

City Council Chamber, City Hall, Tuesday, August 16, 2005

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, August 16, 2005, Mayor Bill White presiding and with Council Members Toni Lawrence, Carol M. Galloway, Mark Goldberg, Ada Edwards, Addie Wiseman, M. J. Khan, Pam Holm, Adrian Garcia, Carol Alvarado, Mark Ellis, Gordon Quan, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; Mr. Harlan Heilman, Division Chief, Claims & Subrogation Division, Contract Division, Legal Department; Ms. Debra Dillard, Mayor's Citizens Assistance Office; Ms. Marty Stein, Agenda Director present

At 2:00 p.m. Mayor White stated that Mr. Lonnie Vara and Council Member Lawrence would begin the presentations; and Mr. Vara stated that today they were opening the City of Houston 2006 Combined Municipal Campaign; that last year was a successful campaign and he thanked Council Member Galloway as she was so instrumental in helping to raise \$647,000.00; that they appreciated Council's support and the executive luncheon would be this Friday; and introduced Council Member Lawrence as the new chairperson for this year and presented her a T-shirt; and Council Member Lawrence stated that it was an honor to serve as honorary chair and she had big shoes to fill after Council Member Galloway and Council Member Goldberg, but she looked forward to it and hoped all would participate. Council Members Galloway, Goldberg, Wiseman, Khan, Holm, Sekula-Gibbs and Berry absent.

Council Member Garcia invited Miss Keara Cormier-Hill to the podium and stated that Keara worked with Mr. Ray Andrews, the director of Houston Crackdown on the Timothy Project Summer Internship Program and presented her with a Certificate of Recognition celebrating her accomplishments; and Mayor White presented her a Certificate of Recognition recognizing her accomplishments. Council Members Goldberg, Wiseman, Holm, Sekula-Gibbs and Berry absent.

Council Member Edwards invited Miss Vickie Tagliable to the podium and stated that she had been an intern in her office; that she listened well and helped find solutions; and presented her a Certificate of Recognition. Council Members Sekula-Gibbs and Berry absent.

At 2:12 p.m. Mayor White called the meeting to order and called on Council Member Quan who invited Mr. Hadish Davi of the Shree Swaminarayan Mandir to lead all in prayer and Council Member Quan led all in the pledge. Council Members Sekula-Gibbs and Berry absent.

At 2:15 p.m. the City Secretary called the roll. Council Members Goldberg, Sekula-Gibbs and Berry absent.

Council Members Khan and Quan moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Members Lawrence, Goldberg, Sekula-Gibbs and Berry absent. MOTION ADOPTED.

Mr. Lee Krause, 1820 Decatur, Houston, Texas 77007 (713-503-5824) appeared and spoke in favor of Agenda Item 30 and stated that he thanked Council Members Holm and Garcia for the amendments to the preservation ordinance; that he lived in the old Six Ward and needed their help so their restoration efforts would be safe for future generations; and urged passage of the item. Council Members Goldberg, Wiseman, Alvarado, Quan, Sekula-Gibbs, Green and Berry absent.

Mrs. Evie Browning-Krause, 1820 Decatur, Houston, Texas 77007 (713-503-5824) appeared and spoke in favor of Agenda Item 30 and stated that she passionately supported a stronger preservation ordinance; that she and her husband were restoring an 1890's Victorian and demolition of historic buildings was an insult to Houston's heritage; thanked Council Members Holm and Garcia; and urged passage of the item. Council Members Goldberg, Wiseman, Green and Berry absent.

Mr. Alfred Baker, 6622 McCullum, Missouri City, Texas 77489 (281-732-2557) appeared and spoke in favor of Agenda Item 30 and stated that he was the presiding Elder of the African Methodist Episcopal Church and on behalf of the Bishop of their denomination he thanked them for being a part of the great effort in the preservation process; invited them to their planning meeting in December of this year. Council Members Galloway, Goldberg, Wiseman, Sekula-Gibbs, Green and Berry absent.

Ms. Jeanine Lewis, 1919 Smith #1180, Houston, Texas 77002 (713-655-0050) appeared in favor of Agenda Item 30 and stated that she was representing Congresswoman Sheila Jackson Lee in support of Council Member Garcia's motion; and read from the Congresswoman's letter offering her support; and urged passage of the item. Council Members Galloway, Wiseman, Sekula-Gibbs, Green and Berry absent.

Council Member Edwards moved that the rules be suspended for the purpose of hearing Mr. R. Michael Lee out of order, seconded by Council Member Quan. All voting aye. Nays none. Council Members Galloway, Wiseman, Sekula-Gibbs, Green and Berry absent. MOTION 2005-0783 ADOPTED.

Council Member Goldberg moved that the rules be suspended for the purpose of hearing Ms. Virginia Marino-Tubbs, Ms. Romona Davis, Ms. Larissa Lindsay, Mrs. Jane Cahill, Ms. Pam Tilley and Ms. Catherine Roberts out of order, seconded by Council Member Holm. All voting aye. Nays none. Council Members Galloway, Sekula-Gibbs, Green and Berry absent. MOTION 2005-0784 ADOPTED.

Council Member Garcia moved that the rules be suspended for the purpose of hearing Ms. Carol Kleiber after Ms. Betty Heacker, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Galloway, Sekula-Gibbs, Green and Berry absent. MOTION 2005-0785 ADOPTED.

Mr. William R. Franks, 708 Main #690, Houston, Texas 77002 (713-227-1650) appeared and spoke in favor of Agenda Item 30 and stated that he was executive vice president for Spire Realty Group; that it was important for Houston to catch up with other cities and take measures allowing people to have property rights and historic buildings to stand; and urged passage of the item. Council Members Galloway, Sekula-Gibbs and Green absent.

Council Member Garcia thanked Mr. Franks for his support; that this would help Houston demonstrate it respected history and its past. Council Members Galloway, Sekula-Gibbs and Green absent.

Ms. Alice Valdez, 1900 Kane, Houston, Texas 77002 (713-802-9370) appeared and spoke in favor of Agenda Item 30 and stated that she was founding executive director of MECA which was housed in the historic Dow School building in the Six Ward; that the proposed ordinance would protect their historic district and their history, Sekula-Gibbs and Green absent.

Council Member Quan thanked Ms. Valdez for all her fine work. Council Members Galloway, Sekula-Gibbs and Green absent.

Ms. Lynn Edmundson, 1307 West Clay, Houston, Texas 77019 (713-522-0542) appeared and spoke in favor of Agenda Item 30 and stated that she was founder and executive director of Historic Houston, a 501C3, dedicated to preservation of Houston's architecture; that in the past year they relocated 22 historic homes to keep them from being demolished; and they fully supported Council Member Garcia's amendment to the preservation ordinance; and thanked Council Members Garcia and Holm for bringing it forward. Council Members Galloway, Sekula-Gibbs and Green absent.

Mr. Richard Roeder, 1718 Lubbock, Houston, Texas 77007 (713-229-0661) appeared and spoke in favor of Agenda Item 30 and stated that preservation could be good business; that he bought the largest building in the Six Ward for \$22,000.00 and then recently sold the lot behind him for \$220,000.00 and the increase in value was a direct result and almost entirely because people liked old buildings and were willing to invest and it would increase the City's tax base. Council Members Galloway, Alvarado, Sekula-Gibbs and Green absent.

Council Member Garcia thanked Mr. Roeder for coming and stated that he was impressed beyond words at what he had done in renovations to his home; that he was a fan of his work. Council Members Galloway, Alvarado, Sekula-Gibbs and Green absent.

Mr. B. J. Walters, 801 W. Cottage, Houston, Texas 77009 (281-804-8854) appeared in favor of Agenda Item 30 and stated that he was president of the Proctor Plaza Neighborhood Association, Norhill Heights area, and they were passionate about historic preservation; that they had 80% of their property protected now by prevailing minimum lot size; thanked Council Members Garcia and Holm for bringing up the amendment; and urged passage of the item. Council Members Galloway, Alvarado, Sekula-Gibbs and Green absent.

Council Member Garcia thanked Mr. Walters for recognizing Council Member Holm's leadership on this and for his leadership and support in the community and his work on the City Planning Commission; and thanked him for giving him some credit though the credit really went to Ms. Cahill, Ms. Lindsay and those of leadership in the Six Ward. Council Members Galloway, Goldberg, Alvarado, Sekula-Gibbs and Green absent.

Council Member Edwards thanked Mr. Walters for his comments and for his work; and stated that they felt a need so when people started the planning of project development thought be given to discoveries, if you were in the process of excavations how would discoveries be dealt with; that they were looking for some formation within the Planning Commission within the subcommittee structure look at such issues and develop policy; and did he think that would be reasonable; and Mr. Walters stated that it was very reasonable to support it; that the quality of life here was dependent on many factors and the historic heritage made them what they were. Council Members Galloway, Goldberg, Alvarado, Sekula-Gibbs and Green absent.

Mayor White stated that in his role on the Planning Commission he needed citizens there to help him and this body make sure they were allocating resources correctly within the Planning Department; that as a part of the committee and commission they could help give direction to the professionals in the Planning Department; that he was supportive of what Council Member Holm had done and the feedback embodied in Council Member Garcia's amendment, but they were asking for a list of structures which were over 100 years old, there were not that many, and basically the answer was there was no list; that Mr. Frank Michel in his office and Ms. Betty Chapman who was on the Archeological and Historical Commission were putting together a taskforce of about 40 interested citizens to review where they were in cataloging the history of Houston and help him keep his eye on the ball to be sure they had the appropriate staff and resources so they knew where their history was; that they were all keeping an eye on it and he would be an ally in making sure; and Mr. Walters stated that he would keep his eye on it for him. Council Members Galloway, Goldberg, Alvarado, Sekula-Gibbs and Green absent.

Ms. Romona Davis, 712 Main #110, Houston, Texas 77002 (713-216-5000) appeared in favor of Agenda Item 30 and stated that she was director for the Greater Houston Preservation Alliance and supported the amendment to the preservation ordinance and was encouraging all to support it; that she was authorized for Mr. Bart Truxillo who owned a house in the Heights and the Magnolia Ballroom and if this passed he wanted to immediately apply for the designation and a number of others were also lined up to apply and they would help them with the process and they would help anyone needing assistance. Council Members Galloway, Goldberg, Alvarado and Green absent.

Upon questions by Mayor White, Ms. Davis stated that it would be wonderful to have a complete historic survey of the City; that there were pieces out there already as a survey was done in 1982 in about six additions and Mr. Randy Pace had those in his office and Mr. Steven Fox had an architectural guide to Houston and there were a number of structures that qualified historic and she understood a survey was done by METRO years back of the near northside, but she did not have that though she knew it existed as they gave them a Good Brick Award for it in the 1980's' and Mayor White stated that he would like her to be persistent and say she spoke with him and then if there was a problem getting it from METRO to let him know; that he did not want to waste money as he would rather do it on preservation; and upon questions, Ms. Davis stated that the 1982 study was very good but they did need to go beyond that now, they needed a comprehensive study. Council Members Galloway, Holm and Green absent.

Ms. Larissa Lindsay, 1816 Kane, Houston, Texas 77007 (713-831-6526) appeared in favor of Agenda Item 30 and stated that she was president of the old Six Ward Neighborhood Association and asked all those present in her neighborhood in support of the amendment to stand to be recognized. Ms. Lindsay further stated that last week Council Member Holm asked her how many homes in the Six Ward were over 100 homes and she guessed 250 to 300, but it was only half that or less; that someone called her this morning on what the population of Houston was 100 years ago and how many structures existed and all she knew was there were less than 50,000 people. Council Members Galloway, Holm and Green absent.

Council Member Garcia thanked Ms. Lindsay for her leadership along with Ms. Cahill and all the neighbors who came for their support on the item; that there was so much they could do to enhance tourism and put Houston on a map and showcase it because they were preserving history, but all needed to be done to preserve it and in a responsible way so as to not compete with progress at the same time. Council Members Galloway, Holm, and Green absent.

Ms. Jane Cahill, 2112 Lubbock, Houston, Texas 77007 (832-721-9080) appeared in support of Agenda Item 30, presented a map to the Mayor and Council Members and stated that she was a longtime resident of the Six Ward Neighborhood Association and she wanted to thank Council Members Holm and Garcia for bringing to the floor substantive discussion on historic preservation with the Mayor and Council; and encouraged the discussion today on establishing a Planning Commission subcommittee to look at a continued study of the preservation issue; that the map she presented was prepared in the last attempt to amend the historic preservation prepared by the Planning Department and it had in yellow all 100 year old structures that were there five years ago and their best estimate of 100 year old structures in the city. Council Members Galloway, Holm, Quan and Green absent.

Council Member Garcia thanked Ms. Cahill for her leadership and advice. Council Members Galloway, Holm, Quan and Green absent.

Ms. Pam Tilley, 7722 Eight Willows Road, Missouri City, Texas 77489 (281-437-4733) appeared and spoke in favor of Agenda Item 30 and thanked Council Members for allowing them to be a part of the process and Council Members Garcia, Edwards and Holm for helping them to put it together in a structured form. Council Members Galloway, Holm, Quan and Green absent.

Council Member Berry stated that he understood she was present as an emissary of Bishop Ingram; and Ms. Tilley stated Bishop Ingram as well as presiding elders and other church members; and Council Member Berry stated he would like her to send their appreciation for hosting the AME Conference here; and thanked her for her input and involvement; and Ms. Tilley stated that they were looking forward to being a part of the process and committee. Council Members Galloway, Holm, Quan and Green absent.

Ms. Catherine Roberts, P. O. Box 130726, Houston, Texas 77219-0726 (713-294-3338)

appeared and spoke in favor of Agenda Item 30 and stated that that she was representing the Rutherford Yates Museum and wanted to thank Council Members Garcia, Edwards and Holm for bringing the ordinance to the forefront; that they supported the friendly amendment to the preservation ordinance proposed by Council Member Garcia and looked forward to the taskforce which they hoped would be composed of actual preservation stakeholders and investors representing specific ethnic preservation groups especially African American who were the least represented; and requested a moratorium against further demolition of historic churches and homes in Freedmens Town. Council Members Galloway, Holm, Quan and Green absent.

Ms. Roberts further stated that they had been working years surveying African heritage sites and historic structures and archeological sites and done extensive map work back to the 1800's; that African Americans had a young history after slavery and they were looking forward to working back to a 50 year time frame in recognizing their history. Council Members Galloway, Garcia, Quan and Green absent.

Mr. Irshad Syed, 14130 Bissonnet, Houston, Texas 77099 (713-867-6386) had reserved time to speak but was not present when his name was called. Council Members Galloway, Garcia, Quan and Green absent.

Mr. Daniel Yun, 4140 Directors Row, Houston, Texas 77092 (713-876-6386) had reserved time to speak but was not present when his name was called. Council Members Galloway, Quan and Green absent.

Mr. R. Michael Lee, 5504 Ardmore, Houston, Texas 77021 (713-748-6973) appeared, presented information to Council Members and stated that he was chairman for the Houston Preservation Committee for the South McGregor Civic Club and had brought additional information for Council to consider before making a decision on the Columbia TAP; that it was engineering drawings the City prepared in 1997 for development of the proposal they wanted to see happen along Brays Bayou starting at the Ardmore Street bridge and continued along both sides of the bayou to Almeda. Council Members Galloway, Quan and Green absent.

Mayor White thanked Mr. Lee for the information and stated that they were taking a look at the plan as well as one other they had proposed. Council Members Galloway, Quan and Green absent.

Ms. Virginia Marino-Tubbs, 2502 Gramercy, Houston, Texas 77030 (713-668-1138) appeared, presented information and stated that she was present representing her Mother who lived on the corner of Kirby and Bellefontaine regarding a tree needing to be removed; that the Kirby project was going on, digging for culverts for water drainage, and the tree was on the other side of the sidewalk and it was suggested the roots would be killed and they were afraid the tree would fall and it would fall on her Mom's house so they were asking that the tree be removed during the project. Council Members Galloway, Garcia, Alvarado, Quan, Green and Berry absent.

Upon questions by Mayor White, Ms. Marino-Tubbs stated that she spoke with Council Member Goldberg and those in the tree department but she was passed back and forth; and Mayor White stated that the person to the side worked with the arborist and though they did not want anything falling on anyone's house they did want to preserve trees and they were looking at ways in which the excavation could be done where the root system would not be damaged and if they did do something to kill a tree they should remove it, but seek not to kill the tree and that would be their policies. Council Members Galloway, Garcia, Quan, Green and Berry absent.

Council Member Goldberg stated that he went to the project and it was a \$45,000,000.00 project; that two 12x12 box culverts were going to be put in and would cost \$80,000.00 and they

were going to dig under the tree to try and save it but it could still fall that he thought it best to take the tree down as all the limbs were cut on the street side, the property owner was not asking to save it but instead to take it and it would save much money. Council Members Galloway, Garcia, Alvarado and Berry absent.

Council Member Khan stated that he would like to ask Council Member Holm if in the preservation ordinance trees should be covered as he thought they also needed protection. Council Members Galloway, Garcia, Alvarado and Berry absent.

Council Member Holm stated that she understood when they went into a program a forester went out to evaluate each tree prior to construction to see if it could be saved and at the end of the project the forester went out again, the last thing the City wanted was to endanger its citizens. Council Members Galloway, Garcia, Alvarado, Quan and Berry absent.

Mayor White stated that they did hear what she was saying and he would say to Mr. Norman and Mr. Pederson that this was a little distinct from the times they tried to get the contractors clear direction they did not want to lose trees, but they did not want to endanger her mother and he would say they should use good judgment; that Council Member Goldberg's observation of cost may be taken into account. Council Members Galloway, Garcia, Alvarado, Quan, Green and Berry absent.

Council Member Ellis stated that he was going to say they could remove this one tree and then save all those running down Richmond in Afton Oaks; that he did not want to make light of the situation, but he would like the forester to come in and give a report as to what he thought about the tree in her mother's yard. Council Members Galloway, Alvarado, Quan, Green and Berry absent.

Mr. Jerry Martin, 16161 Old Humble Road, Humble, Texas (281-964-1393) had reserved time to speak but was not present when his name was called. Council Members Galloway, Alvarado, Quan, Green and Berry absent.

Mr. Aaron Potier, 1711 Hafer #713, Houston, Texas 77090 (281-630-1875) had reserved time to speak but was not present when his name was called. Council Members Galloway, Alvarado, Quan, Green and Berry absent.

Mr. Shawn Welling, 5731 Logan, Houston, Texas 77007 (281-772-4277) appeared and stated that he did have much appreciation for all Council Members who visited his Planet Funk and for the involvement they had; that he also thanked Council Member Holm for her statement in the Houston Chronicle; that again he was present on the parking issue and the main issue overriding the integrity which fell between the signs and Council; that everyday he saw the sign which was no parking for him and those who came there, but more than that it said a City code was capable of being violated, it was violated as the parking signs were put up when there was no adequate percentage on the road frontage; that a City Code Section 45-401 stated that you needed 75% or more residential for the signs and there was only 60%; that he came to speak July 6th when the amendment was to be passed and expressed to Council Member Holm and her assistant he would speak on this, but Council Member Holm took the amendment and moved it before speakers when prevented him from expressing such considerations; and today he was asking the Mayor to bring the item back so again it could be looked at and integrity could be brought back to Council. Council Members Galloway, Alvarado, Quan, Green and Berry absent.

Council Member Ellis stated that he believed they were initially wrong in granting such parking restrictions on Logan Lane; that he saw explanations from Planning as to how the mistake was made, but now that they understood there was a mistake the problem needed to be rectified. Council Members Galloway, Alvarado, Quan and Green absent.

Council Member Lawrence apologized as she did not know Mr. Welling was present when the item was to be voted on; that she had visited the site and at that time both signs were out, the 9:00 a.m. to 9:00 p.m. and the 9:00 a.m. to 4:00 p.m., which made no sense; that she did seek Legal's opinion as there were mistakes made when you looked closely at the Ordinance, Section 45, that she called Mr. Welling and he had no idea why the whole situation came about, but it was clearly commercial property early on and the section in the ordinance required someone go out and inspect and to not just go by HCAD which was an excuse floating around for awhile; that she concurred with Council Member Ellis a bad mistake was made and she hoped it would be rectified very soon. Council Members Galloway, Alvarado, Quan and Green absent.

Council Member Holm stated that she believed all of Council apologized for voting on the item before it came out of order; that his name was not on the Agenda list for speaking and they had no idea, but more importantly because it was in District G they did have planning look at this at two different times and the conclusion was their conclusion, but if the Mayor felt it needed to be looked at it they strongly supported it, but they were saddled with a residential ordinance which was not appropriate for the growing needs of the communities with mixed use and this example would happen more and more if they did not help citizens coexist; that she thought it appropriate for Mr. Willing to have parking in front of his property but the ordinance did not allow it; and upon questions by Mayor White, Council Member Holm stated that it was her understanding when the residential ordinance came forward it was to protect neighborhoods surrounding commercial areas so the overflow parking did not fall into the neighborhood and as the urban core grew and mixed use entered into it then it was likely model neighborhoods would have productive businesses intermixed with residential properties and that should be protecting residences while allowing business parking within the same block; and Mayor White stated that no one should use the front of someone's house as their daily or nightly parking; and Council Member Holm stated that was correct, but by the same token businesses within the community should not be inhibited from accessibility to their own property. Council Members Galloway, Alvarado and Green absent.

Upon questions by Mayor White, Mr. Welling stated that no, he was not able to park in front of his own property; and Mayor White stated that his goal was to first protect neighbors and neighborhoods and if someone parked in front of someone's house day after day he wanted the law to have redress to that, if someone could not park in front of the property they owned it was a little different story; that generally he wanted to defer to considerable extent in individual cases to the individual Council Members in the district; that generally he supported the Council Members with the single member districts; and Council Member Holm stated that this was not her choice as the ordinance prohibited him from parking, it prohibited mixed parking and her point was it was time to be addressed. Council Members Galloway, Alvarado and Green absent.

After a lengthily discussion Council Member Alvarado stated that the ordinance did need to be amended, parking was being viewed one dimensional and she hoped when the Parking Commission was approved this issue would be looked at with the subcommittee of the Planning Commission, the two had to work hand in hand and she would put more emphasis on the Parking Commission as she believed it would be made up of people without interest in development but who could come to the table with a clear picture, clear judgment on parking and not just immediate needs but how you planned for growth; and she would echo that the ordinance be changed as soon as possible; Council Member Goldberg stated that he disagreed this was a bad law the present law was a good law, it was designed so the District Council Member had a voice; that when district parking was in his district he met with the civic club, businesses and Planning notified him of it so before it passed he knew all were on board or there was a good reason why not; that the only way this law came into effect was to be voted for so if they thought Planning made a mistake then they should not vote for it and they should get their colleagues to not vote for it, it was simple and it worked. Council Members Galloway, Garcia and Green absent.

Council Member Wiseman moved that the rules be suspended for the purpose of hearing Mr. Bruce Holtz at this time, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Galloway, Garcia and Green absent. MOTION 2005-0786 ADOPTED.

Mr. Bruce Holtz, 1519 Shady River, Houston, Texas 77056 (713-663-1831) appeared, presented information and stated that he spent much time, energy and money to get the courts to tell whether Proposition 2, Houston Taxpayer's Bill of Rights, was valid or not and he was representing the 242,000 people who voted for it; that he read the Attorney's brief of July 30th which he held and was shocked that the brief admitted that undeniable the main objective of Proposition 1 was to beat Proposition 2; that it was not to give property tax relief or water and sewer relief, but the key objective was to defeat Proposition 2; and he wanted to know if the Mayor approved the brief and if he did then did he agree that Proposition's 1 main objective was to beat Proposition 2 and did the Council Members agree; that he also read in the brief about the provision of Proposition 1 to assess and collect without limitation, except for ad valorem taxes and the City lawyers had now told the court that when voters passed Proposition 1 they repealed the fifty cents per \$100.00 property value and did the Mayor approve of what they filed it that brief; and did he think the public was made aware that Proposition 1 also eliminated the existing fifty cents per dollar ad valorem tax; and continued asking questions regarding the two propositions until his time expired. Council Members Galloway, Alvarado, Quan, Green and Berry absent.

Council Member Wiseman stated that she was not aware of receiving a copy of the brief and would ask for the Mayor's assistance in obtaining a copy from Legal so that she could review it; that as a Council Member she could not issue directives to the City Attorney or his staff with respect to legal action they were taking, but was interested in what was being put forth in the litigation as she did have concerns over the argument if that argument was in the brief. Council Members Galloway, Garcia, Alvarado, Quan and Green absent.

Council Member Sekula-Gibbs stated that she first wondered if this was real or not and saw it in writing and it became clear it was real and related to the City's bond rating, it became clear it was an interpretation; that she for one did not have a clear understanding that in passing Proposition 1 it undid the property cap of fifty cents on appraised value of \$100.00; and Mr. Holtz stated that it was not made clear to anyone and the City Charter today had not yet been amended by amending and why was it not changed, it had been one year since it went into place and he had no idea what they had done, they had advocated their duty and been led down a trail against the will of the people; and Council Member Sekula-Gibbs stated that the Administration had worked very hard to not allow the cap to be reached so they would not see any approach to that level in this Administration, but she was concerned about years in the future and that was where she thought the question needed to be answered. Council Members Galloway, Quan, Green and Berry absent.

Council Member Ellis stated that he too would like to see the brief where that comment was made; that as for the adoption to the Charter he spoke to the City Secretary and understood a portion of Proposition 2 was adopted and placed in the Charter and he and the Mayor had a meeting the morning after the election and talked about the fact they needed to make sure the budget was brought under Proposition 1 and Proposition 2; and he did understand it was in the Charter; and Mayor White stated that the City believed Proposition 1 was now made a part of the Charter and both had been certified, the certain litigants, people who sued the City said both were now part of the Charter and it was pending in District Court; that there was something called codification which was done in different ways by different bodies and in the City's case it was codified by Mr. Bibler; that numerous statements were made that were not quite accurate, but all this was rehashed before and there was a five minute rule and he thought they should hear the other issues, but did thank Mr. Holtz for appearing today. Council Members Galloway, Wiseman, Alvarado, Quan, Green and Berry absent.

Mr. Frank Santarose, 19730 Saums Road, Houston, Texas 77084 (281-579-2675) had reserved time to speak but was not present when his name was called. Council Members Galloway, Wiseman, Alvarado, Quan, Green and Berry absent.

Mr. William Schocka, 5107 Otterberry, Houston, Texas 77039 (281-442-7245) had reserved time to speak but was not present when his name was called. Council Members Galloway, Goldberg, Wiseman, Garcia, Alvarado, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Xuewei Chen, 5605 Bissonnet #127, Houston, Texas 77081 (281-773-7982) appeared, presented information and stated that she was manager of The Epoch Times the largest independent Chinese language newspaper in the world; that she wanted to thank Council Members who allowed them to give their views to the Chinese community; and wanted to point out some stress with two attempts to repress them with the first being advertisers given pressures to cancel ads in the newspaper and when the Chinese Community Center referred to give them an art booth because they received a letter from the Chinese Consulate to keep them out. Council Members Galloway, Goldberg, Wiseman, Alvarado, Sekula-Gibbs, Green and Berry absent.

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

Mr. Henry Provotiaux, 10600 Hazen Lane #204, Houston, Texas 77072 (281-630-0015) had reserved time to speak but was not present when his name was called. Council Members Galloway, Wiseman, Alvarado, Sekula-Gibbs, Green and Berry absent.

Mr. Michael Hwang, 4330 N. Pine Brook Way, Houston, Texas 77059 (281-433-1195) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Galloway, Wiseman, Alvarado, Sekula-Gibbs, Green and Berry absent.

Ms. Betty Heacker, 621 Del Norte, Houston, Texas 77018 (713-863-8322) appeared in opposition to the HEC tower and stated that she lived one block south of the proposed communication tower and time was running out for them; that the City and their experts both agree the massive tower could not by itself provide service for the intended target area, it appeared it would provide coverage for about 20% of the area described in the application and both experts agreed more towers would be needed; that City employees were made aware there were operational viable and economically feasible alternatives to the tower and they were offered the opportunity to relocate the tower about 1-1/2 miles away and unlike the HEC site the location would meet all requirements of the City's own tower ordinance; that if built in their neighborhood their property values would plummet; that there were alternatives for the tower and she urged that all join together in seeking an extension of time for the existing grant application so a more appropriate location or significantly less damaging solution could be worked out. Council Members Lawrence, Galloway, Wiseman, Alvarado, Green and Berry absent.

Council Member Garcia stated that they were still not done on the tower issue and yesterday had a Public Safety Meeting and received an update on the Controller's review of the HEC Center and there was an item identifying the need to establish a backup to the HEC Center and his question was if a backup to the HEC had to be established then did that create an opportunity to relocate the tower, he was not convinced the HEC was the best location. Council Members Galloway, Wiseman, Khan, Alvarado, Ellis, Green and Berry absent.

Mayor White stated that he needed to excuse himself and would ask the Vice Mayor Pro Tem to preside. Council Members Galloway, Wiseman, Khan, Alvarado, Ellis, Green and Berry absent.

Upon questions by Council Member Quan, Ms. Heacker stated that no, the City was not responsive in working with them on alternate locations, the only choice given was the HEC Center; and Council Member Quan stated that he did hope something could be worked out and he would send a memo to Chief Storemski. Mayor White, Mayor Pro Tem Alvarado, Council Members Galloway, Wiseman, Khan, Ellis, Green and Berry absent. Vice Mayor Pro Tem Goldberg presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Lawrence, Ms. Heacker stated that Public Works had been working on the drainage; that the tower she showed would be built in the same order because it was a self-support tower, it was very massive. Mayor White, Mayor Pro Tem Alvarado, Council Members Galloway, Khan, Green and Berry absent. Vice Mayor Pro Tem Goldberg presiding.

Council Member Garcia stated that the environmental report recently concluded by Mr. Storemski and his office, unlike the TxDOT report on I-45, had printed every single letter of opposition and concern, every bit of their homework and concerns and direct issues were in the document and he thanked him for the transparency. Mayor White, Council Members Galloway, Holm, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding.

Ms. Carol Kleiber, 6200 N. Shepherd, Houston, Texas 77091 (713-692-8888) appeared in opposition to the HEC tower and stated that she was also opposed to the 484 feet communication tower to be located at the HEC; that Ms. Cheryl Murray in the Office of Public Safety said they would be able to comment on the final environmental assessment, but she never informed them it was completed and they were never given the opportunity to comment as promised nor afforded the courtesy of an E-mail when it was completed; that the City had been less than truthful with the size of tower, notification and promises made and not honored and they were asking for an alternative location. Mayor White, Council Members Galloway, Khan, Holm, Ellis, Green and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Garcia stated that he was not sure what was promised, but as he mentioned the report had every single document they presented, all their concerns, etc., so it was not diluted nor edited. Mayor White, Council Members Galloway, Edwards, Khan, Holm, Ellis, Quan, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Mr. Jim Blackburn, 4709 Austin, Houston, Texas 77004 (713-524-1012) appeared in opposition to the HEC tower and stated that he was representing the Shepherd Oaks Civic Association; that citizens were assured they could comment on the final environmental assessment and they were not and even if they were in a document promises were breeched; that there were alternatives, better ways of doing the system, and there was a major problem on how the tower was being pursued; and the site and legality of the site was an issue; and he urged all to slow down and get it right. Council Members Galloway, Edwards, Khan, Holm, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Goldberg, Mr. Blackburn stated that one single tower had limited range and a system of smaller towers spread out may be better; that alternatives could also give a 20% but the question was could they cover the city with an alternative plan which made sense; that even at its height there was a limited coverage, it was to provide a backup system and that backup system was of limited geographic coverage with regard to certain frequencies it operated on and radio frequencies. Council Members Galloway, Edwards, Holm, Ellis, Quan, Green and Berry absent.

Council Member Garcia thanked Mr. Blackburn for all the work he had been doing on behalf of some of his neighborhoods regarding flooding, drainage, etc., as well as this one, he was trying to be as objective as possible and was concerned about a tower in the middle of a

neighborhood because of the fall zone, but also he recognized that at Reisner they had basically a 500 feet tower for about 40 years and had no problems even in the most severe hurricanes and wanted to be sure they were dealing with concerns but not creating anxiety and that was why he had try to slow this down as much as possible and seek alternatives. Council Members Galloway, Holm, Ellis, Green and Berry absent.

Upon questions by Council Member Sekula-Gibbs, Mayor White stated that he was only briefed about four months ago and did look at another location, but he was not caught up; and Council Member Sekula-Gibbs stated that she would again ask which ever department was listening at this time to bring Council Members the alternatives, what the latest technology was, what was available and what the cost was to implement along if there were grant funds available, certainly homeland security and public safety were critical, but they also wanted to not be shortsighted; and Mr. Blackburn stated that they would try and get all information to Council on viable alternatives as quickly as possible. Council Members Lawrence, Galloway, Holm, Ellis, Green and Berry absent.

Council Member Garcia stated that he just got off the phone with Ms. Cheryl Murray and there was an extension filed, the grant did not expire until next May and they had time to work on this; and he thanked Cheryl for the effort. Council Members Lawrence, Galloway, Holm, Ellis, Green and Berry absent.

Mr. Willie Harold, 5702 Rietta, Houston, Texas 77016 (713-683-1477) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Galloway, Holm, Ellis, Green and Berry absent.

Mr. Steven Reid, 1600 Louisiana #702, Houston, Texas 77002 (713-685-0271) appeared and stated that he resided at the YMCA and for over the past five years the rent had been increased and after some paid rent, medication and food they were broke; that they just received a notice that they were again going up and it was 21%, which many tenants could not afford and would be forced out; that the letter was dated July 22nd, but they received it August 9th and they were going up October 1st; that the "Y" had helped him, but many would be out and though they had programs to help pay it took a while; that they wrote to management and they had no answer; and he was asking Council Members to see if there could be control of the rent, some set rate. Council Members Galloway, Holm, Ellis, Green and Berry absent.

Upon questions by Council Member Edwards, Mr. Reid stated that some tenants were subsidized on rent, but he did not think the agencies were aware of the rent going up; and Council Member Edwards stated that would probably be the first place to go; that if the counselors could get in touch with the agencies; and Mr. Reid stated that the City Housing Authority donated money to the "Y" so they could have affordable housing, but this was not affordable or low-income; that currently the daily charge for floors 4-5 was \$30.00, weekly \$121.00,; and for floors 6 and 7 it was \$32.00 daily and \$137.00 weekly; and for floors 8-10 it was \$35.00 a day and \$156.00 a week; that currently he paid \$232.00 every 2 weeks, \$116.00 a week, but with the increase he would pay \$274.00 every 2 weeks with an increase of \$40.00. Council Members Galloway, Holm, Ellis, Green and Berry absent.

Mayor White stated that he would like Mr. Etuck to describe to him if the voucher program could work, he wanted to know how this fit in because information was a good thing; that the cost people were paying was very similar to the cost of the amount paid by residents plus the Houston Housing Authority in their voucher program and he wanted Mr. Etuck to look into; and if Mr. Walsh was listening, he wanted feed back on why they could not work with nonprofit organizations; that before he took this job he did a major rehabilitation program in a neighborhood in Boston and he recommended that they fix up dilapidated hotels and rent them out with Section 8 vouchers and they did and he was interested in that. Council Members Galloway, Holm, Ellis, Green and Berry absent.

Council Member Edwards stated that with rising fuel cost and with it impacting places like the "Y" and public housing she did not know if current budgets would accommodate such energy increases, but it needed to be looked into; and Mr. Reid stated that some there were assisted, but they could not assist everyone and some would be left out; that the "Y" had benefited him for three years and most were like family to him, they felt safe and secure and had been there years. Council Members Galloway, Holm, Ellis, Green and Berry absent.

Council Member Quan stated that he was sympathetic to their situation and he did not think the "Y" took Section 8 voucher; that they had a waiting list of about 16,000 people trying to get on that list because Houston did not get their fair share of federal funding, but they were trying to develop more single room occupancy, which was what the "Y" had, where they could be safe and have counseling made available and that was a priority of this Administration; and the "Y" was a great City partner, but they did not have much authority in telling them to lower prices, etc. Council Members Galloway, Edwards, Holm, Ellis, Sekula-Gibbs, Green and Berry absent.

Ms. Kathy Luersen, 910 1/2 W. Drew, Houston, Texas 77006 (713-526-2872) had reserved time to speak but was not present when her name was called. Council Members Galloway, Edwards, Holm, Ellis, Sekula-Gibbs, Green and Berry absent.

Mr. Manuel Villatoro, 71328 Longview, Houston, Texas 77020 (832-630-3210) appeared, presented pictures for Council Members to view and stated that he was presenting his brother because he did not speak English; that he was present regarding a mobile home, in 1986 someone bought a destroyed mobile home and applied for economic hardship and then remodeled the mobile home and he helped him to remodel it; that after the person was in a better situation and moved to Mexico and then he bought it from him; that in 1995 he went to the City of Houston and explained to Ms. Hernandez his situation with his handicapped daughter and that he wanted to apply and get the mobile home set as a permanent house, she gave him phone numbers and got in touch with the Texas Department of Housing and Community Affairs and they sent a lot of paperwork which he filled out and sent with a money order, then he received a certificate saying the letter would serve as official confirmation that the certificate of title for the above referenced manufactured home had been cancelled due to permanent attachment to real estate; that Ms. Rivera said he should take the paperwork to the City of Houston, but they got upset and said he should not do it because he was jumping the City of Houston. Council Members Galloway, Edwards, Wiseman, Holm, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Garcia stated that and he was at a loss in not being able to find a way to resolve the issue; that in comparing some homes in the Denver Harbor community his home was a model example; that it was not set up like a mobile home and was on piers and beams; that this was the first he had heard of this, but he went through a lot in complying with everything the City of Houston had given him; and Mayor White stated that it was at the Appeals Board and should be before Council soon; that he said earlier and he felt other Council Members also gave credence to individual Council Members and he tried to back them up when he could, but lots of times this started with a complaint from someone so his office might need to do some work, but if he could help him think through it; and Council Member Garcia thanked him for his support. Council Members Lawrence, Galloway, Edwards, Wiseman, Holm, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Quan, Mr. Villatoro stated that it was a house, it was not a mobile home; Council Member Garcia stated that essentially they were saying his home was violating ordinance on manufactured homes and he had to pick it up and get rid of it; and Mr. Villatoro stated that they were told the house had to be demolished; that his brother lived there with two children and he had put all his dreams in it and it was not fair; that it had been there since 1986 as he went through a hardship because of his handicapped daughter, but his brother had lived there 8 years and he moved out; that he did not qualify for hardship and they

wanted them to move out; that when the man he bought it from remodeled it bought all permits and then he bought it in 1990; that in 1995 he went to the City of Houston and asked what to do to convert it to a regular house and he did the whole process and the Texas Department of Housing said to call the City of Houston, but they said not to do it because they had different laws; that the man told him to keep paying \$120.00 a year to maintain it as a mobile home with no problem so he said he had no problem with that, but he said he wanted it like a permanent house so they called the homestead and did homestead, but was still being told it did not qualify; that he went to a hearing and he was denied and he was told to appeal to Council Members; and Council Member Quan thanked him for explaining and stated that they may need to revisit regulations on mobile homes; and Mr. Villatoro stated that he was asking Council to consider there were many houses in the neighborhood in very bad shape and when he called a foundation company they said they did not understand the City of Houston as they had many problems with houses around there. Council Members Lawrence, Galloway, Edwards, Wiseman, Holm, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Garcia stated that he appreciated Council Member Quan's interest and would appreciate his advise; that he could see Mr. Villatoro had done quite a few improvements and enhancements and it was a great contrast to many houses in the neighborhood; and Council Member Quan stated that the manufactured home industry had evolved into something more solid now and this was the fourth case they had this year and he would like to bring it to committee to revisit; and Council Member Garcia stated that he would appreciate being told how he could help. Council Members Lawrence, Galloway, Edwards, Wiseman, Holm, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Lewis E. Jenkins, 922 Dolly Wright, Houston, Texas 77088 (281-999-2932) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Galloway, Edwards, Wiseman, Holm, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Jack Terence, 2808 Morrison, Houston, Texas 77009 (713-861-1991) appeared and stated that one of the most important political action committees in Houston was Citizens To Keep Houston Strong, but he believed they would in fact keep Houston weak; and went through a list of reasons he thought they would make Houston weak including that they violated the Texas Election Code; and that the Mayor had a duty to the people of Houston to demand strict adherence to such Code; that the address and phone number of Keep Houston Strong was 109 N. Post Oak Lane, Suite 350, Houston, Texas 77024 and 713-659-9000 which was the same political address and phone number of Mayor White's political committees and he wanted an explanation. Council Members Lawrence, Galloway, Edwards, Wiseman, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Rev. Gwendolyn Crawford, 3114 Gray, Houston, Texas 77004 (713-631-1813) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Galloway, Edwards, Wiseman, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Michele Gaddis, 6405 Westward #42, Houston, Texas 77081 (713-981-5803) appeared and stated that she came to speak in response to Council Member Ellis's article in the Houston Chronicle entitled "Immigration Insanity" and she was in support of the article; that she lived in a predominately Hispanic neighborhood and she felt the federal, state, county and local governments were failing in enforcement of immigration policy and law enforcement; that more people were coming into the system than the system could help. Council Members Lawrence, Galloway, Edwards, Wiseman, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Quan stated that he would recommend her to an article he read today in the New York Times called "Two Steps Toward A Sensible Immigration Policy" which also

looked into the issue; that he understood Council Member Ellis's position but did not necessarily agree with all he said, though there was room for sensible debate on changes which could take place. Council Members Lawrence, Galloway, Edwards, Wiseman, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Janie Montoya, 8306 Gibbons, Houston, Texas 77012 (713-923-6955) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Galloway, Edwards, Wiseman, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Margaret Salinas, 214 N. Super, Houston, Texas 77011 (713-923-4887) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Galloway, Edwards, Wiseman, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Elvira Casares, 1047 Zoe, Houston, Texas 77020 (713-673-3858) appeared and stated that she was again present regarding pipes for the alley, but no one called her until yesterday; that her lights had gone out again and she called Council Member Alvarado's office and they said they called, but she was told they would not put the pipes because of the city ordinance, but who made the ordinance; that before Bill White and Lee Brown they could call and they would put the pipe when Mayor Lanier was there, but now they said there was an ordinance; that when a citizen needed something it should be done that was why they paid taxes and now they wanted to raise taxes again. Council Members Lawrence, Galloway, Edwards, Wiseman, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Alvarado stated that no one around the Council table was advocating the raising of taxes and secondly, the culvert issue was the property owner's responsibility and that was ordinance for a very long time, decades and decades ago, she was concerned with Center Point; and Ms. Casares stated yes, she talked with Center Point and they said they did not use the alley alone, cable used it, Entex and the City of Houston used it and the property belonged to the City of Houston; that when she called for the tree to be cut they said it was hers and they said the alley was hers; and Council Member Alvarado stated she did not know of the tree, and someone from Public Works could look at ditches, but she said once that contractors messed up the culverts; that she was not aware contractors had been out there last month, but Mr. Norman was present from Public Works who could take her additional information; and Ms. Casares stated how long was that going to be to do something and she paid taxes; and Mayor White stated that regarding tax money, two-thirds went toward public safety and much of the rest of capital funds, about 40% went to pay for roads and streets. Council Members Lawrence, Galloway, Edwards, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Ivy Spivey, P. O. Box 11755, Houston, Texas 77293 (281-590-8677) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Galloway, Edwards, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (832-453-6376) appeared and stated that he was President Joseph Charles of Royalty; and continued expressing his personal opinions until his time expired. Council Members Lawrence, Galloway, Edwards, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Senator Robert Horton, 3714 Bain, Houston, Texas 77026 (713-260-6144) appeared and stated that he was Ali; and continued expressing his personal opinions until his time expired. Council Members Lawrence, Galloway, Edwards, Wiseman, Holm, Garcia, Ellis, Quan, Sekula-

Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mr. James Partsch Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Galloway, Edwards, Wiseman, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

At 5:06 p.m. City Council recessed until 9:00 a.m., Wednesday, August 10, 2005. Council Members Lawrence, Galloway, Edwards, Wiseman, Holm, Garcia, Ellis, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, August 17, 2005

The Houston City Council reconvened at 9:00 a.m. Wednesday, August 10, 2005, with Mayor Bill White presiding and with Council Members Toni Lawrence, Mark Goldberg, Ada Edwards, M. J. Khan, Pam Holm, Adrian Garcia, Carol Alvarado, Mark Ellis, Gordon Quan, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; Mr. Anthony Hall, Chief Financial Officer, Mayor's Office; Mr. Arturo Michel, City Attorney, Ms. Marty Stein, Agenda Director present. Council Member Carol M. Galloway absent due to death in family. Council Member Addie Wiseman absent on city 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 and stated that they would begin with the presentation of a public hearing. Council Members Garcia, Green and Berry absent.

HEARINGS - 9:00 A.M.

1. **PUBLIC HEARING** on ordinance relating to Water and Wastewater Impact Fees – was called.

The City Secretary stated that no one had reserved time to appear on the hearing and stated that she understood that there was someone in the audience that did want to appear and Mr. Paul Nelson was present to make comments on the hearing. Council Members Garcia, Green and Berry absent.

Mr. Nelson stated that it was the public hearing that they published in the newspaper for several weeks and the purpose was to receive comments on the proposal to increase the water and waste water impact fees that the City currently collected, that the hearing was in compliance and accordance with Chapter 395 of the Texas Local Government Code, that it had been published for three weeks, once a week, in the newspaper and they had no comments that they had received officially through the City Secretary's office, however there were at least one or two people in the audience who would like to speak, that the impact fees that were in place now, they were suggesting that those fees be increased by 13.56%, which reflected the CPI or Consumer Price Index increase since 2000, that they intended to also ask that the fee be adjusted, that the water and waste water impact fees be adjusted by the CPI on an annual basis on July 1 pursuant to that previous year, that CPI was established by the federal government, that those fees then would be raised annually in accordance with the CPI for the previous 12 months, that it would also be limited by the maximum fees that were established by a study that was done in 2000, that study established the cost to make the improvements necessary to provide capacity for water and waste water development and that could not be exceeded without a further study. Council Members Goldberg, Garcia and Green absent.

Mayor White stated that he wanted to thank the hard work that Mr. Nelson had put in and Director of Public Works and Mr. Walsh and many stake holders, including builders and others,

that they had been through some iterations of this process to put the City on a business like basis, that first they continued to subsidize growth and opportunity in their community by making it substantially less than the incremental costs as determined by engineering studies, that they keep up with inflation since the last time of the adjustment, and one of the notable features that allowed planning by the development community, by the Department of Public Works, that he considered it a win win situation, was instead of having the timing and amount determined by the way the political winds were going or City budget needs, that they establish a procedure going forward to make sure that they did keep up with the real cost of inflation, that he appreciated the work that Mr. Nelson and Bill and John Walsh and others had done on it. Council Members Goldberg, Garcia and Alvarado absent.

Mayor White asked if there were any public speakers who wished to be heard, that he knew that Mr. Box had indicated earlier that he had some brief remarks that he wanted to make. Council Members Goldberg, Garcia and Alvarado absent.

Mr. Box appeared and stated that he was involved in the original impact fee legislation along with his friend Joe Allen and the Texas Association of Builders, that it was established because some cities were out of control, the City of Houston had never been out of control, that he knew they had to come back in another session and limit how much it could be raised because some cities were still out of control, that he represented himself and the Builders Association, that they understood that they had to keep up with inflation if they were going to continue to provide the services that they so badly needed, that at the same time they were charged with the responsibility to not go to far the other way and discourage development within the City, that they all knew he was pro developing within the City, that if he had to do it in a MUD in a County it would cost him \$1,000 a connection for water and it would also cost about \$1,400 a connection for a sanitary sewer, that they could see how much more that was than what was being proposed by Public Works, they did not have a problem with it and he would charge them with the responsibility to continue to waive as far as affordable housing. Council Members Goldberg, Garcia and Alvarado absent.

After discussion by Members of Council, Mayor White stated that failure to adjust the amount to reflect the cost each year, was in fact an increase in the subsidy per unit, because they did not recover fully the cost; that he wanted to thank Council Member Goldberg for holding a hearing on the matter where there was an opportunity for people to discuss it.

Council Member Holm moved to close the public hearing, seconded by Council Member Lawrence. All voting aye. Nays none. Council Member Galloway absent due to death in family. Council Member Wiseman absent on city business. MOTION 2005-0787 ADOPTED.

- 1a. **ORDINANCE AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Impact Fees for Water and Wastewater Facilities - **FIRST READING** - was presented. All voting aye. Nays none. Council Member Galloway absent due to death in family. Council Member Wiseman absent on city business. **ORDINANCE 2005-0958 PASSED FIRST READING.**

Council Member Edwards stated that the Empowerment High School Class was present in the audience, that Empowerment High was a new Charter School in the Houston area and it's whole focus was to take social theory and social action and to put practice to it, that the young men and ladies would learn how the community worked and how they were part of the community, that Ms. Samantha Brooks was present with them and asked that they stand and be recognized. Council Members Lawrence and Berry absent.

Mayor White stated that the next item was a report from Chief Lumpkin. Council Members Goldberg, Garcia and Alvarado absent.

MAYOR'S REPORT - Demolition of Dangerous Buildings

Assistant Chief Brian J. Lumpkin reviewed a report titled "Dangerous Building Report July 2005", a copy of which is on file in the City Secretary's office for review. Council Members Goldberg, Holm and Ellis absent.

Chief Lumpkin was questioned at length by Council Members and Council Member Khan requested an update of dangerous buildings in District F, Council Member Garcia requested that they look at the call for service loop and the cost associated with that and the savings attached to that.

At 10:00 a.m. Mayor White stated that on point of personal privilege he had to interrupt the Council meeting, that Council Member Wiseman was not present because she was representing him at a particular important announcement, that he agreed with Governor Perry and Majority Leader Tom DeLay and other leaders to make simultaneously with their announcement, that beginning at 10:00 a.m. an announcement was being made at Ellington that they had been supportive of, that 12 Predator Squadrons with support personnel, about 450 people, would be a new deployment at Ellington Field, that it would increase the employment at Ellington by some 50%, they were important resources for the national defense, that there was a statewide search of where to locate the International Guard Squadron and they thought that it supported their continuing efforts that they were making to build a critical mass to make Ellington Field as cost effective as possible, that the members of the Aviation Department had worked on it and had been in the loop and he applauded their help and assistance in doing that, that it was a great day for Houston, Texas, that when they combined that with the announcement on Monday, which had been conveyed to him the previous week, that a major oil company was hiring 300 new people to be located in West Houston, within the City limits, it was a remarkable several days for the economic development and growth of the community, that he would ask that Ms. Travis give Council Members a more detailed briefing. Council Members Alvarado and Berry absent.

Mayor White recognized Council Members for further discussion on the Mayor's Report and Council Member Edwards stated that she would like to suggest that they look at how they could get a monthly update from Neighborhood Protection from some committee, either Quality of Life or Housing, so they would know what was going or projected and how was it working out across the City. Council Members Quan and Berry absent.

CONSENT AGENDA NUMBERS 2 through 27

MISCELLANEOUS - NUMBERS 2 and 3

2. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **EAST DOWNTOWN MANAGEMENT DISTRICT BOARD OF DIRECTORS:**

- | | |
|----------------|---|
| Position One | - MR. RUSSELL MORGAN , appointment, for a term to expire 6/1/2007 |
| Position Two | - MR. NORMAN R. PEGRAM, JR. , appointment, for a term to expire 6/1/2007 |
| Position Three | - MR. JIM OLIVE , appointment, for a term to expire 6/1/2007 |
| Position Four | - MR. E. W. THURMOND, JR. , appointment, for a term to expire 6/1/2007 |
| Position Five | - MS. KIM NGUYEN , appointment, for a term to expire 6/1/2007 |
| Position Six | - MS. LISA M. HAYMES , appointment, for a term to expire 6/1/2007 |
| Position Seven | - MR. DAN NIP , reappointment, for a term to expire 6/1/2007 |
| Position Eight | - MR. LOUIS A. MACEY, JR. , reappointment, for a term to expire 6/1/2007 |
| Position Ten | - MR. KHEN VU LY , reappointment, for a term to expire |

- 6/1/2009
Position Eleven - **MR. ROBERT EURY**, reappointment, for a term to expire
6/1/2009
Position Twelve - **MR. JOSHUA ESPINEDO**, appointment, for a term to expire
6/1/2009
Position Thirteen - **MR. ALFRED BENNETT**, reappointment, for a term to expire
6/1/2009

- was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Galloway absent due to death in family. Council Member Wiseman absent on city business. Council Member Berry absent. MOTION 2005-0788 ADOPTED.

3. RECOMMENDATION from Director Department of Public Works & Engineering for approval of transfer of \$114,725.00 from the FY2005 Coastal Water Authority Operations and Maintenance Budget to the Coastal Water Authority Lake Houston Operating Budget - Enterprise Fund - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Galloway absent due to death in family. Council Member Wiseman absent on city business. Council Member Berry absent. MOTION 2005-0788 ADOPTED.

PROPERTY - NUMBER 6

6. RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel A98-013, located at 3354 Rogerdale Road, owned by Western Ridge Properties, Inc., Alan Green, Assistant Manager, for the **ROGERDALE PAVING PROJECT from Westpark Drive to Westheimer Road**, CIP N-0644-09-1 - **DISTRICT G - HOLM** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Galloway absent due to death in family. Council Member Wiseman absent on city business. Council Member Berry absent. MOTION 2005-0789 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 9 through 13A

9. **HEMOCUE, INC** for Microcuvettes for Health & Human Services Department - \$302,400.00 Grant Fund - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Galloway absent due to death in family. Council Member Wiseman absent on city business. Council Member Berry absent. MOTION 2005-0790 ADOPTED.
10. **TELEDYNE ADVANCED POLLUTION INSTRUMENTATION, INC (Bid No. 10)** to Furnish and Deliver Analyzers for Health & Human Services Department - \$75,785.00 minus a commission fee (2% for Internet-based reverse auction services) for a net award amount not to exceed \$74,269.30 - Grant Fund - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Galloway absent due to death in family. Council Member Wiseman absent on city business. Council Member Berry absent. MOTION 2005-0791 ADOPTED.
11. **AMEND MOTION #2004-964, 9/1/04, TO EXTEND** expiration date from September 1, 2005 to August 31, 2006, for Miscellaneous Diagnostic Test Kits for Health & Human Services Department, awarded to **ABBOTT LABORATORIES, INC, GEN-PROBE and BIOMERIEUX, INC** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Galloway absent due to death in family. Council Member Wiseman absent on city business. Council Member Berry absent. MOTION 2005-0792 ADOPTED.
12. **COMMAND CONTROL ENVIRONMENTS, INC** for Identity Consoles for the Office of

Emergency Management - \$85,341.00 - Grant Fund - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Galloway absent due to death in family. Council Member Wiseman absent on city business. Council Member Berry absent. MOTION 2005-0793 ADOPTED.

13. DECLARE **JOHN WARNER HORSESHOEING** non-responsible for a 24 month period for failure to comply with the requirements set forth in the contract - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Galloway absent due to death in family. Council Member Wiseman absent on city business. Council Member Berry absent. MOTION 2005-0794 ADOPTED.
- 13a. ORDINANCE awarding contract to **BOLTON'S FARRIER SERVICES** for Farrier Services for Houston Police Department; providing a maximum contract - 1 Year with two one-year options \$122,431.25 - General Fund - was presented. All voting aye. Nays none. Council Member Galloway absent due to death in family. Council Member Wiseman absent on city business. Council Member Berry absent. ORDINANCE 2005-0959 ADOPTED.

ORDINANCES - NUMBERS 25 and 26

19. ORDINANCE approving and authorizing contract between the City of Houston and **SAM HOUSTON STATE UNIVERSITY** for Evaluation of Training Programs for the Houston Police Department (HPD) – had been pulled from the Agenda by the Administration, and was not considered.
25. ORDINANCE appropriating \$7,809,981.00 out of Airport System Consolidated 2001 NONAMT Construction Fund and \$12,000,000.00 from Federal Aviation Administration Grant Funds and awarding construction contract to **W. W. WEBBER INC** for Rehabilitation of Runway 15L-33R at George Bush Intercontinental Airport/Houston, CIP A-0451, Project 603); setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for contingencies relating to construction of facilities financed by such fund **DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. Council Member Galloway absent due to death in family. Council Member Wiseman absent on city business. ORDINANCE 2005-0960 ADOPTED.
26. ORDINANCE appropriating \$109,374.13 out of Public Library Consolidated Construction Fund, determining that the formal taking of Competitive Bids is not required for the work described herein; and awarding construction contract for Asbestos Abatement & Demolition of Looscan Branch Library, GFS E-0095-02-5, to **CERTIFIED/LVI ENVIRONMENTAL SERVICES, INC**; providing funding for Environmental Consulting Services and contingencies relating to construction of facilities financed by the Public Library Consolidated Construction Fund **DISTRICT G - HOLM** - was presented. All voting aye. Nays none. Council Member Galloway absent due to death in family. Council Member Wiseman absent on city business. ORDINANCE 2005-0961 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of FY2006 Operating Budget for the **HOUSTON AREA WATER CORPORATION (HAWC)** \$20,345,353.00 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado, and tagged by Council Members Quan and Sekula-Gibbs.

Council Members Quan and Sekula-Gibbs requested that Mr. Taylor bring some information to them.

Council Member Lawrence stated that she went out to the water plant and it was very interesting process, that they were having a lot of problem throughout the City with the areas that used that water and in talking to engineers that were not in the project and she found out a lot of problems and if some of the neighborhoods went through that problems they had a Powerpoint presentation now and were making two neighborhoods, that it was a very interesting presentation and had good response from the neighborhoods that they had made the presentation in.

DAMAGES

5. RECOMMENDATION from City Attorney for settlement of lawsuit styled Mark Seaman v. City of Houston; in the 165th Judicial District Court of Harris County, Texas; Cause Number 2003-45155 \$30,000.00 - Property and Casualty Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Galloway absent due to death in family. Council Member Wiseman absent on city business. MOTION 2005-0796 ADOPTED.

PURCHASING AND TABULATION OF BIDS

7. ORDINANCE appropriating \$74,898.00 out of General Improvements Consolidated Construction Fund for Asbestos Abatement at Police Administration Building, GFS D-0073-05-5 - **DISTRICT I – ALVARADO** – was presented. All voting aye. Nays none. Council Member Galloway absent due to death in family. Council Member Wiseman absent on city business. ORDINANCE 2005-0962 ADOPTED.
- 7a. **AAR INCORPORATED** for Asbestos Abatement 7th Floor Parking Garage at Police Administration Building 1200 Travis, GFS D-0073-05-5 - **DISTRICT I – ALVARADO** - was presented, moved by Council Member Garcia, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Galloway absent due to death in family. Council Member Wiseman absent on city business. MOTION 2005-0797 ADOPTED.
8. **SANTEX TRUCK CENTER, LTD.** - \$185,196.00 and **SUPER VACUUM MANUFACTURING COMPANY, INC** - \$253,172.00 for Cabs & Chassis through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council and Refurbishing Services for Mobile Breathing Air Truck Bodies for Fire Department - Equipment Acquisition Consolidated Fund - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Galloway absent due to death in family. Council Member Wiseman absent on city business. MOTION 2005-0798 ADOPTED.

ORDINANCES

14. 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 Combined Utility System Commercial Paper Notes and certain Water and Sewer System Outstanding Bonds; authorizing the execution and delivery of Escrow Agreements; authorizing the purchase of and subscription for certain

Escrowed Securities; authorizing Bond Insurance, Reserve Fund Surety Policies, Escrow Verification and Engagement of Escrow Agents, 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. All voting aye. Nays none. Council Member Galloway absent due to death in family. Council Member Wiseman absent on city business. ORDINANCE 2005-0963 ADOPTED.

15. 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** – was presented, and tagged by Council Member Sekula-Gibbs. (Note: Council Member Sekula-Gibbs released her tag later in the meeting.)
16. ORDINANCE approving and authorizing contract between the City and the **TEXAS COMMISSION ON ENVIRONMENTAL QUALITY (TCEQ)** for the City's Air Pollution Control Program - \$776,854.00 - Grant Fund – was presented, and tagged by Council Member Sekula-Gibbs.

Council Member Sekula-Gibbs stated that she would release her tag on Item No. 15.

15. 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** – was again before Council, and tagged by Council Member Green.
17. ORDINANCE approving and authorizing Parking Operations and Management Services Contract between the City of Houston and **REPUBLIC PARKING SYSTEM, INC** for the Convention & Entertainment Facilities Department; providing a maximum contract amount - Revenue – was presented. All voting aye. Nays none. Council Member Galloway absent due to death in family. Council Member Wiseman absent on city business. ORDINANCE 2005-0964 ADOPTED.

18. ORDINANCE allocating additional funds to contract between the City and **MAXIMUS, INC** for the Integrated Case Management System (ICMS) for Municipal Courts; providing a maximum contract amount - Total additional funding - \$6,516,686.00 - Municipal Courts Technology and Other Funds – was presented, and tagged by Council Members Khan, Holm and Goldberg.

Council Member Khan stated that he would like for someone to visit with him on both Item Numbers 18 and 20 and explain why the extension was there and also on the MWBE.

Mayor White stated that they would do that, that he believed that the amendment was a reduction in the amount that they paid under an existing contract, that they would get clarification and this would not ordinarily be something that they would classify as an extension, that he did not believe there was any additional term.

Council Member Berry stated that he was unclear on the extension and did not know that it was a reduction and would like to get a further follow up, that they wanted to make sure they understood the deal.

20. ORDINANCE approving and authorizing second amendment to contract (C51076) between the City of Houston and **REPUBLIC WASTE SERVICES OF TEXAS, LTD.**, to amend certain terms and the annual cost adjustment formula – was presented, and tagged by Council Member Khan. (Note: Council Member Khan released his tag later in the meeting.)

Mayor White stated that all of his previous comments related to Item No. 20, none of his comments related to Item No. 18, that Item No. 20 was a reduction, that Mr. Buchanan was in the audience and maybe there was an opportunity that he could review it with Council Member Khan.

21. ORDINANCE awarding contract to **MCLEMORE BUILDING MAINTENANCE, INC** for Cleaning and Janitorial Services for Various Departments; providing a maximum contract amount - 1 Year with four one-year options - \$18,836,112.50 - General, Enterprise and Other Funds – was presented.

Council Member Quan stated that he was a little confused as far as some of the information and knew there had been bids for part of the janitorial services that were less than what McLemore had bid and he was trying to review the RFP that went out to see if they had to do all the projects or not and would tag Item No. 21 for further clarification.

Mayor White stated that he was very proud of the fact that the City was setting a good example that he wished more private employers would follow of having a larger percentage of their janitorial employees be fulltime employees and have contractors providing health benefits to those full time employees.

Council Member Goldberg stated that he wanted to agree with Mayor White, that he had met with Mr. Calvin Wells and Mr. Issa Dadoush about the item and they would have more fulltime employees, that they took all of the contracts that were already in effect and there was a savings of almost \$2 million over what they had now, that he thought Mr. Wells was to be congratulated on saving the City \$2 million.

22. ORDINANCE appropriating \$217,662.08 out of Water & Sewer System Consolidated Construction Fund and \$216,085.70 out of Affordable Housing Uptown Series 2004D Fund and approving and authorizing Developer Participation Contract between the City of Houston and **WOODMERE DEVELOPMENT CO. LTD** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve Section One of the Wayside Village Subdivision, CIP S-0800-H1-03 & R-0800-H1-03 - **DISTRICT B - GALLOWAY** – was presented. All

voting aye. Nays none. Council Member Galloway absent due to death in family. Council Member Wiseman absent on city business. ORDINANCE 2005-0965 ADOPTED.

23. ORDINANCE appropriating \$16,752.50 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Developer Participation Contract between the City of Houston and **ON TRACK MINISTRIES, INC** for Construction of Water Lines to serve Development on Love Street, CIP S-0802-32-03 - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Galloway absent due to death in family. Council Member Wiseman absent on city business. ORDINANCE 2005-0966 ADOPTED.
24. ORDINANCE approving and authorizing International Facilities Agreements between the City of Houston and **CONTINENTAL AIRLINES, INC, PAKISTAN INTERNATIONAL AIRLINES, and WORLD AIRWAYS, INC** at George Bush Intercontinental Airport/Houston – was presented. All voting aye. Nays none. Council Member Galloway absent due to death in family. Council Member Wiseman absent on city business. ORDINANCE 2005-0967 ADOPTED.
27. ORDINANCE appropriating \$3,500,000.00 out of 12A Consolidated Dangerous Building Fund for Demolition of Dangerous Buildings – was presented. All voting aye. Nays none. Council Member Galloway absent due to death in family. Council Member Wiseman absent on city business. ORDINANCE 2005-0968 ADOPTED.

NON CONSENT AGENDA - NUMBER 28

MISCELLANEOUS

28. RECEIVE nominations for Position 3 on the **PORT OF HOUSTON AUTHORITY OF HARRIS COUNTY** for a two-year term – was presented.

Council Member Edwards nominated Mr. Kase Lawal for reappointment for Position 3 on the Port of Houston Authority of Harris County, and stated that she had submitted his resume.

Council Member Khan moved to close nominations for Position 3 on the Port of Houston Authority of Harris County, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Galloway absent due to death in family. Council Member Wiseman absent on city business. MOTION 2005-0799 ADOPTED.

MATTERS HELD - NUMBERS 29 through 33a

29. RECOMMENDATION from Finance & Administration Department to award to **HACH COMPANY** for Chemicals, Water Testing for the Department of Public Works & Engineering - \$441,823.00 Enterprise Fund – **(This was Item 9 on Agenda of August 10, 2005, TAGGED BY COUNCIL MEMBER KHAN)** – was presented.

Council Member Khan stated that last week they had some questions on Item No. 29 and Mr. Wells and his department had very cooperative in answering their questions, that they raised the question of why the original contract was split, thus by spending more money by the City, that they reviewed some of the bids and found out there was some duplication and Mr. Wells was very prompt in acting on it and they received a copy of a letter from Mr. Wells yesterday which he issued to Hach Company canceling their contract of \$159,000, which was passed in June, thus saving the City \$159,000, and moved to postpone Item No. 29 for one week so that some of the questions could be answered, that since he did not have the resources or knowledge to address the questions he would have somebody address the issues in details, that some of the questions were why were they spending that much money in the previous years and were there any potential duplication of expenses which were there in the

previous years also, that another issue was the bidding process, there were some technical issues with the bids, for example one of the bids, according to the note from the City Secretary, appeared to have a Xerox signature instead of an original signature, and he was told that it was just a technicality but wanted somebody to take a look at it to see if it was the norm and did they do it on a regular basis, that another question was that one of the bids was received by the department instead of the City Secretary and he was told that was something that was routine and happened, that he understood that one of the reasons the same company was getting the contracts since 1994 was because they were asking for product by name, that they were asking for brand names from the Hach Company and they seemed to be getting the best prices, that another question was why were they not asking for generic instead of brand name for the chemicals and maybe there were some better prices they could get by asking for generic items, that he understood that there was a bid committee that could convene and look into it, that he would appreciate it if Mayor White could direct some people to address his questions.

Council Member Khan moved to postpone Item No. 29 for one week, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Galloway absent due to death in family. Council Member Wiseman absent on city business. MOTION 2005-0800 ADOPTED.

Council Member Quan stated that he appreciated Council Member Khan diligence in reviewing Item No. 29, that he was appalled by the fact that it seemed they were paying twice for \$159,000 worth of product and wanted to commend Council Member Khan and suggested that they move forward on the suggestions that Council Member Khan posed.

30. WRITTEN Motion by Council Member Garcia to amend Item 30A below as follows:

“Motion to amend Item 14 on the City of Houston City Council Agenda August 10, 2005, by amending subsections (a) and (b) of Section 33-229 of the Code of Ordinances, as added by Section 12 of Item 14, to read as follows:

(a) The HAHC shall review each application for designation of a protected landmark that is included in an application for designation of a Landmark at the same time and in the same manner as it reviews and considers the application for landmark. The HAHC shall not recommend a property to be designated as a protected landmark unless the property:

- (1) Meets at least three of the criteria for designation in section 33-224 of this Code;
- (2) Is at least 100 years old; or
- (3) Is listed on the National Register of Historic Places.

(b) If the HAHC reviews an application for designation of a protected landmark initiated after the designation of the landmark, the HAHC shall review the basis for its initial recommendation for designation and may recommend designation of the landmark as a protected landmark if the landmark:

- (1) Met at least three of the criteria of section 33-224 of this Code at the time of its designation or, based upon additional information considered by the HAHC, the landmark then meets at least three of criteria of section 33-224 of this Code;
- (2) Is at least 100 years old; or
- (3) Is listed on the National Register of Historic Places.” – **(TAGGED BY COUNCIL MEMBER GALLOWAY)** – was presented.

Council Member Garcia offered the following substitute motion for Item No. 30 as follows:

“Motion to amend Item 14 on the City of Houston City Council Agenda August 10, 2005, by amending subsections (a) and (b) of Section 33-229 of the Code of Ordinances, as added by Section 12 of Item 14, to read as follows:

(a) The HAHC shall review each application for designation of a protected landmark that is included in an application for designation of a Landmark at the same time and in the same manner as it reviews and considers the application for landmark. The HAHC shall not recommend a property to be designated as a protected landmark unless the property:

- (1) Meets at least three of the criteria for designation in section 33-224 of this Code;
- (2) ~~Is at least 100 years old; or~~ Was constructed before 1905;
- (3) Is listed individually or as a contributing structure in an historic district on the

National Register of Historic Places; or

(4) Is recognized by the State of Texas as a Recorded State Historical Landmark.

(b) If the HAHC reviews an application for designation of a protected landmark initiated after the designation of the landmark, the HAHC shall review the basis for its initial recommendation for designation and may recommend designation of the landmark as a protected landmark if the landmark:

(1) Met at least three of the criteria of section 33-224 of this Code at the time of its designation or, based upon additional information considered by the HAHC, the landmark then meets at least three of criteria of section 33-224 of this Code;

(2) ~~Is at least 100 years old;~~ or Was constructed before 1905;

(3) Is listed individually or as a contributing structure in an historic district on the National Register of Historic Places; or

(4) Is recognized by the State of Texas as a Recorded State Historical Landmark.

After discussion by Council Members, Council Member Edwards stated that she supported the ordinance and amendment and suggested that as they moved the item forward that they give it an instrument to work in, that she would suggest that they have a subcommittee out of the Planning Commission to look at how do they handle it. Council Member Goldberg absent.

After further discussion by Council Members, a vote was called on the motion to allow Council Member Garcia to offer a substitute motion for Item No. 30. All voting aye. Nays none. Council Member Galloway absent due to death in family. Council Member Wiseman absent on city business. MOTION 2005-0801 ADOPTED.

A vote was called on Council Member Garcia's substitute motion to amend Item No. 30a. All voting aye. Nays none. Council Member Galloway absent due to death in family. Council Member Wiseman absent on city business. MOTION 2005-0802 ADOPTED.

30a. **ORDINANCE AMENDING ARTICLE VII OF CHAPTER 33 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Historic Preservation – **(This was Item 14 on Agenda of August 10, 2005, TAGGED BY COUNCIL MEMBERS EDWARDS and GALLOWAY)** – was presented. All voting aye. Nays none. Council Member Galloway absent due to death in family. Council Member Wiseman absent on city business. ORDINANCE 2005-0969 ADOPTED AS AMENDED.

30b. RESOLUTION Designating Eight City-Owned Landmarks as Protected Landmarks - **DISTRICTS H - GARCIA and I - ALVARADO** – **(This was Item 14A on Agenda of August 10, 2005, TAGGED BY COUNCIL MEMBER GALLOWAY)** - was presented. All voting aye. Nays none. Council Member Galloway absent due to death in family. Council Member Wiseman absent on city business. RESOLUTION 2005-0016 ADOPTED.

30c. RESOLUTION establishing the form of marker for Protected Landmarks designated pursuant to Article VII of Chapter 33 of the Code of Ordinances – **(This was Item 14B on Agenda of August 10, 2005, TAGGED BY COUNCIL MEMBER GALLOWAY)** - was presented. All voting aye. Nays none. Council Member Galloway absent due to death in family. Council Member Wiseman absent on city business. RESOLUTION 2005-0017 ADOPTED.

31. ORDINANCE approving and authorizing Duty Free Concession Agreement by and between the City of Houston and **THE NUANCE GROUP (HOUSTON) LLC** at George Bush Intercontinental Airport/Houston - Revenue - **DISTRICT B - GALLOWAY** – **(This was Item 18 on Agenda of August 10, 2005, TAGGED BY COUNCIL MEMBERS GREEN, ALVARADO and KHAN)** – was presented.

After discussion Council Member Khan requested that they get some kind of regular performance report on the contract, that a yearly report would be good enough, and the second

request would be if the Mayor White would consider giving a clear instruction that there would be no more extension of the contract.

Mayor White stated that they would make sure that Mr. Hall and Mr. Vacar would give a periodic update, that it was a reasonable request.

A vote was called on Item No. 31. Council Members Sekula-Gibbs and Ellis voting no, balance voting aye. Council Member Galloway absent due to death in family. Council Member Wiseman absent on city business. ORDINANCE 2005-0970 ADOPTED.

32. ORDINANCE approving and authorizing contract between the City of Houston and **PROOFPOINT, INC** for Network Appliances and Software that detects Spam, filters content and scans viruses from the City's E-mail System; providing a maximum contract amount - 3 Years with two one-year options - \$320,950.00 - Equipment Acquisition Consolidated and Central Service Revolving Funds – **(This was Item 25 on Agenda of August 10, 2005, TAGGED BY COUNCIL MEMBER KHAN)** – was presented.

Council Member Khan stated that he wanted to recognize Ms. Janet Jefferson who took a lot of time explaining the item to him.

A vote was called on Item No.32. All voting aye. Nays none. Council Member Galloway absent due to death in family. Council Member Wiseman absent on city business. ORDINANCE 2005-0971 ADOPTED.

33. MOTION by Council Member Sekula-Gibbs/Seconded by Council Member Khan to amend Item 38a below, to provide that the scope of services provide a provision to also be an opportunity to study the affects of smoking – **(This was Item 38 on Agenda of August 10, 2005, POSTPONED BY MOTION #2005-776)** – was presented. All voting aye. Nays none. Council Member Galloway absent due to death in family. Council Member Wiseman absent on city business. MOTION 2005-0803 ADOPTED.

- 33a. ORDINANCE approving and authorizing contract between the City and **BAYLOR COLLEGE OF MEDICINE** for Environmental Public Health Services; providing a maximum contract amount \$253,998.00 - Grant Fund – **(This was Item 38 on Agenda of August 10, 2005, POSTPONED BY MOTION #2005-777)** - was presented. All voting aye. Nays none. Council Member Galloway absent due to death in family. Council Member Wiseman absent on city business. ORDINANCE 2005-0972 ADOPTED AS AMENDED.

Council Member Khan stated that he would release his tag on Item No. 20.

20. ORDINANCE approving and authorizing second amendment to contract (C51076) between the City of Houston and **REPUBLIC WASTE SERVICES OF TEXAS, LTD.**, to amend certain terms and the annual cost adjustment formula – was again before Council. All voting aye. Nays none. Council Member Galloway absent due to death in family. Council Member Wiseman absent on city business. ORDINANCE 2005-0973 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Green stated that he tagged Item No. 15, regarding the sale of the parking garage downtown, that he thought it was a great deal and thought they probably had a very good broker that had agreed to do it at a below market rate and his biggest concern was that it was essentially a contract with no MWBE participation, that when they looked at the overall picture and the amount of fees that could be generated by a sale of this magnitude he did not want them to get in a slippery slope when it came to some of these professional services just because they heard of one person that seemed to be the best because it could be a very

close knit group that would never allow for a new entrant into the market to be able to sell a building of this magnitude, if it was a private building he was okay with that, but he thought some of the things that a lot of people did not look at were the fees generated from something like that, at 1.5% that still was potentially a six figure fee, they had the title company fees, the attorney fees, the inspectors, the appraisers and the banking fees, which really could add up to a lot of money and if there was no MWBE participation that concerned him, those were his issues and he thought he would lay that on the table and let someone know that in the future they needed to take a hard look at it, that he did not know who the company used as their appraisers or how many minority or women agents they had and it was not an indictment against them because he understood that the broker that was going to do it was top notch but if they picked every contractor or professional based on their realm of expertise and experience with them then he probably would never pick a lawyer outside of the Houston Lawyers Association or outside of a lawyer that he went to law school with.

Mayor White stated that he had that exact same issue that Council Member Green articulated about the process, that Mr. Hall was part of the discussion and some others as they did it, the point was good and where it was going to come home was with a proposal which would be coming up from Building Services now that they had identified a fair amount of truly surplus City property, that they would be designing a process where there would be multiple trounces of that and there would be MWBE goals that they had assigned to that for the very reasons that Council Member Green articulated, that on the issue concerning title companies he thought that in the administration of it he believed it was something that they would instruct those in the City to pay careful attention to some of those services which were more frankly on a commodity basis because they wanted to create a larger base of opportunity within the City. Council Member Sekula-Gibbs absent.

Council Member Green stated that many of the Council Members got a lot of calls and got approached when they were out in public about citizens who had applied for jobs in the City, that it was maybe about 25% of the calls that he got, that he had spoken to Mr. Lonnie Vara and he had a system in his department if someone applied by internet they automatically got a response, that his hands were tied because the department directors were not letting his office know that a position may be filled, that they had a round of interviews and had not found anybody, or whatever the case may be, that he had been watching the website and some of the jobs had been listed for months, the people were applying and not getting a call, that they just wanted to know some reason why they were not getting a response from the City, that he thought they needed to get something in place where each department had a specific timeline or deadline in which they either had to fill the position or take it off the list, that he thought they needed to do a better job and be very clear to the citizen, and he wished the Mayor White would get somebody to look into that to see what could be done. Council Member Berry absent.

Mayor White stated that at the last directors meeting that was an issue he raised, that they had to do a better job, that one of the many contributions done by Mr. Fontaine was giving him a tracking of the time from when it was applied for, the resumes were sent and recommended by HR to a filled position to the time that the directors and department acted upon to the time that they got through the door, that they had been improving on that, that Mr. Fontaine would share the report with Council Member Green. Council Member Berry absent.

Council Member Green stated that he wanted to thank Chief Boriskie, that he had gotten a call from a citizen regarding Fire Station No. 28, that she took her kids out there and the firefighters were sleeping on poor mattresses and he called Chief Boriskie and Building Services and they got their mattresses to Fire Station No. 28, that he wanted to thank Ms. Jennifer Highland for letting them know about that.

Council Member Edwards stated that on Item No. 30 she wanted to express how excited she was on where they were going as a City regarding preservation of their cultures and histories in the City, that she thought they needed to look past just buildings, they needed to

look at land space and they needed to look at streets and they needed to look at the whole community, that she thought they could not just be narrowed to buildings. Council Members Ellis and Berry absent.

Council Member Edwards stated that she thought that having a uniformed police officer in a conversation with an owner of a dangerous building added a whole new emphasis that they meant what they said, that they got a whole different response and respect, that she appreciated Chief Lumpkin for the work that he had done, especially in District D and would continue to use him as much as they could. Council Members Khan, Ellis and Berry absent.

Council Member Edwards stated that she thought they all heard the latest reports from the Crime Lab and the statements that Chief Hurtt made last night, that she was very excited about the transparency and the boldness that Mayor White and Chief Hurtt had taken on the issue, that at the same time she would like to encourage the City Council to write a letter to Governor Perry to say that they wanted him to put a moratorium on death penalty cases, at least the ones coming from Houston, Texas, until the investigation had been completed. Council Members Khan, Ellis and Berry absent.

Council Member Lawrence stated that Building Services continued to get an A+ with the rating of District A, they had a number of just basic needs at fire stations and in a 24 hour turn around those needs were met by Building Services, so to the whole staff they really appreciated their attention to improving the quality of life at some of the fire stations. Council Members Khan, Ellis and Berry absent.

Council Member Lawrence stated that she encouraged every Council office to get involved with the CMC, the charities that the City was trying to support, that for the next two and a half weeks they were going to be organizing the auction, that she thought the reward would be very meaningful to everybody who did get involved so she hoped the different offices would get involved. Council Members Khan, Ellis and Berry absent.

Council Member Garcia stated that he wanted to invite everyone to the participate in the public meeting for the Intermodal Facility that was currently planned, that it would be held at the University of Houston Downtown tomorrow evening at 6:30 p.m. Council Members Khan, Ellis and Berry absent.

Council Member Garcia stated that he wanted to congratulate Reverend Calvin Abraham who had ministering for 50 years and had spent approximately 30 of those years at Bella Vista Church in the Independence Heights Community. Council Members Khan, Ellis and Berry absent.

Council Member Garcia stated that he wanted to send a birthday wish to Ms. Tamara Jones, formerly with Council Member Edwards office and a constituent of District H. Council Members Khan, Ellis and Berry absent.

Council Member Garcia stated that on the two items that Council Member Edwards mentioned, one the framework by which to work their historical preservation efforts and landmarks and plans and things of that nature within the Planning Commission, he wholeheartedly supported that, that the ordinance was going to be only as good as they developed a process and infrastructure around so he would strongly encourage the administration and Ms. Gafrick to look at how it could be put into a standing committee format within the Planning Commission; that on the issue of the moratorium on the capital cases, he agreed. Council Members Lawrence and Ellis absent.

Council Member Garcia stated that he wanted to commend his administration, particularly Judge Mejia, that he received a letter from Ms. Gladys Bransford, a Judge for Municipal Court No. 6, that the letter expressed her sincere thanks for her reappointment for another two year

term as Municipal Court Judge. Council Members Lawrence and Ellis absent.

Council Member Garcia stated that he had gotten a letter from a firefighter's wife and the letter put into context what negotiations were all about. Council Members Lawrence and Ellis absent.

