

City Council Chamber, City Hall, Tuesday, May 10, 2005

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, May 10, 2005, Mayor Bill White presiding and with Council Members Toni Lawrence Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, M. J. Khan, Pam Holm, Mark Ellis, Gordon Quan, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; Mr. Don Cheatham, Division Chief, General Counsel Division, Legal Department; Mr. Richard Cantu, Director Mayor's Citizens Assistance Office; Ms. Marty Stein, Agenda Director present. Council Members Adrian Garcia and Carol Alvarado absent on personal business.

At 1:52 p.m. Mayor White stated that Council Member Lawrence would begin the presentations; and Council Member Lawrence stated that she and Council Member Galloway would do this special presentation and invited the Old Acres Homes Citizens Council to the podium and presented them a Proclamation saluting and commending the Acres Homes Community, wishing them continued success and proclaimed May 10, 2005, as "Sylvester Turner Park Day" in Houston, Texas as they had raised \$300,000.00 to match the TPWD Grant for west Little York Park. The representatives presented Mayor White with a presentation check. Council Members Goldberg, Edwards, Khan, Holm, Ellis, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Council Member Galloway stated that she was doing a presentation on behalf of Council Member Garcia and invited those present with the National Association of Letter Carriers to the podium; Council Member Galloway stated that more than 750,000 Gulf Coast residents live in poverty and the resident to resident food drive would be conducted May 14, 2005, and presented them a Proclamation extending best wishes for a successful and rewarding food drive and proclaimed May 14, 2005, as "Houston Food Bank National Association of Letter Carriers Annual Food Drive Day" in Houston, Texas. Council Members Goldberg, Edwards, Khan, Holm, Quan, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

At 2:02 p.m. Mayor White called the meeting to order and called on Council Member Green who led all in the prayer and pledge. Council Members Goldberg, Edwards, Holm, Sekula-Gibbs and Berry absent.

At 2:03 p.m. the City Secretary called the roll. Council Members Garcia and Alvarado absent on personal business. Council Members Edwards, Holm and Berry absent.

Council Members Khan and Quan moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Members Garcia and Alvarado absent on personal business. Council Members Edwards, Holm and Berry absent. MOTION ADOPTED.

Council Member Galloway stated that she would like everyone to bow their heads a moment in memory of Mrs. Ruby Cooper who was a warrior in the Northeast area and passed away last Sunday. Council Members Edwards, Holm and Berry absent.

Council Member Galloway moved that the rules be suspended for the purpose of hearing Mr. James D. Smith, Ms. Mae Sykes and Mr. Ralph Sikes out of order, seconded by Council Member Berry. All voting aye. Nays none. Council Members Garcia and Alvarado absent on personal business. Council Members Edwards, Holm and Berry absent. MOTION 2005-0404 ADOPTED.

Council Member Sekula-Gibbs moved that the rules be suspended for the purpose of hearing Ms. Eleese Lewis out of order, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Garcia and Alvarado absent on personal business. Council Members Edwards, Holm and Berry absent. MOTION 2005-0405 ADOPTED.

Mayor White stated that the two members of Council not present wanted the public to know they were attending the funeral services of Rep. Joe Moreno; and Council Member Alvarado wanted it noted this was the first meeting she had missed and it was not because of disrespect to the citizens that those Council Members were not present. Council Members Edwards, Holm and Berry absent.

Mr. James D. Smith, 1534 West Donovan, Houston, Texas 77091 (713-688-0269) appeared and stated that he wanted to thank Council Members Lawrence and Galloway for all their support on the park; and today was speaking about a drainage ditch problem; that he was told things could not be done if the landfill was on someone else's property, but he checked and there was a law that someone else's water could not run on his property and they could not afford to file suit, but it should be taken care of and he was asking for help. Council Members Holm, Quan and Berry absent.

Council Member Galloway stated that the landfill was a drainage runback and it had been an ongoing situation for at least 15 years; that they may need to dredge the area and put drainage in. Council Members Holm, Quan and Berry absent.

Upon questions by Mayor White, Mr. Smith stated that a ditch probably needed to start at Mercy Lane and drain to Rosslyn or a sewer line to the bayou; and Mayor White stated that he did not know what could be done but they were hiring more hydrologist in the next budget though they had catching up to do; and asked Mr. Norman to get coordinates and let him and Council Member Galloway know what he found. Council Members Holm, Quan and Berry absent.

Council Member Edwards stated that she was going to give his name to the flooding liaison, Mr. Damon Mattox, as well as Mr. Norman and he would be calling him; and if anyone saw someone filling in land they should call 311 and report it. Council Members Holm, Quan and Berry absent.

Ms. Mae Sykes, 6719 Lakemont Drive, Houston, Texas 77050 (281-442-9888) appeared, presented pictures and stated that she was present representing those who lived on her street; that on her side of the street they had sewage backup anytime there was substantial rain and the pictures would show what they had gone through three times this year including Mothers Day; that she thanked Council Member Galloway's office who had been of assistance and got someone out, work was begun and new lines were put down, but you did not know you had the problem until there was much rain and that was Sunday; that the problem was twofold, an old lift station near them pumped and the lines were old and it backed up into their homes; that she thanked Mr. Norman for his work, but their problem was when people came out they said they could not do anything until the line was clear and then they said there was no stoppage, but when it rained it backed up; and though she appreciated all efforts she wanted to know when the problem would be fixed. Council Members Holm and Berry absent.

Mayor White stated that he would say to Mr. Norman they dealt with water issues and there was a big wastewater program and a lot of sewage lines were outdated but as they talked about in the last meeting when sewage was backed up into people's homes then someone would have to persuade him as to why they were not at the top of the list; that he read the memo for the need to rehabilitate the system; that she asked the right question as to when it would be fixed and he wanted to get an answer and then would get it to her. Council Members Holm and Berry absent.

Council Member Ellis stated that the Mayor was correct and the needed to evaluate how they prioritized the jobs. Council Members Holm and Berry absent.

Council Member Galloway stated that the subdivision was annexed into the City of Houston sometime ago and now the storm water was crossing into the sewage and causing

backup; that the lift station was on the books to be corrected but it still had not happened; and Ms. Sykes stated that on the Super Neighborhood Plan it was listed as July 2004; and Mayor White stated that he was concerned and maybe Mr. Marcotte could take this as a case study but where was the category where it could not be done by point repair, there was a serious problem. Council Members Berry absent.

Council Member Edwards stated that a few months ago Mr. Peters said they had work to do and if they worked everyday it would take 30 years; and again encouraged District Council Members to identify areas in their districts; and would work with Council Member Galloway to make sure this was addressed as quickly as possible. Council Members Berry absent.

Council Member Goldberg stated that by her pictures her situation was outrageous and there should be no additional increase in the sewage line when it rained because the two were not to meet; and Ms. Sykes stated that she did not allow her grandchildren to play in the yard; and Mayor White stated that anything that was a safety or health hazard should be a number one priority. Council Members Berry absent.

Council Member Galloway stated that they had already ran a camera through the lines and Public Works was aware of the problem and she had tried for sometime to get it corrected and hoped the lift station and pipes would be corrected. Council Members Berry absent.

Council Member Khan stated that today a group of seventh grade students were visiting as a part of their civic class and asked them to stand to be recognized. Council Members Berry absent.

Mr. Ralph Sikes, 2205 South Blvd., Houston, Texas 77098 (713-310-1652) appeared and stated that for the past six months he had been dealing with several situations and was trying to get City of Houston ordinances enforced; that the property behind where he moved was full of junk and another property had several barking dogs; that he had come to the conclusion while ordinances to prevent both were on the books having them enforced was another matter; that there was a reluctance to issue citations and a lack of resources and he wanted to bring it to Council's attention to see if it could be addressed. Council Members Khan, Ellis and Berry absent.

Council Member Goldberg stated that prosecution was a problem and another thing was both Neighborhood Protection and Legal said they had no time to investigate, in order to write a citation you had to have evidence and witnesses; that it had become more of a problem and he thanked him for bringing it to Council's attention. Council Members Galloway, Khan, Ellis, Green and Berry absent.

Ms. Elise Lewis, 6515 Bayou View, Houston, Texas 77091 (713-204-3686) appeared and stated that she was present with the concern of a street in her area; that 3522 Areba was a dead-end into Bayou View Drive and the street did not go all the way to their driveway, they could not get anyone to grade it so that their drive would be included; that people had come out but nothing was done, they tried to put sand there so she could get into her driveway, but the street needed to be lengthened just enough so she could get in and out; that also the 1100 – 3200 blocks of Paul Quinn and 1800 – 3500 blocks of DeSoto water stands in the ditches; that they would like those ditches slanted to go toward the bayou or with curbs so the water would drain and also the sidewalk between Little York and Tidwell had grass grown so much that it needed to be trimmed so they could walk. Council Members Galloway, Khan, Holm, Ellis, Quan and Green absent. (NO QUORUM PRESENT)

Mayor White checked with Mr. Cantu who said he had notes; and Mayor White stated that if he needed more information to be sure and get it from her. Council Members Galloway, Khan, Holm, Ellis, Quan and Green absent. (NO QUORUM PRESENT)

Mr. Trent Winters, 7967 W. Airport, Houston, Texas 77071 (713-729-1153) appeared and stated that he thanked Council for what was being done, but he was told there was still no money to fix seniors houses and they were already approved to have them fixed; that he wanted to know what was going on with the money the City had appropriated last year. Council Members Galloway, Khan, Holm, Ellis and Green absent.

Council Member Quan stated that the City of Houston had appropriated money for affordable housing and it was his understanding it was primarily being used for emergency home repair; that Mr. Wilson would be checking and report to the two of them and they were trying to get the HUD funds cleared. Council Members Galloway, Holm and Ellis absent.

Mayor White stated that they had the Tier II Program and something would be coming up regarding Ms. Wadell's house tomorrow; that some said it was emergency home repair when really you were rebuilding the whole house and if they were going to do that call it that; and Mr. Winters stated that when people in wheelchairs came to the Council Chamber there was really not much room and it was not easy to roll on the carpet. Council Members Galloway, Holm and Ellis absent.

Mr. James Harding, 5010 Sandy Cedar, Kingwood, Texas 77345 (281-360-7334) had reserved time to speak but was not present when his name was called. Council Members Galloway, Edwards, Holm and Ellis absent.

Ms. Ruby Mosley, 862 South Victory, Houston, Texas 77088 (281-447-6095) appeared and stated that today she was making a plea for Item 31; that she would personally ride with them and show conditions senior citizens lived in; and today she was asking each of them to look at Item 31, think about the need of disadvantaged seniors; and to also look into affordable housing. Council Members Galloway, Edwards, Holm and Ellis absent.

Upon questions by Council Member Galloway, Ms. Mosley stated that by affordable housing she meant housing people could afford and she would ask that they look at lots and buildings which could be repaired and not making anyone any money; that they could repair it and put them on the tax roll; and Council Member Galloway stated they were trying to get the state law changed to allow them to buy certain property and she felt Mayor White wanted to expand on that; and Mayor White stated that there were two things and he sat with Council Members and talked about budget and he was getting a good sense of what was needed to take a big leap forward on affordable housing; that goals were going to be set and he would do what was needed to meet the goal; that HISD said they did not care if the property value went up because they got no more money for it so he made them a proposal he did not think they could refuse and then they could get a lot more foreclosed on; and he would assure her things were going to be happening. Council Members Khan, Holm and Ellis absent.

Council Member Quan stated that he agreed with all she had said and they were starting to take an aggressive position on it; that they were going to look at replacing the houses being done away with for the airport on lots for seniors; that they were good houses on land needing to be cleared. Council Members Khan, Holm and Ellis absent.

Ms. Elena Vergara, 2111 Welch, Houston, Texas 77019 (713-923-0600) appeared and stated that in the midst of tragedies they were facing in the Eastend she came to speak on hope for them, hope they would be able to get their early childhood education center started this year; that she missed the consolidated plan hearing and for the record wanted to say they wanted their project to be a part of that plan; that they could have gone with it last year but still needed the city's part. Council Members Khan, Holm and Ellis absent.

Mayor White stated that he liked the center, he liked the project and had spent sometime reviewing it; and upon questions, Ms. Vergara stated in February 2004 she sent to his office an environmental report from the TCEQ saying they just wanted a plan; that they could remove just

two feet of soil or pave over it, but at that point the City of Houston could have put together a response and it would already be in the process of being built; that there was some mitigation to be done but they could haul away the soil and it was relatively simple; that in November she understood the Mayor had given the go-ahead and the million was committed; that she understood the RCA was to come but as yet it had not materialized and now she understood the money was not available; and Mayor White stated that their commitment was contingent on certain matching funds and he would go back and check to see if any was awarded and the commitment would be kept under the terms of what he authorized; and Ms. Vergara stated that Mr. Wilson was very accommodating but very new and she believed he was still subject to working with persons left over from previous Administrations and they continued to do work as it had been done and not very constructive. Council Members Galloway, Edwards, Khan, Holm, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Quan stated that initially the City helped with the Family Center and then they were moving on the Early Childhood Center off Canal; and upon questions, Ms. Vergara stated that it was City of Houston property but they did have a commitment where the City was going to lease the property; that they had awarded \$500,000.00 for the gymnasium and her group had the match for it and it was ready to be built across the street; that the additional million she was speaking of was for the Early Childhood Center and the match was met on that also. Council Members Galloway, Edwards, Holm and Berry absent. Council Members Galloway, Goldberg, Edwards, Holm, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that this was put into letter form and signed by him or the director, but he reviewed it and the reason for the nature of the commitment, the funding source was identified which was a part of a match; that it was impressive, but they could not give money before land was acquired and that was not clear; and Ms. Vergara stated that she was just speaking about the Early Childhood Center but the other was the Community Sports and Recreation building; that they had ongoing juvenile delinquency prevention funding from the City for their After School Program, but the only project she was addressing was the Early Childhood; and Mayor White stated that he knew of the different projects, but he wanted to say everyone in the Housing and Community Development Department was not a bad person; everyone at the City of Houston was not incompetent or dragging their feet; and when she said it could have been built a year ago he was not even sure environmental assessments had been done; and Ms. Vergara stated that it was done a year ago; and Mayor White stated that they would find out about it. Council Members Galloway, Goldberg, Edwards, Green and Berry absent.

Mr. Clarence Gatterson, 14614 Gabber, Houston, Texas 77015 (713-451-4579) had reserved time to speak but was not present when his name was called. Council Members Galloway, Goldberg, Edwards, Green and Berry 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 Galloway, Goldberg, Edwards, Green and Berry absent.

Ms. Adela Parlette, 1924 W. Clay, Houston, Texas 77019 (281-935-4141) appeared and stated that for the past four years illegal drug activity went on in the front of her property; that she made several recommendations to several organizations such as Council Member Alvarado and the South Central Unit and tried to speak with Narcotics but it was so undercover she could not speak with anyone; that she went to Citizen Committee Meetings and she could find no responsible party to speak with; that the drug dealers went to 2802 and 2804 Truxillo, her rental property, and sold it there on the lawn and used children to alert them when police came; that they would sit there in their vehicle and deliver drugs; that she received a letter telling her her property had been drug free for so many months, but it was back and she wanted to know who was accountable. Council Members Galloway, Goldberg, Edwards, Green and Berry absent.

Upon questions by Council Member Quan, Ms. Parlette stated that once they said they could not just patrol her house, but she wanted them to patrol the streets; that it was close to the SHAPE Community Center and it seemed they would crack down on a few people and put them away and then send her a letter her property was drug free, but it happened for four years and if a camera was there they would see it; and Council Member Quan stated that they had talked about cameras; and upon further questions, Ms. Parlette stated that her letter was from 2004, but they were back; that she told them to get off her property but did not want to get into an altercation it was her property and she did not want them there; and Council Member Quan stated that Council Member Alvarado was her Council Member and he would be glad to follow-up with her and her office, but an officer was present who she could speak with at this time. Council Members Galloway, Goldberg, Sekula-Gibbs and Berry absent.

Mayor White stated that Captain Reddy was present and could speak with her. Council Members Galloway, Goldberg, Sekula-Gibbs and Berry absent.

Upon questions by Council Member Edwards, Ms. Parlette stated that she was speaking of Truxillo and Delano Streets, at the corner, that she did speak with Deloyd Parker and they did the best they could; that they did not have a Citizens on Patrol, but maybe they should; and Council Member Edwards stated that she would speak with Jackie at the Center and make sure she had her name, address and phone number. Council Members Galloway, Goldberg, Sekula-Gibbs and Berry absent.

Mr. John Cieslewicz, 1250 Dubarry, Houston, Texas 77018 (281-513-2639) appeared, presented information and stated that the Tuesday Council Meetings was the only time a citizen had to voice their concern and they were limited on time; that what Council was saying was "Go away boy you bother me"; that he wanted to know why there was no mandatory safety training required for child bicyclist when it could be easily enacted by a local school; that HB 2204 in the 2001 session gave the City power to enact reasonable restrictions for bicyclists; that Mayor White stated the City needed to protect its children and now was the time. Council Members Galloway, Goldberg, Sekula-Gibbs and Berry absent.

Council Member Lawrence stated that she was very concerned with bicycle safety; that when she grew up they had classes with police officers and last night she spoke with Chief Hurtt about it and they were talking about how maybe the firefighters could help with this, but they were checking into it and hopefully would be getting a program. Council Members Galloway, Sekula-Gibbs and Berry absent.

Mr. Arthur Smart, P. O. Box 300513, Houston, Texas 77230 (713-797-6567) appeared, presented information and stated that first he wanted to offer his heartfelt condolences to the family of Denis Jesus Verdecia, especially his wife Hilda and five year old son Dennis, Jr., and also wanted to offer his commiseration to the officer who led the high-speed chase that resulted in Dr. Verdecia's tragic death; that he wanted to make three points one was that either HPD's pursuit policy should be revised or officers should be trained to engage in high-speed pursuit much more sparingly when entering residential neighborhoods; that HPD needed to get used to the general public having more digital cameras and camcorders and not fight so hard to suppress the public's right and he urged more use of helicopters, including news choppers, in lieu of high-speed pursuit by patrol cars; that he felt officers repeatedly tried to threaten and intimidate him out of shooting video and prevent the media from gaining access to his footage. Council Members Galloway, Holm, Ellis, Sekula-Gibbs and Berry absent.

Upon questions by Council Member Goldberg, Mr. Smart stated that the tragic accident occurred in front of his mother-in-law's home and he grabbed his camcorder and started shooting; that the officer told him to get behind a certain line and so he went to his mother-in-law's backyard and shot from over the fence and an officer came up and said stop because he was interfering with their investigation and being disrespectful to the dead body across the street; that he turned off his camera and began shooting again later and if it was so important

for the police to gather evidence why did the officer not request his tape, instead they waited until he handed his tape to the METRO news videographer on the scene and then confiscated it from him stating in no uncertain terms it was to be used for evidence and he and the news videographer needed to give their ID to him; that he asked the videographer if he had ever in such a news shoot been asked to produce his ID to police and he never had and he felt the officer was trying to intimidate him; that the officer did not realize he gave him a copy and assumed it was his master but he was a professional; and Council Member Goldberg stated that he would like to know if there was a policy with HPD where they confiscate video from citizens and if they told them not to videotape; that he would think that was more evidence not less and wanted to see that policy; that on his other idea of getting helicopters from news stations involved he liked and Mayor White was innovative and if anyone could come up with a plan he could. Council Members Galloway, Holm, Sekula-Gibbs and Berry absent.

Upon questions by Council Member Edwards, Mr. Smart stated that he did not file with IAD as he had no officer's name or badge number; and Council Member Edwards stated that they would know who the officer was and if he felt he was intimidated or harassed she would suggest he file a complaint with IAD; and Council Member Garcia was chairman of the Public Safety Committee and she was sure his office would like to hear his views and suggestions. Council Members Galloway, Sekula-Gibbs and Berry absent.

Mayor White stated that police departments had been revising policies and he thought Chief Hurtt was in the middle of that; and thanked him for the information. Council Members Galloway, Sekula-Gibbs and Berry absent.

Ms. Kitty Wang, 3620 Woodchase Dr., Houston, Texas 77042 832-251-0651) appeared, presented information and stated that this was Asian Pacific Heritage Month and Houston was one of the most diversified cities in the U. S. and as an Asian and Houstonian she was proud to celebrate the festival and share heritage; and invited all to attend May 21st and 22nd at the Westin Galleria Hotel to view the collection which included all well known painters over the last 100 years. Council Members Galloway, Sekula-Gibbs and Berry absent.

Council Members Khan and Quan thanked Ms. Wang for coming and sharing the information. Council Members Galloway, Ellis, Sekula-Gibbs and Berry absent.

Ms. Thelma Lastrap, 6700 Sealey, Houston, Texas 77091 (713-681-1982) had reserved time to speak but was not present when her name was called. Council Members Galloway, Ellis, Sekula-Gibbs and Berry absent.

Ms. Dorothy Rucker, 16000 Cotillion Drive, Houston, Texas 77060 (281-260-7092) had reserved time to speak but was not present when her name was called. Council Members Galloway, Ellis, Sekula-Gibbs and Berry absent.

Ms. Ruby Bennett, 744 Boeneman Drive, Houston, Texas 77091 (713-697-1709) had reserved time to speak but was not present when her name was called. Council Members Galloway, Ellis, Sekula-Gibbs and Berry absent.

Ms. Colette Windom, 3930 Reid, Houston, Texas 77026 (832-465-0628) appeared and stated that on January 24, 2005, her life was changed forever, her house burned; that she lost everything and it was hard to deal with; that there was a new ordinance where they pushed the homeless out and she wanted to know what the City could do for her. Council Members Galloway, Ellis, Sekula-Gibbs and Berry absent.

Mr. Joseph Omo Omuari, 2820 Palm 2B, Houston, Texas 77004 (713-723-3453) appeared and stated that money was supposed to have gone to housing two to three Administrations ago and he knew there were serious issues at the top of their Agenda, but maybe affordable housing should be moderate income housing and probably on the bottom of

the list was the Black museum issue, but he wondered what their positions were and if the Mayor was still ready to purchase the land when the proposal was presented; that he had presented a proposal and no taxes would have to be used to create it; that it would be financed by shares sold to the community at \$5.00 per share so he wanted to know their position and if they would finance the land purchase. Council Members Galloway, Ellis, Sekula-Gibbs and Berry absent.

Mayor White thanked Mr. Omuari for coming and stated that he was briefed weekly on the project to make sure it met criteria, which Mr. Hall and others assured him the criteria from the very outset of the City's participation...; and he thanked the citizens who were participating in this and McKenzie and Company. Council Members Galloway, Ellis, Sekula-Gibbs and Berry absent.

Upon questions by Council Member Edwards, Mr. Omuari stated that he was speaking of a separate proposal; that he never heard publicly what the proposal was; and Council Member Edwards stated that there was a body headed by Mr. Gerald Smith and Pastor Bill Lawson, but there was really no proposal because last year the money was taken from the project. Mayor White, Council Members Galloway, Wiseman, Sekula-Gibbs and Berry absent. Vice Mayor Pro Tem Goldberg presiding.

Council Member Green stated that any money spent at the Council table was taxpayer money; that last year when the budget was passed the \$2,000,000.00 line item was taken out of the general budget; that the Mayor and Council Members voted to support a museum but would not use general fund money and they then turned it to the hands of the individuals trying to get the museum in place and they were working on a plan to raise money; that the amendment passed 15 to zero so he could speak and say it was clear that the City would not appropriate the money for the land; that he did get his proposal and had forwarded it to those working on the plan. Mayor White, Council Members Galloway, Wiseman, Ellis, Sekula-Gibbs and Berry absent. Vice Mayor Pro Tem Goldberg presiding. (NO QUORUM PRESENT)

Ms. Carolyn Webster, 6823 Reed Road, Houston, Texas 77087 (713-644-9266) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Galloway, Wiseman, Ellis, Sekula-Gibbs and Berry absent. Vice Mayor Pro Tem Goldberg presiding. (NO QUORUM PRESENT)

Senator Robert Horton, 3714 Bain, Houston, Texas 77026 (713-260-6144) appeared and stated that he was God and continued to express his personal opinions until his time expired. Mayor White, Council Members Galloway, Wiseman, Ellis, Sekula-Gibbs and Berry absent. Vice Mayor Pro Tem Goldberg presiding. (NO QUORUM PRESENT)

Ms. Mary H. Taylor, 1403 Fashion Hill Drive, Houston, Texas 77088 (281-445-0682) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Galloway, Wiseman, Ellis, Sekula-Gibbs and Berry absent. Vice Mayor Pro Tem Goldberg presiding. (NO QUORUM PRESENT)

The City Secretary stated that Ms. Ruby Bennett was now present and called on her to be the next speaker. Mayor White, Council Members Galloway, Wiseman, Ellis, Sekula-Gibbs and Berry absent. Vice Mayor Pro Tem Goldberg presiding. (NO QUORUM PRESENT)

Ms. Ruby Bennett, 744 Boeneman Drive, Houston, Texas 77091 (713-697-1709) appeared and stated that she was with the Acres Home Group and was present to speak on weeded lots and street overlay; that particularly she was speaking of Knox Street where they laid asphalt on one block from West Montgomery to Grandville and she wondered why the other half was not done as it made part of it high and part of it low. Mayor White, Council Members Galloway, Wiseman, Ellis, Sekula-Gibbs and Berry absent. Vice Mayor Pro Tem Goldberg presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Goldberg stated that after the meeting she could speak with Mr. Gary Norman; that he had a memo from Monticello Flannigan to the Mayor and basically she addresses what she gave on weeded lots to Motor Vehicles and Dangerous Buildings more than half were resolved; and Ms. Bennett stated that from her list only two lots were cut; and Vice Mayor Pro Tem Goldberg stated that they would get her a copy of what he had and resolve the difference. Mayor White, Council Members Galloway, Wiseman, Ellis, Sekula-Gibbs and Berry absent. Vice Mayor Pro Tem Goldberg presiding. (NO QUORUM PRESENT)

At 3:55 p.m. City Council recessed until 9:00 a.m., Wednesday, May 11, 2005. Council Member Garcia and Mayor Pro Tem Alvarado absent on personal business. Mayor White, Council Members Galloway, Wiseman, Ellis, Sekula-Gibbs and Berry absent. Vice Mayor Pro Tem Goldberg presiding. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, May 11, 2005

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, May 11, 2005, 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 Financial Officer, Mayor's Office; Mr. Arturo Michel, City Attorney; Ms. Marty Stein, Agenda Director, Mr. Jose Soto, Deputy Agenda Director present.

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

At 9:22 a.m. Mayor White reconvened the meeting of the City Council and recognized Council Member Alvarado for a point of personal privilege.

Council Member Alvarado stated that she would ask her colleagues to join her in a moment of silence for the passing of State Representative Joe Moreno, that his district and hers overlapped quite a bit and they had been friends for quite some time, political allies, very much like a family, that her heart went out to his parents, Frank and Alicia, brother Mario and sister Sara and nephews and nieces and a very long extended family, that she wanted to thank Mayor White on behalf of the Moreno family, that he spent time with them on Saturday and Sunday and she knew they greatly appreciated that, that recently she and Representative Moreno had worked on some environmental legislation and his district was very important, that he was one of the few Representatives that ever passed a Constitutional amendment and that was very difficult to do in the Legislature and it was on behalf of the Port of Houston, which was in his district, and that it was to gain coffee designation, which created thousands of jobs in his district, that he would be missed and she was going to work very hard to keep his memory alive, that he grew up in Denver Harbor, that his seniors were very important to him and if any of them were present at the Rosary several of his seniors came together and created a song for him that they had started writing for him before his death and they finished it after his passing, and she asked them to join her in a moment of silence. Council Members Galloway, Goldberg, Khan, Holm, Garcia and Berry absent.

Mayor White stated that the first order of business was a public hearing and recognized Ms. Margaret Wallace to begin the first hear, that in consultation with the City Attorney there were some procedures that they worked out that would be done after this time, they had already posted them in this manner, that would allow more expeditious treatment of these items. Council Members Galloway, Goldberg, Khan, Holm, Garcia and Berry absent.

HEARINGS - 9:00 A.M.

1. **PUBLIC HEARING** on a proposal for the City of Houston and **CLEAR BROOK CITY MUNICIPAL**

UTILITY DISTRICT to enter into an amendment to the strategic partnership agreement between City of Houston and Clear Brook City Municipal Utility District and on a proposal by the City of Houston to annex for limited purposes certain additional territory within Clear Brook City Municipal Utility District, in Harris County, Texas - was before the City Council. Council Members Galloway, Goldberg, Khan, Garcia and Berry absent.

Ms. Wallace stated that the hearing was for an amendment to an existing Strategic Partnership Agreement with Clear Brook City MUD, located in southeast Houston near the intersection of Sagemont and Beamer Roads, this amendment would add additional commercial property to the existing SPA and would extend the current terms of the SPA to the new territory, these terms included the extension of the fireworks ban, that no other City services would be provided, in addition the City would levy a 1 per cent sales tax, which it would divide evenly with the MUD, that were no residences in the area to be annexed. Council Members Galloway, Goldberg, Khan, Garcia and Berry absent.

Mayor White stated that there were no public speakers. Council Members Galloway, Goldberg, Khan, Garcia and Berry absent.

Council Member Quan stated that there had been discussion last time about notice to people in the area and asked if there was any organization which they had used as a conduit for notice as to the expansion of the agreement, and Ms. Wallace stated that they had followed the State requirements for the City of Houston notification and the Utility District had provided notification to the residents, and Council Member Quan asked what were the City requirements, and Mr. Dan Dougherty, Legal Department, stated that the Local Government Code required them to publish two notices in the paper, they published them in English, Spanish and Vietnamese and they announced the availability of the proposed Strategic Partnership Agreements in the City Secretary's Office, which had been available to the public ever since the day of publication, that was their notice and the MUDs themselves had their own notice requirements, that they might urge MUD lawyers to more closely communicate with the civic clubs in the area, that they printed them in the Chronicle Legal Classified and the size and type were specified in the Local Government Code and they complied strictly with the law, that the first publication day was Friday, April 9, 2005 and the second publication was on Friday, May 6, 2005. Council Members Garcia and Berry absent.

Council Member Wiseman stated that she had the same concerns with respect to the limited purpose annexation as did Council Member Quan, as far as the other agreements they were being asked to approve she had no knowledge of, but with respect to Item No. 1 she did happen to know that the Clearbrook MUD did work well with the community and did have the support of the businesses and community members surrounding the area and she thought that was the approach they should have, that it was an example where it did take place, there was full knowledge and consent and they were eager to enter into the agreement. Council Members Garcia, Ellis and Berry absent.

Council Member Khan moved to close the hearing, seconded by Council Member Quan. All voting aye. Nays none. Council Members Garcia, Ellis and Berry absent. MOTION 2005-0406 ADOPTED.

2. **PUBLIC HEARING** on a proposal for the City of Houston and **MISSION BEND MUNICIPAL UTILITY DISTRICT NO. 1** to enter into an amendment to the strategic partnership agreement between the City of Houston and Mission Bend Municipal Utility District No. 1 and on a proposal by the City of Houston to annex for limited purposes certain additional territory within Mission Bend Municipal Utility District No. 1 and certain additional territory located in the vicinity of Mission Bend Municipal Utility District No. 1; and to impose regulations on certain territory in the vicinity of Mission Bend Municipal Utility District No. 1, in Harris County and Fort Bend County, Texas - was before the City Council. Council Members Garcia, Ellis and Berry absent.

Ms. Wallace stated that the hearing was for an amendment to an existing Strategic Partnership Agreement with Mission Bend MUD #1, located in southwest Houston near the intersection of Highway 6 and Beechnut Road, the amendment would do two things, it would add additional commercial property to the existing SPA and would extend the fireworks ban to the entire area covered by the SPA, including the original tracts, that no other City services would be provided, in addition the City would levy a 1 per cent sales tax to the new commercial tract which it would divide evenly with the MUD, that were no residences in the area to be annexed. Council Members Garcia, Ellis and Berry absent.

Mayor White stated that no one had signed up to speak. Council Members Garcia, Ellis and Berry absent.

Council Member Khan moved to close the hearing, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Garcia, Ellis and Berry absent. MOTION 2005-0407 ADOPTED.

3. **PUBLIC HEARING** on a proposal for the City of Houston and **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 110** to enter into an amendment to the strategic partnership agreement between the City of Houston and Harris County Water Control and Improvement District No. 110 and on a proposal by the City of Houston to annex for limited purposes certain additional territory within Harris County Water Control and Improvement District No. 110; and to impose regulations on certain territory in the vicinity of Harris County Water Control and Improvement District No. 110, in Harris County, Texas - was before the City Council. Council Members Garcia and Berry absent.

Ms. Wallace stated that the hearing was for an amendment to an existing Strategic Partnership Agreement with Harris County WCID No. 110, located in north Houston near the intersection of Interstate 45 and Cypresswood Road, the amendment would do two things, it would add additional commercial property to the existing SPA and would extend the fireworks ban to the entire area covered by the SPA, including the original tracts, that no other City services would be provided, in addition the City would levy a 1 per cent sales tax to the new commercial tract which it would divide evenly with the MUD, that were no residences in the area to be annexed. Council Members Garcia and Berry absent.

Mayor White stated that there were no speakers. Council Members Garcia and Berry absent.

Council Member Khan moved to close the hearing, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Garcia and Berry absent. MOTION 2005-0408 ADOPTED.

4. **PUBLIC HEARING** on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 63** to enter into an amendment to the strategic partnership agreement between the City of Houston and Harris County Municipal Utility District No. 63 in Harris County, Texas - was before City Council. Council Members Garcia and Berry absent.

Ms. Wallace stated that the hearing was for an amendment to an existing Strategic Partnership Agreement with Harris County MUD No. 63, located in west Houston near the intersection of Interstate 10 and The Grand Parkway, the amendment would not add any territory to the SPA instead it would redefine the mechanism through which the utility district received and used its share of the Sales Tax proceeds, upon completion of the anticipated mall development in the MUD. Council Members Garcia and Berry absent.

Mayor White stated that there were no public speakers. Council Members Garcia and

Berry absent.

Council Member Khan moved to close the hearing, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Garcia and Berry absent. MOTION 2005-0409 ADOPTED.

5. **PUBLIC HEARING** on a proposal for the City of Houston and **WESTON UTILITY DISTRICT IN HARRIS COUNTY, TEXAS** to enter into an amendment to the strategic partnership agreement between the City of Houston and Weston Utility District - was before City Council. Council Members Garcia and Berry absent.

Ms. Wallace stated that the hearing was for an amendment to an existing Strategic Partnership Agreement with Weston MUD, located in west Houston near Interstate 10, that the amendment would not add any territory to the SPA, however, it called for the extension of the fireworks ban to the properties covered by the agreement, no other City services would be provided, the amendment included no other changes to the existing SPA. Council Members Garcia and Berry absent.

Mayor White stated that there were no public speakers. Council Members Garcia and Berry absent.

Council Member Khan moved to close the hearing, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Garcia and Berry absent. MOTION 2005-0410 ADOPTED.

Council Member Alvarado moved to suspend the rules to consider Item Numbers 21, 22 and 37 at this time, seconded by Council Member Khan. All voting aye. Nays none. Council Members Garcia and Berry absent. MOTION 2005-0411 ADOPTED.

21. ORDINANCE authorizing the issuance of one or more Series of City of Houston, Texas Tax and Revenue Anticipation Notes, Series 2005 to provide for the payment of the current expenses of the City for the Fiscal Year beginning July 1, 2005, and ending June 30, 2006; prescribing the terms and form thereof and authorizing the Finance Working Group to determine certain terms and conditions relating thereto; providing for the payment of the principal thereof and interest thereon; approving and authorizing the distribution of a Preliminary Official Statement and official notice of sale to be used in connection with the sale of the notes; authorizing the execution and delivery of a Paying Agent/Registrar Agreement and a Co-Bond Counsel Agreement; making other findings and provisions relating to such notes and matters incident thereto; and declaring an emergency - was presented. All voting aye. Nays none. Council Members Garcia, Sekula-Gibbs and Berry absent. ORDINANCE 2005-0583 ADOPTED.
22. ORDINANCE approving a supplemental borrowing evidenced by City of Houston, Texas Tax and Revenue Anticipation Note, Series 2005B to provide for payment of current expenses of the City for a portion of the Fiscal Year beginning July 1, 2005, and ending June 30, 2006; providing for the payment of the principal of and interest on such note; authorizing the procedure for determining the terms and conditions of such note; authorizing the execution of a Note Purchase Agreement; appointing Co-Bond Counsel; making other findings and provisions related to the subject and matters incident thereto; and declaring an emergency - was presented, and tagged by Council Member Goldberg. Council Members Garcia, Sekula-Gibbs and Berry absent. (Note: Council Member Goldberg released his tag later in the meeting.)
37. ORDINANCE approving and authorizing contract between the City of Houston and **THOMPSON & KNIGHT, LLP**, for Legal Services in connection with representation of the City as Amicus Curiae in Litigation regarding Entex Franchise Fees before the Third Court

of Appeals in Austin, Texas and related matters; providing a maximum contract amount - \$35,000.00 - General Fund - was presented. All voting aye. Nays none. Council Members Garcia, Sekula-Gibbs and Berry absent. ORDINANCE 2005-0584 ADOPTED.

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 6 through 62

MISCELLANEOUS - NUMBER 7

7. REQUEST from Mayor for confirmation of the appointment of **MR. MARK E. WORSCHEH** (Houston Independent School District appointee) to Position Seven of the **ST. GEORGE PLACE REDEVELOPMENT AUTHORITY BOARD OF DIRECTORS**, for a term ending December 31, 2005 - was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Members Garcia and Berry absent. MOTION 2005-0412 ADOPTED.

DAMAGES - NUMBER 10

10. RECOMMENDATION from City Attorney for settlement of lawsuit styled **MARIA MONSIVAIS** v. David Alan Fletcher and the City of Houston; in the County Civil Court at Law No. Four (4), Harris County, Texas; Cause No. 809,663 - \$30,000.00 - Property and Casualty Fund - was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Members Garcia and Berry absent. MOTION 2005-0413 ADOPTED.

ACCEPT WORK - NUMBER 12

12. RECOMMENDATION from Director Department Public Works & Engineering for approval of final contract amount of \$353,963.00 and acceptance of work on contract with **JERDON ENTERPRISE, L.P.** for Gessner Road Detention Facility, GFS N-0658-02-3 (SB9024) - 04.79% over the original contract amount - **DISTRICT A - LAWRENCE** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Garcia and Berry absent. MOTION 2005-0414 ADOPTED.

PROPERTY - NUMBERS 13 and 14

13. RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel AY2-051, located at 9407 E. Avenue I, owned by Rosario Guerrero and the Heirs of Oswald Guerrero, for the **CENTRAL STREET GRADE SEPARATION PROJECT from Central Street Extension over Manchester Avenue to Train Yard**, CIP N-0676-01-2 - **DISTRICT I - ALVARADO** - was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Members Garcia and Berry absent. MOTION 2005-0415 ADOPTED.
14. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel A98-015, located at 10500 Richmond Avenue, owned by Zenith Capital Group, L.C., a Texas limited liability company, for the **ROGERDALE PAVING PROJECT from Westpark Drive to Westheimer Road**, CIP N-0644-09-1 - \$58,913.00 - Street & Bridge Consolidated Construction Fund - **DISTRICT G - HOLM** - was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Members Garcia and Berry absent. MOTION 2005-0416 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 15 through 17

15. **PHILPOTT MOTORS, LTD.** for Patrol and Emergency Response Automobiles for Police

and Fire Departments - \$4,709,336.00 - Equipment Acquisition Consolidated Fund - was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Members Garcia and Berry absent. MOTION 2005-0417 ADOPTED.

16. **DTC COMMUNICATIONS, INC** for Infrared Handheld Cameras from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for the Houston Police Department - \$52,993.75 - Grant Fund - was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Members Garcia and Berry absent. MOTION 2005-0418 ADOPTED.

ORDINANCES - NUMBERS 25 through 60

19. ORDINANCE **AMENDING THE CITY OF HOUSTON CONSTRUCTION CODE** and local amendments to the International Residential Code for one- and two-family dwellings relating to private inspection of certain residential construction work - had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.
25. ORDINANCE consenting to the addition of 36.2307 acres of land to **HARRIS COUNTY FRESH WATER SUPPLY DISTRICT NO. 61**, for inclusion in its district - was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2005-0585 ADOPTED.
26. ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 433** - was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2005-0586 ADOPTED.
27. ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 435** - was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2005-0587 ADOPTED.
28. ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 448** - was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2005-0588 ADOPTED.
29. ORDINANCE consenting to the addition of 0.9981 acres of land to **TERRANOVA WEST MUNICIPAL UTILITY DISTRICT**, for inclusion in its district - was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2005-0589 ADOPTED.
35. ORDINANCE approving and authorizing grant agreement between the City of Houston and the **TEXAS DEPARTMENT OF TRANSPORTATION** for the Click-It or Ticket Selective Traffic Enforcement Program; declaring the City's eligibility for such grant; authorizing the Mayor to act as the City's representative in the application process; authorizing the Chief of the Houston Police Department to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program - was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2005-0590 ADOPTED.
39. ORDINANCE approving and authorizing contract between the City of Houston and **MOTOROLA, INC** for Technical Support Services for Customer Service Request System Software on the City's 3-1-1 System for the Information Technology Department; providing a maximum contract amount \$264,750.00 - Central Service Revolving Fund -was pulled from the agenda by the administration and was not considered.

42. ORDINANCE approving and authorizing a Treated Surface Water Supply Contract between the City Of Houston and **MARHABA PARTNERS LIMITED PARTNERSHIP** on behalf of the proposed Harris County Municipal Utility District No. 403 - was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2005-0591 ADOPTED.
43. ORDINANCE approving and authorizing a Sanitary Sewer Service Agreement between The City Of Houston and **BEAZER HOMES TEXAS, L.P.** On Behalf Of Proposed Harris County Municipal Utility District No. 420 - was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2005-0592 ADOPTED.
- 44-1. ORDINANCE appropriating \$222,000.00 out of Public Library Consolidated Construction Fund (E-0138-01-1) and approving and authorizing the purchase of Parcel PY2-003 and payment of the costs of such purchase and/or condemnation of such real property and associated costs for Appraisal Fees, Title Policy/Services, Recording Fees, Court Costs and Expert Witness Fees, for and in connection with the South Post Oak Multi-Service Center and the Vinson Branch Library, and finding a public necessity for, the Vinson Branch Library; de-appropriating \$219,300.00 (D-0081-00-1) and \$192,400.00 (D-0079-00-1) out of the General Improvements Consolidated Construction Fund appropriated under Ordinance No. 2002-604 for the Northeast Multi-Service Center Project and the South Post Oak Multi-Service Center Project - **DISTRICT D - EDWARDS** - was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2005-0593 ADOPTED.
46. ORDINANCE appropriating \$260,00.00 out of Water & Sewer System Consolidated Construction Fund and \$240,000.00 out of Tax Increment Reinvestment Zone Affordable Housing Fund and approving and authorizing Developer Participation Contract between the City of Houston and **MAJESTIC HOMEBUILDERS, INC** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve Section Two of the Majestic Estates Subdivision, CIP S-0800-G3-03 and R-0800-G3-03 - **DISTRICT D - EDWARDS** - was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2005-0594 ADOPTED.
47. ORDINANCE appropriating \$606,000.00 out of Drainage Improvements Commercial Paper Series F Fund and approving and authorizing contract between the City of Houston and **CARTER AND BURGESS, INC** for Storm Water Management and Neighborhood Street Reconstruction; GFS M-0255-01-3 (SM5040-01) - **DISTRICT C - GOLDBERG** - was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2005-0595 ADOPTED.
49. ORDINANCE appropriating \$37,314.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing amendment to contract between the City of Houston and **CH2M HILL, INC** for Construction of the East Water Purification Plant; GFS S-0056-34-3 **DISTRICT E - WISEMAN** - was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2005-0596 ADOPTED.
50. ORDINANCE appropriating \$571,000.00 out of Street & Bridge Consolidated Construction Fund; awarding contract to **TOTAL CONTRACTING LTD.** for Safe Sidewalk Program C4 Project, GFS N-0610A-C4-3 (SB9049-4); providing funding for engineering testing, construction management, and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICTS C - GOLDBERG; F - KHAN and G - HOLM** - was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2005-0597 ADOPTED.
51. ORDINANCE appropriating \$1,410,000.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **D. L. ELLIOTT ENTERPRISES, INC** for Water Line Replacement in OST - Yellowstone Area, GFS S-0035-A8-3 (WA10768); providing

funding for engineering testing, construction management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT D - EDWARDS** - was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2005-0598 ADOPTED.

52. ORDINANCE appropriating \$1,354,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **R. K. WHEATON, INC** for Water Line Replacement in Sunbeam Area, GFS S-0035-A9-3 (WA10769); providing funding for engineering testing, construction management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT D - EDWARDS** - was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2005-0599 ADOPTED.
54. ORDINANCE appropriating \$12,978,700.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **BOYER, INC** for Supervisory Control & Data Acquisition (SCADA) and Security at Various Groundwater Production Facilities, GFS-0522-07-3 (WA10659-2); providing funding for engineering testing, construction management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund No. 755 - was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2005-0600 ADOPTED.
56. ORDINANCE appropriating \$2,585,920.00 out of Police Consolidated Construction Fund, awarding construction contract to **MERIDIAN COMMERCIAL, L.P.** for Renovation of Police Stations - Central, NW, SW and Magnolia, GFS G-0064-01-3; 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 contingencies, Civic Art Program, engineering and testing services, and project management and air monitoring services during abatement relating to construction of facilities financed by Police Consolidated Construction Fund - **DISTRICTS A - LAWRENCE; C - GOLDBERG; H - GARCIA and I - ALVARADO** - was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2005-0601 ADOPTED.
57. ORDINANCE No. 2005-561, passed first reading May 4, 2005
ORDINANCE granting to **ELITE WASTE INDUSTRIES, 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; providing for related terms and conditions; and making certain findings related thereto - **SECOND READING** - was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2005-0561 PASSED SECOND READING IN FULL.
58. ORDINANCE No. 2005-562, passed first reading May 4, 2005
ORDINANCE granting to **GULF COAST WASTE SERVICES, 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; providing for related terms and conditions; and making certain findings related thereto - **SECOND READING** - was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2005-0562 PASSED SECOND READING IN FULL.
59. ORDINANCE No. 2005-563, passed first reading May 4, 2005
ORDINANCE granting to **PSC INDUSTRIAL OUTSOURCING, 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; providing for related terms and conditions; and

making certain findings related thereto - **SECOND READING** - was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2005-0563 PASSED SECOND READING IN FULL.

60. ORDINANCE No. 2005-578, passed first reading May 4, 2005
ORDINANCE granting to **MED-SHRED, 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; providing for related terms and conditions; and making certain findings related thereto - **SECOND READING** - was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2005-0578 PASSED SECOND READING IN FULL.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

6. REQUEST from Mayor for confirmation of the appointment of the following to the **BOARD OF DIRECTORS OF THE OLD SIXTH WARD REDEVELOPMENT AUTHORITY**:
Position Eight - **MS. PAULETTE SIMMONS** (HISD Representative), for a term to expire December 31, 2006
Position Nine - **MS. ALICE VALDEZ** (Harris County Representative), for a term to expire December 31, 2005
- was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. MOTION 2005-0419 ADOPTED.
8. RECOMMENDATION from Mayor's Office to approve By-Laws for the Board of Public Trusts (Houston Foundation) as required by Section 36-27 of the Code of Ordinances, Houston, Texas - was presented, moved by Council Member Khan, seconded by Council Member Alvarado.

Council Member Wiseman stated that she appreciated the administration bringing the item forward and would like an opportunity to review it carefully and would tag the item.

Council Member Holm stated that the foundation was formed by two families who left money to the City so they could work on projects for the City, that she applauded them for bringing forth the bylaws, that she would encourage them to go forward and develop criteria for the giving to different programs.

Council Member Sekula-Gibbs stated that she would also like to congratulate the Houston Foundation on the very good work that they did and encouraged them to continue to support the very good charities that were benefiting from their efforts, that she would like an opportunity to meet with Mr. Cheatham on some of the changes that were going to be happening on the bylaws.

Council Member Quan stated that he had the opportunity to serve as the president of the Houston Foundation for eight years and knew it had been a long struggle to get the bylaws done, that he wanted to commend all those who served on the board, that he thought the foundation did great work and encouraged the Council Members to review the bylaws but thought it served a very important purpose for the City.

9. ORDINANCE appropriating \$127,753.36 out of Parks Consolidated Construction Fund as an additional appropriation for Alief Park, under construction contract with **PARALLAX BUILDERS, INC**, approved by Ordinance No. 04-0187, GFS F-504B-08-3; and appropriating \$19,912.75 out of Parks Consolidated Construction Fund for Direct purchase

of Furniture and Equipment for Alief Park through TXMAS - **DISTRICT F - KHAN** - was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2005-0062 ADOPTED..

- 9a. RECOMMENDATION from Director Building Services Department for approval of Change Order No. 6 in the amount of \$127,753.36 on contract with **PARALLAX BUILDERS, INC** for Parks Master Plan - Alief Park, GFS F-504B-08-3 - **DISTRICT F - KHAN** - was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. MOTION 2005-0420 ADOPTED.

ACCEPT WORK

11. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$443,764.29 and acceptance of work on contract with **GCC CONSTRUCTORS, INC** for Parks to Standard Program - Phase II, Agnes Moffitt Pool Building Addition, GFS F-504A-01-3 06.23% over the original contract amount - **DISTRICT A - LAWRENCE** - was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. MOTION 2005-0421 ADOPTED.

PURCHASING AND TABULATION OF BIDS

17. **AMEND MOTION #2002-954, 8/14/02, TO INCREASE** spending authority from \$323,968.00 to \$404,960.00, for Equipment, John Deere Tractor Replacement Parts and Service Contract for Various Departments, awarded to **RUSH EQUIPMENT CENTER, HOUSTON** - was presented, moved by Council Member Khan, seconded by Council Member Lawrence. All voting aye. Nays none. MOTION 2005-0422 ADOPTED.

ORDINANCES

18. ORDINANCE **AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS, and CHAPTER 46 OF THE CITY OF HOUSTON CONSTRUCTION CODE** relating to Banners - was presented.

Council Member Green stated that he wanted someone from C&E visit with him, that he had questions on rights-of-way.

Council Member Galloway stated that she was wondering if there was any way they might consider extending it because in her district some of the churches had activities like different runs in the community and they put banners up across the street, that maybe they could apply for a permit to generate more revenue.

Mayor White asked Council Member Holm if she had a comment or recommendation about what they did on banner districts.

Council Member Holm stated that the Banner Ordinance allowed any area to designate themselves for banners, but banners could not be used for promotion or advertisement otherwise they became an off premise sign, which would open up the whole Sign Code and Houston did have a really strong Sign Code, that the reason it had taken so long was because they had tried to address the specific issue of the Convention Bureau that needed to welcome conventions that came into town and to be able to support them without advertising for them or have sponsorships for them, that they would not be selling the banners in order to bring someone to town, that she thought they probably could establish, for special events, some banners, but it was just the way they used the banners

After further discussion by Council Members, Council Member Holm stated that they needed to enter into an interlocal agreement with the Downtown Management District as well as

Centerpoint and Metro and others and the City in order for the hanging and the administration of the banners, but that was an administrative issue that they thought they could go through the interlocal agreement.

Upon questions by Council Members, Mr. Cheatham stated that under the current ordinance the area or a civic club or some organization could come to Council and have a particular area in the neighborhood designated as a banner district and then it would become eligible to put the banners up in accordance with the existing code, that the particular change that was before Council today was a very narrowly drawn exception as a function of the sales of the George R. Brown and large events held at the George R. Brown and it would not extend to neighborhoods, but neighborhoods could still operate under the original banner ordinance with those limitations that had been in place since about 1995.

Council Member Holm stated that when festivals were in an area they could not hang 5K banners across streets and things like that at this point, they could designate any area they wanted for a banner district but a banner definition was a piece of cloth that was artistically designed that hung from a light pole and this ordinance did not change any of that.

Mayor White stated that there may be various different parts of town that wanted to have banners that met criteria that they defined and asked if there was some change in the ordinance they could make without having to create entire regions of the City that were banner districts, and Mr. Cheatham stated that he thought they could do that, and Mayor White stated that they make sure they got a draft that could go through the Quality of Life Committee and get feedback from the Council Members who raised the issue so the situation would not happen again.

After further questions by Council Members, Mr. Cheatham stated that if an area wanted to become a banner district they would make a petition to Council to designate the area and Council would approve the motion, that they had 10 or 11 in the City already but the process had been in the code for some time and was very straight forward; and Mr. Michel stated that rather than come to Council each time for a designation for an event they were going to have criteria that if they met that they could go ahead and put up the banners.

Mayor White stated that if the Legal Department would let him know what the reasonable time was for drafting the ordinance as well as copying it to Council Members Holm, Galloway and Edwards, that it would be appreciated.

After further discussion by Council Members a vote was called on Item No. 18. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2005-0603 ADOPTED.

20. ORDINANCE authorizing the issuance of City of Houston, Texas Airport System Subordinate Lien Revenue Refunding Bonds, Series 2005A (AMT) and such other Series or Subseries as designated herein; authorizing the Mayor and City Controller to approve the amount, the interest rate, interest rate period, price, and terms thereof and certain other procedures and provisions relating thereto; providing for the payment thereof; authorizing the refunding and defeasance of certain Outstanding Airport System Bonds; approving the sale of the bonds and authorizing the execution and delivery of the Bond Purchase Agreement; authorizing the execution and delivery of an Escrow Agreement; authorizing the purchase of Bond Insurance; authorizing a Co-Bond Counsel Agreement and a Special Disclosure Co-Counsel Agreement; authorizing the execution and delivery of a Paying Agent/Registrar Agreement, a Tender Agent Agreement, a Remarketing Agreement, and a Standby Bond Purchase Agreement and other related and necessary agreements pertaining to Variable Rate Demand and Auction Rate Obligations; and declaring an emergency - was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2005-0604 ADOPTED.

23. ORDINANCE amending City of Houston Ordinance No. 2004-1261 relating to

rescheduling and postponement of City Council Meetings - was presented, and tagged by Council Member Wiseman. Council Member Berry absent.

24. ORDINANCE approving and authorizing consent to encroach, allowing existing improvements owned by Alejandro Flores and Martin Flores, d/b/a Mex Flores Produce Co., Inc., the abutting owners, to encroach (i) a building 6.7-feet and (ii) a building 5.7-feet, more or less, respectively, into Michaux Street, both adjoining the property at 4910 North Main Street, adjacent to Lots 10 and 11, Block 22, Stude's First Addition and situated in the John Austin Two League, Harris County, Texas; Parcels ENY5-001A and ENY5-001B; subject to the terms and conditions of the consent to encroach - **DISTRICT H - GARCIA** - was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2005-0605 ADOPTED.
30. ORDINANCE approving and authorizing Lease Agreement between the City of Houston and the **UNITED STATES DEPARTMENT OF AGRICULTURE - ANIMAL AND PLANT HEALTH INSPECTION SERVICE** for Certain space at George Bush Intercontinental Airport/Houston 10 Years - was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2005-0606 ADOPTED.
31. ORDINANCE approving and authorizing the City of Houston to submit the 2005 Consolidated Annual Plan to the United States Department Of Housing And Urban Development, including the following 2005-2006 Grant Applications: 1) 31st Year Community Development Block Grant in the amount of \$39,244,067.00 (\$34,244,067.00 Entitlement Grant, \$3,000,000.00 Program Income and \$2,000,000.00 Prior Years Funding); 2) Home Investment Partnerships Grant in the amount of \$15,094,911.00 (\$14,061,162.00 Grant, \$500,000.00 Program Income and \$533,749.00 from the American Dream Down Payment Initiative [ADDI]); 3) Housing Opportunities For Persons With AIDS Grant in the amount of \$9,669,000.00; and 4) Emergency Shelter Grants in the amount of \$1,324,356.00; and to accept the aforementioned grant funds, if awarded - was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2005-0607 ADOPTED.

Mayor White stated that he wanted to thank the team at the Housing and Community Development for good work in getting the plan in. Council Member Berry absent.

Council Member Quan stated that he wanted to second what the Mayor stated, that he knew they were trying to expedite the processing of the funds to get them moving to the City and projects moving forward as soon as possible, that they brought it to Council well in advance of their normal time period, that it was a very open process and the department was very understanding to all persons who attended the hearings and were receptive to all suggestions and ideas, that he wanted to commend Mr. Wilson and his whole department for their efforts in getting the Consolidated Plan to Council earlier. Council Member Berry absent.

32. ORDINANCE approving and authorizing contracts between the City and **MOTHERLAND, INC** and **FAMILIES UNDER URBAN AND SOCIAL ATTACK, INC** for HIV/STD Services for the Houston Department of Health & Human Services; providing maximum contract amounts \$2,000,000.00 - General Fund - was presented. Council Member Berry absent.

Council Member Quan stated that he was a little perplexed by the wording on the item, that it stated \$2 million from the General Fund, but it was his understanding that it was really \$25,000 from the General Fund and the other monies were grant funds and wanted to confirm that it was really from Fund 126 CDC and not coming from the General Fund, and Mayor White stated that there was an error, that it was \$25,000 General Fund and balance from grant funds. Council Member Berry absent.

A vote was called on Item No. 32. All voting aye. Nays none. Council Member Lawrence

absent. ORDINANCE 2005-0608 ADOPTED.

33. ORDINANCE approving and authorizing a first amendment to agreement between the City of Houston and **EL CENTRO de CORAZON** to provide an additional \$70,000.00 of Federal "CDBG" Funds to pay for additional costs in connection with the renovation of two public health care facilities - \$70,000.00 - **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. Council Member Lawrence absent. ORDINANCE 2005-0609 ADOPTED.

Council Member Sekula-Gibbs stated that she wanted to thank her colleagues and wanted to acknowledge Ms. Mary Jo May, who was in the audience, that she was from El Centro de Corazon and Eastwood Clinic and asked that she stand and be recognized. Council Member Lawrence absent.

34. ORDINANCE appropriating \$146,214.65 out of Low Income Housing Fund 872; amending Ordinance No. 2002-240 to substitute the \$146,214.65 of funds appropriated herein for \$146,214.65 of the Home Investment Partnerships ("HOME") Funds as a funding source in connection with the grant agreement between the City and **WILLIAM A. LAWSON INSTITUTE** for Peace and Prosperity for the construction of a fifty (50) unit Elderly Housing Apartment Complex located at 5220 Scott Street - **DISTRICT D - EDWARDS** - was presented.

Council Member Edwards stated that she wanted to encourage her colleagues to approve the item and wanted to congratulate Pastor Lawson and the whole group over there, that they had done an awesome job in the community historically, that it was a great facility they were opening up in the Scott area.

Council Member Quan stated that he knew many on Council were concerned with housing for senior citizens and this was a major project and they would be having an open house next week and believed each Council Member had received an invitation so if they would like to see what a successful project looked like when they were addressing the needs of the senior citizens he would recommend they come out.

A vote was called on Item No. 34. All voting aye. Nays none. ORDINANCE 2005-0610 ADOPTED.

36. ORDINANCE approving and authorizing contract between the City of Houston and **MILLER & VAN EATON, P.L.L.C.**, for Legal Services in connection with representation of the City in Telecommunications and Cable Television-related matters - \$40,000.00 - General Fund - was presented, and tagged by Council Member Wiseman.
38. ORDINANCE appropriating \$120,000.00 out of Housing Special Revenue Fund for Work Performed under contract with **JEFFERSON WELLS INTERNATIONAL**, Contract No. (55769), amending Ordinance No. 204-0207 to increase the maximum contract amount - was presented. All voting aye. Nays none. ORDINANCE 2005-0611 ADOPTED.
40. ORDINANCE approving and authorizing sponsorship agreement between the City of Houston and **WESTHAMPTON VILLAGE HOMEOWNERS ASSOCIATION, INC** for Solid Waste Collection Services - 3 Months - \$540.00 - General Fund - **DISTRICT G - HOLM** - was presented. All voting aye. Nays none. ORDINANCE 2005-0612 ADOPTED.
41. ORDINANCE approving and authorizing a Treated Surface Water Supply Contract between the City of Houston, Texas, **THE WILLIAM CARLOSS MORRIS, III AND SHARON KAY MORRIS CHARITABLE REMAINDER UNITRUST AND HOFFMAN AND MORRIS TRUST** on behalf of proposed Fort Bend County Municipal Utility District No. 168 - was presented. All voting aye. Nays none. ORDINANCE 2005-0613 ADOPTED.

44. ORDINANCE approving and authorizing Interlocal Agreement between the City, **FORT BEND COUNTY TOLL ROAD AUTHORITY**, and **FORT BEND COUNTY** for Reconstruction of Hillcroft Street from Beltway 8 to Fuqua and accepting \$275,000.00 from Fort Bend County Toll Road Authority and \$100,000.00 from Fort Bend County and depositing such funds into the Street & Bridge Construction Fund; GFS N-0792-01-2 (SB9206) - **DISTRICTS C - GOLDBERG and D - EDWARDS** - was presented.

Council Member Goldberg stated that the only concern he had was in the interlocal agreement, that there were conflicting paragraphs, that it said "the City was responsible for 100% of the project cost" and what was really meant to be said was "100% of the construction cost", that if they could make that change he would tag the item and give them a week to make the change, he thought that Fort Bend County would agree to that. (Note: Council Member Goldberg released his tag later in the meeting.)

Mayor White stated that he would ask Mr. Michel and Public Works professionals to give a quality responsive on whether that was substantive and if it affected the interlocal agreement, it if was an oversight or something that was not intended he thought they could cure it by an amendment, and Council Member Goldberg stated that he talked to someone in Public Works and they said it was an oversight, that he would tag it and thought it could easily be cleared up.

Council Member Edwards stated that she wanted to thank Council Member Goldberg for finding that problem with the wording, and stated that this was one of the issues that had been going on forever, and hopefully they could get it done quickly and move on.

45. ORDINANCE finding no special benefit to the abutting owner of property described as Lot 28A of the G. A. Maack, Unrecorded Subdivision of Lot 25, of Little York Annex and authorizing a refund for certain apparent assessment liens created by Ordinance No. 82-1337, passed August 25, 1982, for the initiation of a paving project for the permanent improvement of a portion of West Montgomery Road in the City of Houston - **DISTRICTS B - GALLOWAY and H - GARCIA** - was presented. All voting aye. Nays none. ORDINANCE 2005-0614 ADOPTED.
48. ORDINANCE appropriating \$553,400.00 out of Series E Commercial Paper Metro Projects Fund and approving and authorizing contract between the City of Houston and **JNS CONSULTING ENGINEERS, INC** for Neighborhood Street Reconstruction, Briargrove Subdivision - Phase III; GFS N-0368-03-3 (SB9002) - **DISTRICT G - HOLM** - was presented, and tagged by Council Member Galloway.
53. ORDINANCE appropriating \$1,602,837.44 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **TROY CONSTRUCTION, L.L.P.** for Water Distribution System Rehabilitation and Renewal, GFS S-0035-V1-3 (WA10855); providing funding for engineering testing services and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - was presented. All voting aye. Nays none. ORDINANCE 2005-0615 ADOPTED.
55. ORDINANCE appropriating \$2,572,000.00 out of Public Library Consolidated Construction Fund, awarding Design/Build Contract to **SPAWMAXWELL COMPANY, LP** for Frank Branch Library Rehabilitation/Renovation, GFS E-0033-01-3; providing funding for engineering testing services, Civic Art Program and contingencies relating to design and construction of facilities financed by Public Library Consolidated Construction Fund - **DISTRICT C - GOLDBERG** - was presented, and tagged by Council Members Quan, Galloway and Wiseman.

Council Member Galloway stated that she would like to make note of the MWBE goal and including the DB goal, that the goal they set was 18% but the contractor said they could possibly

meet 16% so she had some concerns about that.

61. ORDINANCE No. 2005-579, passed first reading May 4, 2005
ORDINANCE granting to **M. SAUCEDO HAULING, 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; providing for related terms and conditions; and making certain findings related thereto - **SECOND READING** - was presented. All voting aye. Nays one. ORDINANCE 2005-0579 PASSED SECOND READING IN FULL.
62. ORDINANCE No. 2005-582, passed first reading May 4, 2005
ORDINANCE granting to **TVMAX HOUSTON, L.P.** a Texas Limited Partnership, the right, privilege, and franchise to erect, maintain and operate a Cable Television System in the City of Houston, Texas - **SECOND READING** - was presented. All voting aye. Nays one. ORDINANCE 2005-0582 PASSED SECOND READING IN FULL.
67. ORDINANCE appropriating \$50,000.00 out of TIRZ Affordable Housing Fund for Emergency Demolition and Reconstruction of Three Homes for the Housing and Community Development Department - **DISTRICTS A - LAWRENCE; B - GALLOWAY and D - EDWARDS** - was presented.

Council Member Sekula-Gibbs stated that she wanted to know how to correct the process that they were spending \$100,000 when the homes were not of that value and how could they change that in the future, and Mayor White stated that the Secretary of HUD advised those people that their homes would be repaired. Council Member Berry absent.

After a lengthy discussion by Council Members, Mayor White asked Mr. Wilson to respond, and Mr. Wilson stated that Mayor White had asked him to be straight forward with what happens, that he had the authority to approve the item within the department but he did not want to do that, he wanted to bring it to Council so that everyone would know, that it was an emergency, that they now had policies and procedures that HUD had approved that they would be working with and hoped never to have to come to Council with this. Council Member Berry absent.

After further discussion by Council Members a vote was called on Item No. 67. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2005-0616 ADOPTED.

- 67a. RECOMMENDATION from Director Housing & Community Development to **AMEND MOTION #2004-914, 8/18/04, TO INCREASE** spending authority on award to **CDI MANAGEMENT SERVICES, INC** for Emergency Demolition and Reconstruction of three homes for Housing and Community Development Department - was presented, moved by Council Member Khan, seconded by Council Member Quan. All voting aye. Nays none. Council Member Berry absent. MOTION 2005-0423 ADOPTED.

Council Member Goldberg stated that he would release his tag on Item no. 22. Council Members Sekula-Gibbs and Berry absent.

Mayor White requested the City Secretary to call Item No. 22 at this time. Council Members Sekula-Gibbs and Berry absent.

22. ORDINANCE approving a supplemental borrowing evidenced by City of Houston, Texas Tax and Revenue Anticipation Note, Series 2005B to provide for payment of current expenses of the City for a portion of the Fiscal Year beginning July 1, 2005, and ending June 30, 2006; providing for the payment of the principal of and interest on such note; authorizing the procedure for determining the terms and conditions of such note; authorizing the execution of a Note Purchase Agreement; appointing Co-Bond Counsel;

making other findings and provisions related to the subject and matters incident thereto; and declaring an emergency - was again before Council. All voting aye. Nays none. Council Member Sekula-Gibbs and Berry absent. ORDINANCE 2005-0617 ADOPTED.

MATTERS HELD - NUMBERS 63 through 66

63. MOTION by Council Member Khan/Seconded by Council Member Alvarado to adopt recommendation from Finance & Administration Department to award to **TURF EQUIPMENT & SUPPLIES, INC** for Riding Mowers for Parks & Recreation Department \$243,980.00 - General Fund - **(This was Item 10 on Agenda of May 4, 2005, TAGGED BY COUNCIL MEMBER BERRY)** - was presented. All voting aye. Nays none. Council Member Berry absent. MOTION 2005-0424 ADOPTED.
64. ORDINANCE authorizing publication of notice of intention to issue City of Houston, Texas Certificates of Obligation, Series 2005D, in a principal amount not to exceed \$60,000,000 for the purchase of materials, supplies, equipment, machinery, buildings, and land for authorized needs and purposes and for payment of contractual obligations for professional services in connection therewith; approving or declaring other matters incidental to the issuance and sale of such certificates; making various findings and provisions related thereto; and declaring an emergency - **(This was Item 20 on Agenda of May 4, 2005, TAGGED BY COUNCIL MEMBER WISEMAN)** - was presented. Council Member Berry absent.

Council Member Goldberg stated his issue was the HEC center, even though it covered a lot of things, and prepaying off the HEC center, that he thought they needed an in depth discussion before they did anything like that, that he wanted Council to be cognizant of the fact that they could still walk away from the HEC center but if they prepaid it then they owned it and could not walk away, they really needed to figure out if the technology would service the City for the next twenty years, that he thought there needed to be an analysis before they prepaid what was there, that Council had to make an appropriation for the HEC Center every year and if they did not make the appropriation they essentially would have walked away, that was his understanding with Monique McGilbra when she got it through Council and he had talked with Ms. Judy Johnson and she said they could still walk away from it if they did not appropriate the money every year. Council Member Berry absent.

Mayor White stated that he would get separate advice, and in answer to Council Member Goldberg's question, yes, he thought it could be the Fiscal Affairs Committee or individual Council briefings on the pros and cons, and Council Member Ellis stated that they did have a briefing at the Fiscal Affairs Committee meeting, and Mayor White stated that they would make sure Council Member Goldberg would get a copy of the briefing.

A vote was called on Item No. 64. All voting aye. Nays none. ORDINANCE 2005-0618 ADOPTED.

65. ORDINANCE approving and authorizing contract between the City of Houston and **CLARENCE A. WEST**, Attorney at Law for Legal Services in connection with Access Line Fee Payments Verification Reviews of XO Communications, Time Warner Communications, Logix and Birch and other matters relating to right-of-way use conditions in the City of Houston - \$80,000.00 - General Fund - **(This was Item 25 on Agenda of May 4, 2005, TAGGED BY COUNCIL MEMBERS WISEMAN AND LAWRENCE)** - was presented. All voting aye. Nays none. ORDINANCE 2005-0619 ADOPTED.
66. ORDINANCE approving and authorizing contract between the City and **SOUTHWESTERN BELL TELEPHONE, L.P.** for a Video Arraignment and Tele-Conference System for the Municipal Courts Department; providing a maximum contract amount - Not to exceed five years and six months - \$415,000.00 - Building Security Fund - **(This was Item 26 on**

Agenda of May 4, 2005, TAGGED BY COUNCIL MEMBER WISEMAN) - was presented. All voting aye. Nays none. Council Member Galloway absent. Council Member Galloway absent. ORDINANCE 2005-0620 ADOPTED.

Item received during the meeting.

19. ORDINANCE **AMENDING THE CITY OF HOUSTON CONSTRUCTION CODE** and local amendments to the International Residential Code for one- and two-family dwellings relating to private inspection of certain residential construction work - was presented, and tagged by Council Members Wiseman, Garcia, Alvarado and Sekula-Gibbs. Council Member Galloway absent.

Council Member Garcia stated that he wanted to make a recommendation to refer Item No. 19 to the regulation committee for further discussion, and Council Member Goldberg stated that they had a meeting on Monday and they could put it on that agenda. Council Member Galloway absent.

Council Member Sekula-Gibbs stated that received the backup on the item a few minutes ago so she appreciated the fact it was going to committee and would give people a chance to have an opportunity to discuss it fully and would invite members of the building and inspection community and all people who would be impacted by it, anybody who was interested, that she had a question for the Legal Department, regarding the 25% limit of the inspection, was it 25% of all inspections that were done privately, was it limited to one firm, or was it saying to the builder that only 25% of all of his inspections could be private and 75% had to be done with City inspectors, or was it saying that they could use company a, b, c and d and do 100% of the building privately but with a mix of City inspectors, and Mr. Cheatham stated that the point of the change that was made was to clarify that for a given builder they did not want a builder basically having all of their work or a substantial part of their work done by one private firm that might create a conflict of interest so the 25% rule meant that if he was the inspection firm ABC Builders could not use him for more than 25% of their inspection work during a given year, that the Council wanted some sort of rule in that regard and this was their proposal to do it in a way that was doable because they could track how many building permits for residences were taken out by a given builder in a year, then it obligated them to supply them an affidavit at the end of the year telling them how many permits they pulled, who did they use, and then they could make the calculation to see if they were exceeding the 25%, that they could use all private inspectors, they just had to partition that among various companies so that no single company got more than 25% of the business. Council Members Galloway, Wiseman, Holm and Green absent.

Mayor White stated that the item had been tagged. Council Members Galloway, Wiseman, Holm and Green absent.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Edwards stated that she would like to have an update on the Gregory Lincoln Project. Council Members Galloway, Wiseman, Khan and Holm absent.

Council Member Edwards stated that she needed someone in the Legal Department's assistance regarding an ordinance as to how the City worked with historical buildings or areas as far as infrastructure, and Mr. Michel stated that he had assigned someone to that and would give Council Member Edwards a call to give her a deadline for providing a draft. Council Members Galloway, Wiseman, Khan, Holm and Green absent.

Council Member Edwards stated that at the end of the month they would be awarding their first Chocolate Bayou Scholarships in the amount of \$10,000, they had 20 finalist, that she wanted to thank everyone for their support in that area. Council Members Galloway, Wiseman,

Khan and Holm absent.

Council Member Edwards stated that she wanted to thank the Fifth Grade Class at Bunker Hill Elementary, that yesterday they presented a check to the City for the continued maintenance and upkeep of the Sam Houston Monument at Hermann Park, that it was an ongoing fifth grade project for 10 years and were in collaboration with Exxon Mobile, who matched their fund raising efforts, they had put close to \$40,000 into the maintenance of the monument, that they also went out once a year and did extensive cleanup of the monument, that this year they raised over \$1,100 and Exxon Mobile matched them with \$2,000 so they presented a check to the City for \$3,100; that she wanted congratulate McGregor Elementary who had an awesome Broadway production, that they did an awesome job. Council Members Galloway, Wiseman, Holm and Green absent.

Council Member Lawrence stated that she wanted to thank Mayor White for bringing back the Volunteer of the Year Award, that the banquet last night was outstanding, that she wanted to congratulate the gentleman in District A who got Civic Volunteer of the Year, Mr. Victor Alvarez, that she wanted to thank Mr. Alvarez and his family for all they did for District A. Council Members Galloway, Wiseman, Holm and Green absent.

Council Member Lawrence stated that she knew they were working on the Firefighter's contract and there had been some comments about overtime and requested Mayor White to comment on the overtime pay. Council Members Galloway, Wiseman, Holm and Green absent.

Mayor White stated that they really made a good faith final offer and they had to wrap things up in the next few days or they would just need to proceed on, that he thought they had some good leadership in the union and respected the firefighters but they were not going to let the entire budget be held hostage by a sticking point here and there, that one thing that concerned him, whether or not they had a contract, they did build in a pay increase to bring people up to the base pay and one thing that he became aware of was that the overtime payments were not calculated right historically by the City of Houston, they were not paying time and a half they were paying significantly more than time and a half, that he was not saying that firefighters were overpaid but he wanted to make sure that they got the contract right and were able to bring up base pay and that any element of compensation was transparent, not buried, that regardless of whether they had a contract, just as a matter of good government they would calculate overtime correctly in the next fiscal year, they could not just do something where they would say they were doing one thing, paying time and a half, and then paying an hourly rate that was significantly more than time and a half, that he thought they had a proposal on the table that would significantly benefit the firefighters and EMS, but it was just another sense of urgency to get the negotiations wrapped up and complete, that he did not think anybody could disagree that they ought to calculate time and a half to be 1.5 times their base hourly amount, that there was very specific discussion about that point during the firefighter negotiations and he thought they wanted to reduce the overall overtime in the department so they could give people the highest increase in base compensation as they possibly could, but they were going to have to wrap it up in a matter of days and it was going to require leadership. Council Members Galloway, Quan and Green absent.

Council Member Garcia stated that he wanted to thank the organization for their help in organizing the trade mission to Puerto Rico, that it would be followed by visit from the delegation to look at business opportunities with the City of Houston. Council Members Galloway, Quan and Green absent.

Council Member Garcia stated that tomorrow evening El Paso Corporation would be issuing scholarships to Jeff Davis High School seniors of the Class of 2005, that he appreciated El Paso Corporation's support of the young and future leaders and helping them achieve their goals of higher education. Council Members Galloway, Quan and Green absent.

Council Member Garcia stated that he got a call during session that another dear friend and leader in the community and a great friend to young people in the City of Houston and the Houston Police Department and a long time and original supporter of the Hispanic Officer of the Year Committee, Mr. Dominic Quijano, owner of several McDonalds in the City passed away on Monday, that it was a huge loss, that he wanted to convey his prayers and condolences to Nellie Quijano and asked for a moment of silence in Mr. Quijano's memory. Council Members Galloway, Ellis, Quan and Green absent.

Council Member Sekula-Gibbs stated that she too wanted to express her condolences to the Moreno family on the loss of State Representative Joe Moreno. Council Members Galloway, Ellis and Green absent.

Council Member Sekula-Gibbs stated that today was Israel's 57th Independence Day and there was a celebration tonight, that the General Counsel was going to host the celebration. Council Members Galloway, Ellis and Green absent.

Council Member Sekula-Gibbs stated that BRAC would soon be coming out with base realignments and closures and it was her firm hope that it would not cause a reduction in staff and airplanes at Ellington Field. Council Members Galloway, Ellis and Green absent.

Council Member Goldberg stated that he wanted to release his tag on Item No. 44.

44. ORDINANCE approving and authorizing Interlocal Agreement between the City, **FORT BEND COUNTY TOLL ROAD AUTHORITY**, and **FORT BEND COUNTY** for Reconstruction of Hillcroft Street from Beltway 8 to Fuqua and accepting \$275,000.00 from Fort Bend County Toll Road Authority and \$100,000.00 from Fort Bend County and depositing such funds into the Street & Bridge Construction Fund; GFS N-0792-01-2 (SB9206) - **DISTRICTS C - GOLDBERG and D - EDWARDS** - was again before Council. Council Members Galloway, Wiseman, Ellis and Green absent.

Council Member Goldberg stated that he assumed that everyone had an amendment that had been passed out, that it clarified the conflict in the interlocal agreement and presented the following written motion:

"That Item 44 on the Agenda for May 11, 2005, an interlocal agreement between the City of Houston, Ft. Bend County, and the Fort Bend County Toll Road Authority, be amended by inserting the following clause at the end of the sentence in Section 2 of the Terms Division of the agreement that begins 'These services are currently estimated to be \$395,106...', however the County shall be responsible for 100% of the design cost for the Project, in whatever amount they may be."

A vote was called on Council Member Goldberg's written motion to amend Item No. 44. All voting aye. Nays none. Council Members Galloway, Wiseman, Ellis and Green absent. MOTION 2005-0425 ADOPTED.

A vote was called on Item No. 44 as amended. All voting aye. Nays none. Council Members Galloway, Wiseman, Ellis and Green absent. ORDINANCE 2005-0621 ADOPTED.

Mayor White stated that he wanted to thank Council Member Goldberg for his work on Item No. 44. Council Members Galloway, Wiseman, Ellis and Green absent.

Council Member Khan stated that the day after Mother's Day was the Woman's Health Screening Day, that they were holding a Woman's Health Fair on Saturday, May 14, 2005 at Sharpstown Mall at the entrance to J. C. Penney from 10:00 a.m. to 2:00 p.m., that he wanted to thank everyone involved. Council Members Galloway, Wiseman, Ellis and Green absent.

Council Member Khan stated that in many stores, not just convenient stores, adult magazines were displayed in areas which were accessible to young children and they were informed about a situation by some of their constituents, that they tried to reach out to a store which was a large chain and so far they had not been successful, that he did not know if they could do anything as a City but he would like to encourage the citizens that when they saw sexually magazines displayed in areas where children could reach and see them that they complain to the store manager and ask them to remove them and put them in an area where children would not have exposure to them. Council Members Lawrence, Galloway, Wiseman, Garcia, Ellis, Sekula-Gibbs and Green absent.

Council Member Khan stated that today they passed an ordinance regarding the Click-It or Ticket Campaign, that it was about time that they remind people that seatbelts save lives, that the program would be from May 23 through June 5, that it would be conducted by the Houston Police Department. Council Members Lawrence, Wiseman, Garcia, Ellis, Sekula-Gibbs and Green absent.

Council Member Khan stated that there would be a Cricket match coming to Houston on June 18 and 19, 2005 at the Reliant Center. Council Members Lawrence, Wiseman, Garcia, Ellis, Sekula-Gibbs and Green absent.

Council Member Khan stated that he wanted to congratulate one of the largest south Asian radio programs, Sangeet Radio and their host, Mr. Gaddi , on their 8th anniversary which they would be celebrating tomorrow, that they provided great community service, that it was the largest program and they were on the air 5 days a week from 11:00 a.m. to 12:00 a.m., that it was not only local news but news from around the world. Council Members Lawrence, Garcia, Ellis, Sekula-Gibbs and Green absent.

Council Member Quan stated that while he knew Item No. 19 had been tagged, regarding third party inspections, he wanted to thank Mayor White for his interest, that maybe they needed to polish it up a little bit more but by the same token they were at least moving forward, that he knew it had been a hindrance for a lot of builders. Council Members Lawrence, Garcia, Ellis, Sekula-Gibbs and Green absent.

Council Member Quan stated that Council Member Berry would be honored on Wednesday night, May 18, 2005 as one of the Five Outstanding Young Houstonians, that every Council Member would be receiving an invitation, that it would be at the Crystal Ballroom at the Rice Hotel. Council Members Lawrence, Garcia, Ellis, Sekula-Gibbs and Green absent.

Council Member Berry stated that Council Member Quan's daughter was also one of the honorees. Council Members Lawrence, Garcia, Ellis, Sekula-Gibbs and Green absent.

Council Member Berry stated that on March 29, 2005 they had a number of subcontractors come to Council to see what the Council could do to help them because Stevens Construction Services were not paying them for work that they claimed they had done and Stevens chose not to show up and it was his understanding that they had an opportunity to, that a number of those speaking also used a company named Trimbell and Stevens, that he knew Jay Tribble, of Tribble and Stevens and assumed that must be the same company name and was disappointed that the company would behave in that manner, that he called the individual and they talked it through and he did some research for him because the problem had come up for them before, and Tribbel and Stevens, whose name he thought was being trashed, it turned out it was not, they were a 38 year old company who had never once done a project with the City of Houston but did have a very good reputation in the City of Houston, that Trimble and Stevens was an all together different firm, that he told Jay Tribble that he would clear his name and they had done that. Council Members Lawrence, Garcia, Ellis, Sekula-Gibbs and Green absent.

Council Member Berry stated that on Item No. 63 he wanted to thank Mr. Calvin Wells, Purchasing Agent, he provided all the backup information they needed, that he wanted to send a message to Mr. Wells and anybody else that they intended for the process to work and as City Council Members that process was very important to them. Council Members Lawrence, Garcia, Ellis, Sekula-Gibbs and Green absent.

Council Member Berry stated that he wanted to remind his colleagues and anyone else interested that tomorrow morning, Thursday, at 10:00 a.m. was their Transportation, Infrastructure and Aviation Committee meeting, they were going to hear from the Bay Area Transportation Partnership on the scope of work that the City of Houston just gave them a grant for, that they were also going to take up the duty free concession in Terminal C, improvement issues that he knew each Council Member had heard from people regarding that. Council Members Lawrence, Garcia, Ellis, Sekula-Gibbs and Green absent.

Council Member Berry stated that he had been using the Central Library even more than usual and had a wonderful experience each and every time and wanted to say that the research librarians were a great resource, that in particular there was a bilingual lady who was wonderful, Ms. Eva Porras was so helpful. Council Members Lawrence, Garcia, Ellis, Sekula-Gibbs and Green absent.

Mayor White stated that when he met with about 100 library employees, without management present, an open discussion, what they would want the Mayor to know, that it was very spontaneous, that quite a number of librarians believed there was a crisis in a number of the library's on unsupervised young people, that it was getting measurably worse, that it was not a problem they solved by substituting a computer for a book or librarian, that he was just telling them what he had heard and was not drawing any conclusions, that one person put it this way, that in City Hall a lot of people may think that it was trendy and technology, that they just needed to put a lot more PC's or notebooks in the computers because people did not have access to them, but if they did that nobody abided by the 30 minute rule about using computers and 90% of the time he went in there they were playing games, that it had an impact on him on how they looked at some of the budgetary priorities. Council Members Lawrence, Garcia, Ellis, Sekula-Gibbs and Green absent.

Council Member Goldberg stated that he thought the long awaited design of the improvement of the Central Library had been completed and they were going to start construction, that the Central Library would be shut down for a few months. Council Members Lawrence, Garcia, Ellis, Sekula-Gibbs and Green absent.

Council Member Goldberg stated that there were several Council Members thanking some of the City employees who worked during OTC and he was negligent in not thanking Ms. Helen Chang, that Helen took the opportunity, since the Vice Mayor of Cavalry was going to be in town, to develop a Strategic Partnership Agreement between the two cities, that they had a lot in common, they were the oil capital of their respective countries and also had the biggest rodeos in their respective countries, that he thought the Strategic Partnership Agreement was going to work and looked forward to the City of Houston working together with the City of Cavalry in their many common objectives. Council Members Lawrence, Khan, Garcia, Ellis, Sekula-Gibbs and Green absent.

Council Member Wiseman stated that on May 5, 2005 they had their Community Coffee at Stevens Middle School, it was a great success and well received, that she wanted to thank the City employees who took the time to come out and visit with the constituents. Council Members Lawrence, Khan, Garcia, Ellis, Quan and Green absent.

Council Member Galloway stated that Ms. Ruby Cooper's memorial service would be today at 3:00 p.m. at the Pat Foley Funeral Home at 1200 West 34th Street, that she went by last night and visited the family and everybody had wonderful things to say about Ruby because

she was such a warrior and fighting to make sure things happened, that it was a great loss to the City. Council Members Lawrence, Khan, Garcia, Ellis and Green absent.

Council Member Galloway stated that in the Pleasantville Community they were going to have the grand reopening of their library on May 17, 2005 at 12:30 p.m., that it was a state of art facility, that she hoped people would not steal any more of the plants that they had at the library. Council Members Lawrence, Khan, Garcia, Ellis and Green absent.

Council Member Galloway stated that she would be having another Fifth Ward Cleanup and wanted to thank everyone who helped, that it would be on Saturday between 9:00 a.m. and 1:00 p.m. on the corner of 1200 Gregg and 3400 Baron Street, that was where they would meet on Saturday morning, May 14, 2005. Council Members Lawrence, Khan, Garcia, Ellis and Green absent.

Council Member Galloway stated that she had quite a few residents send in written nuisance in the community and she was appalled by the fact that she got a memo back stating that the violation was sent on April 25, 2005 and the problem was resolved on the weeded lots on May 7, 2005, a Saturday, that normally contractors did not go out and cut weeded lots, that the lots were still weeded, that the problem had not been resolved, that also one notice said it was sent April 20, 2004 and the problem was resolved on April 1, 2004, so in other words the problem was resolved before the notice was sent, that there was a lot of discrepancy in the memo and a copy was sent to Mayor White, that until it was done she did not think it should be stated that it was resolved, that was what aggravated a lot of her constituents, that she would like Mayor White to look into the matter and correct it. Council Members Lawrence, Khan, Garcia, Ellis, Green and Berry absent.

There being no further business before Council, the City Council adjourned at 11:10 a.m. Council Members Lawrence, Khan, Garcia, Ellis, Green and Berry absent.

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary