

City Council Chamber, City Hall, Wednesday, July 7, 2004

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, July 7, 2004, with Mayor Bill White presiding and with Council Members Toni Lawrence, Carol Mims Galloway, Ada Edwards, M. J. Khan, Pam Holm, Carol Alvarado, Mark Ellis, Gordon Quan, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Mr. Arturo Michel, City Attorney, Mr. Don Cheatham, Senior Assistant City Attorney; Mr. Richard Cantu, Director, Mayor's Citizen Assistance Office; Ms. Marty Stein, Agenda Director and Mr. Jose Soto, Deputy Agenda Director present. Council Members Mark Goldberg and Adrian Garcia absent on vacation. Council Member Addie Wiseman absent due to being ill.

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

At 9:13 Mayor White called the meeting to order and called on Council Member Quan to lead in prayer and the pledge of allegiance. Council Member Galloway absent.

Mayor White requested the City Secretary to call the roll. Council Members Goldberg and Garcia absent on vacation. Council Member Wiseman absent due to being ill. Council Member Galloway absent.

Council Members Lawrence and Khan moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Members Goldberg and Garcia absent on vacation. Council Member Wiseman absent due to being ill. Council Member Galloway absent. MOTION ADOPTED.

MAYOR'S REPORTS

CONSENT AGENDA NUMBERS 1 through 33

MISCELLANEOUS - NUMBER 1

1. RECOMMENDATION from Director Department of Public Works & Engineering for approval of Change Order No. 2 in the amount of \$140,091.76 on contract with **CYRUS DIVERSIFIED, INC dba BONTERRE CONSTRUCTION CO.** for City of Houston's National Pollution Discharge Elimination System - Storm Water Pollution Minimization Plan - 8002 Airline, GFS M-0126-48-3 (SM5020) - **DISTRICT B - GALLOWAY** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Goldberg and Garcia absent on vacation. Council Member Wiseman absent due to being ill. Council Member Galloway absent. MOTION 2004-0807 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 3 through 10

3. **VISIONTRON CORP.** for Stanchions and Hardware Replacement Parts for Houston Airport System - \$223,358.00 - Enterprise Fund - was presented, moved by Council Member Alvarado, seconded by Council Member Khan. All voting aye. Nays none. Council Members Goldberg and Garcia absent on vacation. Council Member Wiseman absent due to being ill. Council Member Galloway absent. MOTION 2004-0808 ADOPTED.
4. **U. S. TRAFFIC, INC (Bid No. 1)** for Arrowboards for Department of Public Works & Engineering \$31,950.00 - Enterprise and Equipment Acquisition Consolidated Funds - was presented, moved by Council Member Alvarado, seconded by Council Member Khan. All voting aye. Nays none. Council Members Goldberg and Garcia absent on vacation. Council Member Wiseman absent due to being ill. Council Member Galloway absent. MOTION 2004-0809 ADOPTED.

7. **INGERSOLL RAND EQUIPMENT & SERVICE COMPANY** for Trailer-Mounted Generator for Department of Public Works & Engineering - \$34,606.00 - Enterprise Fund - was presented, moved by Council Member Alvarado, seconded by Council Member Khan. All voting aye. Nays none. Council Members Goldberg and Garcia absent on vacation. Council Member Wiseman absent due to being ill. Council Member Galloway absent. MOTION 2004-0810 ADOPTED.
8. **AMEND MOTION #2003-1449, 12/3/03, TO INCREASE** award to purchase additional EGR Emission Reduction Systems for Public Works and Solid Waste Management Departments, awarded to **STEWART & STEVENSON SERVICES, INC** for a total increase of \$400,400.00 Grant Fund - was presented, moved by Council Member Alvarado, seconded by Council Member Khan. All voting aye. Nays none. Council Members Goldberg and Garcia absent on vacation. Council Member Wiseman absent due to being ill. Council Member Galloway absent. MOTION 2004-0811 ADOPTED.
10. **CHANNELVIEW SUPPLY COMPANY** for Equipment, Onan Generator Replacement Parts for Various Departments - \$406,040.56 - General and Fire Department Revolving Funds - was presented, moved by Council Member Alvarado, seconded by Council Member Khan. All voting aye. Nays none. Council Members Goldberg and Garcia absent on vacation. Council Member Wiseman absent due to being ill. Council Member Galloway absent. MOTION 2004-0812 ADOPTED.

ORDINANCES - NUMBERS 11 through 33

11. ORDINANCE **AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the use of Traffic Control Personnel; containing findings and other provisions relating to the foregoing subject; providing for severability - was not in and the City Secretary stated it would be considered at the end of the agenda if they were received in the course of the meeting. Council Member Galloway absent.
13. ORDINANCE approving and authorizing execution of sub-recipient agreement between the City of Houston and **TEXAS ENGINEERING EXTENSION SERVICE (TEEX)** to accept funding through the U. S. Department of Homeland Security's FY2004 Supplemental Urban Area Security Initiative (UASI) Grant Program - \$8,211,741.00 - was not in and the City Secretary stated it would be considered at the end of the agenda if they were received in the course of the meeting. Council Member Galloway absent.
21. ORDINANCE approving and authorizing Impaired Driving Mobilization Selective Traffic Enforcement Program (IDM STEP) amendment, allocating additional Texas Department of Transportation funding to the program; declaring the City's eligibility for such grant; authorizing the Mayor to act as the City's representative in the application process; authorizing the Chief or the Acting Chief of the Houston Police Department to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program - was presented. All voting aye. Nays none. Council Members Goldberg and Garcia absent on vacation. Council Member Wiseman absent due to being ill. Council Member Galloway absent. ORDINANCE 2004-0736 ADOPTED.
22. ORDINANCE approving extension of time for Contract No. 54690 between the City of Houston and the **KINGDOM COME COMMUNITY DEVELOPMENT CORPORATION - DISTRICT D - EDWARDS** - was presented. All voting aye. Nays none. Council Members Goldberg and Garcia absent on vacation. Council Member Wiseman absent due to being ill. Council Member Galloway absent. ORDINANCE 2004-0737 ADOPTED.
23. ORDINANCE approving extension of time for Contract No. 54691 between the City of Houston and the **KINGDOM COME COMMUNITY DEVELOPMENT CORPORATION -**

DISTRICT D - EDWARDS - was presented. All voting aye. Nays none. Council Members Goldberg and Garcia absent on vacation. Council Member Wiseman absent due to being ill. Council Member Galloway absent. ORDINANCE 2004-0738 ADOPTED.

27. ORDINANCE appropriating \$543,600.00 out of Airport System Subordinate Lien Revenue Bonds series 1998B AMT (535); authorizing the purchase of land and improvements thereon out of Greenview Manor Sections Two and Three, McAuley Survey, A-577, Houston, Harris County, Texas, for a Noise Compatibility Program at Bush Intercontinental Airport, CIP A-0476-38.1; approving purchase and sale agreements with the owners of the land (Maria Esperanza Vasquez and Jacinto Vasquez, Darlene Faye Dunn, Hennig Family Trust, William O. Weaver and Zula L. Weaver, Patricia C. Bell, and Trinidad T. Ramos) - **DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. Council Members Goldberg and Garcia absent on vacation. Council Member Wiseman absent due to being ill. Council Member Galloway absent. ORDINANCE 2004-0739 ADOPTED.
28. ORDINANCE appropriating \$694,000.00 out of Airports Improvement Fund and approving and authorizing amendment No. 1 to professional engineering services contract between the City of Houston and **CARTER & BURGESS, INC** in connection with SMGCS/Civil Site Work for ILS CAT III at William P. Hobby Airport (Project No. 566B) CIP A-0385 - **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. Council Members Goldberg and Garcia absent on vacation. Council Member Wiseman absent due to being ill. Council Member Galloway absent. ORDINANCE 2004-0740 ADOPTED.
29. ORDINANCE appropriating \$125,000.00 out of Airports Improvement Fund and approving and authorizing amendment No. 2 to professional engineering services contract between the City of Houston and **RATNALA & BAHL, INC** in connection with Airfield Pavement Rehabilitation at William P. Hobby Airport (Project No. 566) CIP A-0385 - **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. Council Members Goldberg and Garcia absent on vacation. Council Member Wiseman absent due to being ill. Council Member Galloway absent. ORDINANCE 2004-0741 ADOPTED.
30. ORDINANCE appropriating \$575,162.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing professional engineering services contract between the City of Houston and **R. G. MILLER ENGINEERS, INC** for Design of Aldine-Westfield Road Paving Improvements from Tidwell Road to Little York Road, CIP N-0577-01-2 (SB9105); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. Council Members Goldberg and Garcia absent on vacation. Council Member Wiseman absent due to being ill. Council Member Galloway absent. ORDINANCE 2004-0742 ADOPTED.
31. ORDINANCE appropriating \$330,920.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing professional engineering services contract between the City of Houston and **BROWN & GAY ENGINEERS, INC** for Design of Benson Street from Lyons to Noble, CIP N-0782-01-2 (SB9189); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT B - GALLOWAY** - was presented. All voting aye. Nays none. Council Members Goldberg and Garcia absent on vacation. Council Member Wiseman absent due to being ill. Council Member Galloway absent. ORDINANCE 2004-0743 ADOPTED.
32. ORDINANCE appropriating \$103,100.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing professional engineering services contract between the City of Houston and **ENTECH CIVIL ENGINEERING, INC** for Design of Kirby Drive from IH-610 to Holmes Road; CIP N-0789-01-2 (SB9184); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge

Consolidated Construction Fund **DISTRICTS C - GOLDBERG and D - EDWARDS** - was presented. All voting aye. Nays none. Council Members Goldberg and Garcia absent on vacation. Council Member Wiseman absent due to being ill. Council Member Galloway absent. ORDINANCE 2004-0744 ADOPTED.

33. ORDINANCE appropriating \$178,344.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional engineering services contract between the City of Houston and **PIERCE GOODWIN ALEXANDER & LINVILLE, INC** for Design of Architectural Rehabilitation and Improvements to Groundwater Production Facilities at various locations; CIP S-1000-23-2 (WA10804); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund **DISTRICTS F - KHAN; G - HOLM and E - WISEMAN** - was presented. All voting aye. Nays none. Council Members Goldberg and Garcia absent on vacation. Council Member Wiseman absent due to being ill. Council Member Galloway absent. ORDINANCE 2004-0745 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

ACCEPT WORK

2. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,454,888.00 and acceptance of work on contract with **JAY C. CONTRACTOR** for Water Main Replacement in Windsor Village Subdivision, GFS S-0035-62-3 (10579) - 14.30% under the original contract amount - **DISTRICT D - EDWARDS** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado, and tagged by Council Member Edwards. Council Member Galloway absent.

PURCHASING AND TABULATION OF BIDS

5. **LAWRENCE MARSHALL CHEVROLET II, L.P.** - \$55,480.00 and **HI-WAY EQUIPMENT CO., INC** - \$81,375.00 for Cab & Chassis and Asphalt Road-Patching Body through the Houston-Galveston Area Council (H-GAC) through the Interlocal Agreement for Cooperative Purchasing Equipment Acquisition Consolidated Fund - was presented, moved by Council Member Ellis, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Goldberg and Garcia absent on vacation. Council Member Wiseman absent due to being ill. Council Member Galloway absent. MOTION 2004-0813 ADOPTED.
6. **LEOTEK ELECTRONICS USA CORP. (Bid #18)** - \$50,954.10 and **GENERAL TRAFFIC EQUIPMENT CORP. (Bid #12)** - \$172,563.00 for Traffic Signal Equipment for Department of Public Works & Engineering - \$230,430.00 minus a commission fee (3% for Internet-based reverse auction services) for a net award amount not to exceed \$223,517.10 - General Fund - was presented, moved by Council Member Holm, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Goldberg and Garcia absent on vacation. Council Member Wiseman absent due to being ill. Council Member Galloway absent. MOTION 2004-0814 ADOPTED.
9. **AMEND MOTION #2000-1344, 11/1/00**, as amended by **MOTION #2003-1088, 9/10/03, TO EXTEND** expiration date from November 6, 2004 to November 5, 2005, for Automotive White GMC/Volvo, Replacement Parts Contract for Various Departments, awarded to **CHASTANG'S BAYOU CITY FORD (formerly LONE STAR TRUCK CENTER)** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Goldberg and Garcia absent on vacation. Council Member Wiseman absent due to being ill. Council Member Galloway absent.

MOTION 2004-0815 ADOPTED.

ORDINANCES

12. ORDINANCE approving and authorizing execution of sub-recipient agreement between the City of Houston and **TEXAS ENGINEERING EXTENSION SERVICE (TEEX)** to accept funding through the U. S. Department of Homeland Security's FY2003 Supplemental Urban Area Security Initiative (UASI) Grant Program - \$9,602,566.00 - was presented.

Council Member Berry stated that there was no detail as to where the funds were being spent and would like to get some details on the item, and Council Member Sekula-Gibbs stated that she would agree. Council Member Galloway absent.

Council Member Ellis moved to postpone Item Numbers 12, 14 and 15 until the end of the agenda, seconded by Council Member Quan. All voting aye. Nays none. Council Members Goldberg and Garcia absent on vacation. Council Member Wiseman absent due to being ill. Council Member Galloway absent. MOTION 2004-0816 ADOPTED.

14. ORDINANCE approving and authorizing execution of sub-recipient agreement between the City of Houston and **TEXAS ENGINEERING EXTENSION SERVICE (TEEX)** to acquire equipment funded through the U. S. Department of Homeland Security's FY2004 State Homeland Security Program - \$1,465,467.00 - was postponed to the end of the agenda by MOTION 2004-0816.
15. ORDINANCE approving and authorizing execution of sub-recipient agreement between the City of Houston and **TEXAS ENGINEERING EXTENSION SERVICE (TEEX)** to accept funding through the U. S. Department of Homeland Security's FY2004 State Homeland Security Law Enforcement Terrorism Prevention Program - \$2,812,856.00 - was postponed to the end of the agenda by MOTION 2004-0816.
16. ORDINANCE approving and authorizing Occupancy Agreement between the **INSTITUTE FOR REHABILITATION AND RESEARCH (TIRR)**, as occupant, and the City of Houston, Texas, as owner, for space in the Metropolitan Multi-Service Center - **DISTRICT D - EDWARDS** - was presented. All voting aye. Nays none. Council Members Goldberg and Garcia absent on vacation. Council Member Wiseman absent due to being ill. Council Member Galloway absent. ORDINANCE 2004-0746 ADOPTED.
17. ORDINANCE relating to the Retail Water and Sewer Rates of **AQUA UTILITIES, INC** and **AQUASOURCE DEVELOPMENT, INC**; setting a hearing to determine just and reasonable rates to be observed within the City of Houston; suspending for ninety days the effective date of the new rates that shall constitute the legal rates of Aqua Utilities, Inc. and Aquasource Development, Inc. until changed as provided by the Texas Water Code - was presented. All voting aye. Nays none. Council Members Goldberg and Garcia absent on vacation. Council Member Wiseman absent due to being ill. Council Member Galloway absent. ORDINANCE 2004-0747 ADOPTED.
18. ORDINANCE approving and authorizing contract between the City of Houston and **VINSON & ELKINS, LLP** for Professional Legal Services - \$200,000.00 - Property and Casualty Fund - was presented, and tagged by Council Member Edwards. Council Member Galloway absent.
19. ORDINANCE creating the **MEMORIAL HERMANN REINVESTMENT ZONE** for Tax Abatement purposes pursuant to Article IV of Chapter 44 of the Code of Ordinances, Houston, Texas **DISTRICT D - EDWARDS** - was presented.

Mayor White stated that he wanted to give due respect to the speakers who wanted to

speak in favor of the item, but on the other hand he was sure that the ultimate goal was getting passage of things.

