

City Council Chamber, City Hall, Tuesday, January 24, 2006

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, January 24, 2006, Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Ada Edwards, Addie Wiseman, M. J. Khan, P. E., Pam Holm, Adrian Garcia, Carol Alvarado, Peter Brown, Sue Lovell, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; Ms. Jo Wiginton, Division Chief, Contract Division, Legal Department; Mr. Richard Cantu, Director Citizens Assistance Office; Ms. Marty Stein, Agenda Director; present.

At 2:02 p.m. Mayor White called the meeting to order and called on Council Member Edwards who invited Mr. Jerome Gray to the podium and stated that this was a very special presentation, since she had been in the City of Houston the whole issue of Camp Logan had always been an item she was curious about and Mr. Gray had completed what she would say was an "award winning" television program Mutiny on the Bounty on Camp Logan to air on Channel 11 on February 1, 2006; that Memorial Park was where Camp Logan was, it was a military base; and presented Mr. Gray with a Certificate of Recognition for being a renowned television anchor, reporter and producer in his production of the historic television program of a triumphant account of the tragic race riot at the U. S. military base Camp Logan, August 23, 1917, Houston, Texas. Mr. Gray thanked all for the recognition and stated that he was here today because of the two people standing with him, the executive producer Mr. John Smith and Kim; that he appreciated all they were able to do with this and thought it would open many peoples eyes as to what happened August 23, 1917, in Memorial Park with the military soldiers being brought here to guard the construction of Camp Logan and things got out of hand and many were killed, it was a tragic story. Council Members Garcia, Sekula-Gibbs and Berry absent.

Mayor White invited Mr. Dave Latin and Mr. Don Haskins to the podium and stated sports fans knew the story; that his family always supported the underdogs and now there was a fantastic movie on it, "Glory Road" and all were honored to have Houstonians honored in the movie; that Mr. Dave Latin was a native Houstonian and took his high school team to their only state title in 1962 and earned high school "All American" honors and was the number one player in the state of Texas; later became a star player at Texas Western University and helped lead to the only National Basketball Championship ever won by a Texas team; that today he was being honored for making basketball history, and presented Mr. Latin a Proclamation for dedicating time to children, caring about the future of the community, wished him great success; and proclaimed today "Dave Latin Day" in Houston, Texas. Mayor White further stated that today Mr. Clyde Drexler was in the audience in support of his friend. Mr. Latin thanked all for the Proclamation and stated that the game helped kids to get educated and be recruited at schools all across the country. Council Members Garcia, Sekula-Gibbs and Berry absent.

Council Member Edwards stated that she saw the movie two times and it was awesome, but in District D they were bursting with pride with all that was going on; and if half the exploits in the movie were true it was an awesome experience; that everyone in her house was excited when they watched the game; and thanked Mr. Latin for all he did in the neighborhood; asked Mr. Drexler to stand to be recognized and stated that people like them and Mr. Thibodeaux did much to get praise. Council Member Garcia absent.

Council Member Lovell stated that she apologized for not knowing who he was in the elevator; and asked that he introduce his grandson whose birthday was today; and Mr. Latin introduced his grandson Chance who was 10 today. Council Members Wiseman and Garcia absent.

Council Member Berry stated that he and Council Member Brown's office was co hosting a reception for Mr. Latin this evening from 6:00 p.m. to 8:00 p.m. at the Red Cat Jazz Café; and anyone wanting to come by to say thanks was invited. Council Members Wiseman and Garcia absent.

At 2:18 p.m. Mayor White called on Council Member Edwards who led all in the prayer and pledge. Council Members Johnson, Wiseman and Garcia absent.

At 2:19 p.m. the City Secretary called the roll. Council Members Johnson and Garcia absent.

Council Members Khan and Alvarado moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Members Johnson and Garcia absent. MOTION ADOPTED.

Council Member Green moved that the rules be suspended for the purpose of adding Rev. Samuel Smith to the list of speakers, seconded by Council Member Berry. All voting aye. Nays none. Council Member Garcia absent. MOTION 2005-0059 ADOPTED

Mr. Dwight Short, 4727 Oakshire #7, Houston, Texas 77027 (713-622-6939) appeared and stated that he was present to speak in opposition to the proposed so called "Hot Sheet Motels" ordinance; that it would be a criminal offense to rent rooms knowing they would be used for prostitution and he wanted to say this was not to argue in favor of prostitution, it was already illegal, but his objections would lie in the areas of one, it created a class of criminals where none existed before; that state officials should set standards of criminal behavior so all in the state would know the law; second, the act was unviable of fundamental principles of law in a free society which was the law should only punish those violating the law directly; third, the scope of the ordinance was far too broad; fourth, the standard of proof was almost impossible requiring someone to know with no doubt what was going on; fifth, the police said the law would be used only against the most egregious offenders, the most blatant; that this ordinance carried with it a vast potential for police misconduct, it was a bad law. Council Members Garcia and Lovell absent.

Council Member Edwards stated that some concerns were valid but everyone knew what was going on at those type hotels; and upon questions, Mr. Short stated that other than vigorous observation maybe more allocation of resources; and Council Member Edwards stated that whether this was a purview of the state, the state gave no enforcement dollars or help and they could legislate all day long, but if they could not help they were no good to her. Council Members Garcia, Lovell and Berry absent.

Upon questions by Council Member Alvarado, Mr. Short stated that each of his objections was on a stand alone basis, a great concern; that he had a problem with enabling police to barge into someone's room and he was just someone who read the article and had no vested interest, but the scope of the ordinance as he understood it was vast. Council Members Garcia and Lovell absent.

Rev. Samuel Smith, who was previously added to the speakers list, appeared and stated that he was pastor of Mt. Horab Missionary Church and was present because of a sign between West Gray and Webster which requested abandonment of a section of Cushion Street; that builders wanted to build on it, but it was access to Fourth Ward, Freedmen's Town and his church; and they should buy property somewhere else. Council Members Garcia and Lovell absent.

Upon questions by Council Member Green, Rev. Smith stated that Cushion was west of his church and east of his parking lot. Council Members Garcia and Lovell absent.

Council Member Alvarado stated that they were familiar with it and working with city staff to resolve it and they would coordinate with Council Member Green's Office. Council Members Garcia and Lovell absent.

Upon questions by Council Member Edwards, Rev. Smith stated that the sign was from

the Planning Department and it was not on the Agenda as yet. Council Members Garcia, Lovell and Green absent.

Council Member Berry stated that Mr. Norman was present and he would appreciate an overview with regards to deadlines after today from him; that he wanted to make sure not just in this case but others like it that people had ample opportunity for comment. Council Members Garcia, Lovell and Green absent.

Council Member Edwards stated that if this was what she thought she would suggest he and others go to the Planning Commission on Thursday to discuss their concerns. Council Members Garcia, Lovell and Green absent.

Mr. Scott Tillinghast, 5005 Georgie Lane #88, Houston, Texas 77092 (713-686-8331) appeared and stated that he was present speaking on the environment, specifically the air Houstonians were breathing, a neighbor formed a group to organize around the issue and his personal interest was he was Asthmatic and felt it would be useful information to know air quality by zip codes. Council Members Holm, Garcia, Alvarado, Lovell and Green absent.

Council Member Sekula-Gibbs stated a doctor came to Council not long ago about air quality; and upon questions, Mr. Tillinghast stated that it was possible she was with the group he mentioned, but did not know; and Council Member Sekula-Gibbs stated that it was reasonable to investigate, but it would take money as there would need to be a monitor in every zip code; that a new committee on health and environment was headed up by Council Member Alvarado and that would probably be an issue they would take up and welcomed him to participate. Council Members Edwards, Khan, Holm, Garcia, Lovell and Green absent.

Ms. Twynette Putty, 57 Nasturtium Court, Lake Jackson, Texas 77566 (979-709-0909) had reserved time to speak but was not present when her name was called. Council Members Edwards, Khan, Holm, Garcia and Lovell absent.

Mr. J. J. Ball, 2616 South Loop West #110, Houston, Texas 77054 (713-592-5555) had reserved time to speak but was not present when his name was called. Council Members Edwards, Khan, Holm, Garcia and Lovell absent.

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. Council Members Edwards, Khan, Holm, Garcia and Lovell absent.

Dr. Anjanette Wyatt, 2904 Woodard, Houston, Texas 77026 (832-755-9134) appeared and stated that she was present to speak to Council about signage in the downtown area for motorist as her brother was killed in a Hummer accident in the downtown area, he misjudged and thought he was going onto the N-45 ramp so she had to find out for herself how it happened and drove the route more than five times and the signage did make you feel you were going onto the freeway so she was present today for her brother who was 40 years old and plowed straight into the pillar holding up I-45; that she was asking for a sign there to let people know they were not getting onto a freeway but going to a dead-end; that driving down Pease there were four lanes total and two on the left said I-45 North and her brother was in the right lane and nothing alerted anyone they were going to a road and not a freeway; and urged signage change. Council Members Khan, Holm and Garcia absent.

Mayor White stated that he wanted to do two things, first, Terrance Fontaine and Gary Norman would work together and Mr. Fontaine would tell him by the end of the week what was done, this would be treated with urgency; second, he wanted an assessment from the Director of Public Works and Mr. Fontaine, if this signage which was not adequate who was responsible, not in the blame sense, but who would know their job was not done right. Council Members Khan, Holm and Garcia absent.

Council Member Alvarado extended condolences to Dr. Wyatt and her family and stated that the Mayor had the right idea to find where the responsibility did lie and would add that they needed to contact TXDOT as freeways were their responsibility, they gave permission where signs would go; and Mayor White stated that he was saying to Mr. Norman and Mr. Fontaine that TXDOT could let him know what needed to be done so this problem and the process problem would not happen again. Council Members Khan, Holm and Garcia absent.

Council Member Brown stated that his office offered condolences to Dr. Wyatt and her family, it was a horrible tragedy and never should have happened and this city was responsible in protecting the citizens, her and her family and he was sure the Mayor would do what he said and she would hear from them shortly. Council Members Khan, Holm and Garcia absent.

Upon questions by Dr. Wyatt, Mayor White stated that she could speak right now with Mr. Fontaine and Mr. Norman for a time frame; that this would be investigated and if the signage could cost someone their life it needed to be fixed and would be. Council Members Khan, Holm and Garcia absent.

Council Member Edwards stated that she also joined in the sorrow for her loss, but this spoke to a larger problem of process because she could think of two to three intersections around the Galleria area which were misleading; and Mayor White stated to Mr. Fontaine and Mr. Norman he would take recommendation from the Director of Public Works based on his lifetime experience with organizations he believed there should be a relatively senior person with authority and responsibility to get signage right for both mobility and safety purposes and on problems jurisdictional they needed to first direct problems to the Director of Public Works and them to him, this would not be an office worker, but someone in a car on the road looking at the signs. Council Members Khan, Holm and Garcia absent.

Ms. Valory Barnett, 480 West Parker Road, Houston, Texas 77091 (713-694-6405) appeared and stated that she was present regarding crime in her area; that she had a property at I-45 North and Parker Road where the North Houston School for Business Charter School was located and a lot of teenagers had been leaving the school and going onto the Pecan Shadow Apartment Homes property and destroying property; that they were kicking doors and tearing up the fence and siding; that they were also drinking and doing drugs on the property, she caught four doing drugs and they took off running and she was trying to find where they were going and one said he would chop her head off; that she was the fourth property manager on the property as the rest had walked and her renters were afraid to come out; that they had a club next door, Chocolate Town, shut down because of some of the same problems and they could not afford security; that many were children from Louisiana and when she called the school was basically told they were rejects and could do nothing about it; and continued expressing concerns until her time expired. Council Members Khan, Holm and Garcia absent.

Upon questions by Council Member Johnson, Ms. Barnett stated that it was North Houston High School across from her property; that she tried to talk to the principal and she waived her off; that she told them she was almost physically assaulted and someone said they would get back with her and someone from the school called her supervisor's cell and said they were voicing a concern, but no one had talked with her; that she tried contacting the principal Ms. Hudd and the superintendent Mr. Williams; that she was new to the property, but the problem was actually over the last months many children who were in trouble and could not go to private schools had arrived and were now going to that charter school; that the storefront was further down on Shepherd and when she called they gave her a high five for trying; and Council Member Johnson suggested she invite the Super Neighborhood and the officers over to address the problem and work with the property across the street; and if she wanted to find out the president of the Super Neighborhood was his office would provide it to her. Council Members Wiseman, Khan, Holm and Garcia absent.

Upon questions by Mayor White, Ms. Barnett stated that she had 137 units on the property with longtime residents, the rents ranged from \$485.00 to \$975.00; and Mayor White stated that she could work with him and Council Member Johnson; that he was not saying this was occurring, but was communicating that if someone got dollars for calling themselves a charter school and he was not judging this school, but some did a good job and some received a check, pocketed a lot and did not do their job and they were the money changers in the temple of education; that he was asking someone who worked with him now to help figure out which category this charter school was in and then what to do about it; that he was not prejudging, but wanted Ms. Clark to see what they could do and he wanted some thought on how to work with the state to see what requirement the state could impose on the property to see if there was some security. Council Members Wiseman, Khan and Holm absent.

Ms. Mary Taylor, 1403 Fashion Hill Drive, Houston, Texas 77088 (281-445-0682) appeared, presented information and stated that she had a project for Willow Run and North Plaza and they were asking for the funding left in the budget last year for beautification; that she was told there was funding left and sent a proposal to Planning with no avail; that Mr. Tinnerman had referred her to Ms. Scott and somewhere it was stuck; that they in Acres Homes had no funding she knows since 1972 for any project: that Mr. Tinnerman said they would have a meeting and still no meeting and she wondered what the problem was. Council Members Wiseman, Khan and Holm absent.

Upon questions by Council Member Johnson, Ms. Taylor stated that she spoke with Ms. Scott in Planning and Mr. Tinnerman in the Mayor's Office; that she submitted an application as Ms. Scott said she had beautification funding; and Council Member Johnson stated that in working with the CDC in Fifth Ward the way they worked with Keep Houston Beautiful as well as some businesses was they all chipped in to build the signage and he thought they could work this way on this project as well and would speak with Ms. Scott. Council Members Wiseman, Khan, Holm and Brown absent.

Council Member Lawrence stated that she did not know of anyone giving 100% or any neighborhood receiving 100%; that she did know of neighborhoods who did projects and used grant money, etc., that the United way and the City of Houston had matching funds but that was prior to this Administration. Council Members Wiseman, Khan, Holm and Brown absent.

Upon questions by Council Member Berry, Ms. Taylor stated that she put in an application for beautification funds around April or May of last year; that she was told there was money and took bids but nothing had happened as yet. Council Members Wiseman, Khan, Holm and Brown absent.

Council Member Edwards stated that she was sure Council Member Johnson would work in getting this solved; and upon questions, Ms. Taylor stated that the Planning Department under the previous Administration did have a matching grant program; and Council Member Edwards stated that she felt Ms. Taylor had received bad information, but there were grants and she was sure Council Member Johnson would work with her and she was willing to assist also; and Ms. Taylor stated that Mr. Tinnerman directed her to Ms. Scott and also Ms. Paulette Wagner said she should call as there was funding. Council Members Khan, Holm and Brown absent.

Council Member Garcia moved that the rules be suspended for the purpose of adding Mr. Leo Gomez to the list of speakers, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Khan, Holm and Brown absent. MOTION 2005-0060 ADOPTED

Mr. John Ryan, 8370 Westview #87, Houston, Texas 77055 (713-973-9974) appeared, presented information to Mayor White and stated that he lived in fear and threats; that a man, Jim Barns with a protection services agency was called by someone saying he (Mr. Ryan) needed help and the man never turned loose of him; that he put him in a nursing home, assisted

living and wanted him to see his doctors, but he went to his own doctors and lived according to what his doctors said and not what Mr. Barns wanted and he wanted him off his back so he could live his life. Council Members Johnson, Clutterbuck, Khan, Holm and Brown absent.

Upon questions by Council Member Lawrence, Mr. Ryan stated that he lived in Hilshire Village, 8310 Westwood and the lady who ran it was Penny and the phone number was 713-461-6015 and the people would do just what he said to do, but he was trying to get out of where he was living to live his life. Council Members Clutterbuck, Khan, Holm and Brown absent.

Mr. Carl Brown, 6400 West Bellfort #917, Houston, Texas 77035 (713-478-6379) appeared and stated that he was present last week observing the leadership of the Mayor and Council, it was his first visit and he was impressed with them; that a high profile media person came into the room and it was a distraction to him, but it never distracted any of them, they stayed focused; that a long-term goal of his was to bring students to see how the leaders worked and he was impressed and today they showed their compassion; and he wanted to let them know that one citizen appreciated all that they did. Council Members Clutterbuck, Khan, Holm, Brown and Green absent.

Council Member Berry thanked Mr. Brown for coming and sharing his prospective. Council Members Clutterbuck, Khan, Holm, Brown and Green absent.

Mr. Leo Gomez, who was previously added to the speakers list, appeared and stated that he owned Triple A Demolishing and they were doing a project on South Main and the South Loop about a month ago and a truck flipped over on the side around 610 and South Main and they started unloading into another truck and called Apple Towing, who they always used, and they said they could not respond because it was not their time, but to call Dave's Wrecker Service so they did and his guys finished unloading the truck while the wrecker service sat around and then they righted his truck back up and followed him to his office for payment and they wanted \$2,500.00, he told the owner of the company that last time he paid \$375.00 for the same service and the owner said he was doing him a favor charging that, but he said he was not going to pay it and they stayed from about 7:00 p.m. to midnight and could not resolve the problem even when he offered \$1,000.00 in payment so police showed up and could not say what he had to pay so the next day he received a call asking if he would pay \$1,080.00 and he said it was too much but did to resolve the situation and that was not right; that he thought it was the SafeClear Program, but a month or two before he had paid \$375.00 and he just could not see why he had to do business with someone like that. Council Members Clutterbuck, Khan, Holm, Brown and Green absent.

Upon questions by Mayor White, Mr. Gomez stated that it was at South Main and the South Loop on the feeder road, one of his 18 wheelers had flipped over with debris; and Mayor White stated that he would like Mr. Cantu to speak with him, but there were only about five companies who did that and he did not think the city did anything to cause such a charge; and Council Member Berry stated that there was a whole separate set of regulations on the big trucks and there were other issues because there were only five; and upon questions, Mr. Gomez stated that when he called who he always used he was told he could not come out because it was not his turn; that after his truck was up righted he was told the charge; and Mayor White stated that he would ask Captain Bender or Captain Ready..; that there was motorist protection on price for regular wreckers although the wreckers did not like it and that was invalidated in court, but that did not apply to heavy duty wreckers; and Council Member Berry stated that they left it unregulated because they could not strike a deal with them; and Mayor White stated that if that was true then there were legal issues, if the city did not mandate it or require it then it was a criminal offense for people to decide whose turn it was to get the job under federal law and he wanted Captain Bender to report the facts back; that he felt it was a rip-off, but they would do some investigation. Council Members Lawrence, Holm, Lovell, Sekula-Gibbs and Green absent.

Council Member Garcia stated that he forwarded a message to Captain Bender to follow-up on the situation and he knew Mayor White's Administration was trying to make sure people were not victims of such charges; that he understood challenges with the heavy duties, but if it was not tackled he would be willing to work to help with it; and Mayor White stated that he knew the heavy duty did not want to be regulated at all and a very distinguished person came and made the pitch before the microphone, but when HPD found out the fact he wanted them to get with Legal because it violated federal law in the absence of regulation for people to decide they would take turns. Council Members Lawrence, Holm, Lovell, Sekula-Gibbs and Green absent.

Council Member Berry stated that he called someone familiar with the situation and his memory served him correctly they did not get a deal done with the five heavy duties and they were under the TXDOT contract; that apparently the opinion was the TXDOT contract allowed for a rotating situation; that there may be a gouging stipulation which fell within it, but the rotating five was where it was; and Mayor White stated that he was not into criticizing or attributing any alternative motive to TXDOT, but then what would they do about price; and Council Member Berry stated that TXDOT did not have SafeClear and he would argue this was a case why heavy duty should be brought into the program and thought they would take it on; and Mayor White stated that Mr. Gomez should hand Captain Ready his information at this time and he would work it through Auto Dealers and then through the chairman of the Public Transportation Committee and his office would take a look at it. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm, Brown, Lovell, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Council Member Khan moved to suspend the rules to add Mr. Danny Patel to the speakers list; and Mayor White stated unless there was an objection it was so ordered, as no quorum was present. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm, Brown, Lovell, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Mr. Danny Patel, who was added to the speakers list, appeared and stated that he was speaking on Agenda Item 23; ; that when they saw something going on outside their property they called police, but the police would not arrest them because they were standing outside their property; that also one out of 10 who were arrested were right back on the street again and if Council really wanted to stop the prostitution there should be big penalties or big jail time; that also when the city required hotel accommodations collectively they came up with 3,500 room nights for the hurricane victims and he was opposing the item; that they really wanted to stop the prostitution but he saw it as them (the hotels) being punished and if they wanted to stop prostitution they should stop all night clubs. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm, Brown, Lovell, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

Council Member Khan stated that he was aware the hotel and motel association helping during the Katrina crisis and the rest of Council and Mayor White were aware of it and they were very appreciative; that they valued their support and help and them as outstanding citizens of the city, but the ordinance would not punish them, it said if someone knowingly rented a room for prostitution they would be fined; and Mr. Patel stated that if that was the scenario then it was okay; and Council Member Khan stated that he would like Mr. Patel provided with a copy of the ordinance as he could not be fined for something of which he had no knowledge of; and Mayor Pro Tem Alvarado stated that they would make sure he received a copy. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm, Brown, Lovell, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

President Joseph Charles, Post Office Box 524373, Houston, Texas 77052-4373 (832-453-6376) appeared and stated that he was the official President of the United States and continued expressing his personal opinions until his time expired. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm, Garcia, Brown, Lovell, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

PRESENT)

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. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm, Garcia, Brown, Lovell, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

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

Mr. John Mezick, 1811 Ruiz, Houston, Texas 77002 (713-283-9518) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm, Garcia, Brown, Lovell, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

At 3:41 p.m. City Council recessed until 9:00 a.m., Wednesday, January 25, 2006. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm, Garcia, Brown, Lovell, Sekula-Gibbs, Green and Berry absent. Mayor Pro Tem Alvarado presiding. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, January 25, 2006

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, January 25, 2006, with Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Ada Edwards, Addie Wiseman, M. J. Khan, P. E., Pam Holm, Adrian Garcia, Carol Alvarado, Peter Brown, Sue Lovell, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; Mr. Arturo Michel, City Attorney; Ms. Martha Stein, Agenda Director present.

At 8:25 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:25 a.m. Mayor White called the meeting to order. Council Members Garcia, Brown, Lovell and Berry absent.

### **MAYOR'S REPORT**

Mayor White stated that he would begin with a paragraph Mayor's Report, which was more like a Mayor's request, that it affected Council Member Khan's district, but what was occurring in his district and the attitude that they had affected much of the districts in the City, that they had been talking about folks trying to build nightclubs next to a neighborhood in Sharpstown, where they had a bunch of Liquor Law violations and all of that sort of stuff, the company that bought it, that it was sort of a test case, that thanks to the offices of the City Attorney, Mr. David Beck and his firm had agreed to represent the City of Houston pro bono, to try to contest the renewal of their current license, that if anybody wanted to write a thank you note on behalf of the citizens of the City to Mr. Beck and the members of his firm who were standing up for the citizens, the firm was Beck, Redden and Secrest, One Houston Center, 1221 McKinney St., Suite 4500, Houston, Texas 77010, that Mr. Beck was one of the most outstanding and respected lawyers in the United States of America and he wanted to thank Mr. Beck and his firm for helping to protect the rights of their citizens in this particular matter; that the City was representing the neighbors and the neighborhood and looking at the pattern of Liquor Law violations. Council Member

Garcia absent.

Council Member Khan stated that he wanted to thank Mayor White for his interest in the issue and wanted to thank the City Attorney's office, that it was very similar to the leadership shown by Council Member Garcia fighting the after hour nightclubs, that on that issue Council Members Garcia and Alvarado were out in the forefront fighting the nuisances in the neighborhoods, and Mayor White stated that last year there were 29 denials of liquor permits for cantinas in the neighborhoods and so far year to date they were at the same pace, and if any new Council Member wanted a handbook of how they went about doing it then Council Members Garcia and Alvarado had certainly been at the forefront of the fight.

Council Member Lawrence stated that they had luck, they were six for six in closing them down, once they could get them to a hearing, they had an establishment called "Gigi's" on 34<sup>th</sup> and Highway 290, they had talked to the State many times and they could not get it in over a year brought to a hearing, the file on them for prostitution, selling drugs and arrests made there was thick and the State was holding them up, and Mayor White asked Council Member Lawrence what she thought the problem was, and Council Member Lawrence stated that she would like to talk to Mr. Beck because they got it to a hearing and had the officers come forward then the problem was handled through the witnesses, but just getting it back to Houston and an okay to have a hearing through the County was their problem on some of them, that "Gigi's" was one of them, that over a year their license had been up for renewal and they protested along with the State Representatives, that it was real important to work with them and perhaps they should get one of them to go talk to Texas Alcohol and Tobacco group and get that brought forward, they had not to this point been able to get that license brought back for hearing and it had been over a year that they had protested it.

Mayor White asked Mr. Michel if there was a way that they could ask the Houston Bar Association to get some volunteer lawyers to be helping the Council offices on something like that, and Mr. Michel stated that he had spoken with the Houston Bar president and he was committed to do that, they were organizing a breakfast to get the managing partners together to make it a focus and it would happen by the end of March, that on the issue that the Council Member raised, they were moving more aggressively to fight continuances' and delays, that it may also be helpful to have discussions with the Commissioners, the Mixed Beverage Permit process was done by the State Hearing Officers and it would be helpful if they would be more aggressive in trying to conclude them, in holding the parties feet to the fire to get them tried as quickly as possible, and Mayor White stated that they should do two things, one, that between Mr. Michel, Ms. Travis and the folks who represented them Austin and keep Council Members copied, they wanted to know exactly what they wanted the Commission to do, that they would do whatever it took in order to get some expedited treatment, that second, when they did have the meeting of leaders of the Houston Bar Association and the various law firms, they should think of the format so people who committed to provide efforts at no expense to the taxpayers and provided resources, that they get a chance to thank them for what they had done.

Council Member Alvarado stated that they had a workshop for their civic clubs and brought in TABC and HPD and walked them through the steps of how to organize themselves and how to begin protesting the license of a nuisance establishment, that they also encouraged them that any time there was suspicious activity to make the calls for service because those calls were looked at and often times were a deciding factor on whether or not an establishment could get their license, that was something that needed to be communicated, that they had model for that if any of the new Council Members were interested in hosting that.

Council Member Garcia stated that they had been very successful and thought there were twelve that they had effectively either shut down or prevented from opening but it had created another situation, the bars were now hiring attorney's and law firms to fight their cases, and it just highlighted the process that civic clubs, no matter how well they prepared them, did not know or did not get access to crime statistics like the Council could, that they really had to

develop a full fledged trial for those situations, that they were pushing stronger that if it was not the license holder making the violation then it should all be forgotten, so they needed to continue to have legal representation at the table for the communities, that also they had to inform the community that they just could not fight every bar protest, just because, there had to be calls for service and crime information and things of that nature that would help to make a legitimate argument. Council Member Lovell absent.

Mayor White stated that on another issue involving truancy he had excellent discussions with the District Attorney and that was the largest public trial office in the region, Harris County and the City of Houston and wondered if there was some kind of cost sharing arrangement they could have so that there was a dedicated prosecutor of those cases. Council Member Lovell absent.

Council Member Brown stated that he thought it was a good idea to have a special prosecutor, that he believed there was a time when the City of Houston was considering having an ombudsman, someone who would function in that role and asked Mayor White if that was what he had in mind, and Mayor White stated that may be a good suggestion, but somebody who was there representing the City day in, day out, where they would show up to work most days was in the hearing and they were an attorney because as they had gotten more sophisticated at dealing with some of the bad guys, they had begun hiring lawyers, even former Council Members, he understood, in order to try to keep the liquor licenses, that it went from one shell corporation to another, and they needed to have some discovery and look at documents, but he thought the idea of having somebody who is a go-to person, the Police Department, Citizens Assistance and Council staff had all played a role. Council Members Edwards, Khan and Green absent.

At 9:45 a.m. Mayor White stated they would move to the consent agenda. Council Members Edwards and Khan absent.

### **CONSENT AGENDA NUMBERS 1 through 57**

#### **MISCELLANEOUS** - NUMBERS 1 through 7

1. CONFIRMATION of the appointment of the following to the **HOUSTON-GALVESTON AREA COUNCIL BOARD OF DIRECTORS**, for one-year terms to expire December 31, 2006:
  - Position One - Council Member Addie Wiseman
  - Position Two - Council Member Adrian Garcia
  - Alternate At-Large Positions - Council Members Sue Lovell and Pam Holm – was presented, moved by Council Member Lawrence, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Edwards and Khan absent. MOTION 2006-0061 ADOPTED.
4. RECOMMENDATION from Fire Chief to approve the donation of Outdated/Surplus Firefighting Equipment to “Sister City” Tampico, Mexico – was presented, moved by Council Member Lawrence, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Edwards and Khan absent. MOTION 2006-0062 ADOPTED.
5. RECOMMENDATION from Chief of Police for approval of Law Enforcement Agreement between **HARRIS COUNTY** and **MEADOW CHASE CONDOMINIUM ASSOCIATION** for law enforcement services of one (1) deputy from Harris County Constable Precinct 7 - **DISTRICT C - CLUTTERBUCK** – was presented, moved by Council Member Lawrence, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Edwards and Khan absent. MOTION 2006-0063 ADOPTED.
6. RECOMMENDATION from Chief of Police for approval of Law Enforcement Agreement

between **HARRIS COUNTY** and **BRIARHILLS PROPERTY OWNERS ASSOCIATION, INC** for law enforcement services of three (3) deputies from Harris County Constable Precinct 5, **SOUTHMEADOW PROPERTY OWNERS ASSOCIATION** for law enforcement services of two (2) deputies from Harris County Constable Precinct 7 and **WOODSIDE CIVIC CLUB** for law enforcement services of one (1) deputy from Harris County Constable Precinct 7 - **DISTRICTS C - CLUTTERBUCK; F - KHAN and G - HOLM** – was presented, moved by Council Member Lawrence, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Edwards and Khan absent. MOTION 2006-0064 ADOPTED.

7. RECOMMENDATION from Chief of Police for Injury on duty leave extension for Police Officer **FERNANDO MATA** – was presented, moved by Council Member Lawrence, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Edwards and Khan absent. MOTION 2006-0065 ADOPTED.

Mayor White and Members of Council congratulated the appointees to the Houston-Galveston Area Council Board of Directors.

**ACCEPT WORK** - NUMBERS 9 and 11

9. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$411,350.36 and acceptance of work on contract with **JOHN REED AND COMPANY, LTD.** for Outpost Estates Drainage Improvements, GFS M-0126-S2-3 (SM5030) 13.84% under the original contract amount - **DISTRICT A – LAWRENCE** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2006-0066 ADOPTED.
11. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,475,685.03 and acceptance of work on contract with **CONTRACTOR TECHNOLOGY, INC** with payment to the surety, **AMERICAN MOTORISTS INSURANCE COMPANY** for San Felipe Widening from Buffalo Bayou to Briargrove, GFS N-0565-02-3 (N-0565-02) - 06.04% under the original contract amount - **DISTRICT G - HOLM** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2006-0067 ADOPTED.

**PROPERTY** - NUMBERS 16 and 17

16. RECOMMENDATION from Director Department of Public Works & Engineering to **RESCIND MOTION #2005-416, 5/11/05**, which authorized purchase of Parcel A98-015, located at 10500 Richmond Avenue, owned by Zenith Capital Group, LC, a Texas limited liability company Ayaz Nasser, President, for the **ROGERDALE ROAD PAVING PROJECT from Westpark Drive to Westheimer Road**; and **TO AUTHORIZE** condemnation of said parcel, CIP N-0644-09-1 **DISTRICT G - HOLM** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2006-0068 ADOPTED.
17. RECOMMENDATION from Director Department of Public Works & Engineering to **RESCIND MOTION #2005-436, 5/18/05**, which authorized purchase of Parcel A98-014, located at 10555 Richmond Avenue, owned by RealtyCorp International Group, Ltd., a Texas limited partnership [Investcorp Capital Management Group, LLC, a Texas limited liability company (Ayaz Nasser, Manager) General Partner], for the **ROGERDALE ROAD PAVING PROJECT from Westpark Drive to Westheimer Road**; and **TO AUTHORIZE** condemnation of said parcel, CIP N-0644-09-1 - **DISTRICT G - HOLM** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2006-0069 ADOPTED.

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 20 and 22

20. **AMEND MOTION #2001-348, 3/28/01, as previously amended by Motion #2004-233, 3/3/04, TO INCREASE** spending authority from \$960,600.00 to \$1,056,660.00, for the Schweizer 269 Series Helicopter Replacement Parts Contract for Police Department, awarded to **AIR FLITE, INC** \$96,060.00 - General Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2006-0070 ADOPTED.
  
22. **INTERNATIONAL AIR, LTD.** for One Climate Control System for Department of Public Works & Engineering - \$77,733.00 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2006-0071 ADOPTED.

**ORDINANCES** - NUMBERS 25 through 53

25. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a portion of Sharpcrest Lane, Parcel SY4-028, located in the W. E. Sanders Survey, A-1138, Houston, Harris County, Texas; vacating and abandoning said tract to Alief Independent School District, the abutting owner, in consideration of owner's conveyance to the City of a right-of-way easement over a 5,735 square foot, more or less, tract of land, Parcel AY4-032, also located in said W. E. Sanders Survey, A-1138 and construction of a cul-de-sac thereon; conveyance to the city of a right-of-way easement over a 113 square foot, more or less, tract of land, Parcel AY4-033, also located in the W. E. Sanders Survey; the payment by owner to the City of \$3,300.00; and other good and valuable consideration - **DISTRICT F - KHAN** – was presented. All voting aye. Nays none. ORDINANCE 2006-0060 ADOPTED.
  
26. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a portion of a 10-foot-wide utility easement and of a 15-foot-wide drainage easement, Parcels SY5-004B and SY5-004C, respectively, together with their attendant aerial easements, vacating and abandoning said easements to HD Development Properties, L.P., the abutting owner, in consideration of its conveyance to the City of a 10-foot-wide replacement utility easement and a 30-foot-wide replacement drainage easement, Parcels VY5-001 and LY5-001, respectively, and its payment of \$3,600.00 and other consideration to the City; the two abandonment parcels and the two conveyance parcels all being located within Block 1, Unrestricted Reserve A, Home Depot-North Loop Addition and/or Shady Acres Addition, Houston, Harris County, Texas - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. ORDINANCE 2006-0061 ADOPTED.
  
32. ORDINANCE establishing the north side and south side of the 400 block of Bishop Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. ORDINANCE 2006-0062 ADOPTED.
  
33. ORDINANCE establishing the east and west sides of the 1400 and 1500 blocks of Columbia Street within the City of Houston as a special building line requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. ORDINANCE 2006-0063 ADOPTED.
  
34. ORDINANCE establishing the east and west sides of the 1600 block of Columbia Street within the City of Houston as a special building line requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. ORDINANCE 2006-0064 ADOPTED.

35. ORDINANCE establishing the north side and south side of the 600 & 700 blocks of W. Cottage Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. ORDINANCE 2006-0065 ADOPTED.
36. ORDINANCE establishing the north and south sides of the 2400 and 2500 blocks of Rosedale Street within the City of Houston as a special building line requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. ORDINANCE 2006-0066 ADOPTED.
37. ORDINANCE establishing the north side of the 4400 and 4500 blocks of Rusk Street within the City of Houston as a special building line requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. ORDINANCE 2006-0067 ADOPTED.
39. ORDINANCE consenting to the addition of 0.4940 acres of land to **HARRIS COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 84**, for inclusion in its district – was presented. All voting aye. Nays none. ORDINANCE 2006-0068 ADOPTED.
40. ORDINANCE consenting to the addition of 4.615 acres of land to **NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 28**, for inclusion in its district – was presented. All voting aye. Nays none. ORDINANCE 2006-0069 ADOPTED.
41. ORDINANCE consenting to the addition of 134.3987 acres of land to **NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 32**, for inclusion in its district – was presented. All voting aye. Nays none. ORDINANCE 2006-0070 ADOPTED.
42. ORDINANCE amending Ordinance No. 2001-818 to increase the maximum contract amount of contract #C53094 between the City of Houston and **NORTHROP GRUMMAN CORPORATION (Formerly PRC PUBLIC SECTOR, INC)** for Maintenance and Operational Support of the Consolidated Dispatching System at the Houston Emergency Center - \$4,938,136.80 - Equipment Acquisition and 911 Emergency Network Funds – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.
50. ORDINANCE appropriating \$418,236.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **KLOTZ ASSOCIATES, INC** for Design of Sewer Line Replacement - Sims Bayou Utility Conflict Relocation between Almeece/White Heather, Hiram Clarke/White Heather, and Fuqua/Tiffany, GFS R-0521-A2-2 (WW4906); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. ORDINANCE 2006-0071 ADOPTED.
51. ORDINANCE appropriating \$592,394.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **PATE ENGINEERS, INC** for Design of Sanitary Sewers for Almeda Sims, Kingwood and Northeast Wastewater Treatment Plant Service Areas, GFS R-1000-06-2 (WW4909); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS D - EDWARDS and E - WISEMAN** – was presented. All voting aye. Nays none. ORDINANCE 2006-0072 ADOPTED.

52. ORDINANCE appropriating \$1,419,880.00 out of Drainage Improvements Commercial Paper Series F, Fund No. 49R and approving and authorizing Professional Engineering Services Contract between the City of Houston and **UNITED ENGINEERS, INC** for Clairmont Place Drainage Improvements, Crestmont Park/South Acres Drainage Improvements and Trinity-Houston Gardens Drainage Improvements, GFS M-0269-01-2 (SM5063), M-0272-01-2 (SM5061), and M-0292-01-2 (SM5060) - **DISTRICTS B - JOHNSON and D - EDWARDS** – was presented. All voting aye. Nays none. ORDINANCE 2006-0073 ADOPTED.
53. ORDINANCE appropriating \$550,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **BROWN AND GAY ENGINEERS, INC** for City-wide On-Call Transportation Engineering Services, GFS N-0650-23-2 (SB9258); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund – was presented. All voting aye. Nays none. ORDINANCE 2006-0074 ADOPTED.
55. ORDINANCE appropriating \$247,811.33 out of Fire Consolidated Construction Fund, determining that the formal of taking of competitive bids is not required for the work described herein; and awarding construction contract for Pavement Removal, Soil Remediation and Disposal at Downtown Fire Station No. 8, GFS C-0149-03-5, to **COLUMBIA ENVIRONMENTAL SERVICES, INC**; providing funding for project management, construction oversight and contingencies relating to construction of facilities financed by the Fire Consolidated Construction Fund - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. ORDINANCE 2006-0075 ADOPTED.

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

**MISCELLANEOUS**

2. RECOMMENDATION from Director Affirmative Action and Contract Compliance to set affirmative action goals for airport leasing (concession) contracts through September 30, 2008 in compliance with DBE Ordinances 89-226 and 99-893 and DOT/FAA requirements based upon 49CFR Parts 23 and 26 – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. Council Member Wiseman voting no, balance voting aye. MOTION 2006-0072 ADOPTED.
3. RECOMMENDATION from Director of Department of Public Works & Engineering and Director of the Affirmative Action and Contract Compliance Division for MBE and WBE participation goals for certain water and wastewater projects financed by the State Revolving Fund Program – was presented, moved by Council Member Khan, seconded by Council Member Alvarado.

Council Member Holm stated that the item was meeting their required standards for 42% and was not opposing that in any way but thought it was an opportunity for them to help their Legislative team understand the importance of having a fair and equitable average, that they were getting calls from contractors who said that if they were required to do 42% of the business with whatever, without knowing what those qualifications were, that it was going to limit the capacity of those who bid projects, that she thought it was time to evaluate because they needed to make sure that their intention, which she thought was clearly to raise the capacity of people to be able to serve in key positions and take on significant roles, that they as a City were really achieving that goal and not just working through quotas.

Mayor White stated that they found Ms. Velma Laws judgment on some of those was mature, well informed about the details of business, to reach just that right balance, that he

wanted to thank her for her public service and if she saw issues such as those addressed by Council Member Holm to address them forthrightly within the administration and he had found that Ms. Law was perfectly willing to do that.

Council Member Sekula-Gibbs stated that she thought the notion of having a contractor required to have 42% of women and minority owned business participation in their subs was very high and thought that if a person was running their own business there needed to be some ability to bid for a City contract without jumping over a bar that she thought was outrageous, that she heard the same kind of complaints from organizations that would like to bid on City contracts and they were basically concerned, that she did not know if it had to happen today or if there was room for discussion and for the Mayor's evaluation to see if there was some way to make it a more realistic goal.

Council Member Edwards stated that Ms. Laws was at the MWBE Committee meeting yesterday and she explained what was happening very clearly and explained it to the sense that even though it was an overriding they could still operate their standards traditionally, that her concern was if they kept allowing those types of observed rulings to stand they would gut the whole foundation of Affirmative Action, they would get it to the point where nobody could comply with it and they would have no program at all, that she did not know who was responsible, department wise, she knew it was federal government, that she would like to have someone come down and tell them why they thought it was important, or some kind of briefing from them as to why they would do something like this, why would any prudent business person give away 40% of a job, that did not sound to smart to her.

Mayor White stated that he thought the Committee that Council Member Edwards chaired now, with the benefit of a lot of experts, ought to focus on these issues, and also the issue that she raised, which he thought the citizens in every neighborhood would be sympathetic to, which was what role did they play in the certification procedure for the things that companies did to recruit and mentor and train young people for service, that it should not just be the person at the top, that he would invite Council Members to have some hearings and have a community discussion on these issues, and Council Member Edwards stated that her greatest comfort was as long as Ms. Laws was here, she thought they could work through this, but if she ever left then any other director she was not sure would be as prudent as Ms. Laws was in making sure it worked, that her biggest fear was that they were going to ordinance themselves right out of an Affirmative Action Program where nobody would be able to participate in a meaningful way, so however they needed to do that she would like to see some further discussions on that.

Council Member Garcia stated that as his colleague had alluded to yesterday at the MWBE Committee meeting they discussed the issue to make sure they understood, that he had gotten calls from the Houston Contractor's Association and they wanted to be clear that although they supported helping the women and minority businesses they were concerned that such a threshold just did not make sense, that Ms. Laws walked them through the process and the most important thing about what he gathered out of Ms. Laws presentation was that there was a six step process, that essentially the sixth step being what the City required, so they were essentially encouraging businesses to go through a five step exercise to demonstrate that they were trying to find those companies to do business with, that if by some happenstance it did get to 42 percent, well, great, but that was not where they were going to start whacking heads off if it did not happen, that to the Mayor's point, some creative discussions that they had with Ms. Laws in their first term were essentially what the Mayor had mentioned, how did they support and thank companies who are hiring kids after school, that HISD reconstituted four high schools last year and he and Ms. Laws had discussions that one of the things that motivated kids in tough circumstances was making sure that they had some promise of having a successful life and supporting their families and so they went through a process, that he hoped that they got to implement it this term and that was the Mayor's summer job program that Ms. Laws' office would oversee, that he would tell small and minority businesses that if they did not meet their goals here but were employing Houston schools from some of our most impoverished

neighborhoods that was really where the rubber hit the road and so there was a lot to do, that as the Chairman of the committee he had been talking to all department directors, understanding their process and interaction with the Affirmative Action Office, and making sure that they make this program work in a sensible way and that they demonstrate to Houston that if they were doing business in Houston that they were going to encourage other businesses in Houston to deal with them first, that he thought that was a reasonable goal for the committee to tout and so a motto that they had come up with was "buy Houston first", because why would they want to start a business here in Houston, why would they want to invest in capital and build a restaurant or build a business in Houston if no one was going to point business in their direction, that he wanted to thank Ms. Laws for her work. Council Member Berry absent.

Council Member Khan stated that he agreed totally with their comments about Ms. Laws and would also suggest that it was not just her job, that they needed the cooperation on these contracts with the departments, especially the people who were directly responsible for the progress of the projects, like the project managers on construction projects, that they could play a very effective role in getting the goals met by the suppliers and contractors, so he hoped that she got a whole lot more cooperation from the various departments and their personnel and hopefully that would help them achieve these goals. Council Member Berry absent.

Council Member Sekula-Gibbs asked if the City had given any feedback to the State Water Authority, letting them know that they had concerns about these numbers or was there an opportunity for feedback to say that the number that they giving them to tell their contractors to achieve was very high and they did not know if it was achievable, had they gone through that process, the State Revolving Fund Program, and Mayor White stated that he knew that the EPA, which had requirements through the Texas Water Board, and Ms. Laws had discussions., that he would suggest the committee have an appropriate hearing on all these issues. Council Member Berry absent.

A vote was called on Item No. 3. Council Members Wiseman and Sekula-Gibbs voting no, balance voting aye. Council Member Berry absent. MOTION 2006-0073 ADOPTED.

### **ACCEPT WORK**

8. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$560,759.10 awarded to **JACKSON CONSTRUCTION SERVICES, INC** and acceptance of work by final payment to the surety, **THE GUARANTEE COMPANY OF NORTH AMERICA USA** for Roof Replacement at West End Health Center, West End Multi-Service Center and Riverside Health Clinic, GFS H-0018-01-3 - 03.79% over the original contract amount **DISTRICTS E - WISEMAN and H – GARCIA** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Berry absent. MOTION 2006-0074 ADOPTED.
10. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$8,573,221.58 and acceptance of work on contract with **TEXAS STERLING CONSTRUCTION L.P.** for Almeda Genoa Road; Paving, Drainage, Sanitary, Signals, and Water Improvements, GFS N-0493-01-3 (N-0493-01) - 10.15% over 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 Berry absent. (Note: Council Member Edwards released her tag later in the meeting.)
12. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$928,919.72 and acceptance of work on contract with **TJ & T ENTERPRISES, INC** for Kingwood Drive Paving from Willow Terrace Drive to

Hidden Lakes Drive, GFS N-0644G-01-3 (SB9009-02) - 08.23% over the original contract amount - **DISTRICT E - WISEMAN** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2006-0075 ADOPTED.

13. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,457,798.19 and acceptance of work on contract with **SILVA, INC** for Citywide Generic Overlay Project, GFS N-1037-36-3 (OL2036) - 03.67% over the original contract amount - **DISTRICTS C - CLUTTERBUCK; D - EDWARDS and I - ALVARADO** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2006-0076 ADOPTED.
14. RECOMMENDATION from Director Department of Public Works & Engineering, for approval of final cost of \$2,596,777.84 and acceptance of work on contract with **BRH-GARVER, INC** for Sanitary Sewer Maintenance Repair by Cured-in-place Pipe, GFS R-0266-74-3 (WW4258-4) 01.64% under the original contract amount - Enterprise Fund - **DISTRICTS A - LAWRENCE; C - CLUTTERBUCK; D - EDWARDS; E - WISEMAN; F - KHAN; G - HOLM and H - GARCIA** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. MOTION 2006-0077 ADOPTED.
15. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,719,792.35 and acceptance of work on contract with **C & C SERVICES** for Construction of Water Line Replacement in Various Unserved Subdivisions, Fifth Ward Area, GFS S-0700-58-3 (WA10566-1) - 15.25% under the original contract amount **DISTRICT B - JOHNSON** – was presented, moved by Council Member Khan, seconded by Council Member Garcia.

Council Member Sekula-Gibbs stated that she wanted to compliment C&C Services for achieving the contract goals and accomplishing the project and yet being 15% under the original contract.

A vote was called on Item No. 15. All voting aye. Nays none. MOTION 2006-0078 ADOPTED.

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

18. **AGILENT TECHNOLOGIES, INC** for Gas Chromatograph System from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for the Health & Human Services Department - \$41,524.79 - Equipment Acquisition Consolidated Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2006-0079 ADOPTED.
19. **AMEND MOTION #2004-964, 9/1/04, TO INCREASE** spending authority from \$93,615.40 to \$153,615.40, for Miscellaneous Diagnostic Test Kits for Health & Human Services Department, awarded to **BIOMERIEUX, INC** - \$60,000.00 - General and Grant Funds – was presented, moved by Council Member Khan, seconded by Council Member Alvarado.

Council Member Edwards asked if someone could give her information on what the diagnostic tests were for, and Mayor White stated that they would get that information for her.

A vote was called on Item No. 19. All voting aye. Nays none. MOTION 2006-0080 ADOPTED.

21. **RAPID ENVIRONMENTAL SERVICES, LLC** to Address Emergency Disaster Recovery by providing Potable Water Tanks - \$55,000.00 - General and Enterprise Funds – was presented, moved by Council Member Khan, seconded by Council Member Alvarado, and tagged by Council Member Wiseman.

## **ORDINANCES**

23. **ORDINANCE AMENDING SECTION 28-14 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Rental of premises to certain persons; declaring certain conduct to be unlawful and providing a penalty therefore; providing for severability – was presented.

Council Member Holm stated that she was concerned about the wording of this particular ordinance because it seems that that we are saying that we are going to train hotel clerks to identify prostitutes and she was not sure where that gets them in solving prostitution other than transferring responsibility to someone else to do the job, that she thought they were in a real serious position, that she was going to tag the item and thought they had some more work to do.

Council Member Wiseman stated that she had circulated an amendment to the proposed ordinance change to answer some of the concerns that she knew her colleague had and that she had as well, that the amendment clarified the definitions of prostitution and sexual conduct and related offenses in Chapter 43 of the Texas Penal Code and should apply to that section, that she thought that distinction and clarification needed to be made, that in another section of their Code of Ordinances, with respect to some similar conduct, it was made clear that the definitions that were applied to that chapter and that provision were the definitions that were laid out in the Texas Penal Code.

Council Member Wiseman presented the following written motion to amend Item No. 23 as follows:

“By copy of this memorandum I move that the following language be added to Agenda Item 23, regarding the rental of hotel/motel rooms to certain individuals:

Sec. 28-14.

(d) The definitions of prostitution, sexual conduct and related offenses in Chapter 43 of the Texas Penal Code shall apply to this section.”

Council Member Garcia stated that he thought the amendment would be a very constructive one to add to the ordinance, that he had gotten a call from a gentleman telling him that there were motels in his neighborhood where there was prostitution going on, and ask that he please help them out, so the work with Judy Johnson in trying to create an effective matrix to audit these hourly motels because they did a comparison between a motel where there were no community complaints on to a motel that the gentleman had identified and the motel with no complaints brought in about \$45,000 in HOT tax, but the motel that he was complaining about was bringing in about \$5,000, that ultimately it was the front desk, not all of them but a select few that were turning a blind eye or being a participant in the activity and that's what Captain Jett and this ordinance were working to address, that the amendment that Council Member Wiseman was making was a good one, and a very constructive one.

Council Member Johnson stated that the ordinance certainly spoke to his neighborhood and this was an issue that he had fought over and over and over again, and quite frankly when they come into his neighborhood, it is easily identifiable what a prostitute is, when these young ladies are standing on the corner flagging cars and when they are standing in front of the motel, that quite frankly he had written to many of the motels personally and had gotten letters back from their attorneys threatening him with lawsuits because he had misrepresented their establishment, that they could not wait to make this a perfect ordinance because the people of his district suffer so he thought it was imperative that they move on this ordinance because it

certainly helps the constituents and then certainly the children.

Council Member Sekula-Gibbs stated that she wanted to thank Council Member Wiseman for the amendment, and was going to tag the a amendment so it could be part of the original item, that she had a question about the enforcement of the ordinance, that they had been discussing economy hotels and motels, but her office had received some complaints about prostitution occurring in up scale establishments as well, so her question was how would an individual who saw something like this occurring and wanted to file a report and get some scrutiny devoted to the up scale hotels or up scale establishments, how would they be able to call attention to that as well.

Council Member Garcia moved to suspend the rules to hear from Captain Jett, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2006-0081 ADOPTED.

Upon questions by Mayor White, Captain Jett stated that people call the vice division every day, that they take in about 700 complaints per year, and try to address every single one of them in a timely manner, that some of them were a little slower than others, that as to the up scale hotels, many of the upscale hotels may have some sign of prostitution, but it was very discrete, what the public was more concerned with was the street prostitution where it was very, very obvious, and the motels that were in business for prostitution, that they did not typically have relatives come into town in the neighborhood and stay there so that was why there was a difference between up scale hotels and the hotels and the motels in certain neighborhoods, that the desk officer was there 24 hours a day, five days a week anyway, that the number to call was 713-308-8606, and that an officer would take that complaint and they would investigate it. Council Member Alvarado absent.

After further discussion Council Member Edwards stated that was very concerned about civil Liberties and people's rights being usurped through ordinances, but she thought that at this point in time in certain communities, neighbors were being held hostage and the prostitutes in the areas of the district that she represented were becoming younger and younger, that Pastor Nash and the pastors in the area were going out, that they could go on a Sunday afternoon at three o'clock if the afternoon and be two blocks from a church and have people boldly come up and solicit them, that they needed to do something, that she did not know if it would work, but at least maybe it would put some people on notice; that on another point, and maybe Captain Jett, could speak to it, and that was when they arrested prostitutes, they were right back on the street, that this was not going to solve that problem, that she did not know how they determine what was a felony or what a misdemeanor, she did not know who did, but she thought at some point in time when a crime became so oppressive in a community that there needed to be somebody looking at it to see what was happening, that people were just going in, taking a shower and getting a rest and coming back on the street, were they really doing anything at all regarding this issue. Council Member Alvarado absent.

Mayor White stated that as he understood it, the judges did have the ability to sentence for 30 days, that he did not want to get anybody in trouble, but what did he want to say to them about what their criminal justice system would do to make sure that it was not just simply a revolving door, in and out in 24 hours, and could Captain Jett address that. Council Member Alvarado absent.

Captain Jett stated that he did not know if they could solve that problem, but the DA's office did have a progressive scale that they recommend for punishment, it was usually 10, 30, 60 or 90 days, that the third conviction was a State jail felony, and they were sending people to State jail, that there was some variation, that he did a recent study of Montrose convictions, and he found that only one judge was fairly lenient in his sentences and the rest of them, he would say 45 to 90 days was the typical sentence, that was not going to be for a first offense, it was going to be for a second or third offense, but they file felony offenses on them after they have had three convictions, there was a progressive scale and the sad thing about it was they

continued to return out there because they may have no other options. Council Member Johnson absent.

Council Member Edwards asked that regarding the 90 days, when they come out do a lot of them change their ways or do most of them go back, and Captain Jett stated that most of them do go back to the street, that if they have been convicted three times, on the fourth time it would be a state jail felony where they could sentence them to up to two years in state jail, that it does not happen very often, that 180 days was approximately the most he had seen, that prostitution was looked at as a victimless crime, it was but it was tearing neighborhoods apart. Council Member Johnson absent.

Council Member Brown asked Captain Jett how many full time equivalent vice officers does HPD have to enforce our laws related to this problem, and Captain Jett stated that right now he had 31 police officers working in the vice division, but each station had a tactical unit that made prostitution cases. So there was better coverage than just what the vice office can provide, that he did not feel that they had adequate personnel to do the job, but the Mayor and the chief had been working to get him additional people. Council Member Johnson absent.

Council Member Lawrence stated that she wanted to thank Council Member Garcia for bringing this forward in committee and Captain Jett for his statements, that she had asked legal in committee if they had checked with any judges, or any attorneys that actually prosecuted to be sure this law holds up and it was not repetitious of what they already had on the books, and their answer was no, this was in-house written and they had not checked with anybody, that was where she had a problem, she would hate to put a law that would not hold up and they would waste a judge's time, if they needed to tweak something, a definition, that was great, but she thought in this case, because the City Legal did not specialize in prostitution, that perhaps they should check with some outside sources and be sure that this was valid enough to hold up, and Mr. Michel stated that they would get that done. Council Member Green absent.

Upon questions by Council Member Khan, Captain Jett stated that first of all, many of them were presuming that these businesses were innocent businesses just unknowingly renting to prostitutes, that many of these businesses were specifically in business for that purpose, and when they had done previous sting operations they would rent their motel rooms, and he had owners come to him and tell him that he was hurting their business because they had rented three rooms to them but they had not rented any hotel rooms for the hours that they were there to the prostitutes or the tricks that were coming in there, that the burden of proof in the ordinance was going to be very strong, but it was going to be on them, it was not going to be on the clerk, they were going to have to prove that the clerk knew what he was doing and it would through conversations, covert conversations by the under cover officers with those clerks. Council Member Edwards absent.

Council Member Khan stated that Mayor White had really shown a lot of leadership on the apartment complex issue, the crimes in apartments, and could they use some of the nuisance ordinances for this problem also besides the ordinance, and Mayor White stated yes, that he thought that was worthy of consideration, where they identify some of the places that were magnets and the biggest magnets, that was one tool that they needed to think about using, that there was another tool, anything that ultimately gets to the ownership of the operation and makes the ownership make a choice about whether they want to do a legitimate operation or not, the ownership can influence how these properties are used. Council Member Edwards absent.

Council Member Lovell asked if this also applied to the new day spas and massage parlors that seem to be popping up, especially over in her neighborhood, and Captain Jett stated that he did not think it could apply to it, that some of the girls lived in those spas, but they were not in a sense paying rent that they knew of, that when they go into a spa they have separate little bedrooms, so to speak, that clients are taken into, but they did not necessarily

rent that room, they rent the girl, so he was not sure if it would apply to those spas, that when you go into a spa, you pay your 140 dollar door fee or 60 dollar door fee, whatever it is, and they do take you to a room and a female will come into that room with you, and Council Member Lovell stated that was the sort of what happened at the hotels also, and Captain Jett stated yes, but they were cautious on how they did it, it may be that the clerk who they pay the door fee to, she did not usually have discussions on what the second act was going to be, that sometimes it was made right there at the door and when that happens they will typically take both people with them, one for promotion and one for promotion of prostitution, and Council Member Lovell stated that if they wanted to get really clever they could eliminate the clerk and go directly to the room as they did at the spas, and Captain Jett stated that he did not know how they could eliminate a clerk at a motel. Council Member Edwards absent.

After further discussion Council Member Holm stated that she would release her tag on Item No. 23.

After further discussion Council Member Garcia stated that he saw Judge Moriarity in the audience and his colleague had a question about the enforcement of the ordinance and moved to suspend the rules to hear from Judge Jim Moriarty, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2006-0082 ADOPTED.

Mr. Moriarity stated that he would offer his opinion as a citizen and now a special counsel to the City rather than a judge, that he was now a former judge, that would strongly encourage them to consider this kind of approach, if they were going to kill the snake, they had to cut the snake off at the head, the criminal law was designed to deal with the actors, the prostitutes, the male prostitutes and the female prostitutes, it did not attack the head, the head were the businesses that were making organized profit from the services that they sold, that this hotel occupancy tax approach and this ordinance approach ought to give them an effective way to cut off the head of the snake. Council Member Alvarado absent.

After further discussion Council Member Sekula-Gibbs stated that she would release her tag on Council Member Wiseman's motion to amend Item No. 23.

A vote was called on Council Member Wiseman's motion to amend Item No. 23. All voting aye. Nays none. MOTION 2006-0083 ADOPTED.

A vote was called on Item No. 23 as amended. All voting aye. Nays none. ORDINANCE 2006-0076 ADOPTED AS AMENDED.

24. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of (1) Parcel SY5-047, a 5-foot portion of Kenilworth Drive, containing 150 square feet of land, more or less, vacating and abandoning said tract of land to Julian J. and Ingrid M. Gonzales, abutting owners, in consideration of said owners' dedication of Parcel VY5-006, a 5-foot utility easement containing 150 square feet of land, more or less, located on the plat of Bayou Woods, Section Three, James Wharton Survey A-871, Harris County, Texas, and payment of \$1,725.00 and (2) Parcel SY5-048, a 5-foot portion of Kenilworth Drive, containing 150 square feet of land, more or less, vacating and abandoning said tract of land to Keith C. and Julie A. Jaehne, abutting owners, in consideration of said owners' dedication of Parcel VY5-007, a 5-foot utility easement containing 150 square feet of land, more or less, also located on said plat of Bayou Woods, Section Three, and payment of \$1,725.00, and other consideration to the City **DISTRICT G – HOLM** – was presented. All voting aye. Nays none. ORDINANCE 2006-0077 ADOPTED.
27. ORDINANCE adopting a three-year Annexation Plan in accordance with Section 43.052 of the Texas Local Government Code – was presented, and tagged by Council Member Wiseman.

Council Member Wiseman stated that she would like to visit with someone from the Planning Department.

28. ORDINANCE amending City of Houston Ordinance No. 93-623, as applied to the Fire Department of the City of Houston by authorizing the payment of special assignment pay for members of the Fire Department of the City of Houston; establishing the amount of such pay – was presented. All voting aye. Nays none. ORDINANCE 2006-0078 ADOPTED.
29. ORDINANCE approving and authorizing contract between the City of Houston and **AIDS COALITION OF COASTAL TEXAS, INC**, providing up to \$186,500.00 in Housing Opportunities For Persons With Aids (“HOPWA”) Funds for the Administration of a Tenant-based Rental Assistance and Short-term Rent, Mortgage, and Utility Assistance Program – was presented. All voting aye. Nays none. ORDINANCE 2006-0079 ADOPTED.
30. ORDINANCE approving and authorizing contract between the City and the **TEXAS DEPARTMENT OF STATE HEALTH SERVICES (DSHS)** for the Exchange of Immunization Data between the Houston Harris County Immunization Registry (HHCIR) and the DSHS Texas Immunization Registry (IMMTRAC) – was presented. Council Member Berry absent.

Council Member Sekula-Gibbs stated that she wanted to thank the Department of Health and Human Services in the City and also at the County and State for their cooperative spirit in terms of preparing the Memorandum of Understanding that allowed the City’s and County’s immunization registry to communicate with the State immunization registry; that right now parents across the State of Texas had to opt into the registry in order to have their children listed as having their shots, that many other states had an opt out clause rather than an opt in clause and in her opinion it was a better system, that she knew they were getting ready on their Legislative agenda and thought this was one that could really enhance the City’s immunization percentages, if they were to have an opt out registry instead of an opt in registry, and Mayor White stated that they would take that into account. Council Member Berry absent.

Council Member Edwards stated that she wanted to talk with somebody from the Health Department to find out how they were going to get better numbers and better participation through some type of education, what did their model look like and when was the roll out, that she wanted to know if there was a substantive program in the communities and if not how could they help get it out there and if they needed help at budget time she would like to know that. Council Member Berry absent.

A vote was called on Item No. 30. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2006-0080 ADOPTED.

31. ORDINANCE approving and authorizing agreement between the City of Houston and **ROW HOUSE COMMUNITY DEVELOPMENT CORPORATION**, a Community Housing Development Organization (“CHDO”), to provide \$50,000.00 in Home Investment Partnerships Funds for Operating Expenses associated with building the CHDO’s capacity to develop affordable housing **DISTRICT I – ALVARADO** – was presented. All voting aye. Nays none. Mayor White and Council Member Berry absent. Mayor Pro Tem Alvarado presiding. ORDINANCE 2006-0081 ADOPTED.
38. ORDINANCE consenting to the creation of **WOODRIDGE MUNICIPAL UTILITY DISTRICT** – was presented, and tagged by Council Member Wiseman. Mayor White and Council Member Berry absent. Mayor Pro Tem Alvarado presiding.
43. ORDINANCE approving and authorizing request for consent to assignment by and

between the City of Houston, Texas; **CONNELLY-BAKER-MASTON-WOTRING-JACKSON LLP**; and **ADAMS AND REESE LLP** for Environmental Legal Services for the Houston Airport System - **DISTRICTS B - JOHNSON and I - ALVARADO** – was presented. All voting aye. Nays none. Mayor White and Council Member Berry absent. Mayor Pro Tem Alvarado presiding. ORDINANCE 2006-0082 ADOPTED.

44. ORDINANCE approving and authorizing contract between the City of Houston and **PHOENIX BUSINESS CONSULTING** for Computer Consulting Services relating to the ERP Project \$1,565,313.00 - Special Non-recurring Fund – was presented. Mayor White and Council Member Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Lovell requested that someone visit with her and educate them about how much the City would save by having mandatory direct deposit, and Mayor Pro Tem Alvarado stated that they would make sure somebody would come and brief Council Member Lovell. Mayor White and Council Member Berry absent. Mayor Pro Tem Alvarado presiding.

Council Members Khan and Sekula-Gibbs stated that they would tag Item No. 44. Mayor White and Council Member Berry absent. Mayor Pro Tem Alvarado presiding.

45. ORDINANCE appropriating \$1,084,300.00 out of Street & Bridge Consolidated Construction Fund for Local Match Funds for Construction of a City of Houston (City) and **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** Bikeway Project MKT/SP Rails to Trails, Contract No. 053475 - Ord No. 02-0032, GFS N-0420-30-3 (SB9161-01); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT H – GARCIA** – was presented, and tagged by Council Member Garcia. Mayor White absent. Mayor Pro Tem Alvarado presiding.

46. ORDINANCE approving and authorizing first amendment to contract No. 51583 between the City of Houston and **REPUBLIC WASTE SERVICES OF TEXAS, LTD** – was presented, and tagged by Council Members Wiseman, Khan and Holm. Mayor White absent. Mayor Pro Tem Alvarado presiding.

After discussion by Council Members, Mayor White stated that when people give the City money or offer to give money, they normally do not go to Council and were not required to, that something criminal was done, they sent it to the DA, and they alerted him quite a while ago, that if they were ripped off, they would get their money back, that if there was not sufficient teeth in the contract to protect the public interest, then they should get them in the contract, which did require agreement, that he wanted to say just as they said earlier, with respect to this other firm, Mr. Jim Moriarity is one of the best fraud lawyers in the United States of America and has a fearless reputation, does not back down from anybody, that he pursued this very vigorously and he wanted to thank him for that.

After a lengthy discussion by Council Members, Council Member Wiseman stated that she would like to visit with Mr. Moriarity to look at this further, and Mayor White stated that they would make sure that Mr. Moriarity, who was very well aware of the issues in the DA's office and those proceedings, would continue to brief Council Member Wiseman on that and others if they wished.

Council Member Lovell moved to suspend the rules to hear from Mr. Moriarity at this time, that he gave her and Council Member Sekula-Gibbs a very long and detailed explanation of what was going on and she would like to ask him to come up and share that with them, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2006-0084 ADOPTED.

Upon questions by Council Member Lovell, Mr. Moriarity stated that he had gotten a call from the Mayor and the Mayor said there had been a program on television, that Channel 13 had put on evidence that showed that the taxpayers of the City of Houston appeared to be getting ripped off and he would like for him to come on board as special counsel to handle the matter, that he said fine and got on an airplane and flew back to Houston to deal with it, that he immediately met with members of the City Controller and City Attorney offices, Mr. Buchanan, Director, Solid Waste, to start to gather the facts, that they gathered a great deal of numerical information about how much trash the City of Houston was hauling off as contrasted to how much they were being billed for that Republic had alleged they carried off, that he viewed that his job was to do two things, figure out how much they owed the City and figure out whether they should ever do business with Republic again, that he knew he would have to make those two recommendations to the Mayor and City Council, they got the billing information in computer form from BFI, they put all that information together and came up with a variety of charts that he had shared with a number of Council Members and would be happy to share with the rest of the Council Members, that in essence the charts showed that for the areas of town that Republic picks up trash the City gets billed for this much trash and in the areas of Houston where the City picked up the trash they picked up this much trash, it was clear to him that there was no good explanation for why they were picking up more trash from the same kind of houses that the City was picking up, that they met with personnel from the Harris County District Attorney's office and also met with the Chief Executive Office, the Controller, the General Counsel and the Associate General Counsel from Republic, that they had to understand what his business was, his business was suing companies that cheated people, that for the last 20 years he did cases exactly like this where he represented the victims of scams and had done that successfully to the point of about \$2.5 billion or \$3 billion worth of recoveries on people who were scammed, that he knew financial scams, the outside counsel for Republic said they knew they did wrong and knew they owed the City money, they had a process where they wanted the City to come audit and look over their shoulders so they could figure out how much they owed the City, that he said the City was going to do the audit and control the audit and control the information and give Republic the information not vice versa, that he professed to him at that time that Republic wanted to do the right thing, that they knew that a wrong had been done and he did not believe it, that he sat down with his colleague and with people from the City Attorney's office and the Controller's office and they came up with a list of demands that would force Republic to put on the table what they would not want to put on the table, that they insisted that they make contractual changes that would protect the City and they agreed to and did, they insisted that Republic pay the cost of the outside audit, the City Controller's office already had an audit firm online and had already briefed them and knew what she wanted to accomplish and they estimated it would cost \$140,000, that Republic agreed, without anything from the City, excepting withholding a lawsuit, that they would pay that \$150,000 for the cost, that he told them that he wanted a list of the last 50 employees that worked for the company, because he wanted to have the ability to pick up the phone and call former employees and ask them what was going on at the company, he got copies of all of the stories that Channel 13 had done and provided those to the District Attorney and the City staff that needed them and he extracted information from that about who those witnesses were and he picked up the phone to call the witnesses to find out what had happened, how the deal had worked, that the contract that was before them was the minor contract, there was a transfer station contract and a disposal contract that were already in force that were much larger to the tune of tens of millions of dollars larger, those were the contracts that Republic cared greatly about and those were the contracts that he felt obligated to give the Mayor a recommendation on and to give the City Council a recommendation on, that when he demanded to Republic that they do these things they agreed and did everything that he asked for, that he told them that he was going to take their evidence and documents and all of the evidence he gathered and give that evidence to the District Attorney's office and that was exactly what they did, that the City complied in every respect with everything the District Attorney needed, that what he discovered when he called the witnesses was that there were two employees, a mid level manager and the Houston area manager responsible for the collections contract, who were telling drivers to take a City of Houston labeled truck, go to South Houston or some other subdivision, pick up their trash and take it to

the dump and these drivers were saying why and the two mid level managers said it was not their problem, to keep their mouth shut and do their job, it would not be enough evidence to convince a jury beyond a reasonable doubt, perhaps, that those two managers were engaged in criminal misconduct but it satisfied him that those two people were up to no good, that he went back to his information and did every analysis of the data that he could to conclude how much they owed the City and at the same time they had outside accountants reviewing the records and doing an audit of the records and that audit continues underway, that his conclusion was that if these people were willing to step up the plate, do the right thing and pay the money, he was going to demand the highest number that he believed was a credible number for how much they ought to pay the City, even though he subjectively believed the number was lower, that he had told Members of Council that he had members of the team tell him that they did not think it was more than \$800,000 or \$1 million, but he concluded that the difference between the City average trash and Republic's average trash, over the time of the contract, amounted to about \$2 million, so he sat down with the President of Republic and their General Counsel and said it was \$2 million, take it or leave, that he did not threaten to cancel any contracts, he did not have authority to do that, all he could do was make a recommendation, but he told them point blank that they were not negotiating with them, not to come back with a lower number, that Channel 13 showed their people hauling somebody else's trash and putting it on the City's bill, they knew it was true and they knew there were mid level managers who appeared to have done stuff that was wrong, so if they were going to do the right thing, write the check, and they agreed to do that, that as to the contract extension, to him it was a no brainer, there were tens of millions of dollars of existing contracts that they had with Republic and he had no evidence that any senior personnel, officer of the company, or high level person at the company authorized or approved the scam, that the scam was absolutely against the best interest of Republic, because if Republic loses all of the contracts it had with the City of Houston it was going to be devastating, that he met with Mr. Buchanan and asked where were they on these contracts and Mr. Buchanan said that they had the right to force Republic to do a one year extension at the existing rates, that they wanted to add some additional terms that restricted their ability to do this again, they wanted to make the contract more favorable to the City than it was right now and they could force them to extend it for another year, that he said it made sense, they had the two items linked, they were linked because they were going to present the settlement to the Council and present the one year contract extension, that the recommendation he made to the Mayor was that he had no evidence that the company participated in the scam, intended the scam or carried out the scam, they fired, at the City's request, the two individuals, fired one and retired the other, who he believed were the guilty culprits and it was clearly in Houston's financial interest. Council Member Berry absent.

After a lengthy discussion by Council Members, Council Member Sekula-Gibbs asked when was the agreement signed by the Mayor and when was it actually countersigned by the Controller, and also how did BFI make it's way into the issue, and Mayor White stated that they would get that date for her, and Mr. Moriarity stated that the reason it mentioned BFI was because the trash that the City paid Republic to pickup they haul the trash to the McCarty landfill and the landfill was operated by BFI and BFI collected money from the City for the trash that Republic drops of, so the money they paid to BFI was actually the money in question that inures to the benefit of Republic because since we got billed for somebody else's trash, Republic didn't get billed for somebody else's trash, so the BFI reference actually refers to Republic trash, that yes and no, BFI was not under investigation, there were some issues with regard to possible over charges at BFI, and Council Member Sekula-Gibbs asked if they could get Mr. Buchanan's testimony of what it would cost to reabsorb this business, and Mayor White stated that analysis had been done and they would get it to the Council Member. Council Members Edwards, Khan, Garcia and Lovell absent.

After further discussion, Council Member Green stated that since the item had been tagged he would like to bring it up next Tuesday in the Fiscal Affairs meeting so they could kind of work out the particulars, for any Council Members who had questions about the particular fiscal aspects of the settlement and of the contract extension, and Council Member Garcia

asked if it would be appropriate to do a contract compliance joint meeting on this issue, and Mayor White stated yes. Council Members Wiseman, Brown and Berry absent.

Mayor White stated that they would move onto the next item. Council Members Wiseman, Brown and Berry absent.

47. ORDINANCE appropriating \$211,978.73 out of Water & Sewer System Consolidated Construction Fund and \$192,000.00 out of Drainage Improvement Commercial Paper Series F Fund; approving and authorizing Developer Participation Contract between the City of Houston and **KB HOME LONESTAR, L.P.** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve Section One of the Covenant Crest Subdivision - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Members Wiseman and Berry absent. ORDINANCE 2006-0083 ADOPTED.
48. ORDINANCE appropriating \$126,495.44 out of Water & Sewer System Consolidated Construction Fund and \$63,180.51 out of Drainage Improvement Commercial Paper Series F Fund; approving and authorizing Developer Participation Contract between the City of Houston and **KB HOME LONESTAR, L.P.** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve Section Two of the Covenant Crest Subdivision - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Members Wiseman and Berry absent. ORDINANCE 2006-0084 ADOPTED.
49. ORDINANCE appropriating \$101,933.00 out of Water & Sewer System Consolidated Construction Fund and \$174,000.00 out of Drainage Improvement Commercial Paper Series F Fund; approving and authorizing Developer Participation Contract between the City of Houston and **KB HOME LONESTAR, L.P.** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve Section Five of the Autumn Glen Subdivision - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Members Wiseman and Berry absent. ORDINANCE 2006-0085 ADOPTED.
54. ORDINANCE appropriating \$496,337.00 out of Parks Consolidated Construction Fund and approving and authorizing Professional Architectural Services Contract between the City of Houston and **HARRISON KORNBERG ARCHITECTS, LLC** for Design of the Renovation to the Parks and Recreation Department Campus and Park, GFS F-0504-D1-2; providing funding for Civic Art Program and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Members Wiseman and Berry absent. ORDINANCE 2006-0086 ADOPTED.
56. ORDINANCE No. 2006-58, passed first reading January 18, 2006  
ORDINANCE granting to **WSI WASTE SERVICES OF TEXAS, L.P., A Texas Limited Partnership**, the right, privilege and franchise to collect, haul and transport Solid Waste and Industrial Waste from Commercial Properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions **SECOND READING** – was presented. All voting aye. Nays none. Council Members Wiseman and Berry absent. ORDINANCE 2006-0058 PASSED SECOND READING IN FULL.
57. ORDINANCE No. 2006-59, passed first reading January 18, 2006  
ORDINANCE granting to **YC DISPOSAL, A Texas Sole Proprietorship**, the right, privilege and franchise to collect, haul and transport Solid Waste and Industrial Waste from Commercial Properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions - **SECOND READING** – was presented. All voting aye. Nays none. Council Members Wiseman and Berry absent. ORDINANCE 2006-0059 PASSED SECOND READING IN FULL.

**Item received during meeting.**

42. ORDINANCE amending Ordinance No. 2001-818 to increase the maximum contract amount of contract #C53094 between the City of Houston and **NORTHROP GRUMMAN CORPORATION (Formerly PRC PUBLIC SECTOR, INC)** for Maintenance and Operational Support of the Consolidated Dispatching System at the Houston Emergency Center - \$4,938,136.80 - Equipment Acquisition and 911 Emergency Network Funds – was presented. All voting aye. Nays none. Council Members Wiseman and Berry absent. ORDINANCE 2006-0087 ADOPTED.

**NON CONSENT AGENDA** - NUMBER 58

**PROPERTY**

58. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Patrick Berna, on behalf of Romulus Co. (Munir Asfar, general partner), for abandonment and sale of Ellen Lane, from Sheffield Road to Lila Lane, and a portion of Lila Lane, adjacent to Lots 4 through 6, Block 12, in exchange for the conveyance to the City of a right of way for and the construction of a cul-de-sac at the dead-end portion of Lila Lane, located within Woodland Acres, Parcels SY6-011A, SY6-011B, SY6-019 and AY6-076 - **TWO APPRAISERS and one ALTERNATE APPRAISER - DISTRICT E – WISEMAN** - was presented and tagged by Council Member Johnson. Council Members Wiseman and Berry absent.

**MATTERS HELD** - NUMBERS 59 through 63

59. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel AY5-042, located in the 1200 block of Allen Street, owned by Southern Pacific Transportation Company, Paul G. Farrell, Senior Manager Contracts, for the **HOUSTON HERITAGE CORRIDOR BAYOU TRAILS EAST HIKE AND BIKE PROJECT**, CIP N-0420-17A-1 \$356,675.00 - Street and Bridge Consolidated Construction Fund - **DISTRICT H – GARCIA – (This was Item 35 on Agenda of January 11, 2006, POSTPONED BY MOTION #2006-36)** – was presented.

Council Member Garcia stated that on Item No. 59 he had requested a two week delay to do some work on it and Council Member Brown had identified some legitimate issues that needed further consideration and moved to refer Item No. 59 back to the administration, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Wiseman and Berry absent. MOTION 2006-0085 ADOPTED.

Council Member Brown stated that he would recommend that they have two appraisals when it went back to the administration for review. Council Members Wiseman and Berry absent.

Council Member Edwards stated that she wanted to release her tag on Item No. 10. Council Members Wiseman and Berry absent.

10. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$8,573,221.58 and acceptance of work on contract with **TEXAS STERLING CONSTRUCTION L.P.** for Almeda Genoa Road; Paving, Drainage, Sanitary, Signals, and Water Improvements, GFS N-0493-01-3 (N-0493-01) - 10.15% over the original contract amount - **DISTRICT D - EDWARDS** – was again before Council. All voting aye. Nays none. Council Members Wiseman and Berry absent. MOTION 2006-0086 ADOPTED.

60. ORDINANCE approving and authorizing agreement between the City of Houston and the

**BARBOSA GROUP INCORPORATED d/b/a EXECUTIVE SECURITY** for Security Guard Services for the Houston Airport System; providing a maximum contract amount - 3 Years with two one-year options - \$12,709,929.60 - **DISTRICTS B - JOHNSON and I - ALVARADO** – **(This was Item 25 on Agenda of January 18, 2006, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented.

After discussion by Council Members, Council Member Holm moved to postpone Item No. 60 for two weeks, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Members Wiseman and Berry absent. MOTION 2006-0087 ADOPTED.

61. ORDINANCE appropriating \$305,494.97 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Developer Participation Contract between the City of Houston and **GARC ENTERPRISES, LTD** for Construction of a Wastewater Force Main and Lift Station to serve the Southridge Crossing Subdivision, CIP R-0802-36-3 - **DISTRICT E - WISEMAN** – **(This was Item 31 on Agenda of January 18, 2006, TAGGED BY COUNCIL MEMBER WISEMAN)** - was presented. All voting aye. Nays none. Council Members Wiseman and Berry absent. ORDINANCE 2006-0088 ADOPTED.
62. ORDINANCE appropriating \$276,979.42 out of Water & Sewer System Consolidated Construction Fund and \$210,000.00 out of Tax Increment Reinvestment Zone Affordable Housing Midtown Fund; approving and authorizing Developer Participation Contract between the City of Houston and **INDIVISA CORPORATION** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve Section One of the Pine Tree Subdivision, CIP S-0800-H5-03 & R-0800-H5-03 **DISTRICT B - JOHNSON** – **(This was Item 29 on Agenda of January 18, 2006, TAGGED BY COUNCIL MEMBER JOHNSON)** - was presented. All voting aye. Nays none. Council Members Wiseman and Berry absent. ORDINANCE 2006-0089 ADOPTED.
63. ORDINANCE appropriating \$194,767.94 out of Water & Sewer System Consolidated Construction Fund and \$187,993.11 out of Tax Increment Reinvestment Zone Affordable Housing Fund; approving and authorizing Developer Participation Contract between the City of Houston and **INDIVISA CORPORATION** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve Section Two of the Pine Tree Subdivision, CIP S-0800-H6-03 & R-0800-H6-03 - **DISTRICT B - JOHNSON** – **(This was Item 45 on Agenda of January 18, 2006, POSTPONED BY MOTION #2006-58)** - was presented. All voting aye. Nays none. Council Members Wiseman and Berry absent. ORDINANCE 2006-0090 ADOPTED.

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

Council Member Khan stated that he thought the email that Mayor White sent to the City employees was very impressive, plus the comments at the inauguration and other comments he had made during the last two years had definitely raised the morale of every City department, that he would request that while they were waiting for the budget discussions to take place maybe they could ask departments to look at ways to save money for the City. Council Members Lawrence, Johnson, Wiseman and Green absent.

Council Member Khan stated that he wanted to thank Mayor White who agreed to attend a leadership luncheon they were having in District F, that he also wanted to thank his colleagues who had agreed to part of the luncheon, it would be on Monday, February 5, 2006, at the Hilton Southwest Hotel, that they had invited various organizations and groups to come and share their concerns with the Mayor and City leadership directly. Council Members Lawrence, Johnson, Wiseman and Green absent.

Council Member Khan stated that he wanted to congratulate the Indian American

Community, they were going to have the India House ground breaking ceremony and along with that they would be celebrating the 55<sup>th</sup> Annual City of India Republic Day, at 8888 West Bellfort. Council Members Lawrence, Johnson, Wiseman and Green absent.

Council Member Khan stated that there was a group of people in Houston who wanted to bring an international trade and expo this year at the George R. Brown Convention Center and tonight they were holding a kickoff meeting and had invited many of the Consulate Generals, that he wanted to thank the group who was bringing the trade expo to the City. Council Members Lawrence, Johnson, Wiseman and Green absent.

Council Member Berry stated that regarding Item No. 4 regarding used equipment, he knew there were some restrictions as to whom they could donate the used equipment, but he was asked by the City of Carmine, which he had not yet forwarded to Chief Boriskie, and knew that there were other little towns that could use the equipment, and since some of their funding was federal it seemed to him that it might set a good precedent for the City of Houston to give some of that to another little Texas town and would ask Chief Boriskie if he would explore that, and Mayor White stated that was a good suggestion. Council Members Lawrence, Johnson, Wiseman and Green absent.

Council Member Brown stated that he had the opportunity to attend a super neighborhood council meeting, that the many of the super neighborhoods were organized and he thought it was an organization that they needed to support more vigorously, that he would like to see a more formal relationship where the super neighborhoods and their civic clubs would actually send letters and express their concerns in a more formal fashion about the significant blighting issues in neighborhoods and it would be part of trying to prosecute flagrant public nuisances. Council Members Lawrence, Johnson, Wiseman, Sekula-Gibbs, Green and Berry absent.

Council Member Clutterbuck stated that KHOU Channel 11 did a story relating to the Cavalia presentation in District C, that in the news there was a report that a lot of the people who attended last night returned to the Best Buy parking lot to find many of their cars towed, that brought to her mind several questions about when Cavalia was permitted to set up their tents and for bringing the exciting opportunity to the City, what parking arrangements were required of them, and also with regard to the towing companies that they allowed to operate, there were allegations that there was no signage at the particular lot, that she would encourage Cavalia to post a sign at their entrance stating that if they were parked at unauthorized lots their cars would be towed. Council Members Lawrence, Johnson, Wiseman, Garcia, Sekula-Gibbs, Green and Berry absent.

Council Member Clutterbuck stated that she wanted to acknowledge KAPA ALPHA PHATA, the oldest fraternity known among women, that today was their founders day and she was a proud member of that organization which was started almost 100 years ago and emphasized academic excellence, community service and life long friendships. Council Members Lawrence, Johnson, Wiseman, Garcia, Sekula-Gibbs, Green and Berry absent.

Council Member Lovell stated that she helped start Near Town Little League and was a proud coach of Near Town Little League, they had expanded their teams so much that they now required a second field at Wharton Elementary and struck an agreement with HISD and wanted to do a shout out to Mr. Joe Turner, Parks and Recreation and especially Mr. Elliott Ruben for putting that process through and getting them their permit so they could have another field available. Council Members Lawrence, Johnson, Wiseman, Garcia, Sekula-Gibbs, Green and Berry absent.

Council Member Edwards stated that she wanted to thank the Breakfast Klub for providing breakfast for the Council this morning. Council Members Lawrence, Johnson, Wiseman, Garcia, Sekula-Gibbs, Green and Berry absent.

Council Member Edwards stated that she wanted to remind everyone that on Saturday was the Music From the Heart, a benefit for the American Diabetes Association and try to lift the awareness of Diabetes and its epidemic portions in the City of Houston, especially among young children, that the benefit was on January 28, 2006 at the Verizon Theatre, that she wanted to thank Council Member Berry for helping to find sponsors for the event, that she wanted to thank everyone for their help and support. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she wanted to ask the Legal Department, regarding the MLK Parade, if she could get a cost breakdown, it was a three hour parade, that when they had the last public hearing she was told that the letter that was sent out was one thing and then something else happened, she understood the Courts intervened, that she would like to have a breakdown of what the City's costs were in the parade. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Holm stated that on Monday, February 6, 2006 at 2:00 p.m. would be the first Pension Committee Meeting, that she felt as bad as anyone because she voted for the Meet and Confer agreement even after the discussion that prohibited the representatives from the City from participating in personnel issues because they were told they were sensitive matters, that yesterday the Board of Directors, minus the City appointed representatives, addressed a sensitive matter to use the contributions of the City employees, as well as the tax dollars of the City of Houston, to give Mr. David Long a \$25,000 bonus over his \$189,000 salary, that it was one of the things that she thought they needed to be addressing, in addition to comprehensively looking at how they as a City help the pension systems of the City understand that they were the administrator of the program, it was going to take a lot of effort and work on the part of both sides, as well as further negotiations in the future, that she could not believe in good faith that any board could have taken that kind of step. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that it was outrageous and she should not blame herself for voting for the agreement because if they had not voted for the agreement they would not have some of the representation on the board that they now had, but the idea that personnel matter like those should be decided by a little group out of the light of public day. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Holm stated that an infrastructure project in District D had gone to the surety because they did not have the capacity of determining a contract based on financial stability, they offered a contract on the Eldridge Project to a company that did not have the capacity, no matter how well intended and good they were, to perform the work, that she thought it was an issue they had to address, that just having performance bonds may assure them that maybe financially the project would get done some day but it was absolutely not a credible project that they should be proud of in terms of the affect it had on the communities and the cost it had on their quality of life and their capacity to move, that it was a mobility issue. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Holm stated that they had a storm water project going on on San Felipe which had caused traffic jams and backups, in addition to that a utility company had appeared on the very next four blocks and had blocked a lane of traffic while they were digging a hole to put in utilities, that while it may be services that they need it was their job to really figure out how they could coordinate things to get the services done in a timely fashion with as little inconvenience, and Mayor White stated that they would take a look at what they could under the

permits or something like that, that there ought to be somebody within a zone or region which was responsible for the projects. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Holm stated that the trail map that the Parks Department had just put out was really great and she wanted to commend them for it. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Holm stated that she received a phone call last week that she was not at the table as they all had the time at the end for pop-off and she wanted to let everybody know that the Municipal Channel repeated the Council meetings six times a week and she watched them at least two or three times a week from beginning to end, so while she may not be at Council for the pop-off she utilized the Municipal Channel and knew what was going on at the Council table. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Alvarado stated that she wanted to give special thanks to Captain Mary Lynchkie and Captain Deborah Watkins, HPD Special Operations in South Central Command, yesterday they were out and about in the downtown and Midtown area along with some homeless service providers, SEARCH, Bread of Life and Coalition for the Homeless, addressing some of the issues under the Pierce Elevated and trying to get some of the homeless into some of the services centers, in some regards they were successful and obviously they knew they had a lot of work to do in that area but at least it was a start. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Alvarado stated that she wanted to congratulate Mr. Paul Nelson, who had been a part of the City of Houston for 29 years, that he retired and she wanted to wish him well, that he was one of the shining stars in the Department of Public Works, that they were losing a lot of expertise as Mr. Nelson retires, but she wished him well and thanked him for all of his years of service. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm, Garcia, Brown, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 12:37 p.m. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm, Garcia, Brown, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

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

MINUTES READ AND APPROVED

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Anna Russell, City Secretary