

City Council Chamber, City Hall, Tuesday, March 7, 2006

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, March 7, 2006, Mayor Bill White presiding and with Council Members 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. Don Cheatham, Division Chief, General Counsel Division, Legal Department; Ms. Samantha Goudeau, Citizens Assistance Office; Ms. Marty Stein, Agenda Director; present. Council Member Toni Lawrence absent on personal business.

At 2:11 p.m. Mayor White called the meeting to order and called on Council Member Edwards to begin presentations. Council Member Edwards invited Mr. John Perry to the podium and stated that every month city employees were recognized who went beyond and they were not acknowledged and she felt they represented the majority of employees and when four employees went astray and were seen every night on television she thought it sent a bad message and she wanted to let city employees of the City of Houston know Council Member Edwards appreciated who they were and what they did and she applauded their work and struggles and the strain it placed on their families; and in that she would like to recognize Mr. John Perry who was a senior communication specialist and public communication officer in the Human Resources Department; that he had received almost every press journalist award under the sun from the Press Club and even in competition with daily news papers; and Mayor White presented Mr. Perry a Proclamation proclaiming March 7, 2006, as "John Perry Day" in the City of Houston. Mr. Perry stated that there was nothing more affirming that being recognized by those you work for; and he thanked them for the recognition and for allowing him to be a part of it. Council Member s Holm, Alvarado and Sekula-Gibbs absent.

Council Member Clutterbuck congratulated Mr. Perry and stated that he was not only an outstanding writer and employee but also a very disciplined person who could write something again and again and in a different way each time; and she was proud he worked for the city. Council Members Holm, Garcia and Alvarado absent.

Council Member Berry stated that it was amazing how a handful of people could carry the whole load for society; and thanked him for being such a good employee and thanked Council Member Edwards for bringing recognition to such people. Council Members Holm, Garcia, Alvarado and Sekula-Gibbs absent.

Council Member Khan stated that it was an honor to have the Sister Cities Organization making a presentation; that they undertook dozens of programs yearly and some focused on cultural bonds while others strengthened economic ties and shared resource and information; that since 1988 there has been a Young Artist Competition which engaged youth with the Sister City mission to promote mutual respect, understanding and cooperation and young artist around the world used their imagination to express their concept of the Sister City's mission; and invited Ms. Alan Goldberg and others for the presentation to the podium. Ms. Goldberg stated that on behalf of the Sister Cities of Houston she wanted to recognize the winners of the program for young artists; that this year's theme was "What Does Global Citizenship Look Like?" and the first place winner was Blanca Puente from Jeff Davis High School and second place winner was Rodolfo Reyes with Jeff Davis High School; there were three honorable mentions with the first being Jose Paris at Jeff Davis High School; Eduardo Luhan who was with Bellaire High school, but now was with Katy High School; and Ana Makerenko with Bellaire High School; and she thanked each one of them for doing such a wonderful job. Council Members Holm, Garcia, Sekula-Gibbs and Green absent.

Mayor White stated that he also wanted to thank all those involved with Sister Cities for all the work they did, it was an incredible amount of effort and he appreciated it. Council Members Holm, Garcia, Sekula-Gibbs and Green absent.

At 2:25 p.m. Council Member Khan invited Ms. Colette Cross, Chaplain of Houston Baptist University, to lead all in prayer and Council Member Khan led all in the pledge. Council Members Holm, Garcia, Alvarado and Green absent.

At 2:34 p.m. the City Secretary called the roll. Council Member Lawrence absent on personal business. Council Member Garcia absent.

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

Council Member Johnson moved that the rules be suspended for the purpose of hearing Mr. Ovide Duncantell out of order at this time, seconded by Council Member Khan. All voting aye. Nays none. Council Member Lawrence absent on personal business. Council Member Garcia absent. MOTION 2006-0195 ADOPTED

The City Secretary began calling the public speakers. Council Member Garcia absent.

Mr. Ovide Duncantell, 8002 Crestwick, Houston, Texas 77083 (713-205-9999) appeared and stated that things were done by this city designed to destroy a 29 year organization created by Dr. Martin Luther King's father; that free arbitration was offered to them by Mr. Dan Peterson with the Better Business Bureau (BBB) and the city opted to not do it and put pressure on his organization causing them to pay \$1,250.00 for arbitration and they did not have the money; that they wanted the arbitration set for Thursday March 14th held up; and the city also did research and entered into their organization's personal business and called a receiver who was dismissed with case closed and Attorney Radoff held up their \$10,000.00 and now they could not even get it. Council Member Garcia absent.

Upon questions by Council Member Green, Mr. Duncantell stated that the Public Works Department reprimanded they go with Attorney Raul Gonzales and he was charging \$1,250.00 a piece to have a one day mediation and they had opportunity for a free one by the BBB. Council Member Garcia absent.

Upon questions by Council Member Green, Mayor White stated that he was informed there was a list which could be selected from by the BBB but they did not have a sufficient number of arbitrators; that they would like to use volunteers when necessary but just as obviously there was controversy around for years and they did want to put the matter to bed, but he would get more information; and Council Member Green stated that he did not want them to get a default judgment against them because they could not afford the fee for the arbitrator and he did not know if there was redress in the ordinance for that, but he would like someone to get with him. Council Member Garcia absent.

Upon further questions by Council Member Green, Mr. Duncantell stated that Attorney Radoff told him the city got involved because they were suing the city and Chase Bank was also involved now and they were told to get him out of the building he was using, the city was mad at them and destroying their organization.

Council Member Edwards stated that she was confused and thought the lawsuit was being adjudicated by a judge and a court; and upon questions, Mr. Cheatham stated that he thought there were three things being talked about by Mr. Duncantell and the ordinance adopted provided a procedure whereby if there were two applicants for the same day the two parties could select a mediator of their choice and had a period of time to do so,,,; upon further questions by Council Member Edwards, Mr. Cheatham stated that again they had two groups applying for a parade on the same day and they had option for mediator, but if the Public Works Director was not notified in a period of time who they selected then the ordinance directed that Director to select one and he selected Jude Raul Gonzales of Austin; that there was no

provision in the ordinance for them to go back and then select their own mediator but he would doubt if anyone would object if they wanted to do so at this time; and Mr. Duncantell stated that they had sent three names to Public Works and this was atrocious and they were getting ready to go down the tube because of the City of Houston.

Mr. Tom Bell, 8413 Canyon, Houston, Texas 77015 (713-291-8242) appeared and stated that he talked with many and it was unanimous Mayor White was an inspiration and the best Mayor in the United States; that his plate was full and running over; that he had extended open arms to hurricane victims; and presented a plaque for Mayor White expressing gratitude and love to him from many.

Mayor White thanked him for the recognition and the plaque.

Mr. John Hall, 3212 Jackson, Houston, Texas 77004 (713-427-9940) had reserved time to speak but was not present when his name was called.

Mr. Christian Von Glasow, 11427 Highgrove Drive, Houston, Texas 77027 appeared, presented information and stated that he was president of Baton Communications and had been trying for a meeting with the Mayor and METRO; that he received a letter from Mayor White in November to come up with an idea to make Houston a better place to live and work and regarding METRO's fees and service and METRO did have a poor image with boarding's down, but his plan would improve the image of METRO and would not cost the city or METRO one penny and would have revenues of \$3,000,000 to \$5,000,000 minimum and would make Houston a better place to live; and played one commercial and further stated that he would like to have the opportunity to present it. Council Member Sekula-Gibbs absent.

Mayor White stated that if he would leave the recording he would forward it to those at METRO, but he would mention much money was spent in advertising; and Mr. Glasow stated that this would not cost a penny and would generate money. Council Member Sekula-Gibbs absent.

Mr. Herbert Rothschild, 849 Harvard #C, Houston, Texas 77007 (713-861-2494) appeared and stated that he was with the Houston Peace and Justice Center and present to extend an invitation which had been sent to the Mayor and Council through the mail to a townhall meeting tomorrow from 7:00 p.m. to 9:00 p.m. at the Ripley House Gym where their constituents would voice concerns over federal funding plan cuts to programs such as college loans, nutrition to infants, mothers and seniors, affordable housing, etc., that others joining them would be Catholics for Charities, Children at Risk, Children's Defense Fund, Houston Federation for Teachers, League of Women Voters, etc., and thanked Council Member Alvarado who consented to come and open the meeting and Council Member Sekula-Gibbs who was sending a staff member; and he hoped all Council Members would attend or have someone attend as what was contained in submitted Presidential budgets through 2011 was nothing less than a huge disinvestment in the people of the United States with an accumulative one hundred eighty six billion dollar loss of funding which threatened to destroy the social fabric of our nation. Council Members Johnson, Clutterbuck, Brown and Sekula-Gibbs absent.

Council Member Garcia stated that he would also be attending and thanked Mr. Rothschild for his steadfastness and involvement on issues such as this; and Mr. Rothschild stated that if something was not done that within five years Council would not be able to carry out their functions and people of this country would end up ill fed, sick and poorly housed and uneducated. Council Members Johnson, Brown and Sekula-Gibbs absent.

Council Member Edwards thanked Mr. Rothschild for his work and stated that she would like to refer her colleagues to a book entitled The World Is Flat and it was competing ideologies that no longer exist and it was suggested that was why there was a blanket cutback on social services and uplifting programs because there was no competition; that she believed Council

did have a fundamental role as this population's first entree to their political system, to be a voice and advocate as to how their dollars were spent citywide, countywide and federal wide. Council Members Johnson, Brown and Sekula-Gibbs absent.

Upon questions by Council Member Khan, Mr. Rothschild stated that Congress was in session but a number had committed to sending staff members and they appreciated that as the job was not to talk but to listen and if moved to help. Council Members Johnson, Brown and Sekula-Gibbs absent.

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

Mr. William (Beal) Reagan, 6230 Symare Avenue, Van Nuys, California 91401 (no phone) appeared, displayed a confederate flag with an Indian across the center and stated that he had the only copy of a Bible in his hands with Superman, Bob Hope, etc., and continued expressing his personal opinions until his time expired. Council Members Johnson, Brown and Sekula-Gibbs absent.

Ms. Gayle Workman, 9700 Glenfield Court, Houston, Texas 77096 (713-723-8853) appeared, presented information and stated that no one had solicited her on this situation but she had been very upset regarding the "witch hunt" at Clayton Library; that it took from 1921 until now to build a genealogical library which was known worldwide; that anyone with the status Ms. Marje Harris had nationwide would be called a curator, not a manager, she had done more in getting endowments and volunteers and it was ridiculous to have a witch hunt, it would be ridiculous to get rid of her when she was the glue which kept the library together, was the reason for the endowments and the reason the City of Houston was saving over \$331,500.00 per year in employees salaries; and urged the Mayor and Council to look into this. Council Members Johnson, Khan, Brown and Sekula-Gibbs absent.

Upon questions by Council Member Berry, Ms. Workman stated that she was told by Ms. Harris that she had been accused of something she did not do, but she had bent over backwards for strangers. Council Members Johnson, Brown and Sekula-Gibbs absent.

Upon further questions by Council Member Berry, Mayor White stated that he thought her hearing was March 28th; Council Member Berry stated that since the day he became a Council Member there had been problems at Clayton Library and he did not think there was enough appreciation for what was going on at Clayton because it was a unique institution and very much volunteer driven and it did make a lot of money with Houston being number two in the country; and he did appreciate Ms. Workman's comments, but thought the process needed to work through her hearing (Ms. Harris's hearing) and after that he and his colleagues, he was sure, would join him in finding out the nature and if it was unfair it should come out in the hearing and if it did not they would speak with the Library Director; and Ms. Workman stated she thought Ms. Harris should have been recognized before this time and would be glad to come back. Council Members Johnson, Brown and Sekula-Gibbs absent.

Mr. Steven Williams, no address (no phone) had reserved time to speak but was not present when his name was called. Council Members Johnson, Brown and Sekula-Gibbs absent.

Mr. John Mezick, 1811 Ruiz, Houston, Texas 77002 (713-283-9518) Council Members Johnson, Brown and Sekula-Gibbs absent.

Mr. Ricky Davis, 4000 W. 34th, Houston, Texas 77092 (713-956-5282) appeared and stated that he was a Louisiana evacuee and he thanked Mayor White for his assistance; that when he was small there was a program for him and he wanted to do a program for small

children with fellowship and like a big brother program; and with the Mayor's permission he would like to start such a program here in Houston. Council Members Johnson, Brown and Sekula-Gibbs absent.

Upon questions by Mayor White, Mr. Davis stated that he needed sponsors and help; and Mayor White stated that he respected people wanting to work with children, sometimes it took training and part of it was undertaking an initiative to build a network team who believed in what him and would raise money to do it if he was not applied to a program; and he encouraged people to undertake activities with nonprofits where they could, but if he was asking if he could plug him in with a sponsor it would be probably not; and Mr. Davis stated that he would like him to get Council Members to guide him through. Council Members Johnson, Brown and Sekula-Gibbs absent.

Council Member Lovell stated that she would give him the number to her Council office and if he would like to contact her staff they would sit down and walk through and see how to assist him, how to plug him into an existing program, but they would be happy to help him out; and Mr. Davis stated that he just graduated and would like to give back to Houston for what they had given to him. Council Members Johnson, Brown and Sekula-Gibbs absent.

Council Member Edwards stated that when he met with Council Member Lovell's office someone from her office would also meet with them and see how they could assist in getting this off the ground. Council Members Johnson, Brown and Sekula-Gibbs absent.

Ms. Lailah Suki, 610 Timber Terrace Road, Houston, Texas 77024 (713-688-3330) had reserved time to speak but was not present when his name was called. Council Members Johnson, Brown and Sekula-Gibbs absent.

Mr. Joseph Omo Omari, 2820 Palm #2B, Houston, Texas 77004 (832-767-0870) appeared and stated that he was upset when he discovered \$134,000.00 was misappropriated in the Mayor Pro Tem's Office and all the racket behind it, it made him an angry Black man because every time Black people had a project it never was funded and there was much money missing in action, \$13,000,000.00 in taxpayer money, this Administration was corrupt; and continued expressing his personal opinions until his time expired. Council Members Johnson, Wiseman, Brown and Sekula-Gibbs absent.

Council Member Edwards stated that she chaired the Housing Committee and she would like him to get her numbers as she found no missing in action money. Council Members Johnson, Wiseman, Brown and Sekula-Gibbs absent.

Senator Robert Horton, 3714 Bain, Houston, Texas 77026 (713-260-6144) appeared and stated that Council Member Alvarado and Council Member Berry were guilty of all crimes, all Council Member were guilty; that he was over all courts; and continued expressing his personal opinions until his time expired. Council Members Johnson, Wiseman, Brown and Sekula-Gibbs absent.

Mr. Elbert Robertson, 1612 Sampson, Houston, Texas 77003 (832-364-8894) appeared and stated that some said justice was blind, but it was not blind, men were blind from justice; and continued expressing his personal opinions until his time expired. Council Members Johnson, Wiseman, Brown and Sekula-Gibbs absent.

Mr. Trent Winters, 7967 West Airport, Houston, Texas 77071 (713-729-1153) had reserved time to speak but was not present when his name was called. Council Members Johnson, Wiseman, Brown and Sekula-Gibbs absent.

President Joseph Charles, Post Office Box 524373, Houston, Texas 77052-4373 (832-453-6376) appeared and stated that he was being fatally attacked and computer sexually raped;

was the official President of the United States and continued expressing his personal opinions until his time expired. Council Members Johnson, Wiseman, Brown and Sekula-Gibbs absent.

At 3:14 p.m. City Council recessed until 9:00 a.m., Wednesday, March 8, 2006. Council Member Lawrence absent on personal business. Council Members Johnson, Wiseman, Brown and Sekula-Gibbs absent.

City Council Chamber, City Hall, Wednesday, March 8, 2006

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, March 8, 2006, with Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Ada Edwards, 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; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Ms. Martha Stein, Agenda Director and Ms. Stella Ortega, Agenda Office, present. Council Member Addie Wiseman absent due to being ill.

At 8:26 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 Johnson, Edwards, Khan, Garcia and Alvarado absent.

Council Member Clutterbuck moved to suspend the rules to consider Item Numbers 1 through 6 out of order, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Edwards, Khan and Garcia. MOTION 2006-0196 ADOPTED.

**MISCELLANEOUS** - NUMBERS 1 through 6

1. CONFIRMATION of the appointment of **DR. FRANKLIN JONES** to Position Four of the **ETHICS COMMITTEE**, for a term to expire December 31, 2006 – was presented, moved by Council Member Green, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Edwards and Garcia absent. MOTION 2006-0197 ADOPTED.
2. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **BOARD OF DIRECTORS OF THE REINVESTMENT ZONE NUMBER SIXTEEN, CITY OF HOUSTON, TEXAS, (UPTOWN ZONE)**:
  - Position Three - **MR. MARTIN DEBROVNER**, reappointment, for a term to expire 7/6/2007, and as Chair, for a term to expire 12/31/2006
  - Position Four - **MR. JUDSON ROBINSON, III**, reappointment, for a term to expire 7/6/2007
  - Position Five - **MS. JANICE HALE-HARRIS**, reappointment, for a term to expire 7/6/2007
  - Position Six - **MS. LISA MORRIS SIMON**, reappointment, for a term to expire 7/6/2006
  - Position Seven - **MR. MARVIN KAPLAN**, appointment, for a term to expire 7/6/2006
  - Position Nine - **MR. URBAN F. O'BRIEN, III**, appointment, for a term to expire 7/6/2006

– was presented, moved by Council Member Green, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Edwards and Garcia absent. MOTION 2006-0198 ADOPTED.

3. REQUEST from Mayor for confirmation of the reappointment of the following to the **UPTOWN DEVELOPMENT AUTHORITY BOARD OF DIRECTORS**:
  - Position One - **MR. E. D. LESTER**, representing Texas State Senate District 7

Position Two - **MR. KENDALL ALAN MILLER**, representing Texas House of Representatives District 136

**MR. MARTIN DEBROVNER**, as Chair for a term to expire December 31, 2006

– was presented, moved by Council Member Green, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Edwards and Garcia absent. MOTION 2006-0199 ADOPTED.

4. REQUEST from Mayor for confirmation of the appointment of the following to the **BOARD OF DIRECTORS OF REINVESTMENT ZONE NUMBER TWENTY, CITY OF HOUSTON, TEXAS (SOUTHWEST HOUSTON)**, for terms to expire December 20, 2007:

Position 5 - **MR. ANDREW SEGAL**, and as Chair, for a term to expire December 31, 2006

Position 7 - **MR. MIKE LASTER**

– was presented, moved by Council Member Green, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Edwards and Garcia absent. MOTION 2006-0200 ADOPTED.

5. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **SOUTHWEST HOUSTON REDEVELOPMENT AUTHORITY BOARD OF DIRECTORS**:

**MR. ANDREW SEGAL**, appointment, as Chair, for a term to expire 12/31/2006

Position 6 - **MR. ROBERT TANNER, (HISD)**, reappointment, for a term to expire 12/20/2006

– was presented, moved by Council Member Green, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Edwards and Garcia absent. MOTION 2006-0201 ADOPTED.

6. REQUEST from Mayor for confirmation of the appointment of the following to the **SHARPSTOWN ECONOMIC REDEVELOPMENT AUTHORITY BOARD OF DIRECTORS**:

Position 2 - **MR. MIKE LASTER**, for a term to expire 12/20/2006

Position 5 - **MR. ANDREW SEGAL**, for a term to expire 12/20/2007, and as Chair, for a term to expire 12/20/2006

– was presented, moved by Council Member Green, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Edwards and Garcia absent. MOTION 2006-0202 ADOPTED.

Mayor White and Members of Council congratulated all of the new appointees, and Mayor White stated that it was such an important appointment because needed to be impeccably fair and make sure that the law was applied without respect to persons and that the process was not used or manipulated by those who may seek to use allegations for political purposes, and Council Member Sekula-Gibbs stated that she wanted to ask a question regarding the OIG investigation and whether that would be turned over to the Ethics Committee, and Mayor White stated that he would have to look at the mandate and the Charter, some of the things that he signed this morning and review some findings, determinations that were made, most of which looked to him as violations of law, that files had been turned over to the District Attorney's Office, that it would be referred to the appropriate law enforcement authorities to protect the integrity of that investigation and give those who had the most responsibility for violation of the laws the greatest latitude in the protection of their sources and methods of investigation, but he would take that into consideration.

Mayor White stated that they would proceed to the Monthly Financial Report and called on City Controller Annise Parker and Director of Finance and Administration Ms. Judy Gray Johnson.

## **MAYOR'S REPORT**

### **9:00 A.M. - REPORT FROM CITY CONTROLLER AND THE CITY ADMINISTRATION REGARDING**

THE CURRENT FINANCIAL STATUS OF THE CITY including but not limited to, a revenue, expenditure and encumbrance report for the General Fund, all special revenue funds and all enterprise funds, and a report on the status of bond funds

Ms. Parker stated that this was the Monthly Financial Report for the period ending January 31, 2005, that before she gave the report she would preface just a little bit in reference to some of the questions at the Fiscal Affairs Committee meeting yesterday, the monthly MOFAR letter that she put in front of the book, followed by one from Ms. Johnson, really concerned variances from the budget and would suggest that somewhere between executive summary and cliff notes, it was really things that they thought might be of interest to Council in determining how they were in dealing with the budget because they could simply come and report that everything was on budget and there had been no variances, it was designed to point out anomalies or items of interest, not necessarily problems in the budget and she would encourage Council Members to come in and read the letter first, because if they went to page 1, which showed the overall budget and her and Ms. Johnson's estimates side by side, there were a lot of numbers that got rolled up into those line items that they never saw otherwise and then she would also say that if there were things that they were particularly interested in seeing that they let them know and they could incorporate that into their presentations, that according to their latest projections the General Fund would end the fiscal year with a surplus of \$2.9 million, the main factor in the decrease was the decision to delay the sale of pension obligation funds for the firefighters pension until some time later in the fiscal year or the next fiscal year, thus limiting yesterday's pension bond placement to the police and municipal pension funds, and she knew Ms. Johnson would make a further presentation on the issuance of those bonds, but the decision meant that there was an \$8 million reduction in the amount of money they received from the sale of pension bonds this fiscal year and with some other changes a total of \$12 million in reduction of revenue in that category, that sales taxes continued to outperform expectation, the January check was about \$5 million higher than the same month a year ago, due to continued positive performance they had increased their projections for the remainder of the year by \$4 million and had every expectation that it would go up again next month, that the higher than expected sales tax receipts were also impacting expenditures causing an offsetting increase in the amount of money transferred out of the General Fund to the Limited Purpose Annexations, that also within the last month they had received the \$1.9 million settlement payment from Republic Waste Services and the money was helping to offset increased spending in the Solid Waste Department, that her office was wrapping up the first phase of it's audit of the City's Solid Waste operations, this phase focused on the City's contract with Republic and BFI and she anticipated having a report on the first phase released probably in about two weeks, certainly they hoped in enough time for Council to consider when they consider the contract extension, that her staff had also distributed the latest figures they had regarding the Katrina Relief effort, that it was a little bit different than the one they released yesterday, they changed the format to hopefully make it easier to read, to date they had received a little more than \$158 million from all sources, FEMA, contributions, interest and the \$10 million advance from the City, they had spent or encumbered \$158 million, leaving them almost at zero and in February they could see that they actually dipped into negative territory about \$900,000, that she would emphasize that when she said they had spent or encumbered, they did have cash on hand but when they encumbered funds it meant that they recognized an expense but not yet paid it, so they knew that they had to pay those expenses and had been matching it pretty closely but it had gotten tight recently and the final column showed project worksheets that had been submitted to FEMA and they hoped to be paid on, that she would not

be too concerned with the last number, which appeared to show them nearly \$10 million in the hole, that was if they were to give the City back it's \$10 million seed money, that they had to dip into it but it seemed to be the best place to show it on the spreadsheet and she did not want anybody to be overly alarmed at that number, but they were running fairly close on the available funds, that finally in follow up to a question that Council Member Khan made yesterday they made a presentation to arbitrage rebates and handed out a basic summary of what they were, that Council Member Khan asked where did arbitrage earnings that they got to keep go and generally she said that they stayed within the enterprise and that was true but more specifically the General Obligation and C&E arbitrage earnings that they kept were sent to a Debt Service Fund, and in Airport Construction and Combined Utility System, they went to a Construction Fund, so they were generally kept in the same category of expenditures and were retained with the enterprise, and that concluded her report. Council Members Johnson, Garcia and Berry absent.

Ms. Johnson stated that as the Controller mentioned the bright spot in their finances continued to be the Sales Tax Revenues, that the figures for the check they would get on Friday were not yet available, that overall the sales tax had been much higher than originally anticipated, that last month's check was more than 12% higher than the same time period a year ago, that it included the holiday season, which was a very big increase, that they had not assumed the same increase level going forward for the rest of the year, meaning that their numbers ought to be a bit conservative for sales tax for the rest of the year, that they were looking at a projection for the ending year Fund Balance of about \$7 million higher than they started the year, in other words they kept the spending at or below the original budgeted level while the revenues were a little bit higher than what they started with, that water sales estimates continued to go up and they increased that again as they noted that they had not seen an increase in rainfall, that the Water and Sewer System continued to have more revenue than they originally budgeted, that the Controller mentioned the FEMA funds, they had received all of the funds that were previously obligated for the Housing Program and they had another pending worksheet, they were in daily contact with FEMA in an attempt to get those funds obligated and released to the City, and that concluded her report. Council Members Johnson, Garcia and Berry absent.

Council Member Khan stated that they had automatic rate increases in their water bill and did they know what the increase would be and how would they inform the public, and Mayor White stated that there was a published index, a particular price index, that he did not know if Ms. Johnson had one but knew that Mr. Taylor at the Water Sewer System did and asked if she knew what the percentage was, and Ms. Johnson stated that it was 3.6%, it was the annual CPI increase for the Houston/Galveston/Brazoria area, that it was the index that they used for the increase cost, that people would be informed in their water bill, that he thought there needed to be some action and they would get a memo to Council Members about it. Council Members Johnson, Garcia and Berry absent.

Upon questions by Council Member Khan, Ms. Parker stated that they fully expected to get reimbursed by FEMA for all of their direct expenses and as Ms. Johnson said they were working with FEMA to do that, that if they returned the \$10 million back they would be a little over \$100,000 short, that it was very close to zero. Council Members Johnson, Garcia and Berry absent.

Council Member Edwards stated that she was excited about the added sales tax and asked Ms. Johnson if they knew where that was coming from, were the Katrina survivors in Houston impacting the sales tax, and Ms. Johnson stated that they did not get any breakdown at the time the check came in that would give them that information, they really did not know until much later how much was attributable to what part. Council Member Garcia absent.

Council Member Holm asked that if they did not have a rate increase would the projects not be funded, and Mayor White stated that they could do those projects and then not do

rehabilitation of the water sewer system, that he thought either of those would be bad, but all of the monies were allocated to the operation and maintenance of the system, including point line repair, the capital improvements and the drainage projects, and the actual amount of the plan that they instituted in April 2004 permitted them to do four things, number one, as the cost of the system, by cost he meant what they had to pay to maintain the system, go up, like the big increases in utility bills, which were a lot more than 3.6%, they did not have to cut and compromise the maintenance when the cost came up or lay off people, second, it allowed them to increase the rehabilitation of the system from 1% per year to more, third, it allowed an increase in the investments made in drainage, and four, it allowed them to stagger a rate increase needed to do those things and service the debt rather than having a huge one time rate increase that would be necessary to accomplish those, that the plan was to have a rate increase and then there would be annual adjustments and that was what was given to the debt rating services and others, and they would have to significantly scale down the capital budget or cut operations and maintenance of the system if they were to have increasing cost but not increasing prices, that the cost that they paid to maintain the system had gone up by 3.5%, that energy costs were a big part of the water sewer system, more than any other function of the City, that they had gone up a lot and when the costs went up and if the prices did not go up then they had to cut services, that was one alternative, to cut the operations and maintenance, that the exact allocation of any cut between O&M and Capital and Drainage would depend on actions they took in the budget, that they would propose a budget but if Council Members thought that they ought to spend less on rehab or O&M and more on drainage or less on drainage and more on those things that was something that they could discuss, that they would get a memo today that would profile the impact on an average water bill, on a low use water bill and any other information that the Council may want, that he had all the questions and the only thing that they would not be able to answer, because the Council Members needed to make a decision with him, was if they wanted to cut, whether they would cut drainage first, which would be most likely, or O&M, like point line repair, or rehab of the water sewer system, that was a decision they had to make in their capital improvement budget, and Council Member Holm asked if the 4% increase covered the bonds. Council Members Clutterbuck, Garcia, Alvarado and Berry absent.

Ms. Parker stated that she had not seen a pro forma and would expect that Council Members demand a pro forma to show how long the increase would cover projected system needs and at what level and would respectfully disagree with the Mayor, her understanding of the bond covenants was that all O&M and Debt Service coverage of the system had to be covered before any drainage expenses were met, so they would need to see what impact it would have on the water and sewer system before they could consider its impact on the drainage expenses and whether any drainage projects would be impacted or not. Council Members Clutterbuck, Garcia, Alvarado and Berry absent.

Upon questions by Council Member Brown, Ms. Parker stated that they used the coding that they received from Finance and Administration and frankly the coding was a little bit fuzzy and that was being worked on as they put their worksheets going forward with FEMA but understood that it was primarily furniture expense, and Ms. Johnson stated that they did not have a good code for it in their accounting system and wanted to distinguish between office furnishings and the type of furniture that the City was keeping and owning and they chose the small tools because they did not have a better one, but almost entirely in that account were furnishings that had been provided to the apartments. Council Members Clutterbuck, Garcia and Berry absent.

Council Member Green moved to accept the Monthly Financial Report, seconded by Council Member Khan. All voting aye. Nays none. Council Members Garcia and Berry absent. MOTION 2006-0203 ADOPTED.

**ORDINANCES** - NUMBERS 13 through 19

13. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of two (2) triangular portions of the street right-of-way of Studemont Street near Center Street, containing an aggregate of 6,110 square feet (0.141 acre) of land, more or less, Parcels SY5-021A and SY5-021B, out of Lots 3, 6, 13 and 14, Block 12, John Brashear Addition, located in the John Austin Survey, A-1, Houston, Harris County, Texas; vacating and abandoning said tracts of land to Carl A. Detering, Jr., abutting owner, in consideration of owner's payment of \$61,100.00 and other consideration to the City - **DISTRICT H – GARCIA** – was presented. All voting aye. Nays none. ORDINANCE 2006-0225 ADOPTED.
14. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a portion of a 10-foot utility easement and the attendant aerial easement, Parcel SY5-050, containing 3,019 square feet of land, more or less, vacating and abandoning said tract of land to Gables River Oaks Limited Partnership, abutting owner, in consideration of said owner's dedication of a 10-foot and a 15-foot sanitary sewer easements, Parcels DY5-035 and DY5-036, containing an aggregate of 7,121 square feet (0.1635 acre) of land, more or less, located in a 5.5884 acre tract of land located in the John D. Taylor Survey, A-72, Harris County, Texas, and payment of \$300.00, and other consideration to the City - **DISTRICT G - HOLM** – was presented. All voting aye. Nays none. ORDINANCE 2006-0226 ADOPTED.
19. ORDINANCE approving and authorizing agreement between the City of Houston and **TX COMMONS OF GRACE, L.P.** to provide a \$700,000.00 Loan of Federal "HOME" Funds for eligible costs in connection with the construction of an apartment building to be located in the 8900 block of Tidwell Road, Houston, Texas, to house low and very-low income elderly residents **DISTRICT B – JOHNSON** – had been pulled from the Agenda by the Administration, and was not considered.

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

**PURCHASING AND TABULATION OF BIDS**

7. **BAYOU CITY PUMP WORKS #1, L.P.** for Pump Repair Service for Department of Public Works & Engineering - \$33,661.00 – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2006-0204 ADOPTED.
8. **EQUIPMENT SUPPORT SERVICES, INC** - \$263,309.28 and **RUSH EQUIPMENT CENTERS OF TEXAS** - \$1,058,752.59 for Earth Moving Equipment through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for Various Departments Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2006-0205 ADOPTED.

**ORDINANCES**

9. ORDINANCE **AMENDING CHAPTER 10 OF THE CODE OF ORDINANCES** of the City of Houston by declaring unauthorized Off-Premise Signs to be a public nuisance pursuant to Chapter 217 of the Local Government Code and authorizing the City Attorney to take all legal actions necessary to prevent or abate any such sign within the City or its extraterritorial jurisdiction – was presented, and tagged by Council Member Sekula-Gibbs. (Note: Council Member Sekula-Gibbs released her tag later in the meeting.)

10. ORDINANCE authorizing issuance of City of Houston, Texas Taxable Pension Obligation Bonds, Series 2006A; prescribing the terms and form thereof; providing for the payment thereof; appropriating sufficient funds for the payment of interest; authorizing the execution of a Purchase Contract; authorizing the purchase of a Financial Guaranty Insurance Policy; awarding the sale of the bonds; ratifying the use of a Preliminary Official Statement and authorizing the preparation and distribution of an Official Statement to be used in connection with the sale of the bonds; making other findings and provisions relating to the subject and matters incident thereto; authorizing the execution and delivery of a Paying Agent/Registrar Agreement, Co-Bond Counsel Agreement and Co-Special Disclosure Counsel Agreement; authorizing payment for Financial Advisory Services in connection with the issuance of the bonds; and declaring an emergency – was presented. Council Member Clutterbuck absent.

Council Member Sekula-Gibbs stated that she appreciated the press release that the Mayor had given to the citizens of Houston regarding his concern about the Fitch's rating of the City's bonds, that she read it recently and she was to concerned about the negative statement that Fitch's had made, that she did not know how much it would impact their ability to get a good interest rate on their pension obligation bonds but did think it was worth bringing it up for discussion, that they did not discuss it at the Fiscal Affairs meeting yesterday but it seemed to her that it was worth noting that they had two areas where they expressed concern about the City's management and one was the concern about Proposition 1 and Proposition 2 as being revenue limiting in terms of their ability to generate taxable income to pay off their obligations, but also they mentioned that there was a negative impact on just the fact that they were issuing pension obligation bonds and engaging in pension relating borrowing, that it was something that she had expressed concern about in the past as well, then they mentioned that the City had a very successful Fiscal Year 2005 and were looking to what the Controller and Director of F&A say that they look toward a good prospect for a successful FY06 in terms of not only the tax rate and generation of taxable income from property taxes but particularly from sales taxes and the comment was that it said that they had an unreserved Fund Balance of \$152 million in 2005, and that was 9% of their spending and transfers and was up from 2003 and that they anticipated an increase in operating reserves of \$4 million, which would come in 2006 and she was wondering if with that extra money that was in their Unreserved Fund Balance whether it would not be appropriate to reconsider the size of the pension obligation bonds that they would issue, not necessarily today because she knew the action had already been taken, but they had talked about how to go forward and manage and reduce their Debt Service and since they did have the favorable outcome and projection for 2005 and going forward to 2006 and hopefully 2007, with the strong economy they had in Houston, would it be possible for them to reconsider the actual amount of bond funding that they were going to issue, the number of bonds for the pension obligations, that it seemed to her that they may have an opportunity to reduce the Debt Service ultimately and possibly favorably impact organizations like Fitch's, who had now told the City that they were concerned with their outlook. Council Member Clutterbuck absent.

Mayor White stated that he thought that was a very good analysis that Council Member Sekula-Gibbs had just provided in detail and one thing that the bond agencies noted and she had noted, was that they had a significant increase over the last two years in unrestricted cash, another way to put it was that sometimes they tested themselves as how they were doing against budget, but a deliberate policy of the administration they tried to build their cash reserves, for two reasons, one was that there were some out year obligations, like 2008, Fiscal Year 2009, for example the Firefighters contract and energy costs, and when they put new officers through the academy classes for a full year and not just half a year, there were some extra expenses, so they were trying to plan now, which was unusual for government, several years in advance, they had been resisting spending those funds, that second, that for the purposes of their debt rating agencies one of the historical criticisms or weaknesses had been the relatively low amount of the cash balances and they brought those ups, so he heard what Council Member Sekula-Gibbs was saying and would give her a more detailed issue on the pension bond issue, but they would not want to do something where they knew they had

expenses coming up in 2008 and 2009, but he thought she raised a good question and would look at that. Council Member Clutterbuck absent.

Council Member Khan stated that it was also important to note that the rating change was primarily due to Prop 1 and Prop 2 issues, which were in the courts right now and thought it was also important to note that only the City of Houston had these restrictions, which were both in Prop 1 and Prop 2, and no other government agency, at least in this area, had any obligation to restrict their revenue stream like the City of Houston, that he knew that Chairman Berry was going to discuss this in the Transportation Committee this week, but how the Airport Bonds and the City was not charging any PFCs was affecting the rating, and Mayor White asked if how the absence of PFCs affect the rating, and Council Member Khan stated that yes, because they had eschewed to many bonds at the Airport because they did not have any PFCs. Council Member Clutterbuck absent.

Mayor White stated that this was a more detailed discussion, the Airport Bonds were separately rated and there was ongoing discussion with the City's financial advisors and major carriers concerning the revenue streams and capital improvements of the Airports, that he shared Council Member Khan observation, that he had not looked at it recently but he did at the beginning of the administration a couple of years ago, that the amount of debt was enough and he believed there was a good understanding with carriers out of Hobby Airport concerning both capitol improvements and revenue streams and thought people were working in good faith together and Chairman Berry, Mr. Hall, F&A and Aviation, and financial advisors for the Airport debt, were involved to see if there was common ground with carriers from Bush who wanted more capital improvements and minimal increases in charges, that it was very difficult to do both if given the amount of capitol improvements and debt on the system, but they were working through those in good faith and did not think anything was going to be done, he thought there were common interests between the carriers and the City, with one possible exception, that he was conservative and did not want to do anything that jeopardized the debt rating, even if it was an independent Enterprise Fund, that he just wanted to make sure that during this administration that Houston was perceived as a place that was financially prudent. Council Member Clutterbuck absent.

A vote was called on Item No. 10. All voting aye. Nays none. Council Member Clutterbuck absent. ORDINANCE 2006-0227 ADOPTED.

11. ORDINANCE authorizing issuance of City of Houston, Texas, Public Improvement Refunding Bonds, Series 2006B; prescribing the terms and form thereof; providing for the payment thereof; appropriating sufficient funds for the payment of interest; authorizing the execution of a Purchase Contract; authorizing the purchase of a Financial Guaranty Insurance Policy; awarding the sale of the bonds; ratifying the use of a Preliminary Official Statement and authorizing the preparation and distribution of an Official Statement to be used in connection with the sale of the bonds; making other findings and provisions relating to the subject and matters incident thereto; authorizing the execution and delivery of a Paying Agent/Registrar Agreement, Co-Bond Counsel Agreement and Co-Disclosure Counsel Agreement; authorizing payment for Financial Advisory Services in connection with the issuance of the bonds; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Clutterbuck absent. ORDINANCE 2006-0228 ADOPTED.
12. ORDINANCE authorizing issuance of City of Houston, Certificates of Obligation, Series 2006C; prescribing the terms and form thereof; providing for the payment thereof; appropriating sufficient funds for the payment of interest; authorizing the execution of a Purchase Contract; authorizing the purchase of a Financial Guaranty Insurance Policy; awarding the sale of the Certificates; Ratifying the use of a Preliminary Official Statement and authorizing the preparation and distribution of an Official Statement to be used in connection with the sale of the certificates; making other findings and provisions relating to

the subject and matters incident thereto; authorizing the execution and delivery of a Paying Agent/Registrar Agreement, Co-Certificate Counsel Agreement and Co-Special Disclosure Counsel Agreement; authorizing payment for Financial Advisory Services in connection with the issuance of the certificates; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Clutterbuck absent. ORDINANCE 2006-0229 ADOPTED.

15. ORDINANCE declaring the City's support of and consent to the creation of the **NORTH FORT BEND WATER AUTHORITY** – was presented.

Council Member Lawrence stated that she wanted to say that they appreciated the Mayor's emails to them concerning the bond rating and Prop 2 and Prop 1 and as things like that changed she appreciated his continuing to keep them informed with the court case and how it was affecting the City's finances.

A vote was called on Item No. 15. All voting aye. Nays none. ORDINANCE 2006-0230 ADOPTED.

16. ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 423** – was presented. All voting aye. Nays none. ORDINANCE 2006-0231 ADOPTED.
17. ORDINANCE approving and authorizing Utility Functions and Services Allocation Agreement between the City of Houston and **BGM LAND INVESTMENTS, LTD.** on behalf of proposed Harris County Municipal Utility District No. 439 - **DISTRICT B – JOHNSON** – was presented, and tagged by Council Members Lawrence, Green, Sekula-Gibbs and Johnson.
18. ORDINANCE authorizing the Director of the Health & Human Services Department (the "Director") to accept a grant from **HOUSTON ENDOWMENT INC**, in support of the City's Air Quality Efforts; declaring the City's eligibility for such grant; authorizing the Director to accept the grant and the grant funds and to execute the letter agreement in the form attached to this ordinance; authorizing the Director to expend the grant funds in furtherance of the grant and to apply for and accept all subsequent awards, if any, pertaining to the grant - \$610,000.00 - Grant Fund – was presented.

After discussion by Council Members, Council Member Edwards asked how this compared with the State's enforcement of clean air, was the City's being subsumed by what they were not doing or were they in concert, were they marching together or still apart, and Mayor White stated that the State of Texas, through the TCEQ, had taken a fantastic step forward and had assigned a senior person, with deep experience, to be the head enforcement officer residing in Harris County, and with dedicated staff the endowment was also supporting the dedication of additional non profit staff in the region, so they were building up institutional competence, and he would say on this and some other issues, relations with the TCEQ were getting better and better.

A vote was called on Item No. 18. All voting aye. Nays none. ORDINANCE 2006-0232 ADOPTED.

20. ORDINANCE approving and authorizing contract between the City of Houston and **AIDS FOUNDATION HOUSTON, INC** providing up to \$2,500,000.00 in Housing Opportunities For Persons With AIDS ("HOPWA") Funds for the Administration of a Short-term Rent, Mortgage and Utility Assistance Program; a Tenant Based Rental Assistance Program; an Information and Identification Program and the provision of Housing Assistance, along with other supportive services - **DISTRICT I – ALVARADO** - was presented.

Council Member Lovell stated that this was a proud moment for her, having been a founding board member of the AIDS Foundation Houston, where they were literally taking money out of their own pockets to help people, to watching the organization grow and serve people with HIV, that she wanted to say how proud she was of them and looked forward to working with them, that she wanted to thank the administration for being there and helping.

A vote was called on Item No. 18. All voting aye. Nays none. ORDINANCE 2006-0233 ADOPTED.

21. ORDINANCE approving and authorizing contract between the City of Houston and **BONITA STREET HOUSE OF HOPE** providing up to \$416,727.00 in Housing Opportunities For Persons With AIDS ("HOPWA") Funds for the Operation of a Community Residence and the provision of Child Care and other supportive services - **DISTRICT H – GARCIA** – was presented.

Council Member Brown stated that he wanted to recognize two people in the audience who were responsible for the wonderful work that Bonita House of Hope was doing, that it's founder, Mr. Tyrone Evans and Ms. Katherine Griffin, who had worked with him, that the two of them not only were doing the work that assisted women and children who were at risk but also did a magnificent job in accommodating and giving housing to Katrina evacuees and asked if they had been reimbursed for that.

Council Member Brown moved to suspend the rules to hear from Mr. Tyrone Evans at this time, seconded by Council Member Garcia. All voting aye. Nays none. MOTION 2006-0206 ADOPTED.

Upon questions by Council Members, Mr. Evans stated that they had not been reimbursed up to this point, they had their reimbursement application in, that they had talked to Governor Rick Perry and he had come out to visit their place and they were waiting now to see if they were going to get their reimbursement, and Members of Council recognized Mr. Evans, his staff and Bonita House for the work they had been doing. Council Member Alvarado absent.

A vote was called on Item No. 21. All voting aye. Nays none. Council Member Alvarado absent. ORDINANCE 2006-0234 ADOPTED.

22. ORDINANCE approving and authorizing contract between the City of Houston and **WAM FOUNDATION**, providing up to \$411,373.00 in Housing Opportunities For Persons With AIDS ("HOPWA") Funds for the Administration of a Short-term Rent, Mortgage, and Utility Assistance Program, along with supportive services – was presented. All voting aye. Nays none. Council Member Alvarado absent. ORDINANCE 2006-0235 ADOPTED.

23. ORDINANCE approving and authorizing contract between the City of Houston and **SERVICE OF THE EMERGENCY AID RESOURCE CENTER FOR THE HOMELESS, INC**, to provide \$65,000.00 in Community Development Block Grant Funds and \$250,000.00 in General Funds for the Administration and Operation of the Mobile Outreach Program to deliver emergency assistance to homeless individuals living on the streets – was presented. All voting aye. Nays none. Council Member Alvarado absent. ORDINANCE 2006-0236 ADOPTED.

24. ORDINANCE allocating \$619,068.00 as a Cash Match; approving and authorizing the acceptance of a grant from the U. S. Department of Housing and Urban Development for Round 13 of a Lead-Based Paint Hazard Control Grant Program (which also includes a further cash match of \$680,932.00 contingent upon future funding); declaring the city's eligibility for such grant; authorizing the Director of Health and Human Services Department to accept the grant and the grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the grant - \$3,000,000.00 - Federal

Grant Fund – was presented. All voting aye. Nays none. Council Member Alvarado absent. ORDINANCE 2006-0237 ADOPTED.

25. ORDINANCE approving and authorizing the submission of a grant application, acceptance of the award, and an Intergovernmental Agreement between the City of Houston and **THE HOUSTON-GALVESTON AREA COUNCIL (H-GAC)** for Participation in the FY2006 Solid Waste Management Grant Program - was presented.

Council Member Garcia asked how Item No. 25 parlay into the discussion that they had been having with the Solid Waste issues, and Mayor White stated that it would help them enforce the program against illegal dumping, but if there was more detail they would get that to him. Council Member Alvarado absent.

A vote was called on Item No. 25. All voting aye. Nays none. Council Member Alvarado absent. ORDINANCE 2006-0238 ADOPTED.

26. ORDINANCE appropriating \$5,000.00 out of Water & Sewer Consolidated Construction Fund and approving and authorizing Construction Management and Inspection Services Contract between the City of Houston and **SUNLAND ENGINEERING COMPANY** for Water Line Replacement in the Heights Subdivision; GFS S-0035-94-3 (WA10733); containing provisions relating to the subject - **DISTRICT H – GARCIA** – was presented, and tagged by Council Member Green.

Council Member Khan asked why they were having a \$5,000 item on the agenda, and Mayor White stated that he had been informed that for certain bond funds it was a pre-requisite to the utilization of those funds that there be an appropriation.

27. ORDINANCE awarding construction contract to **ARC ABATEMENT, INC** for Slab and Lifts Removal, Soil Remediation and Disposal at 6003 Beekman Road, (File No. Y-0002); setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for contingencies, project management and construction oversight financed by Community Development Block Grant Funds - \$42,874.50 - CDBG Fund - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. ORDINANCE 2006-0239 ADOPTED.
28. ORDINANCE appropriating \$2,480,000.00 out of Fire Consolidated Construction Fund, \$255,000.00 out of Public Health Consolidated Construction Fund, and \$145,000.00 out of General Improvements Consolidated Construction Fund for Renovation/Reconstruction of various City facilities projects - ~~\$140,000.00 – CDBG Fund~~ – was presented. All voting aye. Nays none. ORDINANCE 2006-0240 ADOPTED.

The City Secretary advised that there was a posting that there would be Community Development Block Grant Funds used, that had been deleted, and the total appropriation for the ordinance was \$2,880,000.

### **NON CONSENT AGENDA** - NUMBER 29

#### **MISCELLANEOUS**

29. MOTION to set a date not less than seven (7) days from March 8, 2006, to receive nominations for appointments to Positions 6, 7, 8 and 9 of the **BOARD OF DIRECTORS OF REINVESTMENT ZONE NUMBER ONE (ST. GEORGE PLACE), CITY OF HOUSTON, TEXAS**, for terms to expire December 31, 2007, and for Chair, for a term to expire December 31, 2006 – was presented.

Council Member Garcia moved to set March 22, 2006 to receive nominations for appointments to Positions 6, 7, 8 and 9 of the Board of Directors of Reinvestment Zone Number One (St. George Place), City of Houston, Texas, seconded by Council Member Lawrence. All voting aye. Nays none. MOTION 2006-0207 ADOPTED.

**MATTERS HELD** - NUMBERS 30 through 44

30. RECOMMENDATION from Finance & Administration Department to award to **CXT PRECAST PRODUCTS** for Modular Restroom from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for Building Services Department - \$111,285.29 and contingencies for a total amount not to exceed \$116,849.55 - Grant Fund – **(This was Item 15 on Agenda of March 1, 2006, TAGGED BY COUNCIL MEMBER CLUTTERBUCK)** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2006-0208 ADOPTED.
31. ORDINANCE appropriating \$144,975.18 out of Police Consolidated Construction Fund for VOIP System and Computer Equipment Purchase for South Central Police Station Replacement for the Building Services Department, CIP G-0058-02-3 – **(This was Item 17 on Agenda of March 1, 2006, TAGGED BY COUNCIL MEMBER SEKULA-GIBBS)**– was presented.

Council Member Sekula-Gibbs stated that the transition of the telephone system from traditional system to the Voice Over Internet Protocol seemed like it was a modest amount of money to move that program to the South Central Police Station and her question was if it was a programmatic plan to do it across the entire Police Department or was it a pilot and if it was were they going to be getting some feedback, and Mayor White stated that as he understood it there were some function by function portion within the Police Department where they looked at the VOIP alternative and did a cost benefit analysis on that particular function, that he thought Council Member Sekula-Gibbs raised legitimate questions and issues and thought a good place to do that would be in Chairman Garcia's committee and if he would consider making it the topic where they could get a report and would appreciate getting people's input on it. Council Member Khan absent.

A vote was called on Item No. 31. All voting aye. Nays none. Council Member Khan absent. ORDINANCE 2006-0241 ADOPTED.

- 31a. RECOMMENDATION from Finance & Administration Department to award to **GLOBAL DATA SYSTEMS, INC** - \$73,392.18, **HEWLETT PACKARD (HP)** - \$61,559.00 and **SHI** - \$10,024.00 for VOIP System and Computer Equipment Purchase for South Central Police Station Replacement for the Building Services Department – **(This was Item 17A on Agenda of March 1, 2006, TAGGED BY COUNCIL MEMBER SEKULA-GIBBS)** – was presented, moved by Council Member Alvarado, seconded by Council Member Green. All voting aye. Nays none. Council Member Khan absent. MOTION 2006-0209 ADOPTED.
32. ORDINANCE adopting administrative guidelines for the City's Good Neighbor Next Door Housing Assistance Program - **DISTRICTS B - JOHNSON; D - EDWARDS; H - GARCIA and I - ALVARADO** – **(This was Item 29 on Agenda of March 1, 2006, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. All voting aye. Nays none. Council Member Khan absent. ORDINANCE 2006-0242 ADOPTED.
33. ORDINANCE amending City of Houston Ordinance No. 2005-607, passed on May 11, 2005 which approved and authorized the submission of the 2005 Consolidated Plan and the grant application for the 31st Year Community Development Block Grant ("CDBG"), among others – **(This was Item 30 on Agenda of March 1, 2006, TAGGED BY COUNCIL MEMBER CLUTTERBUCK)** – was presented. All voting aye. Nays none.

Council Member Khan absent. ORDINANCE 2006-0243 ADOPTED.

34. ORDINANCE rescinding Ordinance Numbers 2005-1285 and 2005-1394 relating to an interlocal agreement between the City and the **HOUSTON GALVESTON AREA COUNCIL ("HGAC")**; approving and authorizing new Interlocal Agreement between the City and **HGAC** for Preventive Mental Health and HIV/STD Services to persons impacted by Hurricanes Katrina and Rita; providing a maximum contract amount - \$1,833,650.00 - Grant Fund – **(This was Item 31 on Agenda of March 1, 2006, TAGGED BY COUNCIL MEMBER EDWARDS)** – was presented. All voting aye. Nays none. ORDINANCE 2006-0244 ADOPTED.
35. ORDINANCE approving and authorizing contract between the City of Houston and **CHICAGO TITLE INSURANCE COMPANY** for Title Plant Services in connection with the City Legal Department's Title Operations; providing a maximum contract amount - 5 Years - \$600,000.00 General Fund – **(This was Item 33 on Agenda of March 1, 2006, TAGGED BY COUNCIL MEMBER GREEN)** – was presented. All voting aye. Nays none. ORDINANCE 2006-0245 ADOPTED.
36. ORDINANCE approving and authorizing Intergovernmental Agreement between the City of Houston and the **COUNTY OF LOS ANGELES** for the Purchase of Office Supplies for Various Departments from the County's Master Agreement with Office Depot; providing a maximum contract amount - 5 Years - \$14,510,084.40 - General, Grant, Enterprise and Other Funds – **(This was Item 34 on Agenda of March 1, 2006, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. All voting aye. Nays none. ORDINANCE 2006-0246 ADOPTED.
37. ORDINANCE disencumbering \$30,000.00 out of Contract No. C56633 between the City of Houston and **CLARENCE A. WEST** relating to Cable Television Franchise Renewal, future community needs assessment and performance review of Time Warner; and amending Ordinance #2004-1223 to provide a maximum contract amount for contract #C56514 between the City of Houston and **CLARENCE A. WEST**, in connection with Franchise Compliance and Access Line Reviews – **(This was Item 36 on Agenda of March 1, 2006, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. All voting aye. Nays none. ORDINANCE 2006-0247 ADOPTED.
38. ORDINANCE appropriating \$100,304.88 out of Street & Bridge Consolidated Construction Fund as an additional appropriation to reimburse **METROPOLITAN TRANSIT AUTHORITY ("METRO")** for Construction of Light Rail Transit System along Main Street and Fannin Street between Reliant Park and Downtown Houston - Segment Nos. 1 to 5, GFS N-0671-05-3 (SB9253) under Consent Agreement with Metro (approved by Ordinance No. 00-1028); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICTS C - CLUTTERBUCK; D - EDWARDS and I ALVARADO – (This was Item 37 on Agenda of March 1, 2006, TAGGED BY COUNCIL MEMBER CLUTTERBUCK)** – was presented. All voting aye. Nays none. ORDINANCE 2006-0248 ADOPTED.
39. ORDINANCE appropriating \$322,609.39 out of Water & Sewer System Consolidated Construction Fund and \$240,000.00 out of Homeless and Housing Consolidated Bond Fund; approving and authorizing developer participation contract between the City of Houston and **18 ACRE ALMEDA GENOA, L.P.** for Construction of Water, Sanitary Sewer and Storm Sewer Lines for Section One of the Almeda Trace Subdivision; CIP S-0800-11-3 & R-0800-11-3 - **DISTRICT D – EDWARDS – (This was Item 40 on Agenda of March 1, 2006, TAGGED BY COUNCIL MEMBERS GREEN, LAWRENCE and SEKULA-GIBBS)** – was presented. All voting aye. Nays none. ORDINANCE 2006-0249 ADOPTED.

40. ORDINANCE appropriating \$88,096.57 out of Water & Sewer System Consolidated Construction Fund and \$11,627.16 out of Homeless and Housing Consolidated Bond Fund; approving and authorizing developer participation contract between the City of Houston and **18 ACRE ALMEDA GENOA, L.P.** for Construction of Water, Sanitary Sewer and Storm Sewer Lines for Section Two of the Almeda Trace Subdivision; CIP S-0800-12-03 & R-0800-12-03 - **DISTRICT D – EDWARDS – (This was Item 41 on Agenda of March 1, 2006, TAGGED BY COUNCIL MEMBERS GREEN, LAWRENCE and SEKULA-GIBBS)** – was presented. All voting aye. Nays none. ORDINANCE 2006-0250 ADOPTED.
41. ORDINANCE appropriating \$388,844.82 out of Water & Sewer System Consolidated Construction Fund and \$240,000.00 out of the Tax Increment Reinvestment Zone Affordable Housing Fund; approving and authorizing developer participation contract between the City of Houston and **NEWMARK HOMES, LP. (Trophy Homes Division)** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve Section One of the Rosslyn Landing Subdivision; CIP S-0800-16-3 & R-0800-16-3 - **DISTRICT A - LAWRENCE – (This was Item 42 on Agenda of March 1, 2006, TAGGED BY COUNCIL MEMBER LAWRENCE)** – was presented. All voting aye. Nays none. ORDINANCE 2006-0251 ADOPTED.
42. ORDINANCE appropriating \$311,880.27 out of Water & Sewer System Consolidated Construction Fund and \$210,000.00 out of the Tax Increment Reinvestment Zone Affordable Housing Uptown Fund; approving and authorizing developer participation contract between the City of Houston and **NEWMARK HOMES, LP. (Trophy Homes Division)** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve Section Two of the Rosslyn Landing Subdivision; CIP S-0800-17-3 & R-0800-17-3 - **DISTRICT A - LAWRENCE – (This was Item 43 on Agenda of March 1, 2006, TAGGED BY COUNCIL MEMBER LAWRENCE)** – was presented. All voting aye. Nays none. ORDINANCE 2006-0252 ADOPTED.
43. ORDINANCE appropriating \$147,192.30 out of Water & Sewer System Consolidated Construction Fund and \$147,000.00 out of the Tax Increment Reinvestment Zone Affordable Housing Uptown Fund; approving and authorizing developer participation contract between the City of Houston and **NEWMARK HOMES, LP. (Trophy Homes Division)** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve Section Three of the Rosslyn Landing Subdivision; CIP S-0800-18-3 & R-0800-18-3 - **DISTRICT A – LAWRENCE – (This was Item 44 on Agenda of March 1, 2006, TAGGED BY COUNCIL MEMBER LAWRENCE)** – was presented. All voting aye. Nays none. ORDINANCE 2006-0253 ADOPTED.
44. ORDINANCE appropriating \$400,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **SES HORIZON CONSULTING ENGINEERS, INC** for Design of Safe Sidewalk Program, GFS N-0610A-D0-2 (SB9257); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund – **(This was Item 66 on Agenda of March 1, 2006, POSTPONED BY MOTION #2006-191)** – was presented. All voting aye. Nays none. ORDINANCE 2006-0254 ADOPTED.

Council Member Sekula-Gibbs stated that she would release her tag on Item No. 9.

9. ORDINANCE **AMENDING CHAPTER 10 OF THE CODE OF ORDINANCES** of the City of Houston by declaring unauthorized Off-Premise Signs to be a public nuisance pursuant to Chapter 217 of the Local Government Code and authorizing the City Attorney to take all legal actions necessary to prevent or abate any such sign within the City or its extraterritorial jurisdiction – was again before Council. All voting aye. Nays none.

ORDINANCE 2006-0255 ADOPTED.

Council Members Berry and Brown commended Council Member Holm for her work in making Houston a scenic City. Council Member Alvarado absent.

**MATTERS TO BE PRESENTED BY COUNCIL MEMBERS**

Council Member Lovell stated that Sunday was the AIDS Foundation Walk and if they wanted more information they could go to their website. Council Member Alvarado absent.

Council Member Lovell stated that yesterday her staff attended a meeting at which the representatives of TXDOT were present and they reported that TXDOT informed that they were not going to do any graffiti abatement because they did not have the money to do so, that she had noted that Mayor White had sent out a memo that he had spoken with TXDOT and there was going to be an agreement or some way for that to happen and understood that the grant funding that they were going after called the STEP Program may be possible but that funding would not be available until 2007 even if they got the grant funding, that she would like to sit down with TXDOT and bring them over to the fact that Houston was beautiful and they wanted to keep it that way, that she would like at some point and time to set up a meeting or conversation with TXDOT, and Mayor White stated that he would pursue that. Council Members Johnson and Alvarado absent.

Council Member Edwards stated that the State of Emergency, HIV Task Force's next meeting was March 10, 2006 at 10:00 a.m. at the NAACP Technology Center on Fannin. Council Member Green absent.

Council Member Edwards stated that the Sowetto Gospel Choir would be in Houston on March 16, 2006, at Miller Outdoor Theater at 8:00 p.m. Council Member Green absent.

Council Member Lawrence stated that she wanted to thank everyone who participated in her CIP meeting last night. Mayor White and Council Member Green absent. Vice Mayor Pro Tem Berry presiding.

Council Member Lawrence stated that she knew a number of the Council Members attended the Holocaust Museum's 10<sup>th</sup> Anniversary last Sunday, that they brought in an original rail car and it was a very moving situation. Council Member Green absent.

Council Member Lawrence stated that she wanted to thank Ms. Gafrick and her group from Planning, that they put on a great presentation on Saturday about PLS and prevailing lot size and Chapter 42. Mayor White and Council Members Alvarado and Green absent. Vice Mayor Pro Tem Berry presiding.

Council Member Garcia stated that they had a very good CIP meeting last week, there was great participation from the community in the Second Ward area, that they were having their second CIP meeting tomorrow evening at the Salvation Army at 2600 Aldine Westfield at 6:00 pm. Mayor White and Council Members Alvarado and Green absent. Vice Mayor Pro Tem Berry presiding.

Council Member Garcia stated that Ms. Lurisa Lindsay had been a great neighbor in the Old 6<sup>th</sup> Ward community and her mother passed away on Sunday and he wanted to offer his prayers and condolences to Ms. Lindsay and her family. Council Members Alvarado and Green absent.

Council Member Garcia stated that tomorrow was Mr. Jason Cisneros, a former staff member, birthday and wanted to wish him a happy birthday. Council Members Alvarado and Green absent.

Council Member Garcia stated that on Sunday was Go Tejano Day at the Houston Livestock Show and Rodeo and Ramon Ayala y Los Tigreros De Norte and Los Relambagos Del Norte, along with Jay Perez would be performing. Council Members Lawrence, Alvarado and Green absent.

Council Member Garcia stated that on Friday at 10:00 a.m. they would be holding and sponsoring the Three on Three Basketball Tournament at Independence Heights Park and he wanted to thank both Don and Eddie Thomas in his office for their work on it. Council Members Lawrence, Khan, Alvarado and Green absent.

Council Member Garcia stated that Mr. Stanley Wade Shurman of the North Command of HPD was retiring after 37 years and wanted to thank him for the great service and dedication that he had given the City. Council Members Lawrence, Khan, Alvarado and Green absent.

Council Member Holm stated that their citizens had voted and wanted a multi faceted transportation plan, that the neighborhood of Afton Oaks, in District G, had numerous meetings with Metro in order to voice their concerns in the community and the people of District G support a Westpark line because it did not disturb their established neighborhood and homes and would bring mobility to the City, that it had been suggested that if the communities along Richmond did not accept Metro's recommendation then they would be responsible for the failure of a transit plan for west Houston, that she wanted to go on record that if the leaders and elected officials did not work with the communities to plan the proposed lines the failures was theirs and not the community, and Mayor White stated that he wanted to thank Council Member Holm for her leadership on it and he guaranteed that he had communicated clearly and unequivocally to Metro that all options should be looked at and discussed with the community and the decision making process should be transparent. Council Members Lawrence, Johnson, Garcia, Alvarado and Green absent.

Council Member Sekula-Gibbs stated that she wanted to comment on the passing of Ms. Dana Reeve who passed away on Monday, March 6, 2006, that she died of Lung Cancer, that she was a non smoker. Council Members Lawrence, Garcia, Alvarado, Lovell and Green absent.

Council Member Sekula-Gibbs stated that the Jori Zemel Walk would be on Sunday, April 2, 2006 and would invite all Council Members to join them on the walk at the Clear Lake High School grounds at 1:00 p.m. the festivities would start and the walk would be at 3:00 p. m, that the walk was an opportunity to raise money for research, prevention and treatment of bone cancer. Council Members Lawrence, Garcia, Lovell and Green absent.

Council Member Sekula-Gibbs stated that she had asked for an independent audit, that she would like to ask for Mayor White consideration of that, and Council Member Edwards asked if Council Member Sekula-Gibbs was saying that the OIG report was not thorough, and Council Member Sekula-Gibbs stated that she was asking for an independent and at this time no charge report. Council Members Lawrence, Garcia, Lovell and Green absent.

Council Member Johnson stated that he wanted to acknowledge a group in the audience from PYOC Learning Academy and asked that they stand and be recognized. Council Members Lawrence, Garcia and Green absent

Council Member Khan stated that Congressman Green would be hosting a Crime Prevention and Community Safety townhall meeting on Saturday, March 11, 2006 from 10:00 a.m. to 12:30 p.m. at Fondren Middle School, 6333 South Braeswood. Council Members Lawrence, Johnson, Garcia and Green absent.

Council Member Khan stated that he wanted to congratulate his brother-in-law and wife

who had their first child, a daughter, on Monday, that he wanted to congratulate his mother-in-law who now had 12 grandchildren and counting. Council Members Lawrence, Johnson, Garcia and Green absent.

Council Member Khan stated that as they all knew President Bush visited India and Pakistan last weekend and the whole Indian and Pakistani community in the Country were excited to see President Bush make the trip. Council Members Lawrence, Johnson, Garcia and Green absent.

Council Member Berry stated that he, Mayor White and Ms. Dorfman had a meeting in November 2005 about the Joint Referral Process and they all had some concerns with the delay in the Joint Referral Process, that there was progress being made. Council Members Lawrence, Johnson, Garcia and Green absent.

Council Member Berry stated that he had heard from a lot of his colleagues regarding the Mayor Pro Tem office and all he would say was that it was too premature to say anything. Council Members Lawrence, Johnson, Garcia and Green absent.

Mayor White stated that he wanted to thank Council Member Berry for taking up the challenge on Joint Referral and seeing what they could do to streamline that process. Council Members Lawrence, Johnson, Garcia and Green absent.

Council Member Brown stated that as to the issue of permitting, that on Friday Mayor White would have a report from the steering committee on streamlining the permitting process, that he thought they had some good recommendations. Council Members Lawrence, Johnson, Garcia and Green absent.

Council Member Brown stated that he was taking a trip to Denver and would be meeting with the Mayor of Denver, that it was a fact finding tour and they would be looking at neighborhood revitalization, homeless, economic development, the rail system, comprehensive planning, a lot of things that Denver did very well, that he would like bring greetings from Mayor White to the Mayor of Denver and to the City Council, that Council Member Johnson was going with him on the fact finding trip. Council Members Lawrence, Johnson, Garcia, Sekula-Gibbs and Green absent.

Council Member Brown stated that they had four items on the agenda related to developer participation contracts and MUDs and that was something he tried to look into whenever they came on the agenda, that he was concerned that the City needed to set better standards to insure higher quality development, particularly for those projects that they were subsidizing through affordable housing money and other resources. Council Members Lawrence, Johnson, Garcia, Sekula-Gibbs and Green absent.

Council Member Brown stated Ms. Griffin was a graduate of the Star Drug Court, which took people who were diverted from going to prison and allowed them to work in a rehab program to get their lives back together. Council Members Lawrence, Johnson, Garcia, Sekula-Gibbs and Green absent.

Council Member Clutterbuck stated that she too wanted to add her thanks for Mayor White's generous amount of time for meeting with her and Council Members Holm and Edwards along the proposed University line, that she wanted to thank Council Members Brown and Johnson for looking at other options for the City and would suggest that if any other Council Members go to other cities that they report on their trips and findings of what other cities had done. Council Members Lawrence, Johnson, Garcia and Green absent.

Council Member Clutterbuck stated that tonight District C would be holding their CIP meeting from 7:00 p.m. to 9:00 p.m. at the Rice School at 7559 Suess Lane, on the northwest

corner of North Braeswood and Kirby Drive. Council Members Lawrence, Johnson, Garcia and Green absent.

Council Member Edwards stated that she needed to know who was the point person for the Essence Festival, they were getting quite a number of calls in their office and she needed some direction as to where, how and how, and Mayor White stated that he would ask Ms. Stein to have Mr. Richard Lapin refer to her. Council Members Lawrence, Johnson, Garcia and Green absent.

There being no further business before Council, the City Council adjourned at 11:34 a.m. Council Members Lawrence, Johnson, Garcia and Green absent.

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

MINUTES READ AND APPROVED

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Anna Russell, City Secretary