Mayor White recognized Mr. Jim Box who was present in the audience and stated that his item had already passed and Mr. Box stated that he had a prepared statement that he wanted to give to Council Member Quan because it had to do with CDC's and affordable housing and knew that was his area of expertise.

Council Member Lawrence stated that she wanted to offer an amendment to Item No. 19 and No. 19a, that they wanted to encourage buildings and wanted to encourage the hospital zone and encouraged all economic development to Houston, that she was looking at the abatement very close and had worked very close with the Mayor's office on the amendment and offered a motion to amend Item Numbers 19 and 19a by substituting an attached Exhibit A for the Exhibit A attached to the ordinance, which changed from a 90% abatement to a 77% abatement and basically it matched the County, plus parody, seconded by Council Member Alvarado.

Council Member Ellis stated that he wanted to applaud the efforts of Council Member Lawrence, Mr. Mischer, Mr. Michael Moore and Mr. Robert Litke, and asked Mayor White if it was going to be policy, were they starting to set a precedent that from now on as they moved forward with tax abatements that they would be equivalent and/or parody to the County, and Mayor White stated that he thought as a general proposition that was a good idea, that the general policy was that they would like the County to participate and be on a basis that was commensurate with the City's, which was contribution to the relative tax base, but he was also saying that there might be exceptions based on the circumstances.

Council Member Khan stated that as they knew they passed an ordinance requiring all City buildings to be LEED certified two weeks ago and it was only fair to require the private developers to follow the lead, that he understood that in this situation they had moved to far along to be LEED certified, at least that was what they were told by the developer and the architect, that he thought it was imperative that developers and architects in the City take the ordinance seriously and start considering their buildings to be LEED certified, that he would request for any body who was looking for a tax abatement be required to have a LEED certified building designed and would request the Mayor support the effort.

Council Member Edwards stated that the item was in her district, however she was not involved in the amendment so she was not clear what they were trying to get to when they were talking about lining up with the County as far as tax abatements, and Mayor White stated that he had given Mr. Litke three criteria to use in scrutinizing tax abatements for the particular project, one, that it would be necessary for the building to be built, and two, that there be some fair participation along with the County, and three, that there be a commitment to a high degree of indigent or un-reimbursed care that was built into the tax abatement as part of it, that the reason for number two was that they could see a circumstance in which the City, to encourage development, give tax abatements, but if the County, for example, did not then the City would be losing tax base and the County strengthening tax base, that it would be a bad thing if the County could invest more in the infrastructure than the City could and in other public services simply because the City did the stateman's like thing or went forward to create tax incentives, that there had to be fair participation, that Mr. Litke had designed it to be in line with the percentages that had historically been used by the County and the City when they had participated, that when they did the math to come in line with the County's relative participation it did not need to be 90%, that 77% was the mathematical formula and provided significant tax incentive, enough, they understood, to allow the program to go forward, but somewhat less than had originally proposed, that the County would not be in the drivers seat, that the procedure was that the City and County passed on it so they would not be in the drivers seat, and Council Member Edwards stated that when these types of meetings happened it would be very instructive for her to at least be informed of them and at least know what was going on.

Council Member Ellis stated if the City was constantly giving tax abatements what they were doing was having their homeowners subsidize the homeowners that lived in the County but did not live in the City, so when they started talking about parody and tax abatements they were putting more burden on the homeowners in the City if they City just offered the tax abatement.

After further discussion a vote was called on Council Member Lawrence's motion to amend Item No. 19. All voting aye. Nays none. Council Members Goldberg and Garcia absent on vacation. Council Member Wiseman absent due to being ill. MOTION 2004-0817 ADOPTED.

A vote was called on Item No. 19 as amended. All voting aye. Nays none. Council Members Goldberg and Garcia absent on vacation. Council Member Wiseman absent due to being ill. ORDINANCE 2004-0748 ADOPTED.

19a. ORDINANCE approving and authorizing a Tax Abatement Agreement between the City of Houston, Texas, **MEMORIAL HERMANN MEDICAL PLAZA, L.P.**, and **MEMORIAL HERMANN HOSPITAL SYSTEM** for certain property located within the **MEMORIAL HERMANN REINVESTMENT ZONE**; granting variances to certain requirements of Chapter 44 of the Code of Ordinances - **DISTRICT D - EDWARDS** - was presented.

Council Member Lawrence moved to amend Item No. 19a with the following:

"Written Motion to amend Item 19a on the July 7, 2004 City Council Agenda as follows: Amend Section 2 of the Ordinance to substitute 77% for 90%, amend Section 6(a) of the agreement attached to Item 19a to substitute 77% for 90% each time it appears, and amend Exhibit 3 of the agreement by substituting the attached Exhibit for the Exhibit 3 attached to the agreement", seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Goldberg and Garcia absent on vacation. Council Member Wiseman absent due to being ill. MOTION 2004-0818 ADOPTED.

A vote was called on Item No. 19a as amended. All voting aye. Nays none. Council Members Goldberg and Garcia absent on vacation. Council Member Wiseman absent due to being ill. ORDINANCE 2004-0749 ADOPTED.

At 9:40 a.m. the City Secretary began to call the speakers. Council Member Ellis absent.

Mr. Jim Box, 16017 Kevindale, Houston, Texas 77040 (713-203-3348) had reserved time to speak but was not present during the speakers session as the items he was to speak on had previously passed and he had thanked the Mayor and Council at that time. Council Member Ellis absent.

Mr. Walter Mischer, 2727 N. Loop West, Houston, Texas 77008 (713-802-7950) appeared and stated that he thanked Council for passing Items 19 and 19a; that it had been a diligent process and they appreciated the support. Council Members Holm and Ellis absent.

Council Member Lawrence stated that Council wished him the best; that abatements were about economic development and his building would add a lot to the Medical Center. Council Member Holm absent.

Council Member Khan thanked Mr. Mischer and stated that the project was needed; and he would request that on his next project he consider making it LEED certified. Council Member Holm 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 Member Holm absent.

Ms. Beneva Nyamu, 3617 Providence, Houston, Texas 77020 (713-225-4501) had reserved time to speak but was not present when her name was called. Council Member Holm absent.

Mr. Gus Small, 6425 Westheimer #2834, Houston, Texas 77057 (713-780-4424) appeared and stated that he was a political consultant and studying the cause and affect of fines relating to state, county and city governments; and wanted to bring to Council's attention that fines were a source of revenue and toll roads, parking tickets and traffic fines were that revenue; that the City was paying attorneys money to collect them, but in September 2001 legislators passed a Bill putting the cost of collection where the defendant and offender had to pay the cost of that fee by adding the 30% onto the fine; and gave examples of collection from other cities and states. Council Members Ellis, Sekula-Gibbs and Berry absent.

Mayor White stated that he understood what he said and if he had specific changes the City could do to enhance it Council Member Green was part of a group looking over the Municipal Court System collection efforts and if he would send the information to the both of them; and Mr. Small stated that if anyone was on the City payroll to look up fines, names, etc., to send out citations when it was free to the city it was a sin. Council Member Lawrence absent.

Mr. Alfred Jackson, 1209 E. 32nd, Houston, Texas 77022 (713-868-7071) had reserved time to speak but was not present when his name was called. Council Member Lawrence absent.

Ms. Pauline Cheatham, 2307 Stevens, Houston, Texas 77026 (832-731-3439) appeared and stated that she was present to speak on the deplorable condition of Quitman Street near Jensen; that it was so bad METRO cut service there as of last week and with commercial trucks now coming through the streets would even be worsened. Council Member Lawrence absent.

Council Member Galloway stated that Ms. Cheatham was correct; that the street was between two Districts, District H and District B, that had to be one of the worst streets in the city and she had been requesting about three years to get it repaired; and Mayor White stated that in response to Council Member Galloway's office, in March they had 25 pot holes repaired and 5 skin patches but obviously that did not fix the problem so he asked the Public Works Department to consider it as a part of the ongoing overlay program; that advantages were to rebuilding. Council Member Galloway stated that the street would not even meet the overlay requirements as it was in such bad repair and Public Works told her that two years ago so that was why she put in to have it reconstructed; and Mayor White stated that to the representatives of Public Works present he would say that he would like someone to report back to him where the overlay reconstruction could fit into the CIP; and he would get that most current information to her.

Ms. Sammie Sims, 311 North Vista Drive #1806, Houston, Texas 77073 (281-443-8353) appeared and stated that she was bringing to Council's attention the way the Pension Department handled her retirement; that she worked for the City 23 years and left in August 2000 as she had heart disease and all three main arteries were 70% blocked; that she applied for her pension early and was denied because she was not completely and permanently disabled, but someone else with the same condition received his pension; that she protested and found her time for appeal had lapsed so she was placed on deferred retirement until June 2004; that her family did what they could to live and in April 2004 she contacted Pension and was sent more paperwork, then the middle of May she called and was told she would not receive money by June 1st but by the middle of June then she was told she would receive a check in the mail; that on June 30th she was told her file went to audit and would not start until November; that something needed to be done as this had put financial hardship on her and her

family and now because of someone else's mistake she was being penalized.

Upon questions by Mayor White, Mr. Hall stated that they would be happy to contact the Pension System as it was an independent operation. Council Member Alvarado absent.

Council Member Khan stated that this was another story of pension plan and people and they were not doing what they were promising; that like Council Member Goldberg said many times something needed to be done so the Pension Board would be more responsible; and Mayor White stated that by the end of this month they would appoint a special Council committee who would make inquiries and recommendations. Council Member Alvarado absent.

Ms. Tammy Woods, 1014 Westmont, Houston, Texas 77015 (713-445-0580) had reserved time to speak but was not present when her name was called. Council Member Alvarado absent.

Ms. Pam Curvey, 7607 Moline, Houston, Texas 77087 (713-847-8369) appeared and stated that she had contaminated water in her home that was peeling her skin; and she wrote to homeland security and George Bush, etc., as they should be concerned with contamination of water and her next issue was cyber stalking; that people with cameras could watch you bath and anything else you did in your home. Council Members Edwards and Holm absent.

Mayor White stated that regarding the water Public Works would follow-up; and Ms. Curvey stated that Public Works came out and the feces in the water came out clear and she did not see how that could happen. Council Members Edwards and Holm absent.

Ms. Gloria Robinson, 1907 Hampton, Houston, Texas 77088 (281-272-2778) appeared and stated that she was a City employee with the Health Department and was out on injury leave in 2000; that her time was not approved to be restored back until March 2004 and even though it was approved then it was still not entered into the system. Council Members Edwards, Holm and Sekula-Gibbs absent.

Upon questions by Mayor White, Ms. Robinson stated that her time needed to be restored from March of 2000 to November 2002. Upon questions by Mayor White, Mr. Hall stated that he thought there was a contested case hearing scheduled for her; and Mayor White stated that was on the other claim; and Ms. Robinson stated that was correct. Mayor White stated that he was informed certain hours were restored; and upon questions, Ms. Robinson stated that was correct and she was not paid for them. Mayor White stated that if she was to be paid for them he would try and find out why she was not; that someone from Human Resources was coming to the Chamber and if she would wait they would speak with her, but if someone went through the process and their time was not restored he wanted to know what the issue was. Council Members Galloway, Edwards, Holm and Sekula-Gibbs absent.

Council Member Khan moved that the rules be suspended for the purpose of hearing Mr. Cano with Human Resources; and Mayor White stated that with no objection they would do it by unanimous consent. Council Members Galloway, Edwards, Holm and Sekula-Gibbs absent.

Upon questions by Mayor White, Mr. Cano stated that he was familiar with the case; that salary continuation was given to her but the total length of time he would have to look at; and concerning her current claim they were looking to see if there was eligibility there as well. Mayor White stated that he was only talking about the fact certain weeks of injury were approved and restored and she said they were but she had not yet been paid; and Mr. Cano stated that their records indicated she was given a total of 18.2 weeks of total benefits, but he would check to see if she had received it; and Ms. Robinson stated that her supervisor said she was putting it back at 17 hours a pay period and when she asked who authorized it to be done that way she was told that was just how she was doing it; and Mayor White stated that he would

ask Mr. Cano to confer with Ms. Robinson and if there was time approved he was wondering why elected officials had to get claims paid that had been allowed as opposed to HR taking care of it; and Mr. Cano stated that he would check and get back to him. Mayor White stated that he wanted to know who was responsible for it. Council Members Lawrence and Sekula-Gibbs absent.

Mr. Cliff Harris, 909 Waco, Houston, Texas 77020 (no phone) had reserved time to speak but was not present when his name was called. Council Members Lawrence and Sekula-Gibbs absent.

Mr. Charlie Schoen, 16411 Luthe Lane, Houston, Texas 77032 (713-443-3454) appeared and stated that the Texas Court of Criminal Appeals said there was no such license known to Texas law as a driver's license and he quoted court cases which all stated there was no such license; and presented 10 copies of the information to Council Members asking that they give copies to others so he would not die with so many stupid people left behind. Council Members Lawrence, Galloway and Sekula-Gibbs absent.

Mr. William E. Beal, 4718 Boicewood, Houston, Texas 77016 (713-633-0126) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Galloway and Sekula-Gibbs absent.

Mr. Robert Horton, 3714 Bain, Houston, Texas 77026 (713-260-6144) appeared and stated that everyone knew he was God and continued expressing his personal opinions until he completed his statement. Council Members Galloway and Sekula-Gibbs absent.

Mr. Philip Navratil, 2035 Milford, Houston, Texas 77098 (713-540-2289) appeared and stated that he and his brother gave presentations on June 8th where they offered observations regarding Hobby Airport and its hanger space being irreplaceable; that the current plan to install a Cat3 approach at Hobby was overkill in view of the current tenants and the plan was spending money to lose money and the details of the plan were not available to the citizens; that there was no cost benefit analysis for the second Cat3 and no transition plan for displaced tenants and no drainage plan for development. Council Member Galloway absent.

Council Member Sekula-Gibbs moved that the rules be suspended for the purpose of hearing Mr. Navratil for another 30 seconds; and Mayor White stated that with no objection they would do it by unanimous consent. Council Member Galloway absent.

Mr. Navratil stated that he was offered hanger space for \$400.00 a month from the \$250. they paid now so the market was being shrunk down and they were reducing hanger space like you would view OPEC deciding to pump less oil; and his three questions would be did each Council Member know what the plan was at Hobby, did they approve and if so why. Council Member Galloway absent.

Mr. John Navratil, 6026 Glencove, Houston, Texas 77007 (713-861-3508) appeared and stated that he had not been able to get the plan for Hobby, but maybe he was onto something with his ideas and in order of importance there were four opportunities, to keep the existing Cat3 approach on runway 12 and not put one in on runway 4; to transfer the existing ILS from runway 4 down to Houston Southwest, an airport 11 miles southwest of Hobby, and to leave the north hanger standing, it was scheduled for demolition only because it obstructed visibility to the new taxiway. Council Member Galloway absent.

Council Member Khan moved that the rules be suspended for the purpose of hearing Mr. Navratil for another 30 seconds; and Mayor White stated that with no objection they would do it by unanimous consent. Council Member Galloway absent.

Mr. Navratil stated that if Hobby could push back on it they may be able to keep the

hanger at Hobby, at least until a better plan was worked out; and his last and final idea was to delay the Cat on runway 4 until more hanger space was available and that would be once they had a drainage plan. Council Member Galloway absent.

Upon questions by Council Member Quan, Mr. Navratil stated that he talked with Mr. Kent McLemoare and was told he did not have enough copies of the plan to make it available to him; and Council Member Quan stated that he would get him a copy and he appreciated his comments and felt they were reasonable suggestions and he would see what could be done. Council Member Galloway absent.

Mrs. Sharon Porter, 5726 Darlinghurst, Houston, Texas 77085 (713-723-9168) appeared and stated that she was present regarding the Windsor Village Subdivision water main break on June 8th and was present for updates on the progress of the relief initiative and the options residents had who did not qualify for the initiative and wanted to know the difference between a claim, initiative and lawsuit and the projected date the main would be in use again and the legal departments progress with the water main manufacturer or contractor as far as responsibility of the main. Council Member Galloway absent.

Mayor White thanked Ms. Porter for her leadership, problem solving orientation, on this issue as it was very constructive and stated that they were reasonable requests and Mr. Fontaine would follow through; and upon questions, Ms. Porter stated that no one had filed for the initiative as yet as there was concern, some residents had more than \$25,000 damage to their home repair wise and that did not include content and some families did not qualify because of the income guidelines. Mayor White stated that they were working to reconcile adjustments done and he wanted to know there was no delay on the City's part. Council Member Galloway absent.

Upon questions by Council Member Edwards, Mayor White stated that he was informed that of the 20 houses there was no homeowners policies that would cover the damage; that he was told they would need flood insurance but was not sure that was right; and upon questions, Mr. Michel stated that his understanding this type of damage would not be covered by the normal homeowners policy, but they had asked people to make a claim anyway. Council Member Edwards stated that this spoke to the issue of the City's commitment of keeping the maintenance of the infrastructure up to speed and once again would ask Council Members to be apprised of the need for money to be spent; that most of these people are working people and would not meet the CDBG requirements for the \$25,000.00; that they had to meet this one way or another and they need to keep the pipes up as Mr. Vanden Bosch had been admonishing them for a number of years or figure out a way to pay this bill, this was not about being fair but equitable and she did appreciate the Mayor's efforts; and Mayor White stated that they would get back to her concerning what their independent interpretation of the words of the homeowners policy was concerning damages not caused by flooding, but by water intrusion. Council Member Berry absent.

Mayor White stated that he would ask the City Attorney and Mr. Fontaine that if they needed to make people feel comfortable by filling out the form they would not be waiving a great right then they should think about that because it was hard to help until those forms were filled out and they needed to get the process moving; and Ms. Robinson stated that she would like to know the residents option or options who did not qualify for the relief initiative; and Mayor White stated that he could not say but would explore it with the Legal Department and F & A; and in thinking aloud he had to balance if they set precedence of taking money out of drainage projects to pay for this then what was the size if they treated other similar neighborhoods in a similar way, what would the impact be and they also had to consider legal issues also as it had to be a part of a continuing policy/program, there were legal reasons it could not be case by case.

Mr. Larry Edwards, 5722 Darlinghurst, Houston, Texas 77085 (832-877-4335) had reserved time to speak but was not present when his name was called.

Mr. Steven Williams, no address (no phone) had reserved time to speak but was not present when his name was called.

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (713-203-7738) appeared and stated that he was the official US President and continued expressing his personal opinions until his time expired.

At 10:43 a.m. Mayor White stated they would move back to the agenda. Mayor White stated that he wanted to recognize some young people from All Kids Can Academy who were present in the audience and asked them to stand so they could acknowledge their presence. Council Member Edwards absent.

20. ORDINANCE approving and authorizing interlocal cooperation contract between the City of Houston and **TEXAS DEPARTMENT OF PUBLIC SAFETY** for an Extension for the No Suspect Casework DNA Backlog Reduction Program - was presented. All voting aye. Nays none. Council Members Goldberg and Garcia absent on vacation. Council Member Wiseman absent due to being ill. Council Member Edwards absent. ORDINANCE 2004-0750 ADOPTED.
24. ORDINANCE appropriating \$17,270.75 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Developer Participation Contract between the City of Houston and **URBANIZA, L.P.** for Construction of an 8-Inch Water Main on Eigel Avenue, CIP S-0802-22-03 - **DISTRICT H - GARCIA** - was presented. All voting aye. Nays none. Council Members Goldberg and Garcia absent on vacation. Council Member Wiseman absent due to being ill. Council Member Edwards absent. ORDINANCE 2004-0751 ADOPTED.
25. ORDINANCE appropriating \$167,860.14 out of Water & Sewer System Consolidated Construction Fund and \$228,000.00 out of Homeless & Housing Consolidated Bond Fund and approving and authorizing Developer Participation Contract between the City of Houston and **S.S.M., L.P.**, for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve Section II of the West Orem Place Subdivision; CIP S-0800-71-03 and R-0800-71-03 - **DISTRICT D - EDWARDS** - was presented. All voting aye. Nays none. Council Members Goldberg and Garcia absent on vacation. Council Member Wiseman absent due to being ill. ORDINANCE 2004-0752 ADOPTED.
26. ORDINANCE amending Ordinance Number 2001-849 to extend the term and increase the maximum contract amount; approving and authorizing second amendment to Contract #53111 between the City of Houston and **STATE OF TEXAS DEPARTMENT OF INFORMATION RESOURCES** for Telecommunications and Internet Services Citywide - 3 Years - \$367,200.00 Central Services Revolving Fund - was presented, and tagged by Council Member Ellis.

MATTERS HELD - NUMBERS 34 through 46

34. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$8,226,766.31 and acceptance of work on contract with **CONTRACTOR TECHNOLOGY, INC** for Construction of 48-inch and 54-inch water main along Westview from Gessner to Campbell and 24-inch water main along Blalock from Old Katy Rd., to Westview, GFS S-0900-46-3 (10602) - 04.89% over the original contract amount - **DISTRICT A - LAWRENCE** - **(This was Item 5 on Agenda of June 30, 2004, TAGGED BY COUNCIL MEMBER GREEN)** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none.

Council Members Goldberg and Garcia absent on vacation. Council Member Wiseman absent due to being ill. MOTION 2004-0819 ADOPTED.

35. **INLAND ENVIRONMENTS, LTD.** for Asbestos Abatement, Demolition and Site Clean-Up Services for Planning & Development Department - \$42,727.00 and contingencies for a total amount not to exceed \$44,863.35 - Dangerous Building Consolidated Fund - **(This was Item 8 on Agenda of June 30, 2004, TAGGED BY COUNCIL MEMBER GALLOWAY)** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado.

Council Member Galloway stated that she hated that they were going to have to spend that type of money to tear down the building but it was such a danger to the community, so she was going to support the item, and Mayor White stated that he wanted to thank Council Member Galloway for the concerns that she had expressed to the Council.

A vote was called on Item No. 35. All voting aye. Nays none. Council Members Goldberg and Garcia absent on vacation. Council Member Wiseman absent due to being ill. MOTION 2004-0820 ADOPTED.

36. **LONE STAR UNIFORMS, INC** for Apparel, Motorcycle Patrol for Police Department \$202,296.00 - General Fund - **(This was Item 9 on Agenda of June 30, 2004, TAGGED BY COUNCIL MEMBER WISEMAN)** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Goldberg and Garcia absent on vacation. Council Member Wiseman absent due to being ill. MOTION 2004-0821 ADOPTED.
37. ORDINANCE appropriating \$2,275,677.50 out of Water & Sewer System Consolidated Construction Fund for Water Meters, Cold Water Contract - **(This was Item 10 on Agenda of June 30, 2004, TAGGED BY COUNCIL MEMBER GREEN)** - was presented. All voting aye. Nays none. Council Members Goldberg and Garcia absent on vacation. Council Member Wiseman absent due to being ill. ORDINANCE 2004-0753 ADOPTED.
- 37a. **AMEND MOTION #2001-1102, 10/3/01, TO EXTEND** expiration date from October 3, 2004 to October 2, 2005, for Water Meters, Cold Water Contract for Department of Public Works & Engineering, awarded to **BADGER METER, INC** - **(This was Item 10a on Agenda of June 30, 2004, TAGGED BY COUNCIL MEMBER GREEN)** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Goldberg and Garcia absent on vacation. Council Member Wiseman absent due to being ill. MOTION 2004-0822 ADOPTED.
38. **AMEND MOTION #2001-748, 7/3/01, TO EXTEND** expiration date from July 9, 2004 to July 8, 2005, for Special Purpose Clothing Contract for Various Departments, awarded to **ACADEMY ADVERTISING SPECIALTIES & AWARDS** - **(This was Item 12 on Agenda of June 30, 2004, TAGGED BY COUNCIL MEMBER WISEMAN)** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado.

Council Member Berry stated that he did not have a problem with the item but during the budget they pulled down a number of amendments regarding clothing so they would have a clothing policy so he wanted to make sure that in short order they were going to move forward on it.

Mayor White stated that the answer was yes, that Ms. Stein had circulated some of them and they needed to divide them within the administration by committee, that they were all aware of the efficiency of Ms. Stein and Mr. Jose Soto so if they could work with the Mayor Pro Tem and the Mayor's Chief of Staff to make sure that they did have those items and ultimately be a guardian to make sure they followed up and not just forget some of those things.

A vote was called on Item No. 38. All voting aye. Nays none. Council Members Goldberg and Garcia absent on vacation. Council Member Wiseman absent due to being ill. MOTION 2004-0823 ADOPTED.

39. ORDINANCE approving and authorizing contracts between the City and **DR. PEPPER BOTTLING COMPANY OF TEXAS** and **FRESH BREW GROUP, USA** for Soft Drink and/or Vending Marketing Partnerships - Revenue - **(This was Item 30 on Agenda of June 30, 2004, TAGGED BY COUNCIL MEMBER KHAN)** - was presented. Council Member Sekula-Gibbs absent.

Council Member Edwards stated that she still had questions, that when it said it would be the only product sold in City vending machines did it mean that all other products that were made by any other company for anything would not, did they make other products. Council Member Sekula-Gibbs absent.

Mr. Hall stated that it was his understanding that they were talking about the product line from Dr. Pepper Bottling Company, that he understood that the offerings were what sold, when they did the inventory of the machines if one of their products sold more than the other they put more of that in there, that what was they did for about 350 machines around the City. Council Member Sekula-Gibbs absent.

Council Member Quan stated that he believed the Visitors and Convention Bureau had another contract with Coca-Cola so certain buildings were under that contract and would provide other products, that he had been pushing for a branding and use of the City name to try and maximize revenues and wanted to commend F&A for at least taking the initiative to try to test the market to see what they got and knew there were six respondents and this was the one deemed to be the best deal, that he appreciated that the administration had followed through on the suggestions they made. Council Member Sekula-Gibbs absent.

A vote was called on Item No. 39. All voting aye. Nays none. Council Members Goldberg and Garcia absent on vacation. Council Member Wiseman absent due to being ill. ORDINANCE 2004-0754 ADOPTED.

40. ORDINANCE appropriating \$242,500.00 out of General Improvements Consolidated Construction Fund and approving and authorizing professional consulting services contract between the City of Houston and **DECISION INFORMATION RESOURCES, INC** for Development of a Community Needs Assessment for Multi-Service Centers, CIP D-0111-01-2; providing funding for contingencies relating to construction of facilities financed by the General Improvements Consolidated Construction Fund - **DISTRICTS B - GALLOWAY; D - EDWARDS; F - KHAN; H - GARCIA and I - ALVARADO - (This was Item 34 on Agenda of June 30, 2004, TAGGED BY COUNCIL MEMBERS KHAN and SEKULA-GIBBS)** - was presented.

Council Member Quan stated that he did not have a chance to discuss the item last week and would like a briefing, he was not going to delay it at this point, that they had been approached by an organization that had looked into possibly operating their multi service centers and wanted to make sure there was no crossing or duplication of efforts, that he would ask that the department give him a briefing on the study.

Mayor White asked Council Member Quan to ask in the briefing what were the hourly rates and what had been done before.

Council Member Khan stated that he was visited by Mr. Dadoush and wanted to thank him for giving them the briefing, that his major concern was what was going to happen in the southwest center because that project was already in the pipeline and was supposed to start a

long time ago, and Mr. Dadoush told him that as far as the southwest center was concerned they were only looking at the operational aspect of it, that they were supposed to have a library in the area and then it was changed to having a smaller library in the center and now he found out that even the smaller library in the center was no longer planned and it was his understanding that the Library Department pulled it of, that he would request the Mayor to ask the Library Director to take a look at it because it was very much needed, and Mayor White stated that he would ask Ms. Stein and Mr. Soto to make a note of his request for some brief from the Library Department concerning their views for that and the reason for those views.

Council Member Sekula-Gibbs stated that there was a lot of opportunity to maximize that whole area for the community and would hope that the Decision Information Sources Inc. would partner not only with the citizens and Council, but also with Gateway to Care because they had been very active in looking at community resources in that area.

Council Member Ellis stated that he would hope that when the consulting service brought forth their study that they act upon it and that they did not let it sit on the shelf for another three years; that as to what Council Member Khan had expressed about the multi service center in his district, he strongly encouraged that there be some type of library built into that system and also wanted to see the WIC center moved there because it was right across the street from a medical professional building.

Council Member Edwards stated that she would like to suggest that once the study was completed that it be reviewed through a committee process, whatever committee would be appropriate so that there could be some discussion on it formally and through a process before they got to the Council table so people could get a good understanding of what it was.

Mayor White asked Council Member Alvarado to work with the respective Chairs to determine what an appropriate process would be to review it and thought that would be appropriate.

Council Member Galloway stated that they were getting ready to construct a new multi purpose center in the northeast area and wanted to make sure the item was not going to delay the project, that the community had already had input and filled out forms as to what they wanted to see in their multi purpose center, that she wanted to make sure that process stayed in effect as well.

After further discussion by Council Members, Council Member Quan moved to postpone Item No. 40 until the end of the agenda, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Members Goldberg and Garcia absent on vacation. Council Member Wiseman absent due to be ill. MOTION 2004-0824 ADOPTED.

41. ORDINANCE appropriating \$350,460.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing professional engineering services contract between the City of Houston and **SPARKS-BARLOW-BARNETT, INC** for Design of Lockwood Drive Paving from Bennington to Tidwell Road; CIP N-0612-01-2; (SB9181) providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT B - GALLOWAY - (This was Item 35 on Agenda of June 30, 2004, TAGGED BY COUNCIL MEMBER GALLOWAY)** - was presented. Council Member Quan absent.

Council Member Galloway moved to postpone Item No. 41 for one week, , seconded by Council Member Green. All voting aye. Nays none. Council Members Goldberg and Garcia absent on vacation. Council Member Wiseman absent due to be ill. Council Member Quan absent. MOTION 2004-0825 ADOPTED.

42. ORDINANCE appropriating \$1,033,600.00 out of Street & Bridge Consolidated

Construction Fund and \$172,000.00 out of Water & Sewer System Consolidated Construction Fund for a total of \$1,205,600.00 and approving and authorizing professional engineering services contract between the City of Houston and **WALTER P. MOORE AND ASSOCIATES, INC** for the Design of Cook Road Paving Improvements from Bissonnet Road to Bellaire Boulevard, CIP N-0639-01-2 (SB9176); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund and Water & Sewer System Consolidated Construction Fund - **DISTRICT F - KHAN - (This was Item 36 on Agenda of June 30, 2004, TAGGED BY COUNCIL MEMBER GALLOWAY)** - was presented. Council Member Quan absent.

Council Member Galloway moved to postpone Item No. 42 for one week, seconded by Council Member Green.

Council Member Galloway stated that on both of the items the information she had requested last week was that she wanted to know the scope of work, comparably the scope of work between the two districts, that District B had been left out, the disparity between one side of town versus the other, that if they looked at both of the RCA's they would see that it did not give the length of miles for each street, the reconstruction of each one of the streets were 1.75 miles, they did not see that there was funding for the reconstruction for Lockwood Street but there had been funding for Lockwood in the CIP before this one, there needed to be some changes in the RCA, if they looked at the cost for Phase I they would see that the cost for Phase I for District B was \$119,000 and the cost for Phase I for the project in the item they would see that the cost was approximately over \$200,000, but she got verbal that the scope of the work was the same, but cost factor and design was not the same because the cost was not the same, so that was the reason she was delaying the item, that Public Works was going to get her more information and possibly amend the item at the next Council meeting.

After a lengthy discussion by Council Members, Council Member Ellis moved to call the question and a roll call vote was called on the motion to postpone Item no. 42. Council Member Quan absent.

ROLL CALL VOTE:

Mayor White voting no	Council Member Garcia absent on vacation.
Council Member Lawrence voting no	Council Member Alvarado voting no
Council Member Galloway voting aye	Council Member Ellis voting no
Council Member Goldberg absent on vacation.	Council Member Quan voting no
Council Member Edwards voting aye	Council Member Sekula-Gibbs voting no
Council Member Wiseman absent due to being ill.	Council Member Green voting aye
Council Member Khan voting no	Council Member Berry voting no
Council Member Holm voting no	MOTION 2004-0826 FAILED.

A vote was called on Item No. 42. Council Member Galloway voting no, balance voting aye. Council Members Goldberg and Garcia absent on vacation. Council Member Wiseman absent due to being ill. ORDINANCE 2004-0755 ADOPTED.

43. ORDINANCE appropriating \$385,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing professional engineering services contract between the City and **ESOR CONSULTING ENGINEERS, INC** for Neighborhood Sidewalk Program, CIP N-0646H-01-2 (SB9185); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT H - GARCIA - (This was Item 37 on Agenda of June 30, 2004, TAGGED BY COUNCIL MEMBERS WISEMAN and GALLOWAY)** - was presented.

Council Member Galloway stated that she never got a response from Public Works on the

item, that it was for sidewalks, that she had put in a request for reconstruction of sidewalks and was told that per the ordinance that once sidewalks had been installed it was up to the property owner to correct the problem, if the tree roots push the sidewalk up or if it was completely deteriorated, and wondered if the item was for reconstruction of existing sidewalks or if it was installing of new sidewalks, that she wanted to find out what the rule was.

Mayor White asked if they had someone from Public Works in the audience and Ms. Stein indicated that Mr. Gary Norman was present, and Mr. Norman indicated that he looked at it as a legal issue and would get the information for her.

After a lengthy discussion by Council Members, Council Member Khan moved to postpone Item No. 43 for one week, seconded by Council Member Galloway. Council Members Lawrence, Ellis and Holm voting no, balance voting aye. Council Members Goldberg and Garcia absent on vacation. Council Member Wiseman absent due to being ill. MOTION 2004-0827 ADOPTED.

44. ORDINANCE appropriating \$220,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing professional engineering services contract between the City of Houston and **EDWARDS AND KELCEY, INC** for Intersection Redesign and Street Safety Improvements; CIP N-0650-14-2 (SB9050-02); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **(This was Item 38 on Agenda of June 30, 2004, TAGGED BY COUNCIL MEMBER WISEMAN)** - was presented. All voting aye. Nays none. Council Members Goldberg and Garcia absent on vacation. Council Member Wiseman absent due to being ill. ORDINANCE 2004-0756 ADOPTED.
45. ORDINANCE appropriating \$310,401.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing professional engineering services contract between the City of Houston and **COBB FENDLEY & ASSOCIATES, INC** for Design of Long Point Road from Hempstead Road to Bingle Road, CIP N-0674-01-2 (SB9088); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT A - LAWRENCE - (This was Item 39 on Agenda of June 30, 2004, TAGGED BY COUNCIL MEMBER GALLOWAY)** - was presented. All voting aye. Nays none. Council Members Goldberg and Garcia absent on vacation. Council Member Wiseman absent due to being ill. ORDINANCE 2004-0757 ADOPTED.
46. ORDINANCE appropriating \$5,200,000.00 out of Series E Commercial Paper Metro Projects Fund, \$616,500.00 out of Street & Bridge Consolidated Construction Fund, and \$1,880,000.00 from Water & Sewer System Consolidated Construction Fund, awarding contract to **CONRAD CONSTRUCTION, INC** for Neighborhood Street Reconstruction Project No. 438; GFS N-0371-01-3 (SB9080); providing funding for engineering testing, and contingencies relating to construction of facilities financed by the Series E Commercial Paper Metro Projects Fund, the Street & Bridge Consolidated Construction Fund and Water & Sewer System Consolidated Construction Fund - **DISTRICTS A - LAWRENCE and G - HOLM - (This was Item 61 on Agenda of June 30, 2004, TAGGED BY COUNCIL MEMBER GALLOWAY)** - was presented. All voting aye. Nays none. Council Members Goldberg and Garcia absent on vacation. Council Member Wiseman absent due to being ill. ORDINANCE 2004-0758 ADOPTED.

Items postponed to the end of the agenda.

12. ORDINANCE approving and authorizing execution of sub-recipient agreement between the City of Houston and **TEXAS ENGINEERING EXTENSION SERVICE (TEEX)** to accept funding through the U. S. Department of Homeland Security's FY2003 Supplemental Urban Area Security Initiative (UASI) Grant Program - \$9,602,566.00 - was again before

Council.

Council Member Berry stated that he got an explanation on the subject matter, where those expenses were going to go and would like to know the exact expenditure levels, that he was concerned that they were setting a precedent when they used the term Homeland Security, that nobody was supposed to ask a question, they were just to say it was going to keep them safe and thought it was a bad precedent, that he thought they should know and should have known exactly where every dollar to the penny was being spent, and Mayor White stated that they would get him that information.

Council Member Sekula-Gibbs stated that they would be better off with direct funding and they had to pay attention to that and not be caught off guard.

Council Member Ellis requested that the Legal Department put together some memo that would tell them what information about Homeland Security was sensitive because it was his understanding that they were really not privy to all the information and from his standpoint he was not sure that they should be privy to all the information, that he knew there were federal guidelines and would like to have a memo sent out to all the Council Members that would address that issue.

Mr. Hall stated that what Council Member Berry had asked for was very legitimate, that he wanted to know from the allocation they got, what areas it was going to be spent on, that it was very legitimate thing and they had that information and would give that to him, that there were some classified activities that obviously they would not be describing, but that was a different issue.

A vote was called on Item No. 12. All voting aye. Nays none. Council Members Goldberg and Garcia absent on vacation. Council Member Wiseman absent due to being ill. ORDINANCE 2004-0759 ADOPTED.

14. ORDINANCE approving and authorizing execution of sub-recipient agreement between the City of Houston and **TEXAS ENGINEERING EXTENSION SERVICE (TEEX)** to acquire equipment funded through the U. S. Department of Homeland Security's FY2004 State Homeland Security Program - \$1,465,467.00 - was again before Council. All voting aye. Nays none. Council Members Goldberg and Garcia absent on vacation. Council Member Wiseman absent due to being ill. ORDINANCE 2004-0760 ADOPTED.
15. ORDINANCE approving and authorizing execution of sub-recipient agreement between the City of Houston and **TEXAS ENGINEERING EXTENSION SERVICE (TEEX)** to accept funding through the U. S. Department of Homeland Security's FY2004 State Homeland Security Law Enforcement Terrorism Prevention Program - \$2,812,856.00 - was again before Council. All voting aye. Nays none. Council Members Goldberg and Garcia absent on vacation. Council Member Wiseman absent due to being ill. ORDINANCE 2004-0761 ADOPTED.
40. ORDINANCE appropriating \$242,500.00 out of General Improvements Consolidated Construction Fund and approving and authorizing professional consulting services contract between the City of Houston and **DECISION INFORMATION RESOURCES, INC** for Development of a Community Needs Assessment for Multi-Service Centers, CIP D-0111-01-2; providing funding for contingencies relating to construction of facilities financed by the General Improvements Consolidated Construction Fund - **DISTRICTS B - GALLOWAY; D - EDWARDS; F - KHAN; H - GARCIA and I - ALVARADO - (This was Item 34 on Agenda of June 30, 2004, TAGGED BY COUNCIL MEMBERS KHAN and SEKULA-GIBBS)** - was again before Council.

Council Member Quan stated that he had a nice discussion with Mr. Dadoush and thought they were better served having the item go to the Quality of Life Committee for at least a discussion and moved to postpone Item No. 40 for one week, seconded by Council Member Khan.

Council Member Edwards stated that she would like to request that the evaluations that were done in District D regarding the South Post Oak Multi Service Center be included in whatever examinations, and Council Member Quan stated that Mr. Dadoush had assured them that the consultants would be present at that time so they could answer and those issues could be brought to the consultants.

After further discussion, a vote was called on the motion to postpone Item No. 40 for one week. All voting aye. Nays none. Council Members Goldberg and Garcia absent on vacation. Council Member Wiseman absent due to being ill. MOTION 2004-0828 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Green stated that he wanted to thank the Mayor and his office for beginning the process of reviving the Houston International Initiatives, that his office had gotten some calls regarding trade missions to different areas as they became a more international City, that there would be a trade mission sponsored by the Houston Citizens Chamber of Commerce to Jamaica, he thought, the third week of September, that he would bring them more information on that.

Council Member Green stated that on Monday, July 12, 2004 at the Quail Valley Country Club, Alpha Phi Alpha, Alpha Merit Educational Foundation would hold its annual golf classic which would provide scholarships and things of that sort for children in the area and if anybody needed information they could contact the website at www.alphaetalambda.com and could get more information.

Council Member Green stated that the 75th Major League All Star Game would be in town next week and the festivities would start this weekend, that they would have the Main Event going on throughout the weekend, that he encouraged the citizens to participate in a safe manner.

Council Member Sekula-Gibbs stated that this evening would be the official opening of a new clinic, the Spring Branch Clinic at 9395 Kempwood, that it was in a very important area of town at the intersection of Blalock and Kempwood and wanted to congratulate all the community members who worked very hard, that she also wanted to acknowledge that the Northeast Community Health Center was opened for business in the Fifth Ward, that it was a new clinic that was in the old Saint Elizabeth Hospital, that she wanted to let everyone know in the Lyons Avenue area that the clinic was now open and ready for business, that it is open around 5:00 p.m. and stay open until 9:00 p.m. and on Saturday. Council Members Alvarado, Ellis and Green absent.

Council Member Khan stated that Metro Bank at the 9600 block of Bellaire, dedicated a portion of their facility, a big hall, as a community hall. Council Members Alvarado and Green absent.

Council Member Quan stated that he wanted to advise the Members of the Neighborhood Housing and Redevelopment Committee that they were having a special meeting on Monday and wanted to thank Mayor White for his efforts last week when they had the Secretary of Housing in Houston to reinstate Tier II of the Emergency Repair Program, that as many of them knew they had several people come before Council complaining about how bad the conditions were at their home, they now had funds released to go forward on that program but in order to get going they needed to have it come before their committee and then come before Council, so on Monday at 3:00 p.m. they would be having a special meeting of Neighborhood Housing and Redevelopment Committee, that they would also be talking about the Land Assemblage Program and a possible City ordinance to allow the purchase of properties, that he knew that had been a big concern of Council Member Edwards, that also on the agenda was an update on

the community profile of their 10 year plan to end chronic homelessness in Houston, that he would encourage Members of the Committee and other Council Members interested in the topics to appear so they could have a quorum. Council Members Alvarado and Green absent.

Council Member Quan stated that he wanted to thank the Special Events Department for putting on a great Fourth of July Program. Council Members Alvarado and Green absent.

Council Member Berry several weeks ago spoke about the Citizens Fire Academy that she and Council Member Galloway and he had the good fortune to attend and he would urge the other Council Members to attend that, that he learned things that he did not expect to learn, that it was an interesting experience to put on the gear of the firefighters and actually feel the heat and panic that overtook them when they could not see, that it gave him an appreciation for what the firefighters went through; that there was a modulator that a lot of the firefighters wear on the front of their helmet that allowed them to speak to each other, that the City did not provide them, that the firefighters bought them themselves and they were about \$35, that it made him want to look even harder at every dollar they spent to make sure that the firefighters had the basic core equipment, because they did not; that other than the Chief who was on duty all of the time those individuals almost all but three or four firefighters that were out there, there were about 35 or 40, were there on their day off to come out and train the Council Members. Council Member Green absent.

Council Member Berry read from a comment they got from a constituent regarding Public Works, that she had a fantastic response to her complaint about a sewer leak and mentioned Ms. Brenda Kirkland and how polite she was and also Mr. Darrel Reed, who was a field supervisor, that he was incredibly polite, that she said best of all no sewage had leaked into the center where they worked, that every single City employee who she talked to was extremely polite, that to the Public Works employees people noticed and on behalf of them thank you. Council Member Green absent.

Council Member Galloway stated that she wanted to thank the administration and Public Works for at last putting on the agenda Item No. 31, the four blocks on Bensen Street that they had been trying to get reconstructed since 2000, that she also wanted to expand on Item No. 42, that some of her colleagues felt that she was dipping into other Council Members districts, that it was just looking out for the interest of the taxpayers in the City, that it was not a comparison of the districts it was to identify the scope of work compared to the cost of the project. Council Member Green absent.

Mayor White stated that he wanted eyes and ears and asking on the soft costs and professional fees and trying to compare them because the number one criteria he had given to Public Works on the non competitive contracts, and there were three, was value for the taxpayer dollar, commitment to the diverse competitive set of contractors and commitment to the community, that number one and two were top, and the only way they could compare them was job to job. Council Members Ellis, Green and Berry absent.

Council Member Edwards stated that the Iraq War had been an interesting and instructive episode and she wanted to say that it seemed that there had been a large amount of Hispanics that had lost their lives in the war, especially those that were in this region of the City and that was not to say that other groups were not being hit by the war, but it seemed that she saw a lot of 19 to 23 year olds, young men and women with Hispanic surnames, that she wanted to give her appreciation to all of the young people, that she wanted to send a personal note of empathy to the families of the young people who had lost their lives in the war. Council Members Galloway, Khan, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she wanted to talk about Windsor Village and West Gray, that they were two major infrastructure projects that were going on currently in District D and wanted to thank Public Works for their work and diligence in working with them on the

issue, that she understood how the City could not be responsible for those types of episodes, but if they were not going to be responsible for the episodes they had to be responsible for the maintenance of the facilities so they would not have as many episodes as they were having. Council Members Galloway, Khan, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that as to the multi service center issue, they could not delay the projects if at all possible so the more efficient they could be in their discussions regarding the study that was going to be happening needed to happen, that the one in her district on South Post Oak had been on the CIP for twelve years, so she encouraged the dialog and encouraged the process and would also encourage that they respect what had already happened in the sense that the community had already had twelve years of discussion on it. Council Members Galloway, Khan, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that as to the LARA situation, their office went to Dallas last month with some members of the community and two members of the office staff to look at how Dallas dealt with properties going to what they called a land banking type of situation, that they talked to CDC's and visited about 20 projects that were on line, they talked with the City folks and how they were doing it, that she was told that the administration now had a task force looking at the issue and if they could to give her any information regarding where it was and what was happening with it, that she was concerned how they could move LARA forward in a prudent and efficient way so they could move it to other parts of the City, and Mayor White stated that Mr. Steve Tinnerman had the responsibility of coordinating senior people at Public Works, Housing and Community Development and the Legal Department on LARA, and asked Mr. Moore to put it on a list of high legislative priorities, that he thought they needed to review those and get input from Members of Council on it. Council Members Galloway, Khan, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Lawrence stated that she wanted to recognize KB Homes who this past week volunteered to go into District A and replace a roof of a senior couple who had their roof leaking since Tropical Storm Allison, that she wanted to say a very big thank you to KB Homes and Ms. Pamela Crawford for their work to help the senior citizens stay in their home.

Council Member Lawrence stated that they could not get the railroad people to clean the right-of-way so a member of her staff asked to get off thirty minutes early, went home got his lawnmower and his son and went and mowed the right-of-way so a constituent could go across the railroad track and get to the post office in his wheel chair, so she wanted to say thank you to Rob Quarles and to people in District A who continued to serve the community. Council Members Galloway, Khan, Green and Berry absent.

There being no further business before Council, the City Council adjourned at 12:10 p.m. Council Members Goldberg and Garcia absent on vacation. Council Member Wiseman absent due to being ill. Council Members Galloway, Khan, Green and Berry absent.

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary