

City Council Chamber, City Hall, Tuesday, November 29, 2005

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, November 29, 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, Ronald C. Green and Michael Berry; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Ms. Connie Acosta, Legal Department; Mr. Richard Cantu, Director Citizens Assistance Office; Ms. Marty Stein, Agenda Director, Mr. Jose Soto, Assistant Agenda Director present. Council Member Goldberg out of the city on city business. Council Member Shelley Sekula-Gibbs, M.D. absent on city business.

At 1:54 p.m. Mayor Pro Tem Alvarado stated that they would start with Council presentations by Council Members Quan and Khan. Mayor White and Council Members Lawrence, Galloway, Wiseman, Holm, Garcia, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Quan stated that as they knew they had an annual Sports Day in which the various departments could show their athletic ability, that they had a great Sports Day in Sunnyside Park recently and were present to present the trophies for the winners of the Sports Day. Council Member Quan presented trophies to the winners, for the Relay Races, the Aviation Flyers, for Volleyball the Aviation Spikers, for Basketball the Parks Department, and for baseball the Parks Department. Council Member Quan stated that he wanted to congratulate all of the winners and participants in this year's Sports Day. Mayor White and Council Members Lawrence, Galloway, Wiseman, Holm, Garcia, Ellis and Berry absent. (NO QUORUM PRESENT)

Council Member Khan stated that Ms. Maggie Noel was present and was selected in one of the four participants to represent the First Tee in the National RIR Mixed Team Championship in Phoenix, Arizona, earlier in the year, and presented a proclamation to Ms. Noel that proclaimed Tuesday, November 29, 2005 as Maggie Noel Day in Houston, Texas. Mayor White and Council Members Lawrence, Galloway, Wiseman, Holm, Garcia, Ellis and Berry absent. (NO QUORUM PRESENT)

Ms. Noel stated that she wanted to thank the City of Houston and the Council Members and Council Member Khan's office for recognizing her, that she was proud to represent Houston on a National level and hoped to make them proud in the future. Mayor White and Council Members Lawrence, Galloway, Wiseman, Holm, Garcia, Ellis and Berry absent. (NO QUORUM PRESENT)

Council Members congratulated Ms. Noel on her accomplishments and stated that she was an example of what they could do if they go their young people involved. Council Members Wiseman, Holm, Garcia and Berry absent.

At 2:05 p.m. Mayor White called the meeting to order and called on Council Member Quan to lead all in prayer and the pledge. Council Members Wiseman, Holm, Garcia and Berry absent.

Mayor White requested the City Secretary to call the roll. Council Member Goldberg out of the city on city business. Council Member Sekula-Gibbs absent on city business. Council Members Wiseman, Holm, Garcia and Berry absent.

Council Members Khan and Alvarado moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Member Goldberg absent. Council Member Sekula-Gibbs absent on city business. Council Members Wiseman, Holm, Garcia and Berry absent. MOTION ADOPTED.

Mayor White requested the City Secretary to call the public speakers. Council Members Galloway, Garcia and Berry absent.

Mr. Cliff Wolf, 5629 Chesswood, Houston, Texas 77087 (713-645-5024) appeared and stated that he had a handout for the Council Members, that he was present representing CPC Maintenance, a well known company that was in the process of being certified by the City of Houston, that he wanted to bring their attention to Agenda Item No. 17 on tomorrow's Council meeting, that it was proposed that the contract be awarded to Coastal Pump Services, Inc. and he wanted to offer a few things for their consideration in that matter, that the company that he represented, CPC Maintenance, had held the City contract for the last five years and had never received a complaint regarding the quality of work performed, that CPC Maintenance had the opportunity to bid on the current package and was the low bidder by about \$1.2 million, the award was going to the high bidder if the Council approved it and their bid was \$2.979 million. Mr. Wolf reviewed the packet that he had provided to the Council Members. Mr. Wolf stated that Mr. Bill Garner was in attendance at all inspections but the one at Coastal Pump, he believed it further supported the possibility of an unfair award, that Mr. Garner tried to set the meeting where he could attend, the afternoon or the following morning and both times were rejected, that the City was spending \$1.2 million to segregate its sewer water pumps, a pump that was being rebuilt and a pump that was being torn down, that \$1.2 million to be spent on potable water pump segregation may make sense, \$1.2 million to separate sewer pumps he did not believe the City could afford to do that. Council Members Galloway, Garcia and Berry absent.

Mayor White stated that he wanted to thank Mr. Wolf for being present and for bringing the matter to their attention. Council Members Galloway, Garcia and Berry absent.

Ms. Jane Godwin, 5730 Ridgeway, Houston, Texas 77033 (832-330-3568) had reserved time to speak, but was not present when her name was called. Council Members Galloway, Garcia and Berry absent.

Council Member Khan moved to suspend the rules to allow Mr. Randall Smith to speak in place of Ms. Jane Godwin, seconded by Council Member Green. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Member Sekula-Gibbs absent on city business. Council Members Galloway, Garcia and Berry absent. MOTION 2005-1137 ADOPTED.

Mr. Randall Smith appeared and stated that he was present because his company, Randall Management manages homeowner associations, specifically condominiums that were in the neighborhood of Forum Park, that if they visualized Highway 59 where the Sam Houston Tollway intersected and if they went north of that for one block they were in the area of Forum Park and Forum West, that Forum Park ran from Bissonnet over to Forum West in a two to three block area, that he managed two properties in that area, Winfield II and Forum Park Townhomes for over 10 years and the crime in that area was off the charts, that this year alone they had two shootings, killings, right in front, on the street, they were drive bys, that they shoot them and kill them right there before people's eyes, that it had become a very dangerous and crime ridden area, that they were doing all that they could as a management company, they screened the tenants that went into the properties and were paying for more police protection than the property could actually afford, they were spending over \$7,000 per month for a 150 unit property, that it was \$45 for each individual, that they were properties that rented from \$550 to \$700 per month, the police protection was almost non existent on that street, any night after 9:00 p.m. they could drive by and there was open prostitution going on, that they were pleading for help, they needed more police protection on that street, the prostitution and the drugs that went with it were rampant and he did not know if they were aware of it. Council Members Galloway, Wiseman, Alvarado and Berry absent.

Upon questions by Mayor White, Mr. Smith stated that the major intersection was the Sam

Houston Tollway and Highway 59 and if they went north of that intersection about 250 yards they would hit Forum West, that it was behind the Honda car dealership, there were very high crime statistics in that area, that they were paying for police officers to cover the property and it was so dangerous that the police officers would not walk the grounds without having two together and he could not describe to them how scary that sounded. Council Members Galloway, Wiseman, Alvarado and Berry absent.

After further discussion, Mr. Smith stated that he managed over 35 associations and per condo this property paid more than almost all the other properties in the City, that \$45 per condo per month, \$7,000 per month and it was not even 24 hour per day security because they had to pay \$25 to \$35 per hour for police officers, that they could not deter it by themselves.

Council Member Garcia moved to suspend the rules to hear from Officer Hans Marticiuc, President, of the Houston Police Officers Union at this time, seconded by Council Member Quan. Council Members Galloway, Wiseman and Berry absent.

Mr. Ken Phumphrey, 10110 Forum W. Dr. #332, Houston, Texas 77036 (713-249-5411) appeared and stated that he had seen quite a bit of prostitution, he had even seen an adult in a big truck trying to pick up young girls, he had also walked in the morning and witnessed from a high school student that some one was trying to pick him up in order to perform a sex act in front of another person. Council Members Galloway, Wiseman and Berry absent.

Upon questions by Council Members, Mr. Phumphrey stated that the officers they hired were an HPD officer and an officer from the Sheriff's Department, that they had to have at least two together before they patrolled, that it was their personal policy because they felt that the area was too dangerous, and Mr. Smith stated that they worked in Houston out of Westside and at the different sections, that he did not know if there had been any interaction between them and the captain at the Westside about what was going on, that they gave them the reports of all the things that they saw and witnessed but as far as what they did with it on their end he thought it stopped there, he did not think there was anybody listening, and Mr. Phumphrey stated that they were patrolling in pairs but about three weeks ago they had a meeting with one of the captains, he did not know where he was from but he was there with some of the residents trying to give them some information on what they could do to reduce the crime rate and one of the suggestions that they gave was to come to Council and speak to the City Council because they were at their wits end with the high crime rate, that what he had been told was that one of the officers checked the crime report every day to see what went on, so when he got there he knew what had occurred during the day and what had been reported during the day, that there were several reports to the Police Department during the day and then when he gets there in the evening he checks around, and Mr. Smith stated that they had managed the properties for over 10 years and over that time it had changed and in the last 2 years there was more open prostitution in the streets, that it did not have anything to do with who was leasing there they were people who came to the area, they did not necessarily live in their properties, they knew the street was fair game, that the police were not watching the street so they knew they could do their business and no one was interrupting them, and Mr. Phumphrey stated that there was prostitution going on but they had also had, for example, someone fired a gun that went through one of his neighbor's doors, that about three weeks ago someone fired a gun about five or six times and broke a window out of his car and he had to have his windshield replaced, periodically they heard gun shots and that was something that was becoming more and more common, that one night last November, a couple of days before Thanksgiving, he called the police about five times because there was a fight going on where a man was beating up a woman who had a baby and they never showed up, that he had called several times in the past for police assistance and had gotten assistance once or twice, that he did not call anymore because it was hopeless, it would not make any difference, so they needed to know what could they do to fight the criminal element that was ought there and causing the disruption, that they were not aware if there had been a sting out there, that he assumed that they did periodically but he had not seen or heard if they had.

After further discussion a vote was called on Council Member Garcia motion to hear from Officer Hans Marticiuc. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Member Sekula-Gibbs absent on city business. MOTION 2005-1138 ADOPTED.

Officer Hans Marticiuc appeared and upon questions by Council Members stated that regarding the packet that the Council Members had received he was not proposing that it was a scientific study, the findings that he laid out in his letter, that the piece with the large paper was merely calls for services history for the month of October that encompassed three districts, 14th District in southeast, 17th District in Fondren southwest and 19th District in far west Houston and Alief, that it was just for the month of October, that he had been getting calls from officers for probably four or five months at this point complaining about having to go to a complainant's residence and make that burglary report six or seven hours after they initially called, not having enough backup and having to go to calls that were normally required two officers to attend to and officers going by themselves, that it had become a problem and they had tired to address it with Chief Hurtt, he had spoken with him several times and had some very nice conversations and some heated conversations in regards to what they thought the priorities of the Houston Police Department needed to be at this time, they seemed to not be getting anywhere so at this point he felt it was imperative that the elected officials that made decisions concerning budgets and processes be made aware of what the situation was at the Police Department, that on many of the calls the officer arrived in a very reasonable amount of time and that was probably the only information that Council Members ever saw, dispatch to arrival, if a call had been holding for seven to nine hours it was a pretty good chance that the complainant was not going to be there any more so the calls were cleared up within a matter of minutes, that he had given the Council Members the report because they realized they were dealing with the City budget and dealing with a finite number of dollars and he knew that public safety was the number one priority for the Council Members and the Mayor, but they had sat on it for a while and tried to do the best they could with the resources that they had but when management refused to look at things in a different manner as their resources dwindled they had to attack the problem differently and there was probably a variety of strategies that they could use in order to address the problem, that he was not talking about just throwing money out, and citywide they would have an overtime program and they would all be fat and happy, that thanks to the City Council they had a very good salary, it was not unreasonable, it was competitive, he was not present for overtime, he was present for public safety and what was their basic service that they were trying to provide the citizens, basic police services, when they had sexual assaults and robberies that were held between five and seven hours he did not think that most citizens would find that acceptable, he certainly did not find it acceptable, unless they were going to have a cafeteria style of policing, if they were going to put in this much money into their Police Department then that was the type of service they were going to get, if they wanted a higher level of service they were going to need that many officers, that it was basically up to them, that he had talked to the Chief about it and they had discussed it several times.

Mayor White stated that Officer Marticiuc had stated that he thought that safety should be the highest priority, which they agreed, and it should cause them to reexamine the priorities within the Police Department and asked him to elaborate on what he meant by that, and Officer Marticiuc stated that when they reevaluate their priorities and reevaluate how they policed nowadays, the technology that was available today, there was absolutely no reason if they were going out to a call that was at the minimum just an insurance report and someone needed a case number, why could not that complainant get on line and get themselves a case number, because when they arrived they did not know whether they were being lied to or not, that they were being told things and all they were doing was dictating and being secretaries, and Mayor White asked if that would be an example of the type of call that he thought should be handled differently so the higher priority calls should be given higher priority, and Officer Marticiuc stated yes.

Upon further questions by Council Members, Officer Marticiuc stated that he got the package data from computer services and the other data was put together by Mr. Cummings, who was a retired Houston Police Officer and the Public Safety Director for the Westchase District, which was on the west side of town, that he was not trying to make them jump to any conclusions, he felt that it was not his role to be present providing the information to them, it was the Chief of Police's role, not the Union President, that the fact of the matter was that they had the discussions and he did not know whether Council had ever seen it in this particular format, they always heard about dispatch to arrival, but did not think that any one in the Council Chamber had ever heard about from the time they took the call to the time the unit was actually dispatched and that was a key element in providing an overall picture of what was going on in the Police Department; that he appreciated that they had more academy classes going than they ever had in a long time, it was important and necessary and a long term solution but they were also trying to deal with today's and tomorrow's problems, they could run five or six academy classes per year and they were never going to catch up because they had projections of officers leaving based upon years of service and age and the projection from Mr. Larry Emms office, the budget fellow, along with Mr. John Lawson from the pension office, in 2006 they would lose about 200 and in 2007 they would about 215 and in 2008 they would lose 248, that they needed to reevaluate what their priorities were, that false alarms, 911 hang ups from a public phone, that was usually in front of a convenience store and usually someone messing around and no one was ever there, because if the store owner needed it he was not going to be going to the public phone outside; that he was not present to give the Police Chief advice but he had been at the Police Department longer than he had and he understood the culture and understood the way they operated and understood the processes and procedures and many of them were very antiquated, they were still doing things the way they did 20 years ago, they had laptops and computers but there was still a deluge of paperwork and duplication that they had to put up with and all those things took time, if he was an officer and picking up a shoplifter out at Willowbrook Mall and the shoplifter happened to be a female and happened to have a couple of children he was on his way to southeast from Willowbrook and was gone from five to six hours, that was an inefficient use of resources, that they had talked about providing wagon units, talked about possibly not running certain calls, the internet reporting, citizen complaints forms that once they determined that there were no witnesses, suspects or evidence to be tagged, a mired of issues that they could use and to change what they had going on right now, were they going to need some money, yes, they probably could use a little bit of overtime money for some type of 655 or 355 or what ever number they determined, not that they just spread money around the City, but they target specific areas and locations based upon data, and he would challenge Chief Hurtt at this point to give him 18 months worth of data from every district, not just three districts, and see how long it had been going on, that he would imagine that they would all be a little bit scared. Council Member Galloway absent.

After further discussion, Council Member Ellis asked Officer Marticiuc to take a couple of days and draft a memo coming up with some solutions to the problems that he brought to everybody's attention, and Officer Marticiuc stated that he would be happy to do that, that he had made suggestions to Chief Hurtt and he thought they were good ideas but he had not seen any follow through, and Council Member Ellis stated that he would also request that Chief Hurtt tell them if he thought they were good ideas and the reason that he had not followed through with them and then secondly whether or not he planned to bring those to the City Council's attention. Council Member Galloway absent.

After further discussion, Mayor White stated that he went through the book of crime statistics each month, that he did not do it as far down as patrol but did it per district, for example the divisions of the west side that was in Officer Marticiuc packet, and there were some places where he would continue to express concern and they would get it right and parts of those districts they had a serious problem and had not been adequately addressed, that any violent crime was bad, they wanted to be the safest City and nobody could criticize any Member of the Council for not putting the resource to it because financially they had increased the Police budget more in the last two years, that there were a lot of statistics that could be shared with his

colleagues and any body interested, the one place where he had some questions that had been raised by this particular issue, that he had not gotten a good answer yet, on Fire he measured and looked at every month the time from the call intake to dispatch, which was about 120 seconds, that he followed their response time, but the issue of people holding calls from intake to dispatch was an issue that he thought was serious and had not quite gotten the right answer yet about what was going on there, that they would get some statistics to the Council Members. Council Members Lawrence and Galloway absent.

After further discussion by Council Members, Officer Marticiuc stated that it was correct that they were discussing some serious issues but were not discussing priority one and two calls, their citizens were getting responses for life threatening situations, burglary in action, that all the disturbance calls that they saw they were not responding to could certainly lead to other crimes. Council Members Galloway, Edwards and Ellis absent.

After further discussion by Council Members, Officer Marticiuc stated that they would do what ever was necessary to resolve the issue, and Council Member Garcia stated that he would ask that in the UCR Report that it be modified to include the holding time for calls at an average as they accounted for the response time, that he thought they needed to keep that out in front so that folks could make good managerial decisions. Council Members Ellis and Berry absent.

After further discussion Officer Marticiuc stated that he would be happy to provide the City Council with any information that he could but was afraid that now that it had been brought out in the open, that as he went back to department heads and asked for information, that he would probably have a closed door. Council Members Lawrence, Wiseman, Ellis and Berry absent.

Note: The letter and data that Officer Marticiuc referred to had been provided to Members of Council prior to the meeting and is not available in the Office of the City Secretary. Council Members Lawrence, Wiseman, Ellis 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 Lawrence, Wiseman, Ellis and Berry absent.

Ms. Beneva Williams Nyamu, 3617 ~~Crompton~~ Providence, Houston, Texas 77020 (713-226-7959) appeared and stated that Thursday was World HIV Day, that HIV was in town and they needed to be alerted to it, that they would have an observation on Thursday, December 1, 2005, at the Mikey Leeland Memorial Park at 6:00 p.m. and all were welcome to come, that she was present because she realized that it was a limited time for Council Member Quan, that even through she had not utilized Council Member Quan services she had been quite happy with him in terms of his response and his staff and also that they were dealing with diversity a lot more than other people had, that they were doing well because now they had Council Member Khan, who was from Asia and Council Member Quan and Council Member Garcia and other African Americans and it was time for them to get together and deal with the issue, that in 1956 she was used as a case to go to desegregate schools, that it was not like it was now but it could be better and they had to work with it, that Dr. John Franklin was in Houston a few nights ago and she asked what was it going to take for them to get it together with all they had done and he said they were going to have to dig down and deal with the core problem, which was racism, which basically started with slavery, and other issues, but they had not dealt with it but they must deal with it but not on a superficial level, that she wanted to thank Council Member Quan and for him to make sure that whoever sat in his seat that they do it well, that she wanted to get with other Council Members because she was trying to work with young people to deal with learning at this time, to have respect and appreciation for each other, that in the Fifth Ward she had gotten together with children from Hispanic and African American schools to try to get projects so they could get to know each other, that her focus was on young people and she would be talking to all of the Council Members in the future and she ended her speaking time with a song. Council Members Holm, Ellis and Berry absent.

Mr. D. L. Johnson, Post Office Box 14781, Houston, Texas 77221 (no phone) appeared and stated that he was certified in the State as an instructor and administration, his PHD was in Educational Supervision, that being a past English Professor in the Houston Community College from 1999 to 2005 he had a chance to see quite a few things, many of them encouraging and necessary but some which were bothersome and having the vantage point which he presently had he would like to share with them what his concerns were, that he was present because there seemed to be an extinguishing initiative with regard to African American English Professors in the Houston Community College with regard to two colleges, the northeast and central, that he would not be talking about hearsay but about what he knew for a fact, that he had worked since 1999 at five campuses in the Houston Community College and basically that represented two colleges and the number one thing that occurred involving him and a student later, who was also an African American, was police profiling that he had experienced going just to the campus, particularly the Coldwell Campus, moving basically from west to east in terms of the way he traveled, he was stopped no less than four times for various reasons, that in the four citations that he got he did not pay one of them because in going through the process they had in Houston. Mayor White and Council Members Wiseman, Holm, Ellis and Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Quan stated that they had very little say as to the employment of personnel by Houston Community College, that both the presidents of the Central and Northeast Colleges were African Americans and it seemed like they certainly would be sensitive to any issues of discrimination toward African Americans, that if he had a concern in that area he thought it was worthwhile to bring it forth but the City Council might be the wrong body to bring it to, that if Mr. Johnson wanted to do a letter he would present the letter to the appropriate people. Mayor White and Council Members Holm, Ellis and Berry absent. Mayor Pro Tem Alvarado presiding.

Mr. Michael Bonner, 1117 Austin St., Houston, Texas 77002 (no phone) had reserved time to speak, but was not present when his name was called. Mayor White and Council Members Holm, Ellis and Berry absent. Mayor Pro Tem Alvarado presiding.

Mr. James Acton, 1301 Parkside, Pasadena, Texas 77502 (no phone) had reserved time to speak, but was not present when his name was called. Mayor White and Council Members Holm, Ellis and Berry absent. Mayor Pro Tem Alvarado presiding.

Mr. Trent Winters, 7967 W. Airport, Houston, Texas 77071 (713-729-1153) had reserved time to speak, but was not present when his name was called. Mayor White and Council Members Holm, Ellis and Berry absent. Mayor Pro Tem Alvarado presiding.

Mr. Mark Vance, 717 Texas Ave., Houston, Texas 77002 (713-658-2740) appeared and stated that he was present to talk about the Smoking Ordinance and Metro, that he was a Metro patron and caught the bus close to where he lived at Stella Link and Bellaire and rode the bus to the Medical Center Transit Center, from there he transferred to the Metro Rail and took the train to his ultimate final downtown destination, the problem was that the Smoking Ordinance was not being enforced, smoking was prevalent at the transit center and further at the Metro Rail stops, he felt that when he boarded the bus until the time that he reached his final destination, regardless of transfers or how many transit centers or trains that he went through, that he should not be subjected to any second hand smoke, and that was not the case now, if the ordinance was enforced then he would not have that problem, so he was asking them to please enforce the current Smoking Ordinance and also it seemed odd that as soon as the ordinance was passed the compliance with the restaurants was almost immediate and why was it that three months later Metro had still not enforced that ordinance. Mayor White and Council Members Holm, Ellis and Berry absent. Mayor Pro Tem Alvarado presiding.

Mayor Pro Tem Alvarado stated that she appreciated Mr. Vance coming down and

bringing that to their attention, that they would certainly relay that to the Metro officials. Mayor White and Council Members Holm, Ellis and Berry absent. Mayor Pro Tem Alvarado presiding.

Mr. Joseph Omo Omari, 2820 Palm #2B, Houston, Texas 77004 (832-767-0870) had reserved time to speak, but was not present when his name was called. Mayor White and Council Members Holm, Ellis and Berry absent. Mayor Pro Tem Alvarado presiding.

Mr. Douglas Nichols, 2418 Broad, Houston, Texas 77521 (no phone) had reserved time to speak, but was not present when his name was called. Mayor White and Council Members Holm, Ellis and Berry absent. Mayor Pro Tem Alvarado presiding.

President Joseph Charles, Post Office Box 524373, Houston, Texas 77052-4373 (832-453-6376) appeared and stated that he was being computer sexually raped; and continued expressing his personal opinions until his time expired. Mayor White and Council Members Holm, Ellis and Berry absent. Mayor Pro Tem Alvarado presiding.

Senator Robert Horton, 3714 Bain, Houston, Texas 77026 (713-260-6144) appeared and stated that he was God; and continued expressing his personal opinions until his time expired. Mayor White and Council Members Holm, Ellis and Berry absent. Mayor Pro Tem Alvarado presiding.

At 3:30 p.m. City Council recessed until 9:00 a.m., Wednesday, November 30, 2005. Council Member Goldberg out of the city on city business. Council Member Sekula-Gibbs absent on city business. Mayor White and Council Members Holm, Ellis and Berry absent. Mayor Pro Tem Alvarado presiding.

City Council Chamber, City Hall, Wednesday, November 30, 2005

The Houston City Council reconvened at 9:00 a.m. Wednesday, November 30, 2005, with Mayor Bill White presiding and with Council Members Toni Lawrence, Carol M. Galloway, Ada Edwards, Addie Wiseman, M. J. Khan, Pam Holm, Adrian Garcia, Carol Alvarado, Mark Ellis, Gordon Quan, Ronald C. Green, Shelley Sekula-Gibbs, M.D. and Michael Berry; Mr. Anthony Hall, Chief Financial Officer, Mayor's Office; Mr. Arturo Michel, City Attorney, Ms. Marty Stein, Agenda Director and Mr. Jose Soto, Deputy Agenda Director present. Council Member Mark Goldberg out of the city on city business.

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

At 9:29 a.m. Mayor White reconvened the meeting of the City Council and stated that the first order of business were the reports from the City Controller and Director of Finance and Administration. Council Members Galloway, Wiseman, Garcia, Alvarado and Ellis absent.

MAYOR'S REPORT

9:00 A.M. - REPORT FROM CITY CONTROLLER AND THE CITY ADMINISTRATION REGARDING THE CURRENT FINANCIAL STATUS OF THE CITY including but not limited to, a revenue, expenditure and encumbrance report for the General Fund, all special revenue funds and all enterprise funds, and a report on the status of bond funds

Ms. Annise Parker, Controller, stated that they were presenting the Monthly Financial and Operations Report for the period ending October 31, 2005, they had good news, for the first time that she could remember they projecting a small budget surplus, according to their latest projections the General Fund could end the fiscal year with a surplus of \$2.9 million, it represented a \$10.4 million increase in revenues over last month when they were projecting a shortfall of \$7.5 million, the \$10.4 million was primarily a one time revenue, it included the sale of a Public Works facility on Gillette Street, reimbursement received as a result of the Reliant

rate case and an \$800,000 adjustment in electricity costs in Building Services and they were also receiving slightly more in interest earnings, given the possibility that they would continue to experience a rise in utility costs as well as sales tax uncertainty over the holiday period it would be wise to hold on to the revenue cushion until they got a better handle on what the year was going to look like, that for the Katrina Report, when they handed out the balance sheet on Tuesday they did not show the latest FEMA checks, they came in late Monday after the report had been prepared but they had distributed a new sheet to Council showing funds available for expenditure of approximately \$38 million, they did receive \$61.6 million from FEMA on Monday evening, when they added in the \$10 million advance from the City, the charitable contributions and interest earnings that put the amount available at \$112 million and to date they had spent or encumbered nearly \$74 million, and that concluded her report. Council Members Galloway, Wiseman, Garcia, Ellis and Berry absent.

Ms. Judy Gray Johnson, Director of Finance and Administration, stated that as the Controller had pointed out General Fund Revenue estimates were up and they had essentially very much agreed on the reasons they were up and the amounts, mostly in miscellaneous revenue items that she had mentioned, that their expenditure projections had changed from last month, only for the electricity costs, they did have now good solid consistency in all of their assumptions across all the departments in funds, they may not be right about the electricity number but they were at least consistent and had the same assumptions going across all of the funds and that was based on the future prices for natural gas, which was the primary driver of their electrical cost, that it was a slight increase over last month, not much difference in most of the funds, they did have some good news in the Hotel Occupancy Tax, they had quite a bit of uncertainty as to what their collections for the first quarter of the year were going to turn out to be since they knew they had a large number of evacuees who were not paying hotel tax while they stayed in the hotels, the hotel collections for the first quarter of the year were surprisingly good and they now did expect to reach the original budgeted total for the full year; they had a question from Council Member Green yesterday related to the Water Corporation Debt Service amounts, the difference in their estimate was not related to the actual payment amounts that were due, those had been the same, they had anticipated previously that they would have some unspent construction funds available to be used to pay that debt service and they had over estimated the amount of construction funds that would be available, so that was the adjustment there, and that concluded her report. Council Members Galloway, Wiseman, Garcia and Berry absent.

Mayor White stated that people should not go ahead and celebrate because they had built up higher cash reserves and because they had a surplus or make any big plans to spend it until they all had a better handle and get some stability and predictability in their electricity costs. Council Members Galloway, Wiseman, Garcia and Berry absent.

Upon questions by Council Member Khan, Ms. Johnson stated that they had some concerns that the Hotel Tax Revenues might be less because they knew the evacuees were not subject to the tax, that in reality their totals were better than last year without that, the last check they received, which was the check for September 2005, was up 2.5% from the year before, which was lower than the trend had been, their assumption was that it was primarily related to the Hurricane Rita activity, that one would assume the sales tax would eventually see an increase because they had more people in town and they were shopping, but they certainly did not see it in September, and Ms. Parker stated that they really had not seen it in the first few days of the traditional December, post Thanksgiving shopping season either. Council Members Galloway, Wiseman, Garcia and Berry absent.

Council Member Ellis stated that yesterday at the Fiscal Affairs Committee meeting there was a proposed investment policy changes and Council Member Quan amended those changes and asked what the procedures was for adopting those, and Ms. Parker stated that they were not sure whether it came directly to the Council table and they would amend it at the Council table or if it would come out of the committee, they had no objections, the investment

committee, the one amendment that they had made, was not one they had any problems with, so however it was most convenient for Council to receive it, they were just required to bring it forward.

Mayor White stated that whatever Council Member Ellis and the Controller advised they would do, that they should tell them what the process ought to be based on their experience, and Council Member Ellis stated they had a motion to amend the policy changes that were brought forward and he believed they wanted to send it to full Council for adoption. Council Members Galloway, Wiseman, Garcia and Berry absent.

Council Member Ellis moved to accept the Monthly Financial Report, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Members Galloway, Wiseman and Berry absent. MOTION 2005-1139 ADOPTED.

CONSENT AGENDA NUMBERS 1 through 24

MISCELLANEOUS - NUMBER 2

2. RECOMMENDATION from Chief of Police for Extension of Leave of Absence without pay for **LAKESHA LIVING** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Members Galloway, Wiseman and Berry absent. MOTION 2005-1140 ADOPTED.

ACCEPT WORK – NUMBER 4

4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$530,734.01 and acceptance of work on contract with **DCE CONSTRUCTION, INC** for Safe Sidewalk Program, GFS N-0610A-G6-3 (SB9007-1) 02.77% over the original contract amount - **DISTRICT H - GARCIA** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Members Wiseman and Berry absent. MOTION 2005-1141 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 6 through 10

6. ORDINANCE appropriating \$52,445.00 out of Special EDI Grant Fund for Emergency Demolition and Disposal Services at the Gregory Elementary School for the Building Services Department, CIP E-0144 – was presented. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Member Wiseman absent. ORDINANCE 2005-1302 ADOPTED.
- 6a. **ARC ABATEMENT, INC** for Demolition Services at the Gregory Elementary School for Building Services Department – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Member Wiseman absent. MOTION 2005-1142 ADOPTED.
7. **L-3 COMMUNICATIONS MOBILE-VISION, INC** for Preventative Maintenance Agreement for Communications Equipment from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for the Houston Police Department - \$45,750.00 - General Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Member Wiseman absent. MOTION 2005-1143 ADOPTED.

8. **HI-WAY EQUIPMENT COMPANY, INC** - \$720,491.80 and **RUSH EQUIPMENT CENTERS OF TEXAS, INC** - \$558,848.88 for Excavators, Trailers and Trailer-Mounted Concrete Saw through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for Department of Public Works & Engineering - Equipment Acquisition Consolidated and Storm Water Funds – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Member Wiseman absent. MOTION 2005-1144 ADOPTED.
10. **AMEND MOTION #2005-239, 3/16/05, TO PURCHASE** additional Refuse Collection Trucks and Trailers for the Solid Waste Management Department to the following:
HOUSTON FREIGHTLINER, INC (Bid No. 4) - \$3,647,943.00
HOUSTON FREIGHTLINER, INC (Bid No. 3) - \$449,508.00
NICK'S DIESEL SERVICE, INC - \$573,300.00
– was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Member Wiseman absent. MOTION 2005-1145 ADOPTED.

ORDINANCES - NUMBERS 11 through 141

11. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a portion of Bolivia Street right-of-way from 485 feet south of De Soto Street to West Tidwell Road, containing 2.001 acre (87,174 square feet of land), more or less, located in the Samuel McClelland Survey, A-544 and the Ellis Benson Survey, A-110, Harris County, Texas, vacating and abandoning said tract of land to our Savior Lutheran Church of Houston Texas, the abutting owner, in consideration of owner's dedication of a full-width utility easement containing 2.001 acre (87,174 square feet of land), more or less, and payment of \$58,842.00, and other consideration to the City, Parcels SY5-045 and VY5-009 - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Member Wiseman absent. ORDINANCE 2005-1303 ADOPTED.
12. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of portions of Stafford Drive and Strickland Drive right-of-way, together with a 10-foot-wide utility easement, all from Rothermel Road North to their terminus, and all within Langley Road Place Subdivision, Houston, Harris County, Texas; vacating and abandoning said street rights of way and said utility easement to Ocires 1 Limited, the abutting owner, in consideration of its payment of \$51,020.00 and other consideration to the City; Parcels SY5-002A, SY5-002B and SY5-002C, respectively - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Member Wiseman absent. ORDINANCE 2005-1304 ADOPTED.
13. ORDINANCE consenting to the addition of 2.8527 acres of land to **RENN ROAD MUNICIPAL UTILITY DISTRICT OF HARRIS AND FORT BEND COUNTIES**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Member Wiseman absent. ORDINANCE 2005-1305 ADOPTED.
14. ORDINANCE approving and authorizing Contract for Programming Services between the City of Houston and **HOUSTON MEDIASOURCE** for Public Access Channel – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Council Member Wiseman absent.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

1. REQUEST from Mayor for confirmation of the appointment of **MR. MIKE NICHOLS** to Position One on the **CIVIL SERVICE COMMISSION FOR MUNICIPAL EMPLOYEES OF THE CITY OF HOUSTON** and the **FIREFIGHTERS AND POLICE OFFICERS CIVIL SERVICE COMMISSION**, for a term expiring June 14, 2007 – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Member Wiseman absent. MOTION 2005-1146 ADOPTED.

ACCEPT WORK

3. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$983,503.36 and acceptance of work on contract with **PARALLAX BUILDERS, INC** (Contract 55773) for Alief Park, GFS F-504B-08-3 - 20.68% over the original contract amount **DISTRICT F - KHAN** – was presented. Council Member Wiseman absent.

Council Member Khan stated that he had a meeting with the Alief Super Neighborhood Council yesterday and there was some concern as to how the work was done and what was the final status of the use of the park, and would tag the item and have someone visit with him and explain it to him so he could relate it to the constituents, and Mayor White stated that they would get someone to visit with him. Council Member Wiseman absent.

5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of Change Order No. 2 in the amount of \$10,302.50, final contract amount of \$255,208.78 and acceptance of work on contract with **DCE CONSTRUCTION, INC** for Construction of Storm Sewer Improvements along Ward Street, GFS M-0242-08-3 (SM5045) - 12.99% over the original contract amount - **DISTRICT D - EDWARDS** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Members Wiseman and Holm absent. MOTION 2005-1147 ADOPTED.

PURCHASING AND TABULATION OF BIDS

9. **AMEND MOTION #2002-1414, 12/11/02, TO EXTEND** expiration date from December 11, 2005 to December 10, 2007, and **TO INCREASE** spending authority, awarded to **DXI INDUSTRIES** by \$2,108,660.00 to \$2,635,825.00 and **ALTIVIA CORPORATION** by \$1,742,311.39 to \$2,177,889.24 for Chemical, Liquid Chlorine Contract for Department of Public Works & Engineering - Enterprise Fund – was presented, and tagged by Council Member Khan. Council Members Wiseman and Holm absent.

ORDINANCES

15. ORDINANCE approving and authorizing second amendment and supplemental agreement No. 1 to contract between the City of Houston and **CGI-AMS, INC (Formerly AMERICAN MANAGEMENT SYSTEMS, INC)** for Software License and Support Services - \$500,000.00 General Fund – was presented. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Members Wiseman and Holm absent. ORDINANCE 2005-1306 ADOPTED.
16. ORDINANCE approving and authorizing agreement between the City of Houston and **IBN SINA FOUNDATION, INC** to provide \$500,000.00 in Community Development Block Grant Funds for partial funding of the construction of a Community Clinic located at 11226 S. Wilcrest Dr. **DISTRICT F - KHAN** – was presented. All voting aye. Nays none.

Council Member Goldberg out of the city on city business. Council Members Wiseman and Holm absent. ORDINANCE 2005-1307 ADOPTED.

Council Members Sekula-Gibbs, Khan, and Edwards stated that they wanted to thank Mayor White and their colleagues for the passage of Item No. 17.

17. ORDINANCE awarding contract to **COASTAL PUMP SERVICES, INC** for Dry Pit Pump Services for Public Works & Engineering Department; providing a maximum contract amount - 3 Years with two one-year options - \$2,979,858.50 - Enterprise Fund – was presented. All voting aye. Nays none. Council Member Goldberg out of the city on city business. ORDINANCE 2005-1308 ADOPTED.
18. ORDINANCE approving and authorizing sole source contract for Flight Information Display Systems between the City of Houston and **INFAX, INC** at George Bush Intercontinental Airport/Houston and William P. Hobby Airport for the Houston Airport System; providing a maximum contract amount - 3 Years with two one-year options - \$3,000,000.00 - Enterprise Fund **DISTRICTS B - GALLOWAY and I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Goldberg out of the city on city business. ORDINANCE 2005-1309 ADOPTED.
19. ORDINANCE appropriating \$6,998,468.00 out of Airports Improvement Fund and awarding construction contract to **EAS CONTRACTING, L.P.** for Miscellaneous Airfield Lighting Improvements, Generators & Generator Buildings at Ellington Field, CIP A-0428, Project 588; 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 E - WISEMAN** – was presented. All voting aye. Nays none. Council Member Goldberg out of the city on city business. ORDINANCE 2005-1310 ADOPTED.
20. ORDINANCE appropriating \$1,050,000.00 out of Airport System Subordinate Lien Revenue Bond Series 1998B (AMT) Construction Fund and approving and authorizing Amendment No. 6 to contract between the City of Houston and **KELLOGG BROWN & ROOT, INC** for Professional Architectural, Engineering, Construction Management, and Program Management Services for Special Airfield Improvement Projects at George Bush Intercontinental Airport/Houston (Project No. 569; CIP A-0396) - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Goldberg out of the city on city business. ORDINANCE 2005-1311 ADOPTED.
21. ORDINANCE appropriating \$6,000,000.00 out of Airports Improvement Fund and approving and authorizing Amendment No. 4 to contract between the City and **LOCKWOOD, ANDREWS & NEWNAM, INC** for Professional Architectural and Engineering Services at William P. Hobby Airport (Project 417E; CIP A-0141) - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Goldberg out of the city on city business. ORDINANCE 2005-1312 ADOPTED.
22. ORDINANCE approving and authorizing amendment to Professional Environmental Consulting Services Contract between the City and **QUANTUM ENVIRONMENTAL CONSULTANTS, INC** for Professional Environmental Consulting Services for Various Issues Encountered on City property or in the City right-of-way, GFS R-0019-07-2 – was presented, and tagged by Council Member Green.
23. ORDINANCE approving and authorizing Project Management Services Agreement between the City of Houston and **HOWELL MIMS ASSOCIATES, L.L.C.**; providing a maximum contract amount - 1 year - \$100,000.00 - Building Inspection and CDBG Funds – was presented, and tagged by Council Member Quan.

Council Members Holm, Quan and Sekula-Gibbs requested information on Item No. 23.

24. ORDINANCE appropriating \$5,282,400.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **BRH-GARVER CONSTRUCTION, L.P.** for approximately 2,200 LF of 54" Water Line along Dolly Wright from W. Montgomery to Acres Homes Pump Station, GFS S-0900-A9-3 (WA10448-11); setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering testing, project management, construction management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT B - GALLOWAY** – was presented. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Member Quan absent. ORDINANCE 2005-1313 ADOPTED.

NON CONSENT AGENDA - NUMBERS 25 and 26

PROPERTY

25. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Dr. Joe W. Hightower, on behalf of Human Resources Development Foundation (Dr. Joe Hightower, president), for abandonment and sale of a portion of a 15-foot-wide alley, adjacent to Lots 11 through 16, Blocks 21 and 22, Institute Addition, Parcel SY6-007 - **APPOINT TWO INDEPENDENT APPRAISERS and ONE ALTERNATE APPRAISER - DISTRICT D – EDWARDS** – was presented.

Council Member Edwards named Mr. John Chambliss and Mr. George Coleman as appraisers and Ms. Sheila Stewart as alternate appraiser and moved adoption of the recommendation, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Goldberg out of the city on city business. MOTION 2005-1148 ADOPTED.

26. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Jose L. Pruneda, on behalf of U. R. Properties I LP [URVR, L.L.C. (Vinod Kewalramani, Chief Executive Officer/President), General Partner], for abandonment and sale of the remaining portion of a 12-foot-wide alley adjacent to Lots 5 through 9, Block 3, located within the Settegast & Dodge Addition, and the 12-foot-wide alley along the east property line of Tract 12, Block 1, Parcels SY5-069, SY6-033 and SY6-034 **APPOINT TWO INDEPENDENT APPRAISERS and ONE ALTERNATE APPRAISER DISTRICT G – HOLM** - was presented.

Council Member Holm named Mr. Tom Kvinta and Mr. George Sims as appraisers and Mr. Alan Dominy as alternate appraiser and moved adoption of the recommendation, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Goldberg out of the city on city business. MOTION 2005-1149 ADOPTED.

MATTERS HELD - NUMBERS 27 through 37

27. CONSIDERATION of the recommendation for removal of School Speed Zones on Bellaire Blvd., east and west of Pella - **DISTRICT F - KHAN** - (**POSTPONED BY MOTION #2005-1108**) - was presented.

Council Member Khan moved to refer Item No. 27 back to the administration for reconsideration of the speed zone, seconded by Council Member Quan. All voting aye. Nays

none. Council Member Goldberg out of the city on city business. MOTION 2005-1150 ADOPTED.

28. MOTION by Council Member Khan/Seconded by Council Member Alvarado to adopt recommendation from Finance & Administration Department for approval of payment of membership dues for the City of Houston membership in the **ALLIANCE FOR I-69 TEXAS** \$30,000.00 - General Fund - **(This was Item 2 on Agenda of November 22, 2005, TAGGED BY COUNCIL MEMBER EDWARDS)** - was presented.

Council Member Edward stated that she was concerned because they were paying \$30,000 per year for dues they had been paying since 1994, plus the Port of Houston and Harris County were paying the same amounts and 78% of that budget went to lobbying, she was not clear as to what they were getting out of it and she also had questions regarding regulations, that she wanted to know who was over the regulation of trucks, equipment, fuel that was used, cargo that was carried, that someone was trying to get that information for her.

Council Member Edward moved to postpone Item No. 28 for one week, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Goldberg out of the city on city business. MOTION 2005-1151 ADOPTED. (Note: MOTION 2005-1157 was adopted to reconsider Item No. 28)

29. MOTION by Council Member Khan/Seconded by Council Member Alvarado to adopt recommendation from Director Houston Airport System for approval of final contract amount of \$21,918,914.18 and acceptance of work on contract with **J. D. ABRAMS, L. P.** for APM Guideway Extension, Roadways and Site Utilities at George Bush Intercontinental Airport/Houston; Project No. 536A, CIP A-0203 and A-0354 - 13.73% over the original contract amount - **DISTRICT B - GALLOWAY - (This was Item 4 on Agenda of November 22, 2005, TAGGED BY COUNCIL MEMBERS GREEN, KHAN and GALLOWAY)** - was presented. All voting aye. Nays none. Council Member Goldberg out of the city on city business. Council Member Garcia absent. MOTION 2005-1152 ADOPTED.
30. MOTION by Council Member Alvarado/Seconded by Council Member Khan to adopt recommendation from Director Finance & Administration to award to **RUSH TRUCK CENTERS OF TEXAS, L.P.** - \$1,080,453.00 and **UNDERGROUND, INC d.b.a. UNDERGROUND MARKETING** - \$877,291.59 for Cabs & Chassis and Truck Bodies through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for Department of Public Works & Engineering - Storm Water Fund - **(This was Item 9 on Agenda of November 22, 2005, TAGGED BY COUNCIL MEMBERS EDWARDS and SEKULA-GIBBS)** - was presented.

Council Member Sekula-Gibbs stated that she wanted to thank Mr. Gary Norman, Public Works, for providing information about their office's concern over the item, there was a question about whether buying trucks and vehicles for this particular project should come from the storm water fund and she was reassured from the information that Mr. Norman produced that the trucks they were purchasing would be used for Right-of-Way Maintenance, particularly for ditch maintenance.

A vote was called on Item No. 30. All voting aye. Nays none. Council Member Goldberg out of the city on city business. MOTION 2005-1153 ADOPTED.

31. ORDINANCE **AMENDING CHAPTER 2 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the City Treasurer - **(This was Item 14 on Agenda of November 22, 2005, TAGGED BY COUNCIL MEMBERS EDWARDS, WISEMAN, QUAN, LAWRENCE and GREEN)** - was presented. All voting aye. Nays none. Council Member Goldberg out of the city on city business. ORDINANCE 2005-1314 ADOPTED.

32. **ORDINANCE AMENDING ARTICLE V OF CHAPTER 36 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Solicitation of Funds for Charitable purposes - **(This was Item 15 on Agenda of November 22, 2005, TAGGED BY COUNCIL MEMBER SEKULA-GIBBS)** - was presented.

Council Member Berry offered the following written motion to amend Item No. 32, that he had passed them out and there was a hand written codicil at the bottom which was not in the earlier version and it actually gave them 90 days and he would tag his amendment because he thought some people needed time to consider it and they were still working out some details, and Council Member Sekula-Gibbs stated that she would add her tab. Council Member Wiseman absent.

"In Section 1, which amends Article V of Chapter 36 of the Code of Ordinances, Houston, Texas, by:

1. Deleting the definition of *qualified minor* in Sec. 36-71.
2. Amending Sec. 36-72 to:
 - A. Revise Item (8) to read: "For any person to employ, suffer or permit a minor to solicit funds."
 - B. Delete Item (9) and renumber Item (10) as Item (9).
 - C. Revise the renumbered Item (9) to read: "For any person to use or expose any animal or person to hazardous conditions to solicit funds."
3. Amending Sec. 36-73 to:
 - A. Add a new Item (2) to read: "Stating that the solicitor represents an organization when such statement is false."
 - B. Renumber the remaining items as appropriate.
4. Amending Sec. 36-74 to:
 - A. Amend Items (4) and (5) to read, respectively, as follows:
 - "(4) Does not enter the roadway to solicit or retrieve funds.
 - "(5) Does not obstruct traffic or create a hazard to traffic or any other person."
 - B. Delete Item (6)
5. Amending Sec. 3
...this Ordinance shall take effect at 12:01 am on the 90th day next following date of its passage and approval by the Mayor.

Council Member Berry moved to postpone Item No. 32 for one week, seconded by Council Member Alvarado. Council Member Wiseman absent.

After discussion by Council Members, Council Member Garcia stated that he wanted to recognize Officer Abercia from the Northwest Division, that he had been challenged in his area dealing with the guys on the corners and esplanades, day in and day out, and no way to really confirm whether the permits they were showing him were valid or not, so he brought it to his attention and they had been working on it, that he wanted to thank him for his professionalism and his work. Council Member Edwards absent.

After further discussion, Mayor White stated that this was just the beginning of a responsible and effective way to address the issue of solicitations and panhandling along the roadways and during the next year there would be a process that build on this because this was just addressing some of the charitable organizations and minors, that had three parts, that number one was communication with the public on how to give to help good causes where they were not doing it on the roads, and second were the social services for some of those individuals who were panhandling, and number three was enforcement. Council Member Edwards absent.

After further discussion by Council Members, Council Member Berry stated that they were only dealing with the issue of charitable solicitation by minors in the ordinance and from there

the committee could take up the issue panhandling.

After further discussion Mayor White stated that Mr. Michel and Mr. Cheatham should address some of the concerns expressed by the Council Members.

A vote was called on Council Member Berry motion to postpone Item No. 32. All voting aye. Nays none. Council Member Goldberg out of the city on city business. MOTION 2005-1154 ADOPTED.

Council Member Edwards stated that she wanted to reconsider her motion for a one week delay on Item No. 28.

33. WRITTEN by Council Member Lawrence to amend Item 33A below as follows:
- Section 1. That Section 45-2 of the Code of Ordinances, Houston, Texas is hereby amended by adding, in the appropriate alphabetical order, the following definitions:
- "Esplanade has the meaning ascribed in section 33-101 of this code."
 - "Median Strip means the dividing area, either landscaped or paved, between opposing highway traffic lanes."
 - "Traffic island means a raised area over which vehicles may not pass, placed at a junction of streets or between opposing traffic lanes."
 - "Animal has the meaning ascribed in Texas Agricultural Code section 141.001 which states an animate being that is not human and has the power of voluntary action."
 - "Livestock has the meaning ascribed in Texas Agricultural Code 1.003 means cattle, horses, mules, asses, sheep, goats, and hogs, unless otherwise defined."
- Section 2. That Chapter 45 of the Code of Ordinances, Houston, Texas is hereby amended by adding a new Section 45-135, which reads as follows:
- "Sec. 45-135 Use of esplanade, median strip or traffic island.
- (a) It shall be unlawful for any person to ride, operate, leave unattended any animal and/or livestock or park any vehicle on, over or across any esplanade, median strip or traffic island,
 - (b) In addition to any applicable fine or penalty, any animal and/or livestock left unattended or vehicle parked upon an esplanade, median strip or traffic island in violation of this section shall be subject to being removed or towed at the direction of any law enforcement office or parking enforcement officer.
 - (c) The provisions of this section shall not apply to any city employee, city contractor or employee thereof, or any person whose duty it is to maintain the esplanade, median strip or traffic island or any equipment thereon." - **(TAGGED BY COUNCIL MEMBERS SEKULA-GIBBS and KHAN)** - was presented.

After discussion by Council Members, a vote was called on Item No. 33. All voting aye. Nays none. Council Member Goldberg out of the city on city business. MOTION 2005-1155 ADOPTED.

- 33a. ORDINANCE AMENDING CHAPTER 45 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, relating to use of Esplanades - **(This was Item 16 on Agenda of November 22, 2005, TAGGED BY COUNCIL MEMBERS SEKULA-GIBBS and KHAN)** - was presented. All voting aye. Nays none. Council Member Goldberg out of the city on city business. ORDINANCE 2005-1315 ADOPTED AS AMENDED.

34. ORDINANCE approving and authorizing third amendment to Meet and Confer Agreement between the City of Houston and the **HOUSTON MUNICIPAL EMPLOYEES PENSION SYSTEM ('HMEPS')** pertaining to certain Phase Down/Drop issues - **(This was Item 19 on Agenda of November 22, 2005, TAGGED BY COUNCIL MEMBER GARCIA)** - was presented. All voting aye. Nays none. Council Member Goldberg out of the city on city business. ORDINANCE 2005-1316 ADOPTED

35. ORDINANCE approving and authorizing fourth amendment to Meet and Confer Agreement between the City of Houston and the **HOUSTON MUNICIPAL EMPLOYEES PENSION SYSTEM - (This was Item 20 on Agenda of November 22, 2005, TAGGED BY COUNCIL MEMBER GARCIA)** - was presented. All voting aye. Nays none. Council Member Goldberg out of the city on city business. ORDINANCE 2005-1317 ADOPTED.
36. ORDINANCE awarding contract to **INFRASTRUCTURE SERVICES, INC** for Concrete Pavement Repair Services for Public Works & Engineering Department; providing a maximum contract amount - 1 Year with two one-year options - \$6,252,510.00 - General Fund - **(This was Item 37 on Agenda of November 22, 2005, TAGGED BY COUNCIL MEMBER KHAN)** - was presented. All voting aye. Nays none. Council Member Goldberg out of the city on city business. ORDINANCE 2005-1318 ADOPTED.
37. ORDINANCE **AMENDING ARTICLE IX OF CHAPTER 45 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Parades - **(This was Item 46A on Agenda of November 22, 2005, POSTPONED BY MOTION #2005-1123)** - was presented.

Council Member Ellis stated that they had passed out a substitute ordinance and moved to substitute the new ordinance in its entirety for Item No. 37, seconded by Council Member Khan. All voting aye. Nays none. MOTION CARRIED.

Council Member Ellis stated that he would tag the substitute ordinance.

Council Member Wiseman stated that she had circulated a written amendment for Item No. 37 as follows:

"45-235. Permit application generally; issuance, etc.

(g) the number of parade permits that may be issued shall be subject to the following limitations:

(1) only one permit shall be issued for a parade to be conducted in the downtown area on the same day;

~~(2) Only two permits may be issued for parades to be conducted on the same calendar day in the city limits; and~~

~~(3) Permits may not be issued for conflicting times. For purposes of this provisions, parades are considered to be conflicting if their starting times are less than four hours apart.~~

Council Member Wiseman stated that she would tag her amendment.

Council Member Ellis moved to postpone Item No. 37 for one week, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2005-1156 ADOPTED.

Council Member Edwards moved to suspend the rules for the purpose of reconsidering Motion 2005-1151 which postponed Item No. 28 for one week, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Goldberg out of the city on city business. MOTION 2005-1157 ADOPTED.

28. MOTION by Council Member Khan/Seconded by Council Member Alvarado to adopt recommendation from Finance & Administration Department for approval of payment of membership dues for the City of Houston membership in the **ALLIANCE FOR I-69 TEXAS \$30,000.00 - General Fund - (This was Item 2 on Agenda of November 22, 2005, TAGGED BY COUNCIL MEMBER EDWARDS)** - was again before Council. Council Member Edwards voting no, balance voting aye. Council Member Goldberg out of the city on city business. MOTION 2005-1158 ADOPTED.

Item received during meeting.

14. ORDINANCE approving and authorizing Contract for Programming Services between the City of Houston and **HOUSTON MEDIASOURCE** for Public Access Channel - was presented.

After discussion Council Member Sekula-Gibbs moved to refer Item No. 15 back to the administration, seconded by Council Member Wiseman.

After discussion Council Member Lawrence stated that she would tag the motion to refer Item No. 14 back to the administration.

After a lengthy discussion by Council Members, Council Member Galloway moved to call the question on referring Item No. 14 back to the administration and a roll call vote was called.

ROLL CALL VOTE:

Mayor White voting aye	Council Member Garcia voting aye
Council Member Lawrence voting aye	Council Member Alvarado voting aye
Council Member Galloway voting aye	Council Member Ellis voting aye
Council Member Goldberg out of the city on city business.	Council Member Quan voting aye
Council Member Edwards voting aye	Council Member Sekula-Gibbs voting no
Council Member Wiseman voting no	Council Member Green voting aye
Council Member Khan voting aye	Council Member Berry voting aye
Council Member Holm voting aye	MOTION 200-1159 ADOPTED.

A roll call vote was called on Council Member Sekula-Gibbs motion to refer Item No. 14 back to the administration.

ROLL CALL VOTE:

Mayor White voting no	Council Member Garcia voting no
Council Member Lawrence voting no	Council Member Alvarado voting no
Council Member Galloway voting no	Council Member Ellis voting aye
Council Member Goldberg out of the city on city business.	Council Member Quan voting no
Council Member Edwards voting no	Council Member Sekula-Gibbs voting aye
Council Member Wiseman voting aye	Council Member Green voting no
Council Member Khan voting no	Council Member Berry voting aye
Council Member Holm voting aye	MOTION 200-1160 FAILED

A vote was called on Item No. 14, and was tagged by Council Members Lawrence, Sekula-Gibbs and Wiseman.

After a lengthy discussion by Council Members, Mayor White stated that Item No. 14 had been tagged by Council Members Lawrence, Sekula-Gibbs and Wiseman. Council Members Lawrence, Galloway, Garcia and Berry absent.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Green stated that as to Media Source, the First Amendment issue was a tough issue in the law, he thought the new contract came very close to walking the First Amendment line but it walked a good line, that the one thing they had to think about was the vote that was taken on September 14, 2005 was not a decisive victory against Media Source, it was a 7 to 7 vote and he was absent and he could tell them that he was going to be the 8th vote to continue the contract, that the issue now was that they had a different contract and he would encourage his colleagues to read it because it came close enough to censorship, that they put the constraints that many of the Council Members were looking for. Council Members

Lawrence, Galloway, Alvarado and Berry absent.

Council Member Green stated that the breakfast was provided by the Breakfast Klub, that Mr. Marcus Davis always did a good job, not just with his food but he did a great job in his community, that they could always count on him and his family. Council Members Lawrence, Galloway, Alvarado and Berry absent.

Council Member Green stated that on December 16, 2005 the Houston Area Urban League Young Professionals were hosting the 2005 Influence Awards, that it would be at the Hilton Americas and they would be honoring Mayor White and Mr. Fontaine, if they had any questions they could call 713-393-8711. Council Members Lawrence, Galloway, Alvarado and Berry absent.

Council Member Green stated that he wanted to thank all of the Council Members who were exiting this year, Council Members Ellis, Goldberg, Quan and Galloway, for all the work and guidance they had provided for those who were first time Council Members and wished them well in their next endeavors. Council Members Lawrence, Galloway and Berry absent.

Council Member Edwards stated that she too wanted to thank the Council Members who were leaving for their guidance, patience and support. Council Members Lawrence, Galloway, and Berry absent.

Council Member Edwards stated that on Item No. 28, the issue of I-69 she understood the effort regarding international trade but her concerns were simple, the City had spent close to \$330,000 in membership fees since 1994 in the organization and 78% of that had gone to lobbyists and she did not know if they got reports on that and how it worked, her big concern was that over 900 miles of it would be in the State of Texas and would be under the NAFTA Treaty, that there was a chapter in the treaty that said that the States where the freeways went through they could not just regulate the trucks and what they were carrying or what kind of gas they used if it marginalized their bottom line, that California went through a process where they lost a case and it did not go to a court of law, it went through a tribunal, that she was concerned about that, that she was concerned that they seemed to be losing the ability to regulate what happened in their communities. Council Members Lawrence, Galloway, Ellis, Green and Berry absent.

Council Member Edwards stated that they had a fire during the weekend on Griggs Road in District D and one of the businesses, CES Environmental Services on Griggs Road reported to their office over a year ago that there was a dangerous building next to them that was filled with trash and abandoned cars and they went out and visited the site and reported it to Neighborhood Protection and the response was that it was tied up in Contract and Compliance because the property was private and the gate was locked, consequently the building caught on fire and Mr. Easton's building, the CES Environmental Services, received close to \$50,000 worth of damage, that she was frustrated with how their communities were held hostage by irresponsible property owners, that if they could have done something about it over a year ago they might have avoided the fire, that she wanted to thank Neighborhood Protection, they called them on Monday and they were right on it, that she wanted to encourage the Mayor to keep working with Neighborhood Protection in giving them the authority to do what was necessary to keep their community safe and try to help avoid those type of issues, that Mr. Easton was asking that the City pay for his damages. Council Members Lawrence, Galloway, Ellis, Quan, Sekula-Gibbs and Green absent.

Council Member Edwards stated that regarding the issue that was brought up about police response time, the Girls and Boys Club in the Fort Bend area had been having a real serious problem in getting police response to their facilities, that they were going to try to work with police in the area to see if they could get a better response. Council Members Lawrence, Galloway, Ellis, Quan, Sekula-Gibbs and Green absent.

Council Member Edwards stated that last week she talked about Mr. Ruben Cantu, who was executed in San Antonio, that her office was going to be asking Governor Perry to use his Criminal Justice Advisory Council to look into the case because there were a lot of things that could have been avoided if policies had been followed and procedures had been followed correctly by police, that was based on her assessment of a paper and not an investigation she had done, and she would encourage Council Member Garcia's committee to look at the issue because there were a lot of issues that were similar to things that had happened in the Houston area. Council Members Lawrence, Galloway, Ellis, Quan and Green absent.

Council Member Edwards wished everyone a great holiday season. Council Members Lawrence, Galloway, Ellis, Quan and Green absent.

Mayor White stated that if Mr. Michel could get back with him on the issue of NAFTA, even if it was just highlighting what the cases were, and Mr. Michel stated that he would get that to him. Council Members Lawrence, Galloway, Ellis, Quan and Green absent.

Mayor White stated that as to the issue of the preparation for fireworks coming December 31, 2005 he was asking for the Council Members advice, he wanted to do what the citizens and fire professionals wanted them to do, that as to the issue on the areas covered by the limited annexation which had the fireworks ban, what were the rules of the road. Council Members Lawrence, Galloway, Ellis, Quan and Green absent.

Council Member Garcia stated that they wanted to encourage everyone to have a great holiday season but unfortunately they had to think about celebratory gunfire as well as the inappropriate use of fireworks within the city limits. Council Members Lawrence, Galloway, Ellis, Quan and Green absent.

Council Member Garcia stated that it had been brought to his attention that the Houston janitor's campaign had been successful and had received the necessary votes to organize as a union so SCIU had been successful in their campaign and he wanted to congratulate them. Council Members Lawrence, Galloway, Ellis, Quan and Green absent.

Council Member Garcia stated that as to the discussion with Officer Marticiuc and the challenges affecting their communities, the City and the Police Department he thought the message kind of got lost in terms of the holding time for the calls, that the 7 and 12 hour increments took him by surprise and he had never experienced that in his career, that he had a brief discussion with Mr. Cutler about it and they were going to have some discussions but he wanted to make sure that people understood, that number one, they had an unprecedented number of retirements and that was where it began, they did not have the staffing that they used to have and that was a challenge, that the City Council had to do everything possible to support their front line first responders, whether it was police or fire. Council Members Lawrence, Galloway, Edwards, Ellis, Quan and Green absent.

Council Member Holm stated that all of the departments had seen such improvement and one in particular was the Health Department under the direction of Mr. Williams, and particularly BARK and the improvements that had happened there. Council Members Lawrence, Galloway, Garcia, Ellis, Quan and Green absent.

Council Member Holm stated that as to the red light cameras, she had absolutely applauded and supported that from a public safety issue from the very beginning, that it was a

means of behavior modification that they absolutely had to address, that two weeks ago a man ran a red light and t-boned her on the passenger side, that he ran the red light, that she knew that during the pilot program there were some companies that had accident avoidance delay and she knew during the pilot program they were not doing that but she really thought that was a critical component that could make a difference and thought it would be valuable in evaluating the camera scenario. Council Members Lawrence, Galloway, Garcia, Ellis and Green absent.

Council Member Holm stated that she wanted to wish everyone a happy holiday. Council Members Lawrence, Galloway, Garcia, Ellis and Green absent.

Council Member Alvarado stated that she wanted to give her condolences to Council Member Green and his family for losing his grandmother over the Thanksgiving Holiday, Ms. Belua Reed and asked for a moment of silence for Ms. Reed. Council Members Lawrence, Galloway, Garcia, Ellis and Green absent.

Council Member Sekula-Gibbs stated that regarding the report that came from the Police Officers Union and thought what would help her to understand the gravity and the depth of the situation would be some formal report from Chief Hurtt that would give them the data on a comparison over the last five years on the length of time to respond to calls for service, and if they could get a breakdown of any changes or an analysis of the changes that may have occurred since Katrina. Council Members Lawrence, Galloway, Edwards, Garcia, Ellis and Green absent.

Council Member Sekula-Gibbs stated that the situation of Fire Station No. 94, it looked like they were in trouble again, it was supposed to be completed in December 2005 and now they found that the person who received the contract for the rebuilding of Fire Station No. 94 was in default, that she thought they should return the apparatus to the area, it would be the best way to reduce the negative impact that the delay in construction was having in the community, and Mayor White stated that he would look into it. Council Members Lawrence, Galloway, Edwards, Holm, Garcia, Ellis and Green absent.

Council Member Sekula-Gibbs stated that yesterday they had a bird flu conference and the day before they had a conference related to potential pandemic with the Department of Homeland Security and the representatives from the Houston Health Department as well as the County Health Department and private industry, that it was important to mention to the community that a pandemic of bird flu was not definite but they did have seasonal flu that came every year. Council Members Lawrence, Galloway, Edwards, Holm, Garcia, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Quan stated that last week Ms. Mosley came before City Council complaining about the tagging of mobile homes in Acres Homes and he wanted to report that he went out on Friday and Acres Homes CDC, Mr. Milton Wilson and the Houston Airport System were working with them to try to provide other homes for those individuals and to look at that problem so a report should be coming shortly on that issues. Council Members Lawrence, Galloway, Edwards, Holm, Garcia, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Quan stated that as to the Houston Rita Katrina Funds, they were trying to get Mr. Albert Myers to speak to their committee twice and he was not able to appear and he had spoken to members of the committee and understood that only about \$600,000 had been distributed out of a possible \$6 million and he wanted to see what they could do, there were a lot of organizations out there who needed the money, that he wanted to work with Mayor White to make sure they got those needs addressed from the monies that they collected, and Mayor White stated that what he thought the Katrina Relief Fund was doing in connection with the United Way was making sure there was a needs assessment, and asked that Council Member Quan supply some information to him. Council Members Lawrence,

Galloway, Edwards, Holm, Garcia, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Quan stated that he wanted to congratulate Mayor White and Judge Eckels for receiving the Bridgeport Award from Partners for Sustainable Communities. Council Members Lawrence, Galloway, Edwards, Holm, Garcia, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Quan stated that they were going to have a welcome to Houston party for evacuees at Phoenix Seafood Restaurant on Friday night from 5:00 p.m. to 7:00 p.m. Council Members Lawrence, Galloway, Edwards, Holm, Garcia, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Quan stated that next week they would crown the Miss Senior Houston for 2006, the pageant would be at the George R. Brown on Tuesday, that everybody was welcome to attend. Council Members Lawrence, Galloway, Edwards, Holm, Garcia, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Quan stated that as to Houston Media Source, he was happy they lived in a City where they did have freedom of speech and they did relish the fact that people could be different and could have different opinions of different things, and hoped they could resolve it next week on the funding of Houston Media Source. Council Members Lawrence, Galloway, Edwards, Holm, Garcia, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Khan stated that he too wanted to congratulate Mayor White and Judge Eckels and also acknowledge the Council Member Quan would be going to Washington, D.C. to receive the award on their behalf. Council Members Lawrence, Galloway, Edwards, Holm, Garcia, Ellis, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Khan stated that as to their meeting last night with the constituents of Alief Super Neighborhood, that one issue was when anytime the City was doing a project, Public Works or the Parks Department, that they first reach out to the community and get their input about the project. Council Members Lawrence, Galloway, Edwards, Holm, Garcia, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Khan stated that as to the fireworks, that was another issue that was brought up and people really wanted to request Mayor White to use his office to promote that it was illegal in the City of Houston to use fireworks. Council Members Lawrence, Galloway, Edwards, Holm, Garcia, Ellis, Quan, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Khan stated that regarding the crime statistics, there was a Noise Ordinance in the City and there was a part in Alief where residents had called the police many times and they had shown up to that location at least five times in one year but never written a ticket, that they just talked to the person who was violating the Noise Ordinance so that was also a waste of City resources if the police officer was not writing a ticket and he thought that was also not giving a message to the people violating the ordinance. Council Members Lawrence, Galloway, Edwards, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Wiseman stated that there being only three Council Members and the Mayor left in Council Chamber would be a clear indication that the request that Mayor White had made for them to consider having a one day session next year on Tuesday's would not work. Council Members Lawrence, Galloway, Edwards, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Wiseman stated that with respect to Fire Station No. 94 she certainly hoped they could have a response from the administration within the next few days as to whether they would reassign that company out there, that it would be appreciated by the community. Council Members Lawrence, Galloway, Edwards, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Wiseman stated that she had a photo she wanted to share with the Council Members of a constituent standing in his backyard and in the distance was City property, a wooded, treed and weeded property which was going to be part of the Monroe Road extension and the City, for what ever reason, had decided to issue citations to her constituents because they were not plowing down the City's property, that City Legal had provided an opinion stating that simply because those people's homes abutted the City's property that it was their responsibility to go out and clear it out and maintain it, she disagreed and thought that was not something the City should be doing, and Mayor White asked what legal ground did they give, and Council Member Wiseman stated that they were citing an ordinance which she did not agree with the written opinion, that the opinion was written by Mr. Paul Bibler in 1987 and it dealt with the mowing of street rights of way, that she did not think it was something that could be applied in this instance and that was why she would ask for the assistance and support of the administration in reviewing the matter, that there were several home owners that were cited and clearly that was not the way the City should conduct business, that she would share the photo and documents she had with Mr. Michel, and Mayor White stated that they would look into it. Council Members Lawrence, Galloway, Edwards, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Wiseman stated that she witnessed a wreck in Kingwood earlier in the week and the vehicle in front of her was a City vehicle which was directly behind the accident and she wanted to extend her kudos and share with them the efforts of Mr. George Broussard from Public Works who immediately pulled over and attempted to redirect traffic away from the accident site and called for emergency assistance and assisted in determining the situation with the individuals, that she wanted to thank Mr. Broussard for his outstanding work and quick action. Council Members Lawrence, Galloway, Edwards, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Wiseman stated that she wanted to extend kudos to Clearbrook Lady Wolverines who won the McDonald's Invitational on November 19, 2005, the varsity basketball team beat out San Antonio's Taft to win the McDonald's Texas International and won 54 to 43, that they were very proud of them and Coach Pam Crawford and game MVP Ms. Kelly Griffin, that she also wanted to extend congratulations to Coach Huseman with the Kingwood High School Men's Basketball Team who were ranked Number 1 by the Texas Association of Basketball Coaches last week. Council Members Lawrence, Galloway, Edwards, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Wiseman stated that she wanted to wish everyone a very happy Christmas season. Council Members Lawrence, Galloway, Edwards, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 12:22 p.m.

Council Members Lawrence, Galloway, Edwards, Holm, Garcia, Ellis, Quan, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary