

City Council Chamber, City Hall, Tuesday, August 30, 2005

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, August 30, 2005, Mayor Bill White presiding and with Council Members Toni Lawrence, Carol M. Galloway, Ada Edwards, Pam Holm, Adrian Garcia, Carol Alvarado, 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; Ms. Debra Dillard, Mayor's Citizens Assistance Office; Ms. Marty Stein, Agenda Director present. Council Member Mark Goldberg out of the city on city business. Council Member Addie Wiseman absent due to being ill. Council Member M. J. Khan out of the city on personal business.

At 2:00 p.m. Mayor Pro Tem Alvarado stated that Council would begin presentations and called on Council Member Garcia. Council Member Garcia stated that it was his honor to participate in the recognition of a very important program implemented in Harris County which was the Harris County Drug Court Program known as Success Through Addiction and Recovery and as the STAR Program; and invited Ms. Mary Covington, Judge Caprice Cospers, Ms. Julie Bartos, Ms. Rosanna Ruiz and Mr. Ray Andrews to the podium. Council Member Garcia further stated that he understood the importance of such a program and he appreciated them making it successful; and presented a Proclamation to them proclaiming the month of September as "Success Thru Addiction Recovery, National Recovery Month". Mayor White, Council Members Lawrence, Galloway, Edwards, Holm, Quan and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Green congratulated all on the good work they were doing; and whatever the City could do to help promote they should let them know. Mayor White, Council Members Lawrence, Galloway, Edwards, Holm, Quan and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

At 2:08 p.m. Mayor Pro Tem Alvarado called the meeting to order and called on Council Member Ellis who led all in prayer and in the pledge. Mayor White, Council Members Galloway, Holm and Berry absent. Mayor Pro Tem Alvarado presiding.

At 2:09 p.m. the City Secretary called the roll. Council Member Goldberg out of the city on city business. Council Member Wiseman absent due to being ill. Council Member Khan out of the city on personal business. Mayor White, Council Members Holm and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Members Green and Garcia moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Member Wiseman absent due to being ill. Council Member Khan out of the city on personal business. Mayor White, Council Members Galloway, Holm and Berry absent. Mayor Pro Tem Alvarado presiding. MOTION ADOPTED.

Council Member Garcia moved that the rules be suspended for the purpose of hearing the three minute Agenda speakers prior to the one minute Agenda speakers; hearing Ms. Lynn Holender, Ms. Sandy Poffinbarger and Ms. Andrea Anderson out of order and adding Ms. Karen Preston for one minute on the Non-Agenda list of speakers, seconded by Council Member Green. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Member Wiseman absent due to being ill. Council Member Khan out of the city on personal business. Mayor White and Council Member Galloway absent. Mayor Pro Tem Alvarado presiding. MOTION 2005-0827 ADOPTED.

Mr. Bart Womack, 1617 Fannin, Houston, Texas 77002 (832-236-5671) had reserved time to speak but was not present when his name was called. Mayor White and Council Member Galloway absent. Mayor Pro Tem Alvarado presiding.

Mr. Sean Hayball, 8638 LaFonte, Houston, Texas 77024 (832-236-5671) had reserved

time to speak but was not present when his name was called. Mayor White and Council Member Galloway absent. Mayor Pro Tem Alvarado presiding.

Mr. Joe Matthews, 12402 Millbanks, Houston, Texas 77031 (832-236-5671) had reserved time to speak but was not present when his name was called. Mayor White and Council Member Galloway absent. Mayor Pro Tem Alvarado presiding.

Mr. Ray Hill, 419 Lovett blvd., Houston, Texas 77006 (832-236-5671) had reserved time to speak but was not present when his name was called. Mayor White and Council Member Galloway absent. Mayor Pro Tem Alvarado presiding.

Mr. James Moore, 4900 Floyd #3, Houston, Texas 77007 (832-236-5671) appeared and spoke in favor of Houston Media Source and stated that in response to Council Members eliminating their free speech forum, Houston Media Source, a group which included him had formed the Amendment One Committee and their goal was to fight any attempt to limit what they had a right to say. Mayor White and Council Member Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Edwards thanked him for his work on the issue and stated that the Administration hired a law firm to do an analysis of what was going on and based on her recollection the current board and methods were within guidelines; that someone went outside the guidelines and they were dismissed, so she wanted to know if HMS was found in noncompliance of contract and what did they want new board members to do differently from the current board; and Mayor Pro Tem Alvarado stated that they would make sure someone did respond to her questions. Mayor White and Council Member Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Quan thanked Mr. Moore for coming and stated that he did look forward to his suggestions; that he felt it was important to have Houston Media Source for an avenue of free speech and he would do what he could while on Council to make sure it continued. Council Member Berry absent.

Council Member Sekula-Gibbs stated that he was representative of a station which was a contract holder and as such the contract was an important tool which came with over \$800,000.00 in fees from cable viewers and it came with responsibility; that if the contract was not upheld they needed to find someone who would uphold it; that it was not censorship but upholding a contract they were talking about. Council Member Holm absent.

The City Secretary stated that Mr. Ray Hill who was previously called was now present; and called on Mr. Ray Hill. Council Member Holm absent.

Mr. Ray Hill, 419 Lovett blvd., Houston, Texas 77006 (832-236-5671) appeared and spoke in favor of Houston Media Source and stated that the idea of taking the channel and making it a multicultural art venue was basically what it was now; that it may not match middle age Anglo taste, but to those who may not have a voice, they did have a voice now with training at HMS. Council Members Lawrence, Galloway, Holm and Green absent.

Council Member Berry stated that he appreciated his comments and he thought they would disagree on some programming, but he thought Mr. Hill would have to admit that the public did sort of own this and they would not approve with some of the programming as they were bad news; and Mr. Hill stated that message was received and those at HMS would be more cautious, but that did not mean some of their political ideas would not be offensive, some of their images would not be shocking; and Council Member Berry stated that he hoped he would take the message back that producers who came and spoke of putting their heart and soul into this could understand that one percent of the programs were really out of taste; that there would be a media source, money would come and he thought they would be better for it.

Council Members Lawrence, Galloway, Holm and Green absent.

Upon questions by Council Member Edwards, Mr. Hill stated that the breakdown on Houston Media Source was so diverse it was difficult to chart; and he saw a lot he disagreed with; and Council Member Edwards stated that she also saw a lot she disagreed with but she had yet seen the T and A piece, but she did see a lot she felt was obscene but had nothing to do with sex. Council Members Galloway, Holm and Green absent.

Council Member Sekula-Gibbs she did agree media was critical and they had to nurture production opportunities in the community as there was great talent and she did support it, it was vital but her concern was the contract and if it was violated why should they reissue it to the same group; and Mr. Hill stated that the City Attorney's Office studied the contract and said there were no violations; and Council Member Sekula-Gibbs stated that she did not think that was true, what she saw was inappropriate, commercial elements and obscenity; and Mr. Hill stated that if she felt that producer somehow violated the contract then that producer would be removed from the air as punishment; and Council Member Sekula-Gibbs stated that it was done twice and they were told it was just error; and Mr. Hill stated the board should sit with them and discuss it, but no legal opinion had articulated they were in violation. Council Members Galloway, Holm and Green absent.

The City Secretary stated that Mr. Sean Hayball was now present and Mr. Hayball appeared at the podium and stated that Mr. Bart Womack was to be called as the next speaker. Council Members Galloway, Holm and Green absent.

Council Member Ellis moved that the rules be suspended for the purpose of hearing Mr. Bart Womack prior to Mr. Sean Hayball, seconded by Council Member Quan. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Member Wiseman absent due to being ill. Council Member Khan out of the city on personal business. Council Members Galloway, Holm and Green absent. MOTION 2005-0828 ADOPTED.

Mr. Bart Womack, 1617 Fannin, Houston, Texas 77002 (832-236-5671) appeared and spoke in favor of Houston Media Source and stated that if Houston Media Source was in violation of its contract for any discussion on it to pursue they would have to ascertain whether or not it was true and he would ask that they speak with the City Attorney and have it settled; and it was important to know there was a process which specifically addressed individual producers who violated the law; and described a New York case comparing it to HMS until his time expired. Council Member Galloway absent.

Mr. Sean Hayball, 8638 LaFonte, Houston, Texas 77024 (832-236-5671) appeared and spoke in favor of Houston Media Source and stated that today brothers and sisters were in Iraq fighting for freedom and as citizens of the U. S. they owed them the same dedication in protecting freedoms here. Council Member Galloway absent.

Mayor White stated that to expedite the proceedings he wanted to inform the Council body of a few things, in general on the Mayor's Report they would get a memo based on TIRZ policies and would review individual policies; that because of Hurricane Katrina there could be a significant change to the nation's energy policy and energy availability and because of his position he would have to devote some time to make sure Houston was prepared, they had not seen anything like this for 30 years or so and he was saying he may excuse himself for part of the meeting and his memo had been delayed; that secondly, there would be a motion by Council Member Garcia where they would review the Hardy TIRZ for a period of maybe 30 days and have public hearings, which never occurred before on the plan; that the original proposal had many times more money for paying the developer for his interest cost rather than for remediation and that was probably not something they wanted to encourage in TIRZ and he thought public scrutiny was good and his, the Administration's, objectives for the near northside was first to ensure the acreage covered by the TIRZ had more investment than any other place

in the City of Houston and that was principally going to be work they were doing, which was funded and not a pie in the sky, to build a rail north of downtown into the area and build a transit center to allow people to get around the city and it would be a commitment for affordable housing and one of his goals was to make sure every dollar of the taxpayer's money they had went into improving public facilities and that they transferred no more to private sector's interest or consultants than was necessary and appropriate; that some TIRZ had done good things, but they needed policies on them and this was all a part of an undercurrent and a goal they were working toward so they could have oversight of the TIRZ capable of the elected officials understanding without them having to go to budget books. Council Member Galloway absent.

Council Member Garcia stated that he thanked the Mayor for his insight to priorities and he felt they were in line with priorities of the community; and Mayor White stated that he would again say he relied a lot on many decisions on the single District Council Member familiar with feedback in their areas. Council Member Galloway absent.

Council Member Edwards moved that the rules be suspended for the purpose of hearing Ms. Debbie Schultz and Ms. Beatra Thornton out of order, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Member Wiseman absent due to being ill. Council Member Khan out of the city on personal business. Council Members Galloway, Ellis and Berry absent. MOTION 2005-0829 ADOPTED.

Ms. Helen Quintero, 3406 Robertson, Houston, Texas 77009 (713-409-6755) appeared and stated that she was a TMO leader from Holy Name Catholic Church and parish counsel member, teacher and attorney and lived in the community over 30 years; that it was before Council's consideration whether to abolish the Hardy Near Northside TIRZ and the church contained a guarantee that 20% of the units at the Hardy site would be reserved for affordable housing and without the TIRZ there was risk they would lose the guarantee. Council Members Galloway, Ellis and Berry absent.

Upon questions by Mayor White, Ms. Quintero stated that they were much committed to participate in the forum as they were very interested in making sure they had a guarantee on the low income housing. Council Members Galloway, Ellis and Berry absent.

Council Member Garcia stated that he wanted a perspective to make sure their discussions were in line with previous discussions he had with persons in the community; and upon questions, Ms. Quintero stated housing was the number one thing they needed to figure and commitment to and the term affordable housing was what people in that community could generally afford and it was also a priority that gentrification did not overwhelm their community. Council Members Holm, Alvarado, Ellis and Berry absent.

Ms. Sylvia Luna, 1909 Gentry, Houston, Texas 77009 (713-227-8529) appeared and stated that she was a TMO leader and member of Holy Name Church; that they had a great concern for the future of their community, most lived on a fixed income and if for any reason they would have to leave there would be anguish and despair trying to find another home and if the TIRZ was abolished there was a risk affordable housing would go with it and today she was asking for a commitment from the Mayor and Council to help them keep their residences. Council Members Holm, Alvarado, Ellis and Berry absent.

Council Member Garcia stated that he grew up near her address and part of what drove him on the issue was when someone came to him about the project they said it would help wipe out the crummy houses and it was supposed to be a good thing; that they did need to preserve the community and enhance it and needed to be partners. Council Members Ellis and Berry absent.

Ms. Rosaria Munoz, 1715 Common, Houston, Texas 77009 (713-229-0153) appeared with

a translator and stated that she belonged to a community of religious missionaries who worked at Holy Name Parish; that their mission was to visit families and it had led them to understand their worries and needs and many worried about their homes with rising taxes; that their home was all they had and they were asking that all the Mayor and Council's decisions be in favor of those in the near northside area. Council Members Ellis and Berry absent.

Mr. Hugo Prado, 1920 Marian, Houston, Texas 77009 (713-807-1429) appeared with a translator and stated that he lived in the northside community four years after coming to Houston; that security for his family was very important and a home was an important place; that over the last year he had to move out and looked six months for a secure and tranquil place; that he had to move out of the area and into the Greenspoint area; that his daughter went to school at the church in the community and it was not good to sacrifice values being taught to save on gas; that when he heard of the proposition of affordable housing he came as it was a good opportunity for his family. Council Members Lawrence, Ellis and Berry absent.

Mr. Guadalupe Gonzalez, 2803 Robertson, Houston, Texas 77009 (713-223-2912) appeared and stated that he belonged to TMO and Holy Name Catholic Church; that Council Member Garcia and other representatives agreed to commit to 20% of the units being built being affordable housing and integrated within the whole area of the property development; that without the affordable housing their entire community would be run out by high priced housing; that good people were raised there including Judge Hernandez, Council Member Garcia and Father Cantu; that they were poor but strong spirit and asked Mayor White to commit to the 20%. Council Members Lawrence, Ellis and Berry absent.

Council Member Garcia thanked Mr. Gonzalez for his involvement and stated that the two of them had discussions with TMO; and upon questions, Mr. Gonzalez stated that with or without TIRZ they wanted a commitment of 20% affordable housing; and Council Member Garcia stated that he and the Mayor did have the community's best interest at hand and were trying to move forward. Council Members Lawrence and Ellis absent.

Mayor White stated that one issue with this TIRZ was there was an undeveloped piece of land in the middle and various developed pieces on the peripheral and development would affect people's property value and he was not against free enterprise but they needed to think about who the funds would flow from and who they would flow to; that they talked about affordable housing but he would like to see those living there continuing to live there without being forced out with inflation; and Council Member Garcia stated that he did appreciate their discussions. Council Members Ellis and Quan absent.

Upon questions by Mr. Gonzalez, Mayor White stated that if it said seven acres he wanted to do eight and if there was a certain percent he wanted more; that he wanted to do more and faster, but he would caution people that they did need a public debate on the best plan to get there; that if they could build a block away and build twice as much he wondered if that would be better and he wanted a public debate. Council Member Ellis absent.

Council Member Garcia stated that he had a letter to read from Mr. Gene Goins which stated that he served on the near northside BOND and lived in the area since 1952 raising his family there; that city, county and state representatives committed to 20% minimum affordable housing in the TIRZ; that with new developments and the possibility of the TIRZ being dissolved he would ask as head of the leading civic association in the area and as a concerned senior citizen to please let them see a renewal of that stated commitment above any new principles. Council Member Garcia further stated that Mayor White was right and they did need public discussions because there were personal preferences on achieving economical housing but then there was economics. Council Member Ellis absent.

Council Member Quan stated that he attended the TMO meeting in January and was touched by their efforts on achieving affordable housing in the area and he appreciated Mayor

White bringing this to a higher level of discussion; that Mr. Wilson brought fresh air to the Housing Department and the near northside did need to be addressed, but others hoped Council would bring a commitment and guidelines for a housing plan that would last beyond their terms and he hoped they would put something in place to continue positively for the whole city. Council Member Ellis absent.

Ms. Lynn Holender, 1900 N. Loop West #280, Houston, Texas 77018 (713-686-8581) appeared and stated that she was with Customized Real Estate Services, a commercial real estate firm in Houston, and they were certified and she was present as the recent HBJ (Houston Business Journal) article there was no inclusive bid process implementation in disposing of the Fannin garage and if that was so then the city lost a great opportunity to support capable minority, small and women owned businesses and they would expect this city to give the same opportunities to bid and if they did not reach out beyond the same circle, the same phone numbers then everyone lost. Council Members Garcia and Ellis absent.

Council Member Green stated that all learned a lot regarding this contract and through this process and they would look beyond their numbers; that they were here to promote what was great about Houston and that was equal opportunity; and he believed they would see things change. Council Members Garcia and Ellis absent.

Upon questions by Council Member Lawrence, Ms. Holender stated that she E-mailed Ms. Velma Laws addressing the issue today, but had not spoken with her; and Council Member Lawrence stated that after she spoke with her she would like to know the outcome. Council Members Garcia and Ellis absent.

Mayor White stated that the City of Houston ordinarily did not use brokers and he believed they missed the boat on it; that they posted properties and bids came in at appraised value and they did not contact adjacent landowners, etc., but they did want to use the best business practices and they would be sorting properties that were not needed by the city so they could use the resources where they did need them and he would use brokers to do that as it was a businesslike thing to do; and as Council Member Green said they should watch what they would be doing; and he did want to negotiate the price of the commission but not divide it into so many slices that no one would have incentive to do it right. Council Members Garcia and Ellis absent.

Ms. Sandy Poffinbarger, 1900 N. Loop West #270, Houston, Texas 77018 (713-681-9232) appeared and stated that she was executive director of the Women's Business Enterprise Alliance and was present today representing their 600 plus business owners in Houston; that there were challenges in changing the way things were done, but she did thank the Mayor and Council for taking the steps. Council Members Garcia and Ellis absent.

Council Member Quan stated that there was concern regarding women owned business and their certification, whether they actually owned and operated the business, and Council Member Galloway was going to have a meeting and he hoped she would attend; and Ms. Poffinbarger stated that she would love to be involved in any conversation where anyone was doubting the legitimacy of certification. Council Members Garcia, Alvarado and Ellis absent.

Upon questions by Council Member Quan, Council Member Galloway stated that the MWBE Committee Meeting would be September 14th at 2:00 p.m.; and Council Member Quan stated that her expertise would be helpful. Council Members Garcia, Edwards and Ellis absent.

Ms. Karen Preston, who was previously added to the speakers list, appeared and stated that she was present with the Free Francis Newton Committee and was asking that she be allowed to speak at the time the rest of that group spoke. Mayor White, Council Members Garcia, Edwards, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Andrea Anderson, 18522 Huron Park, Humble, Texas 77346 (713-289-0221) appeared and stated that she did not totally disagree with principles of the Safeclear Program, however, Houstonians must feel safe; that her ordeal began April 28th, she called 311 at 5:43 p.m. and the wrecker arrived at 6:40 p.m. and they were forced to use their debit card; that later an additional \$650.00 in unauthorized charges hit their account and she filed a police report and a month later she found out the same thing happened to another lady after using Unified Auto Works and when they found each other they compared facts and discovered they had different drivers so suspected someone in the company and after investigating Huey Hamilton she found had a lengthily criminal history involving burglary and theft and the owner of the company Mr. Palmer was convicted for attempted murder and sentenced to 20 years in TDC; that in February 2005 Mr. Palmer said not to judge him on his past but on what he did today and she was; and she was urging Council to review the Safeclear Program and require all employees of the program undergo a criminal history check and that all females be subjected to all prior name checks including maiden names; and again urged that Council make sure Safeclear was exactly that, safe. Mayor White, Council Members Garcia, Edwards, Ellis and Green absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Sekula-Gibbs stated that was very serious and she first heard about it on Channel 2; that she had a discussion of it with Council Member Berry, chairman of the Transportation Committee, and she would like him to take up that matter; that they could modify the program and make sure background checks were done on all who had access to her information; and if Unified Auto Works knew about this and hid it from Ms. Anderson there was something wrong and they should be investigated and perhaps their contract be rescinded; that it should be investigated; and she encouraged anyone who had been in this situation to let Council know. Mayor White, Council Members Lawrence, Garcia, Ellis and Green absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Quan, Ms. Anderson stated that the tow driver showed one hour later; that he was a nice driver and gave her an opportunity for a free tow to the first exit, but her warranty driver said she could not call again until she was at a location where she could give an address so she would have waited an hour, been moved off and then waited for another tow and the dealership was waiting. Mayor White, Council Members Lawrence, Garcia, Ellis and Green absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Ms. Anderson stated that once the driver took the information it was then given to the tow yard and Mr. Hamilton worked there at the yard and from what she understood from the police he then called his girlfriend and gave her the information; that she felt it concerned Council because she thought the program should be amended; that Mr. Hamilton had five prior criminal histories and been to TDC and Mr. Palmer either knew of his past history of deception or did not run a background check and beginning September all Safeclear companies would be able to accept credit or debit cards; and Council Member Edwards stated that when she had the same trouble and she understood how frustrating it was but it was still not clear as to where it went as for the ordinance; and after further questions by Council Member Edwards, Mr. Cheatham stated that they could look at it and needed to if Council wanted to look at holding the contractor responsible for their employees it was something they could look at, but he did understand this incident was under investigation and he assumed Capt. Bender would be looking at what impact it would have on Safeclear. Mayor White, Council Members Lawrence, Garcia, Ellis and Green absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Berry stated that no one wanted anything like this to happen, but there may be differences of opinion as to when someone served their debt to society how much of a penalty they should carry for the rest of their lives; and Council Member Berry stated that United was a good small and minority company and he knew them personally and they did get great responses, but he was sorry she did not get a good response. Mayor White, Council Members

Lawrence, Garcia, Ellis and Green absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Galloway moved that the rules be suspended for the purpose of moving Ms. Kimberly Falls out of order, seconded by Council Member Quan; and no vote was called as a quorum was not present. Mayor White, Council Members Lawrence, Holm, Garcia, Ellis and Green absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Kimberly Falls, 1919 Runnels #165, Houston, Texas 77003 (713-223-2049) appeared and stated that she was present with an issue that had been a problem for a few years; that she had a problem with wasps coming in her windows and they were calked and she was told that was all that could be done, but maintenance at the Housing Department said they would see the problem was resolved and yet nothing was done; that she spoke with someone else in Housing and was told it would be handled, but still nothing; that they also based her rent on child support which she did not receive and she was told to bring proper documentation but before she could do it there was a letter in her mailbox stating her rent would be based on income she did not receive and it was her responsibility to pay it; that she spoke to her manager at O'Ryan and was told she would be called back about the way she was treated, etc.; and now she wanted to know what could be done. Mayor White, Council Members Lawrence, Holm, Garcia, Ellis and Green absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Quan stated that the Housing Authority had hired O'Ryan to be the manager of Clayton Homes; and upon questions, Ms. Falls stated that she lived at Clayton Homes; that her rent was based on income she did not receive; that she was told it was based on money she was supposed to be getting; that she did try to speak with Ms. Simms, but she was the one who told her to get out of her office when she spoke about the wasps and she had paper which said she did not get the child support; and Council Member Quan stated that he believed she should be referred to Mr. Allison; and Mayor Pro Tem Alvarado stated that she believed that also and would refer her to Ms. Kuffner who was present at this time. Mayor White, Council Members Lawrence, Holm, Garcia, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Chris Palumbo, 5102 Academy, Houston, Texas 77005 (713-661-2968) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Holm, Garcia, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Tom McKittrick, 1111 Guina, Houston, Texas 77005 (713-465-4827) appeared, presented information and stated that he was a member of the Citizens Transportation Coalition and was present to remind Council of five workshops starting September 17th for a process called Envision Houston Region, it was a process designed to permit small groups of citizens to express opinions on where new residents might live in the region and how they would travel, education, etc.; that the first would be at the George R. Brown Convention Center and they were encouraging the Mayor and Council to attend and hear their constituents; and he was also encouraging them to help the I-45 Coalition get a fair hearing from TxDOT. Mayor White, Council Members Lawrence, Holm, Garcia, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Debbie Schultz, 3311 Richmond #334, Houston, Texas 77098 (713-524-2147) appeared, presented information and stated that she was with Wheeler avenue Baptist Church and was present to make an announcement on a special education resource fair for parents with special needs; that it would be September 10th from 10:00 a.m. to 2:00 p.m.; that several groups were putting this on and it was free to parents; that lunch would be served and they would receive much information; and they hoped Council would help get the word out. Mayor White, Council Members Lawrence, Holm, Garcia, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Beatra Thornton, 3311 Richmond #334, Houston, Texas 77098 (713-524-2147) appeared and stated that she was also present regarding the special education resource fair and it was important as it would have an emphasis on succeeding and graduating and parents needed to know how to help their children; that they wanted all children to succeed and parents were an intricate part of the process. Mayor White, Council Members Lawrence, Holm, Garcia, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that she wanted to congratulate the parents for stepping up; that it was important for parents who might have children with physical disabilities, they would find out about resources they may not know about; and she thanked Wheeler Avenue Baptist Church and Ms. Howard and her group and the parents. Mayor White, Council Members Lawrence, Holm, Garcia, Ellis and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Sekula-Gibbs stated that the younger a child was when a problem was identified the better it was, the better chance they had to support them and it minimized the impact on their ability to be successful; and reiterated the place and date of the fair. Mayor White, Council Members Lawrence, Holm, Garcia, Ellis and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Brett Harris, 10940 Meadow Glen Lane #405, Houston, Texas 77042 appeared and stated that he wanted to address the issue of former police officer Christopher Lee Green; that he was struck by him and his patrol car December 20th when he was riding his mountain bike to work and that was a month after the incident where he pulled nude photos of a DWI suspect off her cell phone and putting them on his PDH to show fellow officers; that he was not sure how he was still on the road a month later to strike him but he was; that he was appearing today to make sure he was not able to get back with HPD or to represent Houston; and he still had not been able to get his bicycle back and only Officer Acevedo would identify himself; that he submitted a claim for over \$67,000.00 in hospital bills with his leg being shattered and yet the officer said he never hit him; and his phone number was illicitly obtained and he was called trying to intimidate him from showing today. Mayor White, Council Members Lawrence, Holm, Garcia, Ellis and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Alvarado stated that the phone call was a part of the normal process when someone signed up to speak; and Mr. Harris stated that he did not leave his phone number because he had not wanted to be contacted. Mayor White, Council Members Lawrence, Holm, Garcia, Ellis and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Mr. Harris stated that he was denied by the District Attorney's Office and Internal Affairs to file, he was told they would not touch it; that his attorney was trying to see how best to proceed; and Council Member Edwards stated that she would request from the Administration to be informed on what was going on in this case; and Mayor Pro Tem Alvarado stated that they would provide it to interested Council Members; and Capt. Reddy was present and he could visit with him; and Mr. Harris stated that he would rather not speak with him, he was afraid to speak with HPD officers. Mayor White, Council Members Lawrence, Holm, Garcia, Ellis and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Trent Winters, 7967 W. Airport, Houston, Texas 77071 (713-729-1153) stated he did not wish to speak at this time. Mayor White, Council Members Lawrence, Holm, Garcia, Ellis and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Samone Pride, 20203 Pine Field, Humble, Texas 77338 (713-754-2906) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Holm, Garcia, Ellis and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

QUORUM PRESENT)

Ms. Jacquelyn Starks, 4000 W. 34<sup>th</sup> #157, Houston, Texas 77092 (713-824-6344) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Holm, Garcia, Ellis and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Velma Green, 2824 Worthington, Houston, Texas 77093 (713-824-6344) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Holm, Garcia, Ellis and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Shirley William, 3641 N. MacGregor, Houston, Texas 77004 (713-527-8363) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Holm, Garcia, Ellis and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. F. L. Henderson, 8400 Broadway #83, Houston, Texas 77061 (832-228-7647) appeared and stated that there was a storm brewing in Housing Section 8; that the Houston Housing Department had a no administrative services attitude; that it was disappointing they had become so inefficient and their attitude should be corrected, he was demanding equal treatment. Mayor White, Council Members Lawrence, Holm, Garcia, Ellis and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Quan, Mr. Henderson stated that there was need for reform with qualification of the persons there, the attitude of the inspector, and the attitude of those at the apartments on Fountainview; and he could get no one to respond until after he was on the Agenda and then he received nine phone calls; and Council Member Quan stated that at this time he had a call in to Mr. Etuk and he would raise his issue. Mayor White, Council Members Lawrence, Holm, Ellis and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Mr. Henderson stated that he had not talked with anyone in the Housing Department. Mayor White, Council Members Lawrence, Holm, Garcia, Ellis and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Dr. Demir Kasan, 613 Rancho Bauer, Houston, Texas 77079 (713-570-1127) appeared, presented information to Council Members, stated that it was the 84th anniversary of Turkey becoming a republic; spoke on the importance Turkey had to America; and invited the Mayor and Council to the festival in Jones Plaza. Mayor White, Council Members Lawrence, Holm, Garcia, Ellis, Quan and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Sekula-Gibbs, Dr. Kasan stated that the festival was October 1st at Jones Plaza; and all were invited. Mayor White, Council Members Lawrence, Holm, Garcia, Ellis, Quan and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Dr. Ferruh Demirmen, 1522 Hoveden Dr, Katy, Texas 77450 (281-398-9995) appeared and stated that in April the Armenian lobby launched an anti Turkish campaign in Houston; and continued to speak on allegations of Armenian population against the Turkish until his time expired. Mayor White, Council Members Lawrence, Holm, Garcia, Ellis, Quan and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Juan Alvarez, 402 Busch, Houston, Texas 77060 (832-282-6997) had reserved time to speak but was not present when his name was called. Mayor White, Council Members

Lawrence, Holm, Garcia, Ellis, Quan and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Jeanette Rash, 2104 Lyons, Houston, Texas 77020 (713-228-8872) appeared, presented information to Council Members and stated that she had important information; that as of tomorrow night good laws would be put in place, apartments could not tow just because inspection, etc., was out; all storage facilities would have to accept electronic check, credit card or have an ATM available; a facility must allow a person to go into their glove box to show ownership; and if someone thought they should not be towed a hearing could be held at the justice of the peace; that what she presented was a one page fact sheet. Mayor White, Council Members Lawrence, Holm, Garcia, Ellis and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Sekula-Gibbs, Ms. Rash stated that all companies in Safeclear are going to have alternative ways for payment and are scrutinized and she felt instead of doing a background check on each and every person she would focus on non-consent tows. Mayor White, Council Members Lawrence, Holm, Garcia, Ellis and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Quan stated that it took almost an hour before Ms. Anderson had a truck arrive; and upon questions, Ms. Rash stated that there were over 5,700 tows and they were still in the top 80% to 90% range for six minute response tows; and her drivers saw a reduction in secondary accidents. Mayor White, Council Members Lawrence, Galloway, Holm, Garcia, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Marilyn Pickaree, 8600 South Course Dr. #1006, Houston, Texas 77099 (281-498-5112) appeared and stated that Celebrex caused severe cardiovascular problems and had caused irreversible damage to her heart and she needed surgery; that they had misled the community; and asked that Council Members contact the FDA and Celebrex and bring her situation to the forefront. Mayor White, Council Members Lawrence, Galloway, Holm, Garcia, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Art Browning, 12446 Texas Army Trail, Cypress, Texas 77429 (281-890-7089) appeared in favor of Frances Newton and stated that last time he was present he spoke on a resolution for a moratorium of death penalty executions; that if there was reasonable doubt they must not allow her to be killed. Mayor White, Council Members Lawrence, Galloway, Holm, Garcia, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Gloria Ruback, 1430 Studewood, Houston, Texas 77008 (713-503-2633) appeared in favor of Frances Newton and stated that her concern was the case of Frances Newton; that they now say there was another gun, that police tested her hands and she had not fired a pistol, she had no blood on her and she was convinced she did not do it; that too much evidence was on her side and she adored her children; and she wanted to know what Council was doing. Mayor White, Council Members Lawrence, Galloway, Holm, Garcia, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that she did not understand the problem with this Council asking for a moratorium on cases with Houston, Texas; that they could not give life back, but they could always kill someone later, once they made sure they were doing the right thing; that Chief Hurt, Council Member Garcia and she too had called for a moratorium; and if they were spending close to \$3,000,000.00 in investigating a lab which had people on death row they should hold off until information was found. Mayor White, Council Members Lawrence, Galloway, Holm, Garcia, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Rabia Tahiri, 10615 Meadowglen Lane #412, Houston, Texas 77042 (281-250-5923) appeared in favor of Frances Newton and stated that she was speaking on behalf of those wanting her free; that she had 16 days remaining before execution, time was of the essence and she was holding nearly 3,500 names from different states in solidarity of stopping the execution and all eyes were on Houston; and urged Council to do what they could. Mayor White, Council Members Lawrence, Galloway, Holm, Garcia, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Hitaji Aziz, 2820 Fountainview #E-126, Houston, Texas 77057 (713-278-2917) appeared in favor of Frances Newton and stated that she worked with KPFT radio and was standing up for Frances; that she was an African American mother of children no longer alive; and Council Members were being called on now to stand up and ask higher ups to put off her execution until all could be investigated properly. Mayor White, Council Members Lawrence, Galloway, Holm, Garcia, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Grace Mathis, 4714 Oakshire #2, Houston, Texas 77027 (409-658-7462) appeared in favor of Frances Newton and stated that she was a member of the Free Frances Newton Committee; that there was more than reasonable doubt; that she had incompetent counsel; that the life insurance was bought after the agent convinced her to purchase it, she was actually purchasing auto insurance; and continued to go through a list of doubts; and urged that the execution be halted. Mayor White, Council Members Lawrence, Galloway, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Mr. Cheatham stated that he could not sit in the forum and sound as though he was condemning the city in circumstances where he did not know all the facts; that he was not talking about this particular case; and Council Member Edwards stated that she was not talking about this particular case either, but could the city, the attorneys, the DA be liable; and Mr. Cheatham stated that depending on the facts any or all she mentioned, but he did not think there would be anything other than a Civil Rights, Section 1983 type claim that might be filed; and Council Member Edwards stated that then she could kill someone and it could be a civil rights violation if it was state sanctioned, but she could kill someone in a holdup and go to death row, she just wanted to be clear. Mayor White, Council Members Lawrence, Galloway, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Don Cook, 7955 Glen Heath, Houston, Texas 77061 (713-705-5594) appeared in favor of Frances Newton and stated that he was opposed to the death penalty for many reasons; that it was not equal to all; that Texas led all in executions and Houston was the capital punishment capital of the western world; and urged Council Members to pass a resolution for a stay of execution for her. Mayor White, Council Members Lawrence, Galloway, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Omowale, 2428 Southmore, Houston, Texas 77004 (713-942-0365) appeared in favor of Frances Newton and stated that he was unhappy that most of Council was not present; and discouraged that the City Secretary scheduled their important message so late in the afternoon; that the death penalty was comparable to what was going on in the justice system and that was very racist; and today they were asking Council to stand for justice and humanity and go beyond their responsibility and work with them in trying to save the life of Frances Newton and how justice was given. Mayor White, Council Members Lawrence, Galloway, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Alvarado stated that the City Secretary placed names on the speakers list

according to when they called in not according to subject. Mayor White, Council Members Lawrence, Galloway, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Angelo Davis, no address (no phone) appeared and stated that he was present on the abuse of authority and economic safety and design and he represented the lower class; that Council may not know him but people did not know Jesus either. Mayor White, Council Members Lawrence, Galloway, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Minister Robert Muhammad, 4443 O.S.T., Houston, Texas 77021 (713-741-2747) appeared in favor of Frances Newton and stated that he wanted to be on record asking for a resolution from Council to let them know they were calling for a moratorium on the death penalty; that they had been killing in Texas a long time and it was said it was better to be rich and guilty rather than poor and innocent in this state; that this city put on a face of diversity, but it did not value diversity; and he prayed they could touch hearts here and fix what needed to be fixed; and Council would put the resolution forth and give it a chance to be voted up or down. Mayor White, Council Members Lawrence, Galloway, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Edwards stated the death penalty was interesting; that Thursday doctors would be able to be executed for performing abortions without parental consent and she bet that law would be changed before it happened; and she hoped they would show the same intent for all. Mayor White, Council Members Lawrence, Galloway, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Alvarado stated that Council Member Edwards was leading the charge and some Council Members had acted individually by phone or letter. Mayor White, Council Members Lawrence, Galloway, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Quan stated that they had moved him to take action and he would be drafting a letter with Council Member Edwards and all would have the opportunity to sign. Mayor White, Council Members Lawrence, Galloway, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Ms. Karen Preston, who was previously added to the speakers list, stated that she had known Frances and went to school with her; that she did not believe she did it and the evidence showed she did not; that she was asking Council to do something to stop the execution, she did not do it, she was only a poor woman. Mayor White, Council Members Lawrence, Galloway, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Dr. Kevin B. Simms, 7600 Kirby #206, Houston, Texas 77030 (713-838-9778) appeared and stated that he came to introduce the National African American Business Alliance and as he sat for three hours and became appalled; that it was ashamed it took so long for he and others on Frances Newton to speak; that the City of Houston needed to stop disrespecting the African Americans; that the Mayor and Council left and he was now angry; and he was encouraging all African American business owners to join the Alliance, this was a new day. Mayor White, Council Members Lawrence, Galloway, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Alvarado stated that he could not make a blanket statement as the three of them were present and Mayor White had made a statement there was an emergency he needed to take care of; and it was related to the City of Houston. Mayor White, Council Members Lawrence, Galloway, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent.

Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that on a point of personal privilege the Pilgrim Community Center located at 3118 Blodget from 7:00 p.m. to 9:00 p.m. would be serving free hot meals for anyone displaced by Hurricane Katrina; and she thanked the congregation for their help; and also wanted to say "Go Comets". Mayor White, Council Members Lawrence, Galloway, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Silas Hurt, who was previously added to the speakers list, appeared in favor of Houston Media Source and stated that he believed they were opening the can labeled worms; that he had solutions and of his four options one was not viable and one was too complicated for this forum, but there were three ways to block something on cable and Council Members could say to HMS that they needed to let people have the information on how to do it. Mayor White, Council Members Lawrence, Galloway, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (832-453-6376) appeared and stated that he was the official U. S. President; and continued expressing his personal opinions until his time expired. Mayor White, Council Members Lawrence, Galloway, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Senator Robert Horton, 3714 Bain, Houston, Texas 77026 (713-260-6144) appeared and stated that he was God; and continued expressing his personal opinions until his time expired. Mayor White, Council Members Lawrence, Galloway, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

At 5:30 p.m. City Council recessed until 9:00 a.m., Wednesday, August 31, 2005. Mayor White, Council Members Lawrence, Galloway, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, August 31, 2005

The Houston City Council reconvened at 9:00 a.m. Wednesday, August 31, 2005, with Mayor Bill White presiding and with Council Members Toni Lawrence, Carol M. Galloway, Ada Edwards, Addie Wiseman, Pam Holm, Adrian Garcia, Carol Alvarado, Mark Ellis, Gordon Quan, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; Mr. Anthony Hall, Chief Financial Officer, Mayor's Office; Mr. Arturo Michel, City Attorney, Ms. Marty Stein, Agenda Director and Mr. Jose Soto, Deputy Agenda Director present. Council Member Mark Goldberg out of the city on city business. Council Member M. J. Khan out of the city on personal business.

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

At 9:25 a.m. Mayor White called to order the meeting of the City Council. Council Members Galloway, Garcia, Green and Berry absent.

Council Member Alvarado moved to suspend the rules to consider the Monthly Financial and Operations Report and Item Numbers 3, 1, 2, 30, 31, 32 and 34 followed by the Mayor's Report, seconded by Council Member Quan. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Member Khan out of the city on personal business. Council Members Galloway, Garcia, Green and Berry absent. MOTION 2005-0830 ADOPTED.

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

Mayor White recognized Ms. Annise Parker, City Controller, for the Monthly Financial Report and Ms. Judy Gray Johnson, Director, Finance and Administration. Council Members Galloway, Garcia, Green and Berry absent.

Ms. Parker stated that it was the Monthly Financial and Operations Report for the period ending July 31, 2005, that it was the first month of the fiscal year and not much had changed, that there was still a gap between their numbers and the Finance and Administration's numbers of \$16.9 million but it was \$2.2 million less than the shortfall that they previously predicted, that it was attributed to the renegotiation contract with Republic Waste Services of Texas, that on the expenditure side there was also a lower than anticipated interest rate on their annual Tax Revenue Anticipation Notes or TRANS borrowing that was being used to cover the increases in the Police Department due to the Crime Lab; that they had a successful bond sale yesterday which they could discuss in more detail if the Council was interested and she wanted to give kudos to a member of her staff, Ms. Sue Bailey, who a year ago tracked down a million dollars that had been sitting in an escrow account from one of the MUDs that no one remembered was there and this year they just received \$3.8 million that she researched, put together and badgered Public Works and the State and got everything together, it took her about a year to collect the money, apart from her normal duties, that it was something that she noticed and followed up on and was responsible now for returning nearly \$5 million that had been sitting unused in MUD escrows and was really proud of the work that she had been doing, and that concluded her report. Council Members Galloway, Garcia, Green and Berry absent.

Ms. Johnson stated that as the Controller pointed out it was the first month of the fiscal year so they should not have much news, that things were very much on track and they made some changes in their estimates of sales tax that basically changed only the base as they had the actual numbers from last year and they had applied the same growth rate that they had been assuming to the new base for sales tax, they should have the numbers from the Appraisal District this week on a certified roll, the difference between their numbers and the Controller's estimates for property tax should definitely narrow once they both had some more accurate and actual data to make their projections from the Appraisal District's figures, that the Controller pointed out a very successful bond sale that was priced yesterday for their combined utility system at just over 4 1/2% interest rate, that she thought they should all be very glad that they had locked in a very low rate for those bonds on a long term basis and they had over 6.2% present value savings of \$3.9 million on that, that it went over very well and they would notice that there was an item on the Council agenda and they hoped to be able to do something like that again, if the market would stay with them. Council Members Galloway, Garcia, Green and Berry absent.

Mayor White stated that his ears perked up and he would have an employee receiving a call from him personally, that his hero's were City employees who did just what she did and also he would ask the Director of F&A to consult and send him a note about what institutional change and whose job was it, that sometimes it was not anybody's job and that was why nobody knew about it, that he would ask them to use it as a case study institutionally, who was supposed to report by what time concerning what balance there was in those MUDs, that he really appreciated the Controller bringing it to his attention. Council Members Galloway, Garcia and Green absent.

Council Member Alvarado moved to accept the Monthly Financial Report, seconded by Council Member Ellis. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Member Khan out of the city on personal business. Council Members Galloway, Garcia and Green absent. MOTION 2005-0831 ADOPTED.

3. REQUEST from Mayor for confirmation of the appointment of **MS. MARLENE L. GAFRICK** as Director of the **PLANNING AND DEVELOPMENT DEPARTMENT** - was presented, moved by Council Member Alvarado, seconded by Council Member Quan. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Member Khan out of the city on personal business. Council Members Galloway, Green and Berry absent. MOTION 2005-0832 ADOPTED.

Mayor White and Members of Council congratulated Ms. Gafrick on her appointment as Director of the Planning and Development Department. Council Members Galloway, Green and Berry absent.

### **HEARINGS - 9:00 A.M.**

1. **PUBLIC HEARING** - Pursuant to § 42.041(b)(14) of the Texas Human Resources Code, the City Council will conduct a public hearing to consider an ordinance readopting standards of care relating to the City Parks and Recreation Department's Youth Recreation Programs. For further information, see the draft ordinance that has been posted with this Agenda. Persons who desire to make public comments may contact the City Secretary's Office at 713-247-1840 in order to sign up to speak at the hearing. Alternatively, written comments may be delivered to the City Secretary's Office before commencement of the hearing – was called. Council Members Galloway, Green and Berry absent.

The City Secretary advised that no one had reserved time to speak. Council Members Galloway, Green and Berry absent.

Council Member Alvarado moved to close the public hearing, seconded by Council Member Quan. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Member Khan out of the city on personal business. Council Members Galloway, Green and Berry absent. MOTION 2005-0833 ADOPTED.

- 1A. **ORDINANCE READOPTING ARTICLE XII, CHAPTER 32 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, regarding standards of care for Houston Youth Recreation Programs; containing findings and other provisions related to the subject; providing an effective date; providing for severability – was presented. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Member Khan out of the city on personal business. Council Members Galloway, Green and Berry absent. ORDINANCE 2005-1011 ADOPTED.
2. **PUBLIC HEARING** to consider amending the Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number Three, City of Houston, Texas, also known as the Main Street/Market Square Tax Increment Reinvestment Zone - was called.

Mayor White asked for some clarification, that on this particular matter they were acting with and in conjunction with the County, that the County was scheduled for action by September 13, 2005 but it may not be on the County's agenda yet. Council Members Galloway, Garcia and Quan.

Mayor White stated that the statement by the administration in writing had been circulated earlier this week and he would make sure it was put in the record, that it had a very strict criteria and conditions for which any incentive would be offered.

Council Member Ellis stated that yesterday in the Fiscal Affairs Committee meeting they had a briefing on the plan for the Tax Incremental Reinvestment Zone, that it was a plan for the enlarging of the zone, that today were they requested to adopt the new plan or were they just

being asked to annex another portion of the plan, and Mayor White stated that this was a hearing to make available to stakeholders a hearing on the amended project plan as well as the amended TIRZ, and Mr. Clark Lord stated that this was the public hearing on the amendment of the project plan, that next week or the week after they would have two actions, one, enlarging the actual boundaries and then amending the plan to include the financial aspects of those new additional blocks and other things, that there would be no Council action today.

Mayor White requested that Mr. Guy Hagstette give a short briefing to the Council, and Mr. Hagstette stated that the amended project plan was being proposed to serve as a vehicle for City and County participation in the Houston Pavilions Project, it was a large mixed use development on four blocks of downtown, that it had visitor parking, residential condominiums, loft offices and 360,000 square feet of retail, restaurants and entertainment venues that would serve Houstonians and visitors to the City, that because it was only three blocks from the Hilton Americas and across the street from Foley's it was well positioned to maximize the benefits to all the other venues and destinations in downtown, the project plan was being amended so that the specific features of Houston Pavilions that would receive financial assistance from the City and County could flow to the project, that the basic vehicle for that was through economic development grants from the TIRZ to the project, those were focused on the benefits that accrued to the public from the visitor parking and retail as well as the infrastructure investments being made in pedestrian improvements, that they were all aspects of the current project plan that the TIRZ had been working and Houston Pavilions would be helping further those goals, that he was not going to go into the detail of the numbers, it would take too long, that he would submit a written statement, that the vast majority, well over three quarters of the money, would actually flow to the City's General Fund and not to the TIRZ, there had been a great deal of effort on the part of the administration to strike the hardest possible bargain with the developer and then the administration had turned around and asked the tax increment zone to dig deep into its existing fund balances to minimize the additional tax revenues that would be required from the City, that as a result it was a very good financial deal for the City of Houston.

Mr. Hagstette was questioned at length by Council Members and a copy of his presentation is on file in the City Secretary's office for review.

Council Member Alvarado moved to close the public hearing, seconded by Council Member Quan. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Member Khan out of the city on personal business. MOTION 2005-0834 ADOPTED.

30. MOTION by Council Member Khan/Seconded by Council Member Alvarado on request from Mayor for confirmation of the appointment of the following to the **HOUSTON MEDIASOURCE BOARD OF DIRECTORS**, for terms to expire December 31, 2006:
- Position One - **MR. MANUEL "MARCELLO" AUGUSTO MARINI**
  - Position Three - **MS. PATTY NILSSON**
  - Position Five - **MR. RODNEY E. NATHAN**
  - Position Seven - **MR. J. ALLEN PROVOST**
  - Position Eleven - **MR. RUDY GONZALEZ**
  - Position Thirteen - **MS. TERRI BAILEY PARRIS**
  - Position Fifteen - **MR. AL VERA, (This was Item 2 on Agenda of August 24, 2005, POSTPONED BY MOTION #2005-819)**

- was presented. Council Member Sekula-Gibbs voting no, balance voting aye. Council Member Goldberg out of the city on city business. Council Member Khan out of the city on personal business. MOTION 2005-0835 ADOPTED.

31. MOTION by Council Member Khan/Seconded by Council Member Quan on request from Mayor for confirmation of the appointment of **MS. GILDA MCFAIL** to Position Nine to the **HOUSTON MEDIASOURCE BOARD OF DIRECTORS**, for a term to expire December 31,

2006 – **(This was Item 3 on Agenda of August 24, 2005, TAGGED BY COUNCIL MEMBERS WISEMAN and SEKULA-GIBBS)** - was presented. Council Member Sekula-Gibbs voting no, balance voting aye. Council Member Goldberg out of the city on city business. Council Member Khan out of the city on personal business. Council Member Edwards absent. MOTION 2005-0836 ADOPTED.

32. ORDINANCE terminating **REINVESTMENT ZONE NUMBER TWENTY-ONE, CITY OF HOUSTON, TEXAS (HARDY/NEAR NORTHSIDE TIRZ)**; containing findings and provisions related to the foregoing subject; providing a severability clause - **DISTRICT H – GARCIA – (This was Item 29 on Agenda of August 24, 2005, TAGGED BY COUNCIL MEMBERS QUAN, GARCIA, GREEN and SEKULA-GIBBS)** – was presented.

After discussion by Council Members Council Member Garcia moved to postpone Item No. 32 for 30 days, seconded by Council Member Quan. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Member Khan out of the city on personal business. Council Member Edwards absent. MOTION 2005-0837 ADOPTED.

34. ORDINANCE approving and authorizing Real Estate Marketing Agreement with **CUSHMAN & WAKEFIELD OF TEXAS, INC** in connection with the Fannin Parking Garage (1112 Clay Avenue, Block 316 S.S.B.B.) - **DISTRICT I - ALVARADO – (This was Item 54 on Agenda of August 24, 2005, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented.

After discussion a vote was called on Item No. 34. Council Members Green and Galloway voting no, balance voting aye. Council Member Goldberg out of the city on city business. Council Member Khan out of the city on personal business. ORDINANCE 2005-1012 ADOPTED.

Mayor White stated that they all knew how serious it was to have 80% of a sister city, the largest city to the east of the City of Houston under water, that it was an American tsunami, that there were other issues that would play out over time that had a tremendous consequence to the Country because of the poorly understood role that south Louisiana played in the energy supply of the Nation, that he was going to make sure that people were organizing themselves well in the region so that they were a good host for the new city which was among them and those people who were trying to get their lives back, that he would welcome suggestions from Members of Council, that he was not saying that they were going to implement them, that the City government was not in charge, that on behalf of the Commissioners Court a broad range of relief organizations were going to be called today at 1:00 p.m., and Congressional offices, to develop a management structure, a funding plan and in dealing with all members of Congress they wanted to make sure that the issue of shelter, feeding, clothes, hygiene and providing work for those who wanted to work in Houston while they were getting their lives back, was done well and with class and that those were also included in the federal emergency appropriations that they expected in the next week, that he would keep Council Members informed as things went along, that Houston in part would be a magnet because they were a great City, that they had a lot of depth and medical resources, that the people within the dome stadium in New Orleans were in route to Houston, that some of the people in route had been traumatized, that he would be having senior staff and department directors meetings, that he would be delegating more on some other things for the next 10 to 14 days while they worked and made sure that they thought ahead and coordinated the role of having a small city inside a city, the consequences of all of this.

After discussion by Council Members, Mayor White stated that they would move to the Mayor's Report. Council Members Edwards, Wiseman and Garcia absent.

**MAYOR'S REPORT** - Multifamily Security Task Force

Mayor White stated it was an important Mayor's Report where a lot of work had gone into it by various people and recognized Mr. John Walsh. Council Members Edwards, Wiseman and Garcia absent.

Mr. Walsh, Ms. Nirja Aiyer, F.A.S.T., Mr. Doug Anderson, HPD and Mr. Andy Teas, Houston Apartment Association reviewed a report by the taskforce, a copy of which is on file in the City Secretary's Office for review. Mr. Walsh and members of the task force were questioned at length by Members of Council. Mayor White and Council Member Garcia absent. Mayor Pro Tem Alvarado presiding.

Council Member Edwards moved to suspend the rules to consider Item No. 4 out of order, seconded by Council Member Quan. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Member Khan out of the city on personal business. Mayor White absent. Mayor Pro Tem Alvarado presiding. MOTION 2005-0838 ADOPTED.

4. RECOMMENDATION from Director Finance & Administration that City Council approve a motion granting a variance to 3520 Old Spanish Trail from the 1,000-foot distance requirement of Section 3-2(e) of the Code of Ordinances relating to the sale of alcoholic beverages, under the condition that such location's alcoholic beverage permits remain in good standing with the Texas Alcoholic Beverage Commission and that the premises will not be open for business during the hours that school is in session at Thompson Elementary School – was presented, and tagged by Council Members Wiseman and Lawrence. Mayor White absent. Mayor Pro Tem Alvarado presiding. (Note: Council Member Wiseman released her tag later in the meeting.)

Council Member Edwards stated that the club had been in the area for over 30 plus years, that they had talked to the civic clubs in the area and Thompson Elementary and the club would not be open and operating during school time, it was like an old folks club, that it was a neighborhood club, that they had some concerns and were comfortable that it would not be a burden to the community, that it was in District D. Mayor White absent. Mayor Pro Tem Alvarado presiding.

Council Member Berry stated that he understood that the school and the neighborhood were not protesting it, and Council Member Edwards stated that was correct, that they had meetings in her office with the civic club president, with Judge Peavy, who was one of the representatives and the actual owner who had met with the civic club, that they had met with the Thompson Elementary School principal as well as the superintendent for the area and the school would be closing in a year and a half but in that time period the club would not be open and operating during school times. Mayor White absent. Mayor Pro Tem Alvarado presiding.

Council Member Lawrence stated that she had met with the owner and was pleased, but hers was more a legal matter, that it was a good club and the neighborhoods were appreciative of it but as a variance, legally, what kind of precedence were they setting up for other clubs to come in close to schools, and also she would like for the Legal Department to get some kind of statement from HISD confirming the closing of the school, that her concerns were legally what it did to other bars coming in and setting a precedence with the variance and could the City be sued if they did not pass the variance for the same reason for a new club. Mayor White absent. Mayor Pro Tem Alvarado presiding.

Mayor Pro Tem Alvarado asked Mr. Michel if he wanted to respond, and Mr. Michel stated that he thought there was always a concern that someone in the future could go ahead and sue, they would have to show that they were similarly situated and that was going to depend on a lot of facts and thought that this situation had some unique characteristics, the primary one being that the school was going to be closing and the new location was going to be outside the

thousand foot distance requirement, also the hours of operation distinguished it also, but if they had something similarly situation that would present an issue in the future, and Council Member Lawrence requested that the Council Members get something confirming that the school was closing from a school board member or the superintendent and Mr. Michel stated that he would take care of that. Mayor White absent. Mayor Pro Tem Alvarado presiding.

Council Member Green stated that he was supporting Council Member Edwards on the item, that she had worked on it for a long time and on a personal note the school was in his neighborhood and his neighbors had expressed their concerns and they had talked to them and they were okay with it, the civic club that Council Member Edwards spoke about was one that he was a member of and he would let them know that his neighbors would be very vocal, that it had been going on for about six or seven months so it was not a hasty decision that was made, that he would support the item. Mayor White absent. Mayor Pro Tem Alvarado presiding.

Council Member Wiseman stated that she appreciated the information that was provided by Council Member Edwards, that given the information that had been provided to her she would release her tag on Item No. 4. Mayor White absent. Mayor Pro Tem Alvarado presiding.

Council Member Holm stated that she was concerned about the precedent they were setting, that they had a rule in the City about schools being within 1,000 feet of bars and they had grandfathered those people who had been there, that she would like a statement from the Legal Department saying that it was not precedent setting, that the circumstances were so unique that it did not open the door to the future in any way for the City to not be able to enforce it, and secondly when they asked HISD for confirmation of the school closing she would like their confirmation that it was fine with the board of HISD for them vary the agreement and allow a bar within 1,000 feet of their school, and Mr. Michel stated that he would ask HISD for such a statement and would get a memo along the lines of what he had described in answer to Council Member Edwards question, and Council Member Holm asked if TABC would approve the re-licensing, and Mr. Michel stated that when it went before TABC it was a separate process, all they really looked at was if City ordinances were complied with, that they would take an independent review of the it. Mayor White absent. Mayor Pro Tem Alvarado presiding.

Mayor Pro Tem Alvarado stated that the item remained tagged by Council Member Lawrence, but Council Member Wiseman had released her tag.

### **CONSENT AGENDA NUMBERS 3 through 29**

#### **DAMAGES** - NUMBER 5

5. RECOMMENDATION from City Attorney for settlement of lawsuit styled **ROBERTO CANTU** vs. Abraham Guerra and the City of Houston; in the 157th Judicial District Court of Harris County, Texas, Cause No. 2004-09871 - \$115,000.00 - Property and Casualty Fund – was presented, moved by Council Member Quan, seconded by Council Member Lawrence. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Member Khan out of the city on personal business. Mayor White absent. Mayor Pro Tem Alvarado presiding. MOTION 2005-0839 ADOPTED.

#### **ACCEPT WORK** – NUMBER 9 and 10

9. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$926,711.68 and acceptance of work on contract with **D. L. ELLIOTT ENTERPRISES, INC** for Construction of Water Line Replacement in Richmond Plaza Subdivision, GFS S-0035-92-3 (WA10731) - 02.52% over the original contract amount **DISTRICT C - GOLDBERG** – was presented, moved by Council Member Quan, seconded by Council Member Wiseman. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Member Khan out of

the city on personal business. Mayor White absent. Mayor Pro Tem Alvarado presiding. MOTION 2005-0840 ADOPTED.

10. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$957,750.81 and acceptance of work on contract with **D. L. ELLIOTT ENTERPRISES, INC** for Construction of Water Line Grid Extension Package 1 - Various Locations, GFS S-0700-56-3 (WA10677) - 03.23% under the original contract amount **DISTRICTS A - LAWRENCE; B - GALLOWAY and G - HOLM** – was presented, moved by Council Member Quan, seconded by Council Member Wiseman. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Member Khan out of the city on personal business. Mayor White absent. Mayor Pro Tem Alvarado presiding. MOTION 2005-0841 ADOPTED.

#### **PROPERTY** - NUMBERS 11 and 12

11. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Harry Kalsch, owner of Key West Interests, LLC, for abandonment and sale of Hurley Street, from Shoreham Avenue east to its terminus, in exchange for the conveyance to the City of a 5-foot-wide utility easement along the east end of Hurley Street, located between Blocks 2 and 3, Shoreham Place Subdivision, Parcels SY5-059, SY5-062, VY5-013 and VY5-014 - **STAFF APPRAISERS - DISTRICT H - GARCIA** – was presented, moved by Council Member Quan, seconded by Council Member Wiseman. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Member Khan out of the city on personal business. Mayor White absent. Mayor Pro Tem Alvarado presiding. MOTION 2005-0842 ADOPTED.
12. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Haskell Boring, on behalf of John F. Winslow, declining the acceptance of, rejecting, and refusing the dedication of a 10-foot-wide right of way easement, out of Lot 2, Block 2, Chevy Chase Addition, Parcel SY6-013 - **DISTRICT C - GOLDBERG** – was presented, moved by Council Member Quan, seconded by Council Member Wiseman. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Member Khan out of the city on personal business. Mayor White absent. Mayor Pro Tem Alvarado presiding. MOTION 2005-0843 ADOPTED.

#### **PURCHASING AND TABULATION OF BIDS** - NUMBERS 17 through 21

17. **THE TEXAS DEPARTMENT OF PUBLIC SAFETY** for State Inspection Stickers for Houston Police Department - \$49,000.00 - General Fund – was presented, moved by Council Member Quan, seconded by Council Member Wiseman. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Member Khan out of the city on personal business. Mayor White absent. Mayor Pro Tem Alvarado presiding. MOTION 2005-0844 ADOPTED.
18. ORDINANCE appropriating \$324,624.88 out of Water & Sewer System Consolidated Construction Fund for Emergency Repair of Three Water Transmission Lines for the Public Works & Engineering Department, CIP S-0019 - **DISTRICT E - WISEMAN** – was presented. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Member Khan out of the city on personal business. Mayor White absent. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-1013 ADOPTED.
- 18A. **TROY CONSTRUCTION, L.L.P.** for Emergency Repair of Three Water Transmission Lines at Hwy. 3 at Bay Area Blvd., Hwy. 3 south of Bay Area Blvd. and Beamer Road near Fuqua for Department of Public Works & Engineering - \$324,624.88 - **DISTRICT E -**

**WISEMAN** – was presented, moved by Council Member Quan, seconded by Council Member Wiseman. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Member Khan out of the city on personal business. Mayor White absent. Mayor Pro Tem Alvarado presiding. MOTION 2005-0845 ADOPTED.

20. **AMEND MOTION 2004-812, 7/7/04, TO INCREASE** spending authority from \$406,040.56 to \$597,439.31, for Equipment, Onan Generator Replacement Parts Contract for Various Departments, awarded to **CHANNELVIEW SUPPLY COMPANY** – was presented, moved by Council Member Quan, seconded by Council Member Wiseman. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Member Khan out of the city on personal business. Mayor White absent. Mayor Pro Tem Alvarado presiding. MOTION 2005-0846 ADOPTED.
21. **SWEETEN TRUCK CENTER, L.C.** for Automotive, White/GMC/Volvo Replacement Parts and Service for Various Departments - \$264,544.00 - General and Enterprise Funds – was presented, moved by Council Member Quan, seconded by Council Member Wiseman. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Member Khan out of the city on personal business. Mayor White absent. Mayor Pro Tem Alvarado presiding. MOTION 2005-0847 ADOPTED.

#### **ORDINANCES** - NUMBER 23

23. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a portion of Westpark Drive Excess, Fee-owned, Street right of way, containing 4,259 square feet (0.0978 acre) of land, more or less, being out of tract of land containing 10,691 square feet (0.2454 acre), more or less, located in the S. Smith Survey, Abstract 1049, Harris County, Texas, Parcel SY4-035, vacating and abandoning said parcel to Francisco Sarrazola, the abutting owner, in consideration of his payment of \$41,525.00, and other consideration to the City - **DISTRICT G - HOLM** – was presented. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Member Khan out of the city on personal business. Mayor White absent. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-1014 ADOPTED.

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

##### **ACCEPT WORK**

6. RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$18,174,049.61 and acceptance of work on contract with **J. D. ABRAMS, INC** for Rehabilitation of Runway 17R-35L and Taxiway “E” and Miscellaneous Airfield Pavements and Fencing at Ellington Field; Project No. 544, CIP A-0153, A-0347, A-0361, A-0413 and A-0415 02.92% over the original contract amount - **DISTRICT E - WISEMAN** – was presented, moved by Council Member Quan, seconded by Council Member Galloway. Mayor White absent. Mayor Pro Tem Alvarado presiding.

Council Member Galloway stated that the company had received an outstanding rating for their MWBE participation and that J. D. Abrams, Inc. should be commended for their efforts. Mayor White absent. Mayor Pro Tem Alvarado presiding.

A vote was called on Item No. 6. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Member Khan out of the city on personal business. Mayor White absent. Mayor Pro Tem Alvarado presiding. MOTION 2005-0848 ADOPTED.

7. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$463,670.18 and acceptance of work on contract with **CARRERA**

**CONSTRUCTION, INC** for Tony Marron Park, GFS F-504D-02-3 - 03.41% over the original contract amount **DISTRICT H - GARCIA** – was presented, moved by Council Member Quan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Member Khan out of the city on personal business. Mayor White absent. Mayor Pro Tem Alvarado presiding. MOTION 2005-0849 ADOPTED.

8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,945,656.50 and acceptance of work on contract with **BRH-GARVER, INC** for Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method, GFS R-0266-90-3 (4258-6) - 00.66% under the original contract amount – was presented, moved by Council Member Galloway, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Member Khan out of the city on personal business. Mayor White and Council Member Quan absent. Mayor Pro Tem Alvarado presiding. MOTION 2005-0850 ADOPTED.

### **PROPERTY**

13. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Trish Ricklefsen, on behalf of Label Imaging Technology, Inc., (William Hossley, Jr., president), declining the acceptance of, rejecting, and refusing the dedication of Washington Avenue and Trinity Avenue, from Brinkman Street to Live Oak Street, located within the Live Oak Addition, Parcels SY6-015A and SY6-015B **DISTRICT A – LAWRENCE** – was presented, and tagged by Council Member Lawrence. Mayor White absent. Mayor Pro Tem Alvarado presiding.

### **PURCHASING AND TABULATION OF BIDS**

14. **PHILPOTT MOTORS, LTD.** - \$42,536.00 and **SAM PACK'S FIVE STAR FORD** - \$28,360.00 for Pickup Trucks and Cargo Vans through the Texas Local Government Purchasing Cooperative for the Police Department and the Houston Emergency Center - Grant and Equipment Acquisition Consolidated Funds – was presented, moved by Council Member Garcia, seconded by Council Member Quan. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Member Khan out of the city on personal business. Mayor White absent. Mayor Pro Tem Alvarado presiding. MOTION 2005-0851 ADOPTED.
15. **E-ONE, INC** for Platform Ladder Truck Repair Service for Fire Department - \$87,395.86 General Fund – was presented, and tagged by Council Member Wiseman. Mayor White absent. Mayor Pro Tem Alvarado presiding. (Note: Council Member Wiseman released her tag later in the meeting.)
16. **ORACLE USA, INC** for Oracle Software Update License and Support Service through the City's Master Agreement with the Texas Department of Information Resources (DIR) for Texas CISV Master Catalog Purchases under Chapter 2157 of the Government Code - \$377,743.28 - Central Service Revolving Fund – was presented, moved by Council Member Garcia, seconded by Council Member Galloway. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Member Khan out of the city on personal business. Mayor White absent. Mayor Pro Tem Alvarado presiding. MOTION 2005-0852 ADOPTED.
19. **AMEND MOTION 2004-482, 5/5/04, TO INCREASE** spending authority from \$1,246,569.38 to \$1,558,211.73, for Chemical Caustic Soda Contract for Department of Public Works & Engineering, awarded to **OLD WORLD INDUSTRIES, INC** – was

presented, moved by Council Member Quan, seconded by Council Member Garcia. Mayor White absent. Mayor Pro Tem Alvarado presiding.

After discussion by Council Members a vote was called on Item No. 19. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Member Khan out of the city on personal business. Mayor White absent. Mayor Pro Tem Alvarado presiding. MOTION 2005-0853 ADOPTED.

## **ORDINANCES**

22. ORDINANCE supplementing the City of Houston, Texas master ordinance providing for the issuance of Combined Utility System Revenue Obligations and authorizing issuance of City of Houston, Texas, Combined Utility System First Lien Revenue Refunding Bonds in one or more series designations, authorizing the Mayor and City Controller to approve the amounts, interest rates, prices, and terms thereof and certain other matters relating thereto; providing for the payment thereof; making other provisions regarding such bonds and matters incident thereto; awarding the sale of the bonds; authorizing the defeasance, final payment, and discharge of certain Water and Sewer System Outstanding Bonds; authorizing the execution and delivery of an Escrow Agreement; authorizing the purchase of and subscription for certain Escrowed Securities; authorizing Bond Insurance, Escrow Verification and Engagement of an Escrow Agent, a Co-Bond Counsel Agreement, Special Disclosure Co-Counsel Agreement; authorizing execution and delivery of a Paying Agent/Registrar Agreement; and declaring an emergency – was presented.

After discussion by Council Members a vote was called on Item No. 22. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Member Khan out of the city on personal business. Mayor White absent. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-1015 ADOPTED.

24. ORDINANCE ordering and setting a public hearing, pursuant to the provisions of Chapter 26, Texas Parks & Wildlife Code, regarding the proposed permanent use of approximately 6.1 acres of land out of Tidwell Park by the Health and Human Services Department; authorizing and directing that notice of such hearing be given, stating in substance the form of such notice; finding and stating other matters generally relating thereto - **HEARING DATE - WEDNESDAY - OCTOBER 12, 2005 - 9:00 A.M.** – was presented. Mayor White absent. Mayor Pro Tem Alvarado presiding.

Council Member Galloway asked if there was some specific reason why they had to hold the hearing as far away as October, that she wanted to expedite the matter because her community had been waiting for the multi purpose center for 5 years and she noticed the hearing was set for October 12, 2005, that she wondered if it was possible to have the hearing sooner so they could get the project on the road.

Mayor Pro Tem Alvarado stated that she understood there were some things they had to abide by according to Chapter 26 of State Law, there was some advertisement that had to go out and she had a schedule of that and asked Mr. Michel to comment.

Mr. Michel stated that he was going to see if there was any reason that it could not be sooner, but there may be certain events that had to happen that would require that time table.

Council Member Galloway moved to postpone Item No. 24 until the end of the agenda, seconded by Council Member Green. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Member Khan out of the city on personal business. Mayor White absent. Mayor Pro Tem Alvarado presiding. MOTION 2005-0854 ADOPTED.

25. ORDINANCE approving and authorizing contract between the City of Houston and **OGDEN, GIBSON, WHITE, BROOCKS & LONGORIA, LLP**, for Legal Services - \$100,000.00 - Property and Casualty Fund - was presented. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Member Khan out of the city on personal business. Mayor White and Council Member Berry absent. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-1016 ADOPTED.
26. ORDINANCE approving and authorizing contract between the City of Houston and **UNIVERSAL DESIGNERS & CONSULTANTS, INC** for Professional Expert Witness Services; providing a maximum contract amount - \$125,000.00 - Property and Casualty Fund - \$100,000.00 - Property and Casualty Fund - was presented. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Member Khan out of the city on personal business. Mayor White and Council Member Berry absent. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-1017 ADOPTED.
27. ORDINANCE appropriating \$1,131,000.00 out of Police Consolidated Construction Fund and approving and authorizing Professional Architectural Services Contract between the City of Houston and **PAGE SOUTHERLAND PAGE, LLP** for Replacement of Property Room, GFS G-0101-01-2; providing funding for Civic Art Program and asbestos and lead survey under Contract No. 57123 - \$100,000.00 - Property and Casualty Fund - was presented. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Member Khan out of the city on personal business. Mayor White and Council Member Berry absent. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-1018 ADOPTED.
28. ORDINANCE appropriating \$174,000.00 out of General Improvements Consolidated Construction Fund and approving and authorizing Professional Architectural Services Contract between the City of Houston and **RPM ARCHITECTS, INC DBA ENVIRONMENTS & CO.** for Design and Construction of Denver Harbor Multi-Service Center Phase II, GFS D-0077-03-2; providing funding for Civic Art Program - **DISTRICT I - ALVARADO** - \$100,000.00 - Property and Casualty Fund - was presented.

After discussion by Council Members a vote was called on Item No. 28. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Member Khan out of the city on personal business. Mayor White and Council Member Berry absent. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-1019 ADOPTED.

29. ORDINANCE appropriating \$1,188,200.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **RWL CONSTRUCTION, INC** for Water Line Replacement in the Almeda Manor Subdivision, GFS S-0035-B3-3 (WA10776); setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, construction management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT D – EDWARDS** – was presented. Mayor White and Council Member Berry absent.

Council Member Galloway stated that this item was similar to an item that they had concerns about on another contract whereas in the final analysis the payoff was way over a million dollars and they did not have any MWBE participation on that item because at bid time it was right at \$900,000 but upon completion it was over a million dollars, that she knew the Mayor committed to the Council Members when they had a contract in that amount if it went over a million dollars they would have something in the contract contingent on the fact that it would have added to it MWBE participation, if they exceeded the contract they allowed up to 5% on change orders, it would take it over a million dollars because all they needed to come up with was \$12,000 as far as changes for it to be over a million dollars, that she wondered if there was

a contingency in the contract that stated if they exceeded the amount they were to have MWBE participation and goals set. Mayor White and Council Members Wiseman, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding.

Mayor Pro Tem Alvarado requested Mr. Hall respond. Mayor White and Council Members Wiseman, Sekula-Gibbs and Berry absent. Mayor Pro Tem Alvarado presiding.

Mr. Hall stated that Council Member Galloway had indicated that the issue had been raised when the contract estimate was slightly below the million dollar threshold that the Mayor stated that he wanted some consideration, and maybe a provision that required that there would be MWBE participation should in fact the contract actually exceed the million dollar threshold, that was the breaking point, that he did not know about this specific item but did notice that in the RCA there was an indication that there actually was participation by two minority contractors in the contract, he did not know what the percentage was of that participation because they were not required to report it pursuant to the contract, and Council Member Galloway stated that those were separate contracts and had no relation, they had their own separate ordinance to approve their contract, so it was not tied to the low bidder at all, it had nothing to do with this contract, it was just giving them a total figure, which was over a million but it had no relationship to the contract, and Mr. Hall stated that he would find out what had happened on this item and what had happened to the discussion she had earlier about those contracts that were slightly under and wound up going over. Mayor White and Council Member Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Galloway stated that in that case she would tag Item No. 29, and Mayor Pro Tem Alvarado stated that item had been tagged. Mayor White and Council Member Berry absent. Mayor Pro Tem Alvarado presiding.

### **MATTERS HELD** - NUMBERS 33

33. ORDINANCE appropriating \$2,000,000.00 out of Airport System Consolidated 2001 AMT Construction Fund and approving and authorizing Amendment No. 1 to construction Contract 54607 by and between the City of Houston and **CADDELL CONSTRUCTION CO., INC** for Terminal C Interior/Utility Upgrade at George Bush Intercontinental Airport/Houston (Project 490D, CIP A-0322 and A-0422 - **DISTRICT B – GALLOWAY – (This was Item 40 on Agenda of August 24, 2005, TAGGED BY COUNCIL MEMBER QUAN)**) – was presented. Mayor White and Council Member Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Quan stated that this was an item he had tagged last week, that there was a miscalculation by the Aviation Department about how much MWBE work was in fact done and they wanted to clarify it to make sure they had it on the record and try to rectify any shortcomings there. Mayor White and Council Member Berry absent. Mayor Pro Tem Alvarado presiding.

A vote was called on Item No. 33. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Member Khan out of the city on personal business. Mayor White and Council Member Berry absent. Mayor Pro Tem Alvarado presiding. ORDINANCE 2005-1020 ADOPTED.

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

Council Member Edwards stated that she wanted to encourage Council Members and all City employees to attend the Chocolate Bayou Festival this weekend, that they were still holding it and use it as an opportunity to outreach further to their visitors and new citizens from Louisiana, that they were going to be working with United Way and other agencies to have drop off points at the festival where people could make contributions or clothing items, that she

wanted to thank everyone for their support of the effort and were still looking forward to a great time. Mayor White and Council Member Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Edwards stated that if they had clothing items or toiletries or non perishable food items, their church was located at 5309 Martin Luther King Boulevard, in the South Park area south of MacGregor Park, between OST and Griggs, that they currently had over 120 people at the facility, that the number they could call was 713-645-1071. Mayor White and Council Member Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Garcia stated that the Blue Cross and Blue Shield Care van would be doing free immunizations on Thursday, September 1, 2005, from 4:00 p.m. to 7:00 p.m. at Fire Station 30, located at 6702 Irvington. Mayor White and Council Member Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Garcia stated that tomorrow evening they would be holding the townhall meeting on the Elysian Viaduct extension at 6:00 p.m. at Jeff Davis High School. Mayor White and Council Members Ellis and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Garcia stated that Ms. Rhonda Sauder, in his office, would be coordinating a drop off in the City Hall Annex lobby for toiletries or anything they could bring to share with the victims of New Orleans, that he wanted to say how proud he was of all the City employees and Houstonians who had been calling to reach out to their neighbors to the east. Mayor White and Council Members Edwards, Ellis and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Holm stated that as their neighbors to the east were grieving today and recognizing the challenges ahead of them she thought the City needed to be ready to embrace their needs at this point but also recognize that they may be a City with a lot of new citizens and in doing so there was one issue that she had questions about and that was the allocation of \$4 million for a natatorium and she would ask them to consider at this point the reevaluation and was that the best use of their funds. Mayor White and Council Members Edwards, Ellis and Berry absent. Mayor Pro Tem Alvarado presiding.

**Item postponed to the end of the agenda.**

24. ORDINANCE ordering and setting a public hearing, pursuant to the provisions of Chapter 26, Texas Parks & Wildlife Code, regarding the proposed permanent use of approximately 6.1 acres of land out of Tidwell Park by the Health and Human Services Department; authorizing and directing that notice of such hearing be given, stating in substance the form of such notice; finding and stating other matters generally relating thereto - **HEARING DATE - WEDNESDAY - OCTOBER 12, 2005 - 9:00 A.M.** – was again before Council. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Member Khan out of the city on personal business. Mayor White and Council Members Edwards, Ellis and Berry absent. ORDINANCE 2005-1021 ADOPTED.

Mayor Pro Tem Alvarado stated that she wanted to congratulate the Greater Houston and Convention Bureau, that last week many of the Council Members attended their annual meeting and they had some good news to share, they met their goal of booking 650,000 room nights for future years, which was an economic impact of \$800 million and a direct impact of \$65 million to their hotels. Mayor White and Council Members Edwards, Ellis and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Wiseman stated that she would release her tag on Item No. 15. Mayor White and Council Members Edwards, Ellis and Berry absent. Mayor Pro Tem Alvarado presiding.

15. **E-ONE, INC** for Platform Ladder Truck Repair Service for Fire Department - \$87,395.86 General Fund – was again before Council, moved by Council Member Quan, seconded by Council Member Garcia. All voting aye. Nays none. Mayor White and Council Members Edwards, Ellis and Berry absent. Mayor Pro Tem Alvarado presiding. MOTION 2005-0855 ADOPTED.

Council Member Sekula-Gibbs stated that she had spent several years of her life in New Iberia, Louisiana and her son attended college in New Orleans so the last several days had been difficult because she had a lot of friends in New Orleans, that she wanted to share her thoughts and sadness for all of the loss of life and destruction that had happened to not only the folks in Louisiana but also up and down the gulf coast, Mississippi and Alabama and welcome them with open arms to the City of Houston, that if they would like to volunteer their personal services, besides going to give donations, one of the way to give their services was to join the Harris County Citizen Corps that was under the auspices of Judge Eckels office, that they could go to their website and understand that they could either volunteer to help support individuals or animals, that she understood that as of yesterday another 1,400 volunteers and now over 13,000 in the Harris County area were volunteering services to the program. Mayor White and Council Members Lawrence, Edwards, Ellis and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Sekula-Gibbs stated that this Labor Day weekend was when the City's Smoking Ordinance would be rolled out, that she had some concerns about the new ordinance and was asking the Legal Department for clarification, that smoking would still be allowed in restaurant bars and was curious how the administration was going to enforce the new ordinance. Mayor White and Council Members Lawrence, Edwards, Holm, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Quan stated that he too wanted to join in prayers and concern for those in New Orleans, that his office had also been contacted, especially by people who had language difficulties, in Chinese and Vietnamese, and would like to offer his office as a coordinator in that area, the Chinese Community Center was offering to open its gymnasium up for housing, at the Hong Kong Mall many Vietnamese families had gone to that mall, that they had been in touch with SOS Boat People who were trying to help them regarding apartment who had volunteered to let their apartments at reduced prices and medical services also would be coming in through the Hope Clinic at the Chinese Community Center, that they could call his office and they would be more than happy to coordinate that effort. Mayor White and Council Members Lawrence, Edwards, Holm, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Quan stated that at yesterday's Council session they had a number of people come from the public to discuss the Frances Newton case, that Ms. Newton was scheduled to be executed on September 14, 2005 and a request was made that Council write a letter in support of Ms. Newton that he had such a letter and would present to Members of Council who would like to sign it to send to Governor Perry and encouraged people to also notify the Governor of their support for Ms. Newton. Mayor White and Council Members Lawrence, Edwards, Holm, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Wiseman stated that it was wonderful to see the way in which the City was stepping forward to try and do everything possible to help the victims of the hurricane, that she wanted to announce that she was working with Chief Boriskie with Houston Fire Department to coordinate a school supply drive, that they would have drop off locations at every fire station in the City of Houston so that people could drop off school supplies, backpacks and shoes for the children who were coming in, that the various school districts had announced that they would be taking in the students so that they would not miss out on their education while they were in this unfortunate situation, that they would have more information for them as it

progressed, if they would like more information their phone number was. 713-247-2008, that they would be putting information out for the public. Mayor White and Council Members Lawrence, Edwards, Holm, Ellis, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Galloway stated that she thought the City of Houston was really pouring out their hearts to their neighboring State and wanted the public to know that they were in need of baby things at the shelter that had opened up in her district, that they needed milk for infants, that it was at Saint Peter Claver Church on Wayside, that they could contact her office for further details at 713-247-2009, that they were still working on opening up another shelter in the district as well, that she wanted to thank all the Houstonians who had contributed. Mayor White and Council Members Lawrence, Edwards, Holm, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 11:48 a.m. Council Member Goldberg out of the city on city business. Council Member Khan out of the city on personal business. Mayor White and Council Members Lawrence, Edwards, Holm, Ellis, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

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

MINUTES READ AND APPROVED

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Anna Russell, City Secretary