Council Member Holm stated that across the City they had a very significant problem with their sanitary sewage lines and they had homes and citizens that on a regular basis raw sewage was backing up into their homes and they were living with it, that right now they had an instance where they had a home that was six years old, the people had been out for about two months and the insurance had paid over \$80,000 and it was the fourth time that it had happened, that raw sewage had backed up into their house and it was because of the City lines, that they had talked with Jeff Taylor who understood and told them how significant the problem was and that they had an on call service but they just could not keep up with it and he could not tell their office or the citizens when or if they could repair it, that once they moved back to their house, whenever it was, they still had the threat that on a regular basis they were going to go through this again, that it was something that she thought was the most primary function that the City should be providing and she would like to see if Mayor White could see if there was a way that they increase those on call services and hire everybody they needed to hire to address the problem. Council Members Lawrence and Ellis absent.

Mayor White stated that he did follow the amount of time that it took to respond to some of the calls but he wanted to go through with Mr. Norman and asked what was the problem in this particular case, that he agreed with Council Member Holm when they were talking about basic City services, that he would like to get the details. Council Members Lawrence, Edwards, Garcia and Ellis absent.

Council Member Holm stated that they had a settlement agreement coming forward with TCEQ, which she would really recommend and would encourage her colleagues to support, which would give them an opportunity to have \$70 million over the next 10 years to start addressing and be able to use and would require the City to step and do a little bit better job of what they had facing them. Council Members Lawrence, Edwards, Garcia and Ellis absent.

Council Member Holm stated that they each one of them were addressing an issue that was impacting the budget and their quality of life with the rising fuel costs, that she knew with the City of Houston take home cars it had to be a tremendous expense, that she would like for them to review again the actual fuel costs of sending those cars home, back and forth, everyday, to make sure they were really providing the most economical and fiscally responsible handling of the people that needed to be in their fleets. Council Members Lawrence, Edwards, Garcia and Ellis absent.

Council Member Alvarado stated that she wanted to commend Building Services for some work they had been doing at some fire stations in her district, that she was out at Fire Station No. 20 on Saturday and they had some pretty significant problems with air conditioning and she wanted to thank Mr. Dadoush, that he had his crew out there working all day yesterday and they continued to be very aggressive in dealing with issues that her office had raised, particularly with their very aging fire stations. Council Members Lawrence, Edwards, Garcia and Ellis absent.

Council Member Alvarado stated that she wanted to invite the folks in District I, Eastwood, to a townhall meeting tonight with Constable Victor Trevino to address some crime issues that had taken place in the Broadmore Park area, that it was from 7:00 p.m. to 8:00 p.m. at Broadmore Park. Council Members Lawrence, Edwards, Garcia and Ellis absent.

Council Member Alvarado stated that she wanted to welcome the Texas Conference of Black Mayor's that would be in Houston later this week. Council Members Lawrence, Edwards,

Garcia and Ellis absent.

Council Member Alvarado stated that she and Council Member Berry had been working on an issue and she did have an issue to brief Mayor White on it, that it had to do with a drainage and overlay issue over on Rusk Street, between Main and Fannin, that they had a new development, Club Quarters, that they had invested quite a significant amount of money and that area of downtown had not been the most desirable place to go with some of the hotels who really did not operate in the most business like area and some of the surrounding businesses that attracted a negative element, that Club Quarters along with the TRIZ were spending money for some amenities around their facility, that she and Council Member Berry had been working trying to get Public Works to address some of the drainage and mill and overlay issues that needed attention, that they continued to get the typical bureaucratic response from Public Works, that she was very disappointed to get that response this week, that they had two Council Members who had spend a significant amount of personal time on the phone, in meetings and facilitating meetings between the developers and Public Works and continued to get just your typical bureaucratic response, that she thought it was something that required the Mayor's attention and they would both be happy to discuss it with him. Council Members Lawrence, Garcia and Ellis absent.

Council Member Sekula-Gibbs stated that Robert Arnold of KPRC put together a show that exposed a very serious problem with the SafeClear Program, that it showcased two women who were victims of credit card abuse from SafeClear wreckers who came to pick them up, that in both cases the wreckers worked for Unified Auto Works, that the women paid for their tows with a credit card and a debit card and then both women found that their credit card and bank account were charged with over \$600 in unauthorized charges, that the detectives traced the charges to a women named Sheryl Jackson, who was a multiple convicted thief, the boyfriend of the woman was a dispatcher who worked for Unified Auto Works, and he alleged that he was asleep when the girlfriend took the information from Unified Auto Works, that her concern was that they did not know how many other motorists had also been abused in that fashion, that they needed to make sure that people who handled citizen's money did not have criminal records, that they needed to take action immediately to protect their citizens and needed to amend the ordinance that required SafeClear employees who should now have background checks if they had access to citizens financial information. Council Members Lawrence, Edwards, Holm, Garcia and Ellis absent.

Council Member Sekula-Gibbs stated that she too wanted to welcome the Texas Conference of Black Mayor's to Houston for their Fourth Annual Conference. Council Members Lawrence, Edwards, Holm, Garcia and Ellis absent.

Council Member Sekula-Gibbs stated that she wanted to congratulate the people involved with the Veterans Museum, led by Mr. Malcolm Brown, that there was a deep pause for celebration, they had been working a long time on getting their project started and on August 15, 2005 celebrated the official signing over of 35 acres of land along Gulf Freeway and Scarsdale, that the land was given to the Veterans Museum by Exxon Mobile and it would eventually result in the construction of a museum that would house a repository of artifacts celebrating all five branches of the military, that it would be the first facility like this in their area . Council Members Lawrence, Edwards, Holm, Garcia and Ellis absent.

Council Member Sekula-Gibbs stated that she wanted to reiterate what Mayor White stated earlier, that Governor Perry and Majority Leader DeLay had been successful in bringing a squadron of 12 Predators, unmanned aerial vehicles, also known as drones, to the Ellington Field Base. Council Members Lawrence, Edwards, Holm, Garcia and Ellis absent.

Council Member Khan stated that on Item No. 29, one bid was addressed to a City employee in the department but was told that it was actually received by the City Secretary. Council Members Lawrence, Edwards, Holm, Garcia and Ellis absent.

Council Member Khan stated that on Saturday, Houston 80/20 would be distributing school supplies at Braeburn Elementary School at 10:00 a.m.; that Picos's Mexican Restaurant, located at 5941 Bellaire Boulevard would be hosting a school supply fund raiser on Monday, August 21, 2005, that their number is 713-6962-8383, that they were collecting school supplies for Braeburn Elementary School. Council Members Lawrence, Edwards, Holm, Garcia and Ellis absent.

Council Member Khan stated that on Saturday the Indian Community would be celebrating the 58th Independence Day of India, that they would be celebrating with a community festival at George R. Brown Convention Center from 12:00 p.m. to the late hours of the evening. Council Members Lawrence, Edwards, Holm, Garcia and Ellis absent.

Council Member Khan stated that they would have a Gulfton Community meeting on Thursday, August 18, 2005, at Lee High School, that they would discuss issues facing the Gulfton Community, that the school was at 6529 Beverly Hills Lane. Council Members Lawrence, Edwards, Holm, Garcia and Ellis absent.

Council Member Khan stated that on Saturday they would have a District F, C3 Cleanup, and they wanted to thank the City of Houston, along with Keep Houston Beautiful and HPD, that they would meet at Bayland Community Park at 7:00 a.m. Council Members Lawrence, Goldberg, Edwards, Holm, Garcia and Ellis absent.

Council Member Khan stated that schools were open and he thought there were good reports coming from every school as to the safety and security and he hoped everyone took extra care in driving around the schools and hoped to see the report from the Traffic Department regarding the Lee High School area because they really needed speed zone signs during school hours. Council Members Lawrence, Goldberg, Edwards, Holm, Garcia and Ellis absent.

Council Member Quan stated that they would be holding a meeting of the Ethics Committee on Tuesday after the Quality of Life Committee meeting, that the purpose of the meeting would be to review the necessity of the October Financial filing. Council Members Lawrence, Goldberg, Edwards, Holm, Garcia, Ellis and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Council Member Quan stated that on Saturday Congresswomen Shiela Jackson Lee would hold a hearing called America's Broken Immigration Policy at Hamilton Middle School on August 20, 2005 at 2:00 p.m., that he encouraged people who had concerns and positions regarding the U.S. Immigration Policy to attend the meeting. Council Members Lawrence, Goldberg, Edwards, Holm, Garcia, Ellis and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Council Member Quan stated that he wanted to commend the members of the I-45 Coalition and Council Member Garcia for a wonderful turnout on Saturday at Jeff Davis High School, and wanted to thank Mayor White for encouraging Mr. Marcotte to represent the Mayor at the meeting. Council Members Lawrence, Goldberg, Edwards, Holm, Garcia, Ellis and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Council Member Quan stated that he wanted to congratulate Ms. Anna Babin who would be leaving the Catholic Charities and assuming her new role as the President of the United Way of the Texas Gulf Coast. Council Members Lawrence, Goldberg, Edwards, Holm, Garcia, Ellis and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Council Member Quan stated that he wanted to commend the Airport Authority, that they had been working on the 152 homes that would be given to the Community Housing and Development Corporations, CHODOS and CDCs, that there was a great turnout at the meeting last week, they had about 19 CDCs, that they would be having a second meeting on Tuesday,

August 23, 2005, 9:00 a.m. to 2:00 p.m. at WD Schock near the Airport, if they needed more information they could check the City website. Council Members Lawrence, Goldberg, Edwards, Holm, Garcia, Ellis and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Council Member Quan stated that he wanted on update, that there had been news reports that the City Council was going to have to make tough decisions regarding the Crime Lab, the \$1.6 million and that they may have to sacrifice cadet classes as a result of that. Council Members Lawrence, Goldberg, Edwards, Holm, Garcia, Ellis and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Mayor White stated that they were not going to cancel any of their cadet classes that they had in the budget, they were going to have this year and next year a record number of cadet classes, and Council Member Quan asked that Mayor White keep them informed. Council Members Lawrence, Edwards, Holm, Garcia, Ellis and Sekula-Gibbs absent.

Council Member Berry stated that he had a thought on that subject as well and would say that from a political perspective he thought there was support around the table that the dollars they spent were wisely spent. Council Members Lawrence, Edwards, Holm, Garcia, Ellis, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Council Member Berry stated that they talked a lot of working with other governmental agencies and he wanted to commend the administration and say that two results of that were evident at their last committee meeting, number one, using the Easy Tag System, they received an update and thought Council was very supportive of using the Easy Tag System for their parking garages out at the airport, and thought Mayor White responded positively to his email that they try to do it at the City's garages downtown as well; that they received a good update from TXDOT on what was going on with Highway 35 and thought Council Member Edwards was pleased with that update and how involved her office had been involved in that. Council Members Lawrence, Edwards, Holm, Garcia, Ellis, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Council Member Berry stated that he was a little peeved when something occurred that had the SafeClear name somehow made breaking news that happened everyday, that he would be interested in knowing how often those sorts of things happened but did not think it was in anyway related to SafeClear, it was a case of a bad person acting badly; that he received some returns on SafeClear and thought it was a good occasion to look at what it had done and what it had done to drive times. Council Members Lawrence, Edwards, Holm, Garcia, Ellis, Quan, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Council Member Berry stated that he wanted to support what Council Member Alvarado stated with regard to one of the downtown streets, Fannin at Rusk, in front of Club Quarters, the City was very aggressive in trying to bring that hotelier to town because of the niche it served and he did not think that they had provided the infrastructure that certainly that they had promised, that hopefully it could be resolved. Council Members Lawrence, Edwards, Holm, Garcia, Ellis, Quan, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Council Member Berry stated that he wanted to thank Mayor White for his support as voiced by Senator Janeck, for the Eminent Domain Bill, which he thought was a pro homeowner and protaxpayer bill, that they had not pushed their local ordinance until they see what the State Senate would do, but his support was noted. Council Members Lawrence, Edwards, Holm, Garcia, Ellis, Quan, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 12:02 p.m. Council Members Lawrence, Edwards, Holm, Garcia, Ellis, Quan, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary