying to petition Commissioners Court and other taxing entities for an additional 1,500 properties; that the Land Assemblage Redevelopment Authority had not even had a ceremonial ground breaking or constructed one home and he did not see how the Mayor could say he needed an additional 1,500 more properties in excess of \$40,000,000 with no proof positive results; that he agreed with him in spirit but would like him to not ask for more property until something was produced on the pilot program. Council Members Galloway, Wiseman, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mr. William Barker, 9966 Kirkdale, Houston, Texas 77089-2202 (281-481-8730) appeared and stated that he was a good chef and had gone to the Main Street Café and said he wanted the building to sell pastries from and the owner said fine, but when he went to give him the money he had sold it to a sex club, the Meat Rack, and he wanted to know how to go about buying the building from that person. Council Members Galloway, Wiseman, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mayor Pro Tem Alvarado stated that she would much rather have a pastry shop than the sex club, but Council had their hands tied as the City did not own the building; that he needed to try and work with the owner, but her office would be happy to refer him to someone and someone would give him a call. Council Members Galloway, Wiseman, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Steven Williams, no address (no phone) had reserved time to speak but was not present when his name was called. Council Members Galloway, Wiseman, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

President Joseph Charles, P. O. Box 52437, Houston, Texas 77052-4373 (713-203-7738) appeared and stated that Mr. Horton was not a senator; and continued expressing his personal opinions until his time expired. Council Members Galloway, Wiseman, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

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

Ms. Njeri Shakur, 2901 Fulton, Houston, Texas 77009 (713-222-0749) appeared and stated that she returned again regarding her grievance, a problem at the Irvington

Village Apartments; that in the grievance process she had asked for certain documents regarding how much utility was allotted to her apartment in units and dollars and they were refusing to give them to her. Council Members Galloway, Wiseman, Quan, Green and Berry absent.

At 4:06 p.m. City Council recessed until 9:00 a.m., Wednesday, December 8, 2004. Council Member Holm absent on personal business. Council Member Garcia out of the city on city business. Council Members Galloway, Wiseman, Quan, Green and Berry absent.

City Council reconvened in the City Council Chamber at 9:00 a.m., Wednesday, December 8, 2004, with Mayor Bill White presiding and with Council Members Toni Lawrence, Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, M. J. Khan, Pam Holm, Adrian Garcia, Carol Alvarado, Mark Ellis, Gordon Quan, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Mr. Arturo Michel, City Attorney and Ms. Marty Stein, Agenda Director, present.

At 8:28 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:21 a.m. Mayor White called the meeting to order. Council Members Galloway, Wiseman, Garcia and Berry absent.

MAYOR'S REPORT

Mayor White stated today would begin with a brief report on the process of dealing with legislative issues and called on Ms. Ann Travis who stated that she had presented Council Members with a copy of legislative principles, proposed principles and principles passed in 2002 and today would be covering the three topics of legislative principles, lobby team and agenda; that they slightly edited the document to reflect certain priorities focusing on mobility, neighborhood improvements, quality of life and environment and would love Council's input and planned on putting them on next week's Council Agenda; that they gathered an extensive amount of information in selecting the lobby team and they were all hard working, got results and had good Austin contacts, the new team did reflect a sense of continuity and knew the City of Houston and issues and delegation and a fresh look; that the other part of the team was the Mayor and Council as they were very important in the process and she would be looking to them to participate; that an AD HOC group was put together with Council Members Alvarado, Ellis, Green and Lawrence to help her go through various legislative proposals; that she would be in Austin a lot and she wanted Council Members to know they could call her but the AD HOC group could be their sounding board; that they would receive periodic briefings as the session moved along; that she asked Council Members, department heads and Controller to submit ideas for legislative proposals and they received over 100 items and in balancing the work load with man power they would get main issues with some being land bank proposals, cantina or all night club regulations and transportation issues; that each Council Member was asked to name a legislative liaison and they would be briefed and trained on tracking Bills, etc., that she had spoken to members of the legislature and their staff and TML was a valuable resource, as far as coordination with various entities she also spoke with Harris County, GHP, and there was a healthcare consortium looking at bringing an agenda of collective Harris County and other organizations on healthcare, there was much

discussion and coordination. Mayor White stated to conclude the report he had met with all senators and most representatives in leadership positions and in asking how the best job could be done the comments from the most senior people was that the Mayor and Council needed to be active, elected officials wanted to speak with elected officials.

Council Members expressed concerns and discussed ways to be kept abreast of legislative matters; Council Member Wiseman stated that AD HOC was not a transparent process and she would be happy as chair of the Governance Committee to provide the venue for an open process where all Council Members could discuss issues of legislation occurring in Austin and the City's legislative priority and would appreciate Ms. Travis participation with her or her representative's presence so the public would have confidence; and Ms. Travis stated that she would be pleased to do so. Council Members Goldberg, Sekula-Gibbs and Green absent.

Mayor White stated that he appreciated Ms. Travis being present and the Mayor Pro Tem and Agenda Director were to meet with him early next week to schedule a meeting of the committee as a whole to discuss issues discussed prior to the session and there would be a posting Friday of matters Ms. Travis mentioned. Council Members Goldberg, Sekula-Gibbs and Green absent.

Council Member Berry stated that as a point of personal privilege he wanted to mention the Stellar Awards would be here again in January and he wanted to thank all for their work in its coordination; that it was said Houston was the new Gospel Capital of America and he was excited today they could welcome a new resident Mr. Kirk Carr who had two Grammy nominations, one Grammy, a sole train award and 10 stellar awards and most importantly a new Houstonian; and asked him to stand to be recognized. Council Members Goldberg, Sekula-Gibbs and Green absent.

Council Member Galloway stated that she wanted to compliment Ms. Travis on all the information disseminated to Council Members on workshops, etc., it was very helpful; and Mayor White stated that she was a team player and had recruited a great team to work with.

Council Member Ellis moved to suspend the rules to consider Item 17 out of order, seconded by Council Member Alvarado. Mayor White stated if there was no objection, it would be so ordered.

Council Member Khan moved to suspend the rules to consider Item 40 out of order, seconded by Council Member Alvarado. Mayor White stated if there was no objection, it would be so ordered.

17. ORDINANCE approving and authorizing Professional Independent Internal Audit and Consulting Services contracts between the City of Houston and **HIDALGO, BANFILL, ZLOTNIK & KERMALI, P.C., JEFFERSON WELLS INTERNATIONAL, INC, KPMG, LLP** and **MIR FOX & RODRIGUEZ, PC** - 6 Years - \$3,120,000.00 - General and Enterprise Funds – was presented.

Council Member Ellis stated that the Controller requested the removal of KPMG from the ordinance as they were unable to agree on issues; and moved to amend Item No. 17 to remove KPMG from the item, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2004-1205 ADOPTED.

Item 17 as amended was presented, and was tagged by Council Member Ellis. Council Member Berry absent.

40. ORDINANCE approving and authorizing: (1) second amendment and Modification Agreement between the City of Houston ("City") and **LEISURE LIFE SENIOR APARTMENT HOUSING, LTD.** ("borrower") to reinstate and extend term of City's loan conditioned upon new Senior Financing; and (2) Subordination and Modification Agreement between the City, borrower and **GREYSTONE SERVICING CORPORATION, INC - DISTRICT F – KHAN – (This was Item 17 on Agenda of December 1, 2004, TAGGED BY COUNCIL MEMBERS QUAN, HOLM and EDWARDS)** – was presented.

Council Member Khan stated that he wanted to thank Chairman Quan, Ms. Stiner and everyone who worked so hard; that he visited the complex and it was a good example of such a project, but there were issues and would move to send the item back to the Administration, seconded by Council Member Quan. Council Member Berry absent. MOTION 2004-1206 ADOPTED.

The Consent Agenda (Items 1 through 36) was considered as follows:

ACCEPT WORK - NUMBERS 1 and 2

1. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$40,375.00 and acceptance of work on contract with **ARROW SERVICES, INC** for Asbestos Abatement and Demolition Old Young Branch Library, GFS D-0113-01-5 - 04.94% over the original contract amount - **DISTRICT D – EDWARDS** – was presented, moved by Council Member Khan, and seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Berry absent. MOTION 2004-1207 ADOPTED
2. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$2,685,555.00 and acceptance of work on contract with **THE TREVINO GROUP, INC** for Construction of Fire Station 27, GFS C-0072-01-3 - 07.63% over the original contract amount **DISTRICT H – GARCIA** – had been pulled from the Agenda by the Administration, and was not considered. Council Member Berry absent.

PURCHASING AND TABULATION OF BIDS - NUMBERS 3 through 4A

4. ORDINANCE appropriating \$1,014,500.00 out of Water & Sewer System Consolidated Construction Fund for Emergency Sewer Line Repair at 12300 Dairy Ashford at Huntington Place Drive for the Public Works & Engineering Department, CIP R-0019-37-3; providing funding for engineering testing, construction management and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT C – GOLDBERG** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2004-1247 ADOPTED.
- 4a. RECOMMENDATION from Finance & Administration Department for approval of spending authority in an amount not to exceed \$1,014,500.00 for Emergency Sewer Line Repair at 12300 Dairy Ashford at Huntington Place Drive for Department of Public Works & Engineering, awarded to **JALCO, INC** – was presented, moved by Council Member Khan, and seconded by Council Member Quan. All voting aye. Nays none. Council Member Berry absent. MOTION 2004-1208 ADOPTED

ORDINANCES - NUMBERS 5 through 36

6. ORDINANCE consenting to the addition of 87.2875 acres of land to **BISSONNET MUNICIPAL UTILITY DISTRICT**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2004-1248 ADOPTED.
7. ORDINANCE consenting to the addition of 98.90 acres of land to **CHARTERWOOD MUNICIPAL UTILITY DISTRICT**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2004-1249 ADOPTED.
8. ORDINANCE consenting to the addition of 133.398 acres of land to **DOWDELL PUBLIC UTILITY DISTRICT**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2004-1250 ADOPTED.
9. ORDINANCE consenting to the addition of 59.137 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 26**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2004-1251 ADOPTED.
10. ORDINANCE consenting to the addition of 0.9557 acre of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 261**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2004-1252 ADOPTED.
11. ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 417** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2004-1253 ADOPTED.
12. ORDINANCE consenting to the addition of 46.4 acres of land to **HARRIS COUNTY CONTROL AND IMPROVEMENT DISTRICT NO. 36**, for inclusion in its district – had been pulled from the Agenda by the Administration, and was not considered. Council Member Berry absent.
13. ORDINANCE consenting to the addition of 27.50 acres of land to **MOUNT HOUSTON ROAD MUNICIPAL UTILITY DISTRICT**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2004-1254 ADOPTED.
14. ORDINANCE consenting to the creation of **VALLEY RANCH MUNICIPAL UTILITY DISTRICT NO. 1** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2004-1255 ADOPTED.
15. ORDINANCE consenting to the creation of **VALLEY RANCH MUNICIPAL UTILITY DISTRICT NO. 2** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2004-1256 ADOPTED.
16. ORDINANCE approving and authorizing interlocal cooperation contract between the City of Houston and the **TEXAS DEPARTMENT OF CRIMINAL JUSTICE** for the Provision of Death Certificates of Parolees – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2004-1257 ADOPTED.

19. ORDINANCE appropriating \$146,081.00 out of Water & Sewer System Consolidated Construction Fund and \$162,000.00 out of Tax Increment Reinvestment Zone Affordable Housing Fund, approving and authorizing Developer Participation Contract between the City of Houston and **ACCESS-ALL SERVICES, LLC** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to the Kingspoint Gardens Subdivision, CIP S-0800-F2-03 & R-0800-F2-03 - **DISTRICT E – WISEMAN** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2004-1258 ADOPTED.
21. ORDINANCE appropriating \$250,141.81 out of Water & Sewer System Consolidated Construction Fund and \$228,000.00 out of Affordable Housing Uptown Fund; approving and authorizing Developer Participation Contract between the City of Houston and **CANNATA CONSTRUCTION** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve Section One of the Pierce Junction Village Subdivision, CIP S-0800-F4-03 & R-0800-F4-03 **DISTRICT D – EDWARDS** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2004-1259 ADOPTED.
30. ORDINANCE approving and authorizing contract between the City and **M2L ASSOCIATES, INC** for Professional Landscape Architectural and Engineering Services - \$285,196.89 - Grant Fund **DISTRICT D – EDWARDS** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2004-1260 ADOPTED.
32. ORDINANCE No. 2004-1216, passed second reading December 1, 2004
ORDINANCE granting to **DARLING INTERNATIONAL, INC**, a Delaware Corporation, the right, privilege and franchise to Collect, Haul and Transport Solid Waste and Industrial Waste from Commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas - **THIRD AND FINAL READING** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2004-1216 PASSED THIRD AND FINAL READING IN FULL.
33. ORDINANCE No. 2004-1217, passed second reading December 1, 2004
ORDINANCE granting to **FRANK J. GAMBOA**, a Texas Sole Proprietorship, the right, privilege and franchise to Collect, Haul and Transport Solid Waste and Industrial Waste from Commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas - **THIRD AND FINAL READING** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2004-1217 PASSED THIRD AND FINAL READING IN FULL.
34. ORDINANCE No. 2004-1224, passed second reading December 1, 2004
ORDINANCE granting to **LONE STAR DISPOSAL, L.P.**, a Texas Limited Partnership, the right, privilege and franchise to Collect, Haul and Transport Solid Waste and Industrial Waste from Commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas - **THIRD AND FINAL READING** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2004-1224 PASSED THIRD AND FINAL READING IN FULL.
35. ORDINANCE No. 2004-1218, passed second reading December 1, 2004
ORDINANCE granting to **ROSE METAL PROCESSING, LTD.**, a Texas Limited Partnership, the right, privilege and franchise to Collect, Haul and Transport Solid Waste and Industrial Waste from Commercial properties located within the City of Houston,

Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas - **THIRD AND FINAL READING** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2004-1218 PASSED THIRD AND FINAL READING IN FULL.

36. ORDINANCE No. 2004-1219, passed second reading December 1, 2004
ORDINANCE granting to **SNEADS, INC**, a Texas Corporation, the right, privilege and franchise to Collect, Haul and Transport Solid Waste and Industrial Waste from Commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas - **THIRD AND FINAL READING** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2004-1219 PASSED THIRD AND FINAL READING IN FULL.

Items removed from the Consent Agenda were considered as follows:

PURCHASING AND TABULATION OF BIDS - NUMBERS 3 through 4A

3. **Q-STAR TECHNOLOGY, LLC** for Cameras for Planning & Development Department \$42,030.00 - General Fund – was presented, moved by Council Member Khan, seconded by Council Member Quan, and was tagged by Council Member Wiseman. Council Member Berry absent.

ORDINANCES - NUMBERS 5 through 36

5. ORDINANCE relating to the rescheduling or postponement of certain City Council meetings – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2004-1261 ADOPTED.
18. ORDINANCE approving and authorizing a Groundwater Reduction Plan Participation Agreement between the City of Houston and **ALTIVIA CORPORATION** - Revenue – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2004-1262 ADOPTED.
20. ORDINANCE appropriating \$148,855.08 out of Water & Sewer System Consolidated Construction Fund and \$177,698.07 out of Tax Increment Reinvestment Zone Affordable Housing Fund; approving and authorizing Developer Participation Contract between the City of Houston and **UNIVERSITY DEVELOPMENT, INC** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve Section Two of the Mills Landing Subdivision, CIP S-0800-F3-03 & R-0800-F3-03 - **DISTRICT A – LAWRENCE** – was presented.

Council Member Galloway stated that the map was not clear in District A and she would ask for more information; and moved to delay Item 20 to the end of the Agenda, seconded by Council Member Green. Mayor White stated that with no objection it would be ordered. Council Member Berry absent.

22. ORDINANCE approving and authorizing third amendment to contract between the City of Houston and **SUPERIOR BUILDING SERVICES, INC** for Window Cleaning Services for Houston Airport System approved and authorized by Ordinance No. 99-536 - \$188,537.05 - Enterprise Fund - **DISTRICTS B - GALLOWAY and E – WISEMAN** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2004-1263 ADOPTED.

23. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **IMAGEMAX, INC** for Document Scanning & Retrieval Services for Controller's Office approved and authorized by Ordinance No. 00-194 – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2004-1264 ADOPTED.
24. ORDINANCE approving and authorizing contract between the City of Houston and **MID-AMERICAN/ERS JOINT VENTURE** for Elevator, Escalator and Moving Sidewalk System Maintenance Services for Houston Airport System - 3 Years with two one-year options \$23,517,902.00 - Enterprise Fund - **DISTRICTS B - GALLOWAY and E - WISEMAN** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2004-1265 ADOPTED.
25. ORDINANCE amending Ordinance No. 2003-1162 to authorize the second year payment on the Lease/Purchase agreement between the City of Houston and **E-ONE, INC** for Five Aerial Ladder Fire Trucks for Houston Fire Department; providing a maximum contract amount - \$295,792.85 General Fund – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2004-1266 ADOPTED.
26. ORDINANCE awarding contract to **STEWART & STEVENSON SERVICES, INC** for HVAC Services on Fire Trucks/Heavy-Duty Apparatus for Houston Fire Department; providing a maximum contract amount - 3 Years with two one-year options - \$853,851.25 - General Fund – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2004-1267 ADOPTED.
27. ORDINANCE awarding contract to **ANTHONY HUTCHISON EXTERIOR DESIGN** for Tree Planting and Maintenance Services for Parks & Recreation Department; providing a maximum contract amount - 2 Years - \$646,093.75 - Street & Bridge Consolidated Construction Fund – was presented.

Council Member Galloway stated that she was excited to see the item brought to the table and that her district would now get their trees. Council Member Berry absent.

Council Member Khan stated that it was always good to support the planting of trees which he would, but it was amazing there was none in District F. Council Member Berry absent.

Item 27 was again before Council. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2004-1268 ADOPTED.

28. ORDINANCE appropriating \$915,200.00 out of Parks Consolidated Construction Fund, awarding construction contract to **TIMES CONSTRUCTION, INC** for Construction of Parks Master Plan – Squatty Lyons Park, GFS F-504B-00-03; providing funding for engineering testing services, and contingencies relating to construction of facilities financed by Parks Consolidated Construction Fund - **DISTRICT B - GALLOWAY** – was presented.

Council Member Galloway stated that this was another item her constituents had waited on and she was glad to have it on the Agenda. Council Member Berry absent.

Council Member Sekula-Gibbs stated that she wanted to support Council Member Galloway on the effort to rebuild Squatty Lyons Park; that it had been a hazard for children and it was wonderful to bring it back up to standard. Council Member Berry absent.

Item 28 was again before Council. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2004-1269 ADOPTED.

29. ORDINANCE approving and authorizing amendment No. 2 to contract between the City of Houston and **CONWAY CONSULTING, LTD.** for Airport Consulting Services for George Bush Intercontinental Airport/Houston and William P. Hobby Airport - \$100,000.00 - Enterprise Fund **DISTRICTS B - GALLOWAY and I – ALVARADO** - Item 27 was again before Council. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2004-1270 ADOPTED.

31. ORDINANCE appropriating \$268,946.00 out of Fire Consolidated Construction Fund, approving and authorizing professional architectural services contract between the City of Houston and **HERMES ARCHITECTS, INC** for Renovation and Expansion of the Fire Training Academy Master Plan; CIP C-0068-01-2; providing funding for contingencies relating to construction of facilities financed by the Fire Consolidated Construction Fund - **DISTRICT E – WISEMAN** – was presented.

Council Member Galloway stated that she was going to tag the item and she knew it was needed but she had concerns, the word on the street was that evaluations were being done to justify a new facility and training would be removed from the Houston Community College; and Mayor White called on Mr. Hall who stated that the item did not deal with the training curriculum program, it was an analysis of what it would take to implement the present and future projected needs for training, the size of the tracks and what the physical facilities needed to be and what the scheduling would be to get it done; that if in fact the analysis suggested they needed additional space that was not available then they could come to that conclusion, but that was not the conclusion going in.

Council Member Garcia stated that the consistent theme he heard from those conducting training was they were in dire need of space; that the contemporary buildings were not conducive for the training needed and he would encourage moving forward on the item.

Item 31 was again before Council. All voting aye. Nays none. ORDINANCE 2004-1271 ADOPTED.

CONSIDERATION OF MATTERS UNDER NON CONSENT AGENDA

PROPERTY

37. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from C. L. Davis of C. L. Davis & Company, on behalf of the Houston Independent School District (HISD), for abandonment and sale of: (1) Florence Street, from Merrill Street to Redan Street; (2) Redan Street, from Beauchamp Avenue to Rural Street; and (3) a portion of an alley contiguous to Lots 3, 4, and 7, Block 3 in exchange for the conveyance to the City of: (a) a 5-foot-wide strip of right of way to widen Rural Street; (b) a 5-foot-wide strip of right of way to widen Quinn Street; (c) a 1-foot-wide strip of right of way to widen Beauchamp Avenue; and (d) right of way to extend and construct Rural Street to Merrill Street, all located in

either Stinde's Second Addition or Woodland Park Addition, and a right of entry for Houston Independent School District, Parcels SY5-020A, SY5-020B, SY5-020C, SY5-026, AY5-043A, AY5-043B, AY5-043C and AY5-043D - **TWO APPRAISERS AND ONE ALTERNATE APPRAISER - DISTRICT H - GARCIA** - was presented.

Council Member Garcia named Mr. Patrick O'Connor and Mr. Frank Flores RM as the appraisers and Mr. John Fox as the Alternate; and moved approval of the recommendation, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2004-1209 ADOPTED.

MATTERS HELD - NUMBERS 38 through 42

38. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a 14-foot-wide utility easement, Parcel SY4-023, and its attendant aerial easement, both located within the D.W.C. Harris Survey, A-325, Harris County, Texas; vacating and abandoning both said easements to **URBAN LOFTS VII, LTD.**, the abutting owner, in consideration of its payment of \$26,333.00 and other consideration to the City - **DISTRICT D – EDWARDS - (This was Item 13 on Agenda of December 1, 2004, TAGGED BY COUNCIL MEMBERS WISEMAN and EDWARDS)** — was presented. All voting aye. Nays none. ORDINANCE 2004-1272 ADOPTED.
39. ORDINANCE approving and authorizing first amendment to agreement between the City and **500 TEXAS AVENUE LIMITED PARTNERSHIP** for Lease and Development of Property formerly known as Albert Thomas Convention Center - **DISTRICT I – ALVARADO – (This was Item 16 on Agenda of December 1, 2004, TAGGED BY COUNCIL MEMBER ELLIS)** – was presented and tagged by Council Member Goldberg.
41. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **SOUTHWESTERN BELL TELEPHONE, L.P.** for Jail Inmate Telephone and Security/ Surveillance Systems for the Houston Police Department to add a concession for commissions on local and long distance calls on public pay telephones at non-jail locations - Revenue – **(This was Item 24 on Agenda of December 1, 2004, TAGGED BY COUNCIL MEMBERS ALVARADO and WISEMAN)** – was presented, and tagged by Council Member Goldberg.
42. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Cameron Armstrong, on behalf of Earhart Interests, L.L.C., A Texas limited liability company (Cecily Horton, owner-manager), for abandonment and sale of a portion of Colquitt Street, from ±40 feet west of Ferndale Street to its dead-end, in exchange for the conveyance to the City of two 5-foot wide utility easements, located within the Second Replat of David Crockett Subdivision or Forrester Addition, Parcels SY3-040, SY5-027, VY3-009 and VY5-003 - **TWO APPRAISERS AND ONE ALTERNATE APPRAISER - DISTRICT C - GOLDBERG - (This was Item 33 on Agenda of December 1, 2004, TAGGED BY COUNCIL MEMBER ALVARADO)** – was presented.

Council Member Goldberg named Ms. Sheila Stewart and Ms. Lynette Fornette as the appraisers and Ms. Vanessa Hendrickson as the Alternate; and moved approval of the recommendation, seconded by Council Member Ellis. All voting aye. Nays none. MOTION 2004-1210 ADOPTED.

Items postponed to the end of the Agenda were considered as follows:

21. ORDINANCE appropriating \$148,855.08 out of Water & Sewer System Consolidated Construction Fund and \$177,698.07 out of Tax Increment Reinvestment Zone Affordable Housing Fund; approving and authorizing Developer Participation Contract between the City of Houston and **UNIVERSITY DEVELOPMENT, INC** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve Section Two of the Mills Landing Subdivision, CIP S-0800-F3-03 & R-0800-F3-03 - **DISTRICT A – LAWRENCE** – was again before Council. All voting aye. Nays none. ORDINANCE 2004-1273 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS:

Council Member Berry wished everyone a happy Hanukah. Council Member Khan absent.

Council Member Berry stated an ordinance was passed which could make a big difference to hiring of off-duty officers regarding their directing traffic; that he observed numerous occasions where officers were violating terms of the ordinance and it went against everything the city was doing to synchronize the lights and improve traffic flow and he wanted to make sure recourses were being devoted to make sure they could see the difference where the rubber hit the road. Council Member Khan absent.

Mayor White stated that if Mr. Moore was monitoring he would ask him to follow-up and get a report from Mr. Saberstein or Mr. Joe Breshears concerning steps of implementation to Council Member Berry and himself. Council Member Khan absent.

Council Member Berry stated that no parking signs were going up in residential neighborhoods and residents were unaware and he would like to know the process in doing that and what the process was in informing the residents. Council Member Khan absent.

Council Member Wiseman congratulated Clear Lake High School for advancing to the state final; and she was sure they would do Houston proud. Council Member Khan absent.

Council Member Galloway stated that she saw an article from the Wall Street Journal regarding a major airline carrier in Houston trying for a nonstop to China and she would urge letters of support. Council Member Khan absent.

Council Member Galloway complimented Mayor White on his speech at Kashmere High School sponsored by the Urban League. Council Member Khan absent.

Council Member Green stated that he wanted to remind Council next Wednesday, December 15, 2004, the Municipal Courts Committee would be meeting in the Chamber at 2:00 p.m. and they would be addressing many issues discussed in Council. Council Members Goldberg and Khan absent.

Council Member Green congratulated Mr. Hall on putting together a Black Tie Gala for the United Negro College Fund last Friday, it was well attended. Council Members Goldberg and Khan absent.

Council Member Green stated tomorrow night at the Parador, 7:00 p.m. there would be a fund raiser for Julia C. Hester House which had done great work for years. Council Members Goldberg and Khan absent.

Council Member Green stated that he knew all was being done to find the killer of the young lady on the TSU Campus and he would encourage any individuals with information to step forward and allow the campus to be cleaned up. Council Members Khan and Berry absent.

Council Member Green yielded to Council Member Galloway who stated that she wanted to make everyone aware her annual toy drive for families in a housing project in her area was taking place and the box was in the lobby of the Annex, first floor and was to be distributed December 18th. Council Members Khan and Berry absent.

Council Member Edwards stated that yesterday, December 7th was Pearl Harbor Day and 9/11 would be the day this generation would remember, but she wanted to congratulate the veterans of that war. Council Members Khan and Berry absent.

Council Member Edwards stated that along with that last Friday was an explosion in District D and a report showed that people were running outside from their homes, it was one of the worst things they could do and it went back to Home Land Security and the do's and don'ts; that it also took a while before people were told what to do and she would suggest that they again review that on the Public Safety Committee and maybe give civic clubs a report to go by. Council Members Khan and Berry absent.

Council Member Edwards stated that many street signs were being covered by trees, Capital and Bagby one in particular, and she would like to encourage the responsible department to trim them. Council Members Khan and Berry absent.

Council Member Edwards stated that she agreed with Council Member Berry regarding traffic, she did not mind people having access but to block traffic and allow people to cross over three lanes to make a turn off McKinney was ridiculous, if they needed to circle the block to turn then that was needed. Council Members Khan and Berry absent.

Council Member Edwards stated that she would remind everyone of World AIDS Day being last week and there were many events, but the State Task Force was budgeted \$300,000 to go towards AIDS and now they were told \$100,000 was just on paper and whoever was responsible for it she wanted them to show why it was not a real \$300,000; that she was also concerned about ways the money was being spent. Council Members Khan and Berry absent.

Council Member Edwards congratulated an elder in her district for celebrating her 90th birthday, Ms. Bernice Briscoe, she had an outstanding celebration Sunday and she hoped to be as spry; and wished her Happy Birthday and thanked her for her work. Council Member Berry absent.

Council Member Edwards stated that they were still having ongoing dialogue with Riverside General Hospital regarding the treatment centers they were trying to place in the city and she thanked Chief Hurtt and others for being there and would appreciate if others wanted to join. Council Member Berry absent.

Council Member Edwards stated that one positive situation from the tragedy at TSU was her office received a call advising of what they were doing about security and she commended Dr. Slade and her organization for being proactive; and joined Council Member Green on sending condolences; that there was a need to have officers in the community on a regular basis and among the officers taken off the street 12 were out of District D and that was a problem to her. Mayor White, Council Members Quan and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Lawrence congratulated and thanked the Houston Endowment for awarding \$150,000 to the Spring Branch Health Clinic and helped out the Houston Clinic with \$5,000; that she truly appreciated help in her district. Mayor White, Council Members Ellis, Quan and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Garcia thanked the Parks and Recreation Department for their help in making the Pearl Harbor Day Memorial Ceremony successful and it was well attended; and as Council Member Edwards stated 9/11 signified this generations Pearl Harbor Day the first occurrences should never be forgotten. Council Members Ellis, Quan and Berry absent.

Council Member Garcia stated that he was in Washington and visited the WWII Memorial and it was a beautiful and impressive memorial and did justice to what it signified. Council Members Ellis, Quan and Berry absent.

Council Member Garcia thanked the Public Works Department in Water Quality Division as based on their comments last night the water quality of those in Brook Hollow would be cleaned up. Council Members Ellis, Quan and Berry absent.

Council Member Garcia stated that Navidad del Barrio would be holding their wrapping party Saturday, 9:00 a.m. at the Reliant Center and were expecting to wrap for 2,000 to 5,000 children and would encourage anyone who could help to go and do so; and expressed a special appreciation to Officer Gomez for his commitment and a vision to start Navidad del Barrio. Council Members Lawrence, Ellis and Berry absent.

Council Member Garcia stated the Houston Fire Department would be commemorating a fire pumper at Station 27 in the name of Elias Martinez, who was the first Hispanic firefighter to join the Houston Fire Department and encouraged people to participate in the celebration. Council Members Lawrence, Holm, Ellis and Berry absent.

Council Member Garcia stated that he was at a public TXDOT meeting last night and no direction was given to anyone about writing comments or concerns and if they had concerns of what was being planned he would encourage them to get on line, call his office, do anything to document their issues, concerns and ideas; that many had recommendations but none were incorporated and he was concerned how it was handled; that if they did not turn in comments it could be taken that there was no interest or concerns. Council Members Lawrence, Goldberg, Holm and Berry absent.

Mayor White asked that Council Member Garcia share some things he learned from that hearing; and Council Member Garcia stated that it was not much of a hearing, if you walked to the tables and did not know what questions to ask there was no information given, it was dismal as a public meeting, but there was concern over how much right-of-way was to be taken and concern of accessibility from the neighborhood to the downtown area and concern

of which historic homes would be demolished or impacted and that was only a few concerns. Mayor White stated that he and Mr. Hall wanted to accomplish three purposes, to retain the vitality of the City's center and make sure visitors who came into the airport to the north could get into the city easily, to be a good neighbor and think about the esthetics and appearances when projects were built and they needed to assess the mobility impact; and he would appreciate Council Member Garcia's input. Council Members Lawrence and Holm absent.

Council Member Garcia stated that folks came yesterday and expressed concerns of the toll road issue through the Heights and he and the Mayor and Judge Eckles had spoken and it was not going to happen, but people were suspicious; that it would set all at ease to break ground on the hike and bike trail and he would like to work with the Mayor in getting it expedited. Council Members Lawrence and Holm absent.

Council Member Garcia stated that on the issue of no parking signs he had neighborhoods asking for them and it was taking forever and others had them and never petitioned and he too would like to know the policy; that he had the same problem with speed bumps and would like direction on that also. Council Members Lawrence and Holm absent.

Council Member Alvarado stated that last weekend the National League of Cities hosted their annual conference and she and other Council Members attended and hopefully they learned a lot; that she wanted to acknowledge Council Members Quan and Galloway as it would be their last conference and they had been very active; that they paid membership to it and she was glad they were reaping benefits. Council Members Goldberg, Holm and Green absent.

Council Member Alvarado congratulated Community Family Centers, also known as Chicano Family Centers, the City of Houston was a partner in their capital campaign; that she and Council Member Sekula-Gibbs were there for the kickoff of that campaign and two new projects was Casa de Ninos and the McGovern Community Center. Council Members Goldberg, Holm and Green absent.

Council Member Alvarado stated that the Third Ward Community Bike Center was having an art auction to benefit the center and it would be at the El Dorado Ballroom, Friday, 7:00 p.m., it was an amazing place where bikes were repaired and given to those who were deserving. Council Members Goldberg, Holm, Ellis and Green absent.

Mayor White stated that his son had worked at the Third Ward Bike Shop and he learned something; that there were more bikes to be repaired than there were hands to repair them; that his son saw it as an opportunity not a burden as those in the center were good at working with people. Council Members Goldberg, Holm, Ellis and Green absent.

Council Member Sekula-Gibbs yielded to Council Member Wiseman who stated that she forgot to mention Friday, 6:00 p.m. to 9:00 p.m., the Kingwood Middle School Choir would be performing at Heritage Park, located at Bagby and Allen Parkway along with other schools. Council Members Goldberg, Holm, Ellis and Green absent.

Council Member Sekula-Gibbs stated that some of the Council Members attended a fabulous event on behalf of the Community Family Center in District I and she congratulated Elena Veraga, the executive director of the CFC, as she had done a great job. Council Members Goldberg, Holm, Garcia, Ellis and Green absent.

Council Member Sekula-Gibbs thanked Mayor White for supporting the Community Family Center with CDBG money because there was a mention of misuse of funds in the Housing Department in the paper today with loans in default to an apartment developer and that made many unhappy, then on the other hand there was wonderful uses of the HUD dollars such as building the CFC program and many would be helped and allowed to graduate which was very important in the Hispanic community. Council Members Goldberg, Holm, Garcia, Ellis and Green absent.

Council Member Sekula-Gibbs thanked Mayor White for reissuing the Medicare Manage Care RFP, it hit the streets a few weeks ago and there would be a deadline of December 13th for any insurance plans wanting to bid; that she would like a response from the department as to why they were asking contractors to be NCQA certified but not asking the plans to be NCQA, that was certification at the national level which told insurance plans were up to standard; that there was a place which said the City had the ability to audit the financial and non-financial records of the organization and that was excellent; that they were to also require annual reports from the companies offering insurance to seniors and from their parent companies and she applauded Mayor White for putting that in there as companies could be bought up and it was important for the parent companies to be stable. Council Members Goldberg, Holm, Garcia, Ellis and Green absent.

Council Member Sekula-Gibbs stated that to the Medicare eligible employees and retirees she wanted to say they needed to do their homework before switching from the traditional Medicare plan to a Medicare Advantage Plan which was an HMO, they needed to judge whether a decrease in monthly premiums was worth the reduction in access to physicians and hospitals of their choice. Council Members Goldberg, Holm, Garcia, Ellis and Green absent.

Council Member Khan stated that he wanted to acknowledge the Alief Super Neighborhood Council for planting trees throughout the year; last Saturday 700 were planted and that was just some and he applauded them. Council Members Goldberg, Wiseman, Holm, Garcia, Ellis and Green absent.

Council Member Khan stated that on December 18th there would be a City Council Variety Show, Battle of the Stars, proceeds would go to mental health organizations and others suggested by Council Members; that all tickets were gone and he thanked all who helped put it together. Council Members Galloway, Goldberg, Holm, Garcia, Ellis and Green absent.

Council Member Quan stated that in the spirit of the holidays he would invite his colleagues to the Annual Senior Holiday Gala to be held tomorrow at the George R. Brown with part of the event being the Ms Senior Houston Pageant, that the winner last year won Ms. Texas and competed nationally. Council Members Galloway, Goldberg, Holm, Garcia, Ellis and Green absent.

Council Member Quan stated that a number of people came to Council regarding Section 8 vouchers and Monday there would be a workshop conducted on what the vouchers were and how the program worked and he would recommend Council Members and their staff attend. Council Members Galloway, Goldberg, Holm, Garcia, Ellis and Green absent.

Council Member Quan stated that Council Member Ellis requested an Ethics Committee Meeting and he believed the Mayor had a question on monies which came in under unnamed

sources and that meeting would be the following Monday, December 20th, in the Council Chamber. Council Members Galloway, Goldberg, Holm, Garcia, Ellis and Green absent.

Council Member Quan congratulated the City and the Houston Rockets in getting the NBA All Star Game for January 2006; that this along with the Super Bowl and All Star Baseball Game made Houston a world class sports city. Council Members Galloway, Goldberg, Holm, Garcia, Ellis and Green absent.

Council Member Quan congratulated members of LULAC Council 60 on their 75th anniversary; that LULAC Council 60 had a great history on working with the community. Council Members Galloway, Goldberg, Holm, Garcia, Ellis and Green absent.

Council Member Quan yielded to Council Member Edwards who stated that she wanted to congratulate Council Member Alvarado on her choice of Rose Hernandez in her office; that she had been a Godsend to her office and she wanted to let them know. Council Members Galloway, Goldberg, Holm, Garcia, Ellis and Green absent.

Council Member Edwards stated that several were present in yesterday's meeting speaking on the Toll Road Authority and the lack of access and accountability and she would suggest to Ms. Travis that it be one of the Agenda items for the lobbyist to help make the Bill which governed that agency be more accountable to the community; and Mayor White stated that he would do that; and he would say it would be helpful if she and the other Council Members interested in that issue help get dialogue between the commissioners; that he felt some of the commissioners had the same view as they did and that something blindsided them; that he would like to start on the bike trail and they needed to acquire it first so he would like to come up with something jointly with the county because if it was perceived to be city versus county then its chance of success would not be as great. Council Members Galloway, Goldberg, Holm, Garcia, Ellis and Green absent.

There being no further business before Council, the City Council adjourned at 11:16 a.m. Council Members Galloway, Goldberg, Holm, Garcia, Ellis and Green absent.

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary