

City Council Chamber, City Hall, Tuesday, March 28, 2006

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, March 28, 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., and Michael Berry; Mr. Harlan Heilman, Division Chief, Claims & Subrogation Division, Legal Department; Mr. Richard Cantu, Director Citizens Assistance Office; Mr. Xavier Herrera, Citizens Assistance Office; Ms. Marty Stein, Agenda Director; and Ms. Stella Ortega, Administrative Assistant, Mayor's Office present. Council Member Ronald C. Green absent on personal business.

At 2:04 p.m. Mayor White called the meeting to order and called on Council Member Lawrence to begin presentations. Council Member Lawrence invited Chief Skinner to the podium and stated that Oscar Carcamo could not be present but this was the type of story all wanted to know of; and invited Chief Skinner to speak; and Chief Skinner stated that it was a pleasure to come speak of a young Houston citizen who risked his life to save another Houstonian; that they arrived at an apartment fire around 11:00 p.m. and fire was coming out of two windows and a lady was lying in the yard who had been pulled from her bedroom by Oscar Carcamo; that his hat was off to him and he was a fine example to all young people and he wanted him recognized; and Council Member Lawrence stated that he could not get through the doors and had to break a window; that during a fire it was solid black inside and you had no idea of where you were walking, but he made his way to the bedroom, grabbed the sheet and pulled the lady out; and on January 10, 2006, Oscar Carcamo, a 17 year old student from Northbrook High School reacted in an extraordinary way and saved the life of an individual from a burning apartment, he helped without thinking of the danger involved; and proclaimed Tuesday, March 28, 2006, as "Oscar Carcamo Day" in Houston, Texas. Council Members Johnson, Holm, Garcia, Alvarado, Brown and Lovell absent.

Council Member Berry thanked Chief Skinner for bringing this to everyone's attention; that it was remarkable when a private citizen did what the firefighters did daily; that he would like him to let all the firefighters know how much they were appreciated and he was particularly grateful Oscar was brought to their attention, it was an act of heroism. Council Members Johnson, Holm, Garcia, Alvarado, Brown and Lovell absent.

Council Member Sekula-Gibbs invited Ms. Janice McCorkle a teacher from Humble ISD to the podium and stated that she was representing all art teachers across the state who helped educate students and allow their inner being to grow; that this was Youth Art Month for the State of Texas and Mayor White was declaring it for the City of Houston and Ms. McCorkle had brought art for the Mayor and Council Members to choose from and an art exhibition was on the Council level of City Hall Annex; and presented Ms. McCorkle a Proclamation recognizing young people for their importance in this city; for art helping students with all their education; and proclaimed March as "Youth Art Month" in Houston, Texas. Ms. McCorkle stated that she represented a large number of art teachers; that some legislators felt art, music and drama should be gotten rid of, but for many it was a release; and she hoped they would hang their pictures where it could bring them sunshine. Council Members Johnson, Holm, Garcia and Lovell absent.

Council Member Alvarado stated that as a point of personal privilege Rep. Rick Noriega was present; that last time he was present it was for a sendoff to Afghanistan and not long after returning helped during the Katrina disaster; that the two of them today spent time with students at City Hall; and invited Rep. Noriega to speak. Rep. Noriega stated that he was honored to be a Houstonian and today a heated and emotional debate was raging through the country and the future of Houston, a group of young people, were speaking out in a loud way saying they were scared and wanted to be heard, their tactics may not be structured, but their intent was as patriotic as the Boston Tea Party; that he was very proud of HPD's character and restraint shown and two students met with Mayor White and they came out with their lives changed. Council Members Holm, Garcia and Lovell absent.

Council Member Lawrence stated that they may differ sometimes on policies but he was truly a hero serving this state and country and she appreciated all he did. Council Members Holm, Garcia and Lovell absent.

Council Member Edwards stated that the students today were hopeful to her, recognizing some young people were still willing to fight to be free; and if he could fight for democracy in Iraq she was so proud he was willing to fight for the democracy for students here in Houston, Texas; and she thanked him for who he was. Council Members Holm, Garcia and Lovell absent.

At 2:20 p.m. Council Member Berry invited Pastor Reggie Devon of Silver Lake Church to lead all in prayer and Council Member Berry led all in the pledge. Council Member Lovell absent.

At 2:21 p.m. the City Secretary called the roll. Council Member Green absent on personal business. Council Member Lovell absent.

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

At 2:22 p.m. the City Secretary began calling the public speakers. Council Member Lovell absent.

Mr. John Steen, 22623 Sierra Lake Court, Katy, Texas 77494 (713-596-3026) had reserved time to speak but was not present when his name was called. Council Member Lovell absent.

Mr. Leonard Hall, 5951 Doulton, Houston, Texas 77021 (713-734-5618) appeared and stated that he was present asking for assistance in starting a recreation business for families; that many empty buildings were around that could be used for such a facility; and he would like information on how to get started. Council Members Khan, Garcia and Lovell absent.

Mayor White stated that if he had a business plan he could contact the Small Business Develop Corporation who in the last two years initiated a program called micro loans; that director Milton Wilson made many loans and helped fund that and Mr. Fontaine who was present would give him information on contacting the corporation. Council Members Garcia and Lovell absent.

Mr. Vatis Hall, 5951 Doulton, Houston, Texas 77021 (713-734-5618) appeared and stated that as his brother said they would like to start a family fun place in an abandoned building and he felt it would keep most kids off the street; and they would like assistance. Council Members Khan, Garcia and Lovell absent.

Upon questions by Council Member Lawrence, Mr. Hall stated that there was a building located at Mykawa and Telephone they could use and they felt they could have daycare, laser tag and other arcade games for the children. Council Members Johnson, Edwards, Garcia and Lovell absent.

Mr. Adair Smith, 6726 England, Houston, Texas 77021 (713-527-9561) appeared, presented information and stated that he wanted to thank the Mayor and Council for what was done for the visually impaired allowing them to be independent; and would ask that auditory signals be placed on streets like Cullen and Scott on the southeast side of town and buttons they could hear so they could stop traffic and prolong the green light. Council Member Johnson absent.

Council Member Edwards thanked Mr. Smith for coming and stated that she was not sure by which process the lights were equipped with that service, but there was a larger percent of citizens needing it and she would like someone from Public Works to come and explain how she could assist in that effort; and Mayor White stated that Mr. Norman would speak with her and he would also like him to communicate with METRO about the crossing where someone was hit. Council Member Johnson absent.

Council Member Lovell stated that as a point of personal privilege she would ask students from the Baker Institute at Rice University to stand to be recognized. Council Member Johnson absent.

Ms. Lindsay Slott, 5731 Logan Lane, Houston, Texas 77006 (832-492-8205) appeared, presented information and stated that she was one of the four directors at Planet Funk and was present to convey the importance of the dance studio as many children and adults embraced it and their survival depended on Council's decisions and today she was asking that if anyone was upset about Planet Fund she would like to know so she could help with their image.

Council Member Holm stated that this was an ongoing issue which Council had addressed for a long time now and they did want coexistence of parking in mixed use neighborhoods and several months ago they changed the ordinance which allowed parking in front of Planet Funk, but the parking was never applied for even after Council Member Lawrence personally asked for a permit to give to them; and upon questions, Ms. Slott stated that she was not aware of that, but her objective was to work with residents so all would be comfortable with them in the area. Council Member Lovell absent.

Mayor White thanked Ms. Slott for coming; and upon questions, Ms. Slott stated that it could become annoying to have others parking in front of your home, but she would like to be contacted when someone had an issue with parking. Council Members Garcia and Lovell absent.

Mr. Shawn Welling 5731 Logan Lane, Houston, Texas 77007 (281-772-4277) appeared and stated that to move back four years the studio was shut down by the city to get them to move out and they were on the offense; that four years ago Legal stated if they kept their clothes on they would be able to reopen and that was what had been portrayed about them; that the information passed out showed code violations and they believed in justice but it was all tarnished if the code was not adhered to; and he wanted to know why it was broke regarding parking signs, they still were not down. Council Members Lovell and Sekula-Gibbs absent.

Upon questions by Council Member Khan, Mr. Welling stated the statement from Legal was from a letter in 2000; that they were not a club and no alcohol was sold; that a variance had been given to all but them and they had to chop off a part of the studio. Council Member Khan stated that he had been seeing Mr. Welling almost two years with logical questions and yet it was unable to be resolved; and upon questions, Mr. Willing stated that Council Member Holm said she leaned on the Planning Commission to make the decision and the Planning Commission stated they leaned on Legal, then a week ago Legal said the signs should not be there and now it was back to the Planning Commission, but the signs should come down; and Council Member Khan stated that he hoped the issue would soon be solved. Council Members Lovell and Sekula-Gibbs absent.

Council Member Holm stated that the passage read from 2000 she was unaware of, but Planet Funk was a model of coexistence in a mixed use area in a challenge this city had to face; that they had looked for a win/win situation and it would allow him parking while protecting the mixed use, but he chose not to park; and Mr. Welling stated that they chose not to participate in the decisions which were violations to City Code, the city needed to come up with something to integrate under the code and not violate the justice system and if he did get the permit he was

participating in the decision of violating the City Code; and Legal was clear it violated City Code; and Council Member Holm stated that she was asking him to embrace and get to the right answer rather than challenge and one way was to participate and coexist; and Mr. Welling stated that he would, but had to ask her to spearhead the campaign to take the signs down and start on the right level. Council Member Sekula-Gibbs absent.

Council Member Edwards stated that she knew the city was working hard to bring resolution to this, but believed this issue had some uniqueness and she could not believe Mr. Welling was so confused he would keep coming down here week after week, but this could not be solved here at the table and maybe the Planning and Development Committee could look at it and have a real discussion where all could be completely heard. Council Member Sekula-Gibbs absent.

Ms. Jennifer Barbeito, 5731 Logan Lane, Houston, Texas 77007 (281-772-4277) had reserved time to speak but was not present when her name was called. Council Member Sekula-Gibbs absent.

Ms. Vanessa Archer, 415 Fairview, Houston, Texas 77006 (832-566-6639) appeared and stated that she was the media and marketing director with Planet Funk and she had seen them grow over seven years; that as a dancer she had many opportunities because of them and they did many benefits and had an outreach program for children and it was important to know they would remain. Council Members Johnson and Sekula-Gibbs absent.

Upon questions by Mayor White, Ms. Archer stated that she backed Planet Funk 100% and had no problem getting in and out; that about 75% of their customers were children who could not drive and were dropped off; and Mayor White stated that was an important and enlightening point; and he thanked her for coming. Council Members Johnson and Sekula-Gibbs absent.

Mr. Clinton Allen, 5731 Logan Lane, Houston, Texas 77007 (713-802-1772) appeared and stated that he had been with Planet Funk since 2003 and they opened up something magical in his life; that it was more than a place to dance, lose weight or drop off your children to many it was an establishment which brought many cultures together and where lifelong friends were created for all ages; that they were knowledgeable about the parking issues and thanked Council for what was done and if they could be of assistance they wanted to work with the community and Council. Council Members Johnson, Lovell and Sekula-Gibbs absent.

Upon questions by Council Member Lawrence, Mr. Allen stated that the street held confusion, the "No Parking" signs were still there and many asked where they were to park and they never parked in front of homes and did not suggest others park there; that he would like all to be happy and there was a restaurant and bank near them which allowed their customers to share parking. Council Members Johnson, Lovell and Sekula-Gibbs absent.

Mayor White thanked Mr. Allen for coming and stated to Mr. Cantu that they made the same point and changed the law to embody the point Mr. Welling articulated and since it was against the policy of the studio for anyone to park in front of residences he would like a report; that if a sign was in front of the business stating "No Parking" they had changed the ordinance to keep that from occurring and there was no reason the sign should not be taken out. Council Members Johnson, Garcia, Lovell and Sekula-Gibbs absent.

Council Member Holm stated to clear something up the ordinance passed was exactly that and a request from Mr. Welling coming in and in the ordinance you had 90 days to request a variance and Mr. Welling requested not to do so and that was why the signs were still up, he made the decision. Council Members Johnson, Garcia, Lovell and Sekula-Gibbs absent.

Council Member Edwards stated that her concern in them coming week after week in this

venue was it did not allow it to be fully looked at; that this was not a zoned city and a lot was happening and streets were becoming battlegrounds, all paid taxes and should be allowed to park on the street and she understood decal parking, but she wanted to encourage them to have a more substantive discussion in another venue. Council Members Johnson, Garcia, Lovell and Sekula-Gibbs absent.

Council Member Berry stated that he wanted them to know he and some of his colleagues had been by Planet Funk and he did research, he lived just blocks from them and he did not know how well they were regarded even in LA and New York, however, what went on inside should not have anything to do with how laws were enforced on the street and he was not convinced they had received a fair deal and maybe a problem solver such as Mr. Fontaine and a group of them could go and look at this; that some neighbors had not been so nice, but then one told him they did not like a business there but if there was going to be one he was glad it was Planet Funk; that he would like a group of them taken over on a fact finding trip, the street had become a battleground; and Mayor White stated that a previous speaker stated it was against their policy and there was no desire to park in front of residences and if that was the case there was an easy resolution and the articulated policy should be able to be implemented and there should be no problems. Council Members Garcia, Lovell and Sekula-Gibbs absent.

Council Member Khan stated that the issue was not how good of a neighbor you were but who had the right to park on public property and it would be in error in his opinion to solve this based on the fact they were a good neighbor. Mayor White, Council Members Garcia, Lovell and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding.

Mr. Anthony Collins, 6202 Star Lake, Humble, Texas 77396 (281-548-0979) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Garcia, Lovell and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding.

Ms. Michelle Haberland, 18714 Flax Bourton Close, Humble, Texas 77346 (713-353-2035) appeared, presented information and stated that she was a former vet tech from the City of Houston Animal Control and recently wrote to Mr. Stephen Williams regarding BARC problems which affected everyone; that approximately one year ago Mr. Williams appointed a new management team to run the shelter and made of those with good intentions and little experience and now much work was still to be done and she believed a consultant needed to be brought in; that at BARC there seemed to be no accountability for money spent with thousands being spent on lobby art while they could not order desperately needed medications because they owed the vender too much money; that money should be channeled into things that worked and many were willing to volunteer and she would ask Council to make this a priority. Mayor White, Council Members Holm, Garcia, Lovell and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding.

Council Member Clutterbuck thanked Ms. Haberland for coming with such a serious problem and stated that in southwest Houston there was a serious problem with runaway dogs and whenever they called the response was they were under funded and many did want to put volunteer time in on this; and upon questions, Ms. Haberland stated thousands were spent on art work and there was not even room to hang all of it and some was stacked in a closet. Mayor White, Council Members Holm, Garcia, Alvarado and Lovell absent. Acting Mayor Pro Tem Berry presiding.

Council Member Sekula-Gibbs thanked Ms. Haberland for coming regarding BARC and stated that there was a station which did an expose on staff at BARC not doing their job and also they thought if the facility looked better more people would come in to adopt; and Ms. Haberland stated that many employees had left and there was not enough to go around and the new building was more functional and a step in the right direction, but she was opposed to making what it looked like a priority when animals died because the pharmaceutical vendor could not be paid and if there were no healthy animals it was a waste of time to make the facility

look nice; and Council Member Sekula-Gibbs stated that she had authored an amendment in last year's budget asking for a study to determine how the city and county could partner and improve cost and efficiency; and upon questions, Mayor White stated that they did want to figure ways to increase efficiency and because they were dealing with lives of those with the city and county he was open-minded on ways to do it to satisfy needs of the stakeholders and was having a follow-up discussion to learn more. Council Members Holm, Garcia, Alvarado and Lovell absent.

Ms. Margaret Gondo, 209 Vincent, Houston, Texas 77009 (713-743-1924) appeared, presented information and stated that she had attended countless meetings on BARC, volunteered, addressed Council and served on the Mayor's Task Force for Animal Protection and it was obvious the pet problems in Houston could not be addressed without talking about incompetence and failings occurring at BARC; that working groups were formed but without commitment from a higher authority they were empty promises; that Denise Arnold had stated 90% of the animals entering BARC were killed because in her opinion they were un-adoptable and neither Ms. Arnold nor the chosen management team had the credentials to differentiate which animals were adoptable and instead of creating a nationwide search to see who was a qualified candidate with an animal welfare background the city chose to choose a candidate of convenience and she had recreated the incompetent system which previously existed at BARC and the catch and kill mentality continued to permeate to the highest level of the Department of Health and Human Services; that she presented an organizational chart of Austin Town Lake which was Travis County's Animal Control Agency and their talented animal staff was committed to ending the killing of adoptable animals and found alternative funding services to augment their budget; that a good management staff devoted to saving animals while preserving public health made all the difference in the world; and the few employees at BARC directly responsible for promoting adoption, rescue and redemption of animals were not given bonuses and in fact some were actually disciplined and now the latest job posting was for a managerial position with a salary of \$49,000 to \$94,000 and that was not needed and instead what was needed was help with adoption, redemption, foster care and transfer to rescue groups. Council Members Edwards, Garcia, Alvarado and Lovell absent.

Upon questions by Mayor White, Ms. Gondo stated that she was there daily and she thought the posting should be along the line of task force recommendations, they needed adoption and foster activities coordinated along with coordination of volunteers; that BARC was heavily weighted on the managerial side of things; that this posting for up to \$94,000 a year was a one week posting so it meant they probably already had someone in line for the job; and Mayor White asked Ms. Ortega to make a note as there were dedicated people in the Health Department and the issue of having the right person be a volunteer coordinator was a note he sent down there for the taskforce report and he would like feedback from Mr. Williams on that position. Council Members Edwards, Garcia and Lovell absent.

Upon questions by Council Member Brown, Ms. Gondo stated that yes, it was an unyielding bureaucracy; and upon further questions by Council Member Brown as to who was responsible in disengaging this bureaucracy and making the effort more efficient and rationalized, Mayor White stated that a substantial percentage of time the director of Health, Stephen Williams was on the animals and animal control and he (Mayor White) did authorize additional positions to be made in the budget and Director Williams was knowledgeable and he was glad he was there. Council Members Edwards, Garcia and Lovell absent.

Council Member Holm stated that Ms. Gondo was a strong advocate at BARC and they heard her frustration and understood where it was coming from; and she believed she was asking for Council to not throw dollars at BARC, but to get to the ground bottom of the problem, address the situation and see what they could do about it; and Ms. Gondo stated that she was just a volunteer but what she saw made her question business practices and she hoped to see BARC move forward. Council Members Edwards, Garcia and Lovell absent.

Upon questions by Council Member Sekula-Gibbs, Ms. Gondo stated that she did not think the Council should pass the buck, the county had their own problems, she had seen their organizational chart and they had a PR person and were able to mitigate a lot of the negative publicity before it got around and she did not think they had civil servants; that they had an excellent director and their adoption rate was similar, but there were differences also and you had to make sure a pet went to a good home. Council Members Garcia and Berry absent.

Council Member Clutterbuck thanked Ms. Gondo for coming; and upon questions, Ms. Gondo stated that many committees were made to help BARC, unfortunately many failed, but she served on the Mayor's Taskforce for Animal Protection and positive recommendations were made, some were a little sketchy and one thing she did not like was most examples were nonprofit and as an animal control agency BARC could not refuse an animal; and Council Member Clutterbuck stated that it was essential for volunteers who commit their time and give good analysis that they have their recommendations implemented and if there was anything Council could do; and Mayor White stated that a note was made and a couple of positions were identified, but he read and reread the report and agreed about the difference between nonprofit and them being held up to certain standards; that there were a number of issues involving responsible behavior towards animals by owners in the role of private funding such as health clinics for human beings were being increased significantly in this city principally by using private and federal funding sources because the stream of revenue in the city was fixed and it was hard on those who had so many things competing with their time; and the city's ability to impose fees and taxes was by in large determined by the legislature, state government told the city what they could and could not charge in taxes and he did not understand that either. Council Members Johnson, Garcia and Berry absent.

Upon questions by Council Member Edwards, Ms. Gondo stated that the budget for making BARC as humane as possible would be to double it. Council Members Johnson, Garcia and Berry absent.

Mr. Darryl Miller, 1622 Calmar Drive, Spring, Texas 77386 (281-296-0684) had reserved time to speak but was not present when his name was called. Council Members Johnson, Holm, Garcia and Berry absent.

Ms. Tao Peng, 6516 M. D. Anderson Blvd., Houston, Texas 77030 (832-221-2108) appeared displayed a poster, presented information and stated that she worked at the Texas Medical Center and was present regarding the Body Worlds Show at the Houston Natural Science Museum created by Dr. Hagens; that she searched and found Dr. Hagens had three factories with one of the biggest in Dalian which was in Liaoning a province in China and was located close to three Chinese labor camps; that in The Epoch Times newspaper it was reported in Sujiatun, north of China, a concentration camp had Falun Gong practitioners organs being harvested for transplant while they were alive and then they were disposed of and that camp is in the same province as Dalian city where Dr. Hagens' body factory is located and which is also sister city of Houston; and today she was expressing her concern about the Body Worlds Show and whether those bodies were Falun Gong practitioners in China; and she hoped the media and government would pay attention to this issue and investigate. Council Members Johnson, Clutterbuck, Holm, Garcia and Berry absent.

Council Member Edwards stated that when she heard of her concern she called the president of the Natural Science Museum and he said all bodies were anonymous, but none were from China, but there was a show in town Discover Magazine talked about called Body Snatchers and he could not speak to that; and Ms. Peng stated that they contacted the museum director and she could not prove what was true; and Council Member Edwards stated that until she had proof she would ask the Houston Museum not be tied into such a relationship; and her staff was now talking with the Discover Magazine to find out if these two shows were the same; and Ms. Peng stated Body World and Body Snatchers was the same show. Council Members Johnson, Clutterbuck, Garcia and Berry absent.

Mr./Coach R. J. (Bobby) Taylor, 3107 Sumpter, Houston, Texas 77026 (202-FA3-4511) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Johnson, Clutterbuck, Garcia and Berry absent.

Ms. Dorothy Olmos, 102 Funston, Houston, Texas 77012 (281-636-1058) appeared and stated that she was present on behalf of the Pine View Civic Club to address the same concern as a month and a half before regarding Pine View Place that she just found out a traffic study was going to be done, but the improvement was not wanted and she wanted to give some of her time to the seniors present with her. Council Members Lawrence, Johnson, Clutterbuck, Garcia and Brown absent.

Council Member Alvarado moved the rules be suspended for the purpose of allowing residents appearing with Ms. Dorothy Olmos to make statements, seconded by Council Member Khan. All voting aye. Nays none. Council Member Green absent on personal business. Council Members Lawrence, Johnson, Clutterbuck, Garcia, Brown and Sekula-Gibbs absent.

Ms. Margaret M. Solice appeared and stated that she thanked the Mayor and Council, but wanted them to visualize the problem in Pine View Place and the streets were wide enough to accommodate three cars and in front you saw a beautiful triangular park, but the problem was an island was placed there on the right side of her driveway and it bottlenecked traffic. Council Members Johnson, Clutterbuck, Wiseman, Garcia, Brown and Sekula-Gibbs absent.

Council Member Alvarado moved to extend their time by one minute; and Mayor White stated that they should proceed. Council Members Johnson, Clutterbuck, Wiseman, Garcia, Brown and Sekula-Gibbs absent.

Ms. Duran appeared and stated that she was also a resident of Pine View Place and they wanted their entrance as it was before, it was made into an in and out but they wanted it as before; and another issue was regarding the sewer line put in; that some houses had apartments in their back but they were not connected to the lines and at her house, 124 Glendale, there was a manhole in the back and getting filled with sewage and smelled badly and the lines all needed to be connected before all had sewage in their yards. Council Members Johnson, Clutterbuck, Wiseman, Garcia, Brown and Sekula-Gibbs absent.

Council Member Alvarado thanked all for coming and stated that she was well informed of their issues and Mr. Norman was present and she would ask him to visit with Ms. Duran about her backyard issue first and secondly would ask they visit with him regarding their entrance; that she knew he was not in agreement with them on that but would like them to visit and Public Works was willing to conduct a community meeting and they could visit with Mr. Norman as to when and where. Council Members Clutterbuck, Wiseman, Garcia, Brown and Sekula-Gibbs absent.

Mr. Provone appeared and stated that he had seen three accidents or near accident on the new entrance. Council Members Clutterbuck, Wiseman, Garcia, Brown and Sekula-Gibbs absent.

Mayor White stated that he did have Mr. Norman's memo on this analogy; and Ms Olmos stated that she wondered if there was emergency funding that could be put to this; that they wanted complete sidewalks not patch sidewalks and the sewers were not correct and they would like to be a part of the process. Council Members Clutterbuck, Wiseman, Garcia, Brown and Sekula-Gibbs absent.

The City Secretary stated that Mr. Norman was in the back waiting to meet with them; and Mayor White stated that on the sewage issue it was new to him as well as the access to Harrisburg from Woodvale and he would appreciate Mr. Norman reporting back to him. Council

Members Clutterbuck, Wiseman, Garcia, Alvarado, Brown and Sekula-Gibbs absent.

Mr. Frank Sipps, 10822 Ritow, Houston, Texas 77089 (713-944-0732) appeared and stated that his concern was with the emergency evacuation plan, how would they identify who should be on the road and when and he felt there should be color coded tags for counties and if they were wrong they would not get through; and he also felt it should be one tag per family as they were not trying to save material things such as cars and all should go in one vehicle. Council Members Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Brown and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Upon questions by Council Member Lovell, Mr. Sipps stated that he was in Council Member Wiseman's district; and Council Member Lovell stated that Council Member Wiseman asked she convey apologies to him for having to leave, but she needed to pick up her son. Council Members Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Brown and Sekula-Gibbs absent.

Ms. J. B. Boykin, 919 Caperton, Houston, Texas 77022 (713-697-6217) appeared, presented information to Council and stated that she was the founding director of a grassroots shelter in the State of Texas and had loved, housed, fed, clothed and encouraged the addicted, homeless and abused with no federal or United Way help and was in District H and today present asking for Council's assistance; and would like those present with her to be allowed to speak at this time. Council Members Clutterbuck, Wiseman, Holm, Garcia, Alvarado and Brown absent.

Mayor White stated that he would ask two people speak for thirty seconds each as there were still many speakers; and asked that the next persons identify themselves. Council Members Clutterbuck, Wiseman, Holm, Garcia, Alvarado and Brown absent.

Ms. Angela Lamb appeared and stated that In Action had given her life back and restored her back with her family and if they lost the home they now had going back to the street would mean her death as all she would have to go to would be what she just came out of; and they were all asking Council to help them save their home. Council Members Clutterbuck, Wiseman, Holm, Garcia, Alvarado and Brown absent.

Ms. Sharon Davis appeared and stated that she was a recovering addict and had done several months in jail, but In Action got her family together, she had three sons now doing well in school, and she would like In Action to be allowed to stay in existence and help others get back on their feet. Council Members Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Brown and Berry absent. (NO QUORUM PRESENT)

Mr. Carlos Singleton appeared and stated that he was addicted to crack cocaine and found deliverance at In Action and now had a CDL truck driving license. Council Members Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Brown and Berry absent. (NO QUORUM PRESENT)

Council Member Johnson thanked Ms. Boykin for coming and stated that he felt and saw her passion and the fruits of her labor were with her and he was happy to see them delivered; and upon questions, Ms. Boykin stated that she did not possess the knowledge to write grants and no one had been moved to the compassion to write one for them; that they were a 501C3; and Council Member Johnson stated that he would like to speak with her after Council and she could get with his office; that they had people who were grant writers and maybe they could look at her facility and assist her; and Ms. Boykin stated that they were 11 years in existence and were tired of no assistance; and she did thank business owners who had gone to her facility to see what they were doing and she invited the Mayor and Council to visit also. Council Members Clutterbuck, Wiseman, Holm, Garcia, Alvarado and Brown absent.

Ms. Lailah Suki, 610 Timber Terrace, Houston, Texas 77024 (713-688-3330) had reserved time to speak but was not present when his name was called. Council Members Clutterbuck, Wiseman, Holm, Garcia, Alvarado and Brown absent.

Mayor White stated that he just received a memo the legislature mandated subject of penalty that he had to watch an hour long DVD and Council Members might check with their staff as it said all local government officials. Council Members Clutterbuck, Wiseman, Holm, Garcia, Alvarado and Brown absent.

Ms. Lynn Holender, 1900 North Loop West #280, Houston, Texas 77018 (713-686-8581) appeared and stated that she was present in recognition of Women's History Month; that last August she spoke on doing business with the city as a woman owned commercial real estate firm and as Mayor White said gaining business was about gaining networks and today they were thanking the city on behalf of all women owned businesses for their help; that they were asked to come back with an update on their progress and the next speaker would do that. Mayor White, Council Members Clutterbuck, Wiseman, Holm, Garcia, Alvarado and Brown absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Khan, Ms. Holender stated that March was Women's History Month and this was the first time the majority of Council were women and they wanted to use the opportunity to thank the Council. Mayor White, Council Members Johnson, Clutterbuck, Edwards, Wiseman, Holm, Garcia, Alvarado and Brown absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Ms. Connie Rankin, 1900 North Loop West #280, Houston, Texas 77018 (713-686-8581) appeared and stated that she was president of Customized Real Estate Services and present to share thanks for Council's support and to say that after Katrina's devastation they were instrumental in helping find warehouse space needed and now they were doing business with the City of Houston; that women owned businesses faced challenges, however, because of people like this Council the growth of nontraditional women owned businesses now had out paced traditional owned businesses by 50% in the last seven years, they had grown by 20% and knew the power of partnership. Mayor White, Council Members Johnson, Clutterbuck, Edwards, Wiseman, Holm, Garcia and Brown absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Lovell thanked Ms. Rankin for coming and what they did during Katrina; that it did take a long time for women to get majority on Council and she was proud to be one of them who took them to that place in history; and she was welcome to call for assistance. Mayor White, Council Members Johnson, Edwards, Clutterbuck, Wiseman, Holm, Garcia and Brown absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Sekula-Gibbs, Ms. Rankin stated that she was certified, minority and doing business and was just present to say thank you; that they received three accounts from the City of Houston since last August. Mayor White, Council Members Johnson, Clutterbuck, Wiseman, Holm, Garcia and Brown absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Ms. Sandy Poffenbargar, 1900 North Loop West #280, Houston, Texas 77018 (713-686-8581) appeared and stated that she was executive director of the Women's Business Enterprise Alliance and the third of the trio to say thank you to the Mayor and Council; that they brought mementos to commemorate this great event even for the gentlemen; and presented them Proclamations recognizing the historic event of Houston's first female majority City Council; saluted all Council Members for their support and recognition of women owned businesses and also presented them a DVD showing how they started and also a cup and Texas paperweight. Mayor White, Council Members Johnson, Clutterbuck, Wiseman, Holm, Garcia and Brown absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Lawrence thanked them all for coming and stated that sometimes they were humbled and speechless when people just came to say thank you; and she had enjoyed visiting with them in the past. Mayor White, Council Members Johnson, Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Brown and Lovell absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Ms. Kathleen Ownby, 3928 Tennyson, Houston, Texas 77005 (713-247-2909) appeared, presented information and stated that SPARK was begun in 1983 by Council Member Eleanor Tinsley to increase park space within the City of Houston and today there were 180 schools in 8 school districts who had participated; that they gratefully received Community Development Block Grant Funding every year since 1986, but for 2005 their budget was half of what they requested; that they had requested \$800,000 which was what they received in 2002, 2003 and 2004, but in 2005 it was \$450,000; that no CDBG funding had ever gone toward administrative expenses and instead every penny allocated had been spent on park projects in moderate to low income neighborhoods and all CDBG money allocated to SPARK had been leveraged with money from the private sector of corporations, foundations, school fund raisers and school districts in Harris County and at current their unspent budget was \$164,000 of the 2004 money but it was encumbered in 6 school projects all under construction; that she thought on the Agenda tomorrow was a SPARK contract for \$60,000 for Smith Elementary in Alief ISD in District F, but she was assured the paperwork was there to have it on the Agenda next week; and to update on other contracts they were waiting for a HUD environmental review and comment period for the HISD and Spring Branch ISD contract as two schools, Jefferson Elementary in District H and Shadow Oaks in Spring Branch ISD in District A had the possibility of destroying the endangered Prairie Dawn Flower and another contract for Aldine ISD for Mendhal Elementary in District H could not be executed because the school was located in the new 100 year flood zone and HUD would not fund a project in the flood zone even though in Houston they knew that building a park was the best use of flood zone property; and they were again requesting a budget of \$800,000 to the Housing Department. Mayor White, Council Members Wiseman, Garcia, Alvarado, Brown and Lovell absent. Acting Mayor Pro Tem Berry presiding.

Upon questions by Council Member Edwards, Ms. Ownby stated that in 2005 the budget was cut in half; that their request for B06 funding was \$800,000 again; that the 2006 consolidated plan was being developed and she was asking that the CDBG budget be returned to SPARK's previous funding levels and that reprogram money be available to supplement the 2005 cut; that she was told it was cut because they had not spent the previous year's funding, but it was in the process of being spent; and Council Member Edwards stated that she was not sure what they could do but would advocate strongly for her; that it frustrated her deeply when they could not seem to keep consistent funding for children. Mayor White, Council Members Clutterbuck, Wiseman, Garcia, Alvarado, Brown and Lovell absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Khan stated that he was familiar with the Alief project and he was thankful to everyone involved in the SPARK program as it gave children a park to enjoy; that he saw no problems with Smith Elementary but he would follow-up and make sure there were no issues and he hoped when the new CDBG funds came about there would be funds to take care of projects in the pipeline; and asked that she give his best to Council Member Tinsley. Mayor White, Council Members Clutterbuck, Edwards, Wiseman, Garcia, Alvarado, Brown and Lovell absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Lawrence stated that Ms. Ownby's passion was obvious and any Council Member who had not been to a park dedication should go and see the children's eyes and the artwork they made which was included; that it was special and she would urge all Council Members to look at it and through different charities Council could dedicate part of their salary to, to do it, as it was a special program and it should not go away; and she hoped to recommend

in the budget that they be returned to their \$800,000. Mayor White, Council Members Clutterbuck, Edwards, Wiseman, Garcia, Brown and Lovell absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Johnson stated that he could only echo what his colleagues had said about SPARK parks; that they brought pride to communities and he wanted to be able to stand with Council Members Edwards and Lawrence about the fight they needed to take; that children were not their stepping stones and they were used for that as it was the right thing or political thing, but then after they were placed on Council the money went away and she would have a fighter in him and he would also put his money where his mouth was and find matching dollars for any parks going on in District B and he hoped she would keep him abreast of that; and Ms. Ownby stated that they would be holding a 3:30 p.m. meeting Friday; and Council Member Johnson stated that he would be there with check in hand. Mayor White, Council Members Clutterbuck, Edwards, Wiseman, Garcia, Brown and Lovell absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Holm stated that the parks and children were so important and she felt the money should be reinstated, but where would it come from; and upon questions, Ms. Ownby stated that about half their money was from CDBG and private funding and the rest was they gave each school a goal of raising \$5,000; that they were not in the general fund at all; and Council Member Holm stated that maybe that needed to be considered, they needed to see how to embrace the project; and because their entire budget had not been spent she felt was no reason to cut it, if you did not spend it you lose it was a horrible message to send; and Ms. Ownby stated that they always spent every penny received; and Council Member Holm stated that not only did they want her to get CDBG funding but also general. Mayor White, Council Members Clutterbuck, Edwards, Wiseman, Garcia, Alvarado and Brown absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that she would make a challenge; that there were nine District Council Members and if just those would pledge \$20,000 it went to parks in their districts and she also thought the issue of general fund...; that if they could take \$4,000,000 out of the general fund for seniors surely they could find \$20,000 for the young people; and she would like to see if District Council Members could caucus on how they could help through finding private donations, etc. Mayor White, Council Members Clutterbuck, Edwards, Wiseman, Garcia, Alvarado and Brown absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Lovell stated that while Council Member Edwards was caucusing with District Council Members she would promise to rally the At-Large Members and have their caucus also, it was a wonderful program and they would figure out how to recoup that money and get more. Mayor White, Council Members Clutterbuck, Edwards, Wiseman, Garcia, Alvarado and Brown absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. John Johnson, 7102 Wendemere, Houston, Texas 77088 (832-453-1900) appeared and stated that he was present as he had a traffic accident on March 3rd because of road rage; that he was on I-45 and a man entered the ramp at a fast rate of speed and was not able to get in front of him so about 300 feet down he got in front of him and came to a dead stop and he hit him; that he called police and the man had jumped out and was all in his face so he called them again saying if they did not get thee he would handle it and about seven units came in about 15 minutes and none of those units could figure out and say who was wrong so they wrote a report of a no fault accident and now it was his insurance having to take care of it and someone was at fault. Mayor White, Council Members Johnson, Clutterbuck, Wiseman, Holm, Garcia, Alvarado and Brown absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Upon questions by Acting Mayor Pro Tem Berry, Mr. Johnson stated that no officers

witnessed the accident; and Acting Mayor Pro Tem Berry stated that Mr. Johnson knew what happened but they really did not know; and Mr. Johnson stated that they told him they really knew what happened and if he would have slowed down to let him on the freeway it would not have happened, but the law said he had the right of way to proceed and people getting on had to yield; and Acting Mayor Pro Tem Berry stated that it used to be standard if someone was hit from behind they were assumed to be wrong, but in this case they could not make a determination; and if he was in his shoes he would be frustrated, but Captain Ready was present if he would like to speak with him. Mayor White, Council Members Johnson, Clutterbuck, Wiseman, Holm, Garcia, Alvarado and Brown absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that she was in a similar situation and the good thing was since it was a no fault and no one received a ticket it would not go on his record, but many times the insurance company could decide who was at fault, her insurance company did and he should challenge his insurance company to look into it. Mayor White, Council Members Johnson, Clutterbuck, Wiseman, Khan, Holm, Garcia, Alvarado and Brown absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Capt. H. F. Van Der Grinten, 1207 Ellcreek, Sugarland, Texas 77479 (281-265-7408) appeared, presented information and stated that he lived in Ft. Bend County and frequently drove in the City of Houston city limits and he had a new method for red light running; that there were three general resolutions which were engineering, education and enforcement and his proposal was an engineering and educational approach which provided an answer to the dilemma all drivers faced when encountering a green light turning yellow, whether to stop or proceed; and further discussed the amber time, stopping time and distance chart presented. Mayor White, Council Members Johnson, Clutterbuck, Wiseman, Holm, Garcia, Alvarado and Brown absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that they had a lengthy discussion at the Council table on extending the yellow light; and upon questions, Capt. Van Der Grinten stated his proposal was different as he proposed a yellow line be painted to provide the stopping distance before the light so a driver would know if he was passed the line he could proceed; and Council Member Edwards stated that she always thought the yellow light meant slow down it's going to turn red so why should they just not stop; and Capt. Van Der Grinten stated that the amber times were not uniform; and Council Member Edwards stated that she would just appreciate grown people acting so. Mayor White, Council Members Johnson, Clutterbuck, Wiseman, Holm, Garcia, Alvarado and Brown absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Lovell stated that her experience was on Houston streets that she never found one she could go fast enough so that there would be a decision to make on whether to speed up or slow down and did not know if a yellow line would be needed. Mayor White, Council Members Johnson, Clutterbuck, Wiseman, Holm, Garcia, Alvarado and Brown absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Lawrence stated that it was her understanding there were certain requirements by state for the length of a yellow light; and upon questions, Capt. Van Der Grinten stated that he was familiar with them in the handbook, but did not think there was a specific requirement other than the recommendation by Bronson and Zimmerman using this formula and it was pretty much nationally accepted. Mayor White, Council Members Johnson, Clutterbuck, Wiseman, Holm, Garcia, Alvarado and Brown absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Acting Mayor Pro Tem Berry stated that feeder roads were state jurisdiction; and Council Member Edwards stated that she would say he should make a request of Acting Mayor Pro Tem Berry to review this in his committee, but

people knew their responsibilities and did not think a line should be painted. Mayor White, Council Members Johnson, Clutterbuck, Wiseman, Holm, Garcia, Alvarado and Brown absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Acting Mayor Pro Tem Berry stated that all he read on this talked about driving patterns having changed over the last 20 years and that individuals could not drive at the same speed as they approach a red light and a decision had to be made before approaching the red light whether they would be capable of stopping if it changed and if individuals were following to closely or proceeding even at the maximum speed limit it may be an unsafe driving condition by current standards to stop if given the change order, but he would review his material and forward a copy to TXDOT. Mayor White, Council Members Johnson, Clutterbuck, Wiseman, Holm, Garcia, Alvarado and Brown absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. Mark Smith, P. O. Box 896, Bellaire, Texas 77402-0896(713-867-5998) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Johnson, Clutterbuck, Wiseman, Holm, Garcia, Alvarado and Brown absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Ms. Andria Hunt, 3230 South Gessner #309, Houston, Texas 77063 (281-250-7981) appeared and stated that she graduated from Texas A & M in 1998 and about to be 30 and was bipolar and believed it was time for each individual to make a change and she was present to speak on mental health; that there were advocates for children and seniors, but she did not know who it was for mental health; that right now her electricity was off and she was between jobs but had found one; that she had a three day vacate notice and had taken care of things; that God was good and would be there at any time and he had shown her things were already getting better, but she wanted to know where the funding was for mental health; that she was at MHMRA today for five hours to get a letter to fax to the TWCC so she could receive unemployment for four weeks; that she had worked since 16 and had started two nonprofit organizations, but wanted to know on city, state and federal levels who the mental health advocate would be. Mayor White, Council Members Johnson, Clutterbuck, Wiseman, Holm, Garcia, Alvarado and Brown absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that at city level she should contact Ms. Kym King, the Mayor's advocate and Ms. Elena Marks who worked on health issues for the Mayor locally; that the State of Texas did a miserable job dealing with any health issues, but she should contact her state representative or state senator and for congressional district maybe call Congressman Al Green's office and ask for Ms. Bessie Swindle, but to be honest this country really does not care about people with mental health issues and she would probably have to be an advocate; that she could also check with Garnet Coleman; and Ms. Hunt stated that New York and California had some of the best mental health advocates and she wondered why Texas did not; and Council Member Edwards stated that in Texas a lot got lost in the sauce but to start with Ms. Kym King; and she would give her the phone number. Mayor White, Council Members Johnson, Clutterbuck, Wiseman, Holm, Garcia, Alvarado and Brown absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Sekula-Gibbs stated that mental health was important and one thing she could ask and advocate for was parity, basically to have insurance companies provide the same level of insurance for mental illness as they did for physical illness; that community clinics were mandated by federal law to provide mental health services and they had now grown in the Houston Harris County area from one to ten clinics and anyone should be able to go and get some services and could get a list from her website or her office; and Ms. Hunt stated that she did get a list through MHMRA. Mayor White, Council Members Johnson, Clutterbuck, Wiseman, Holm, Garcia, Alvarado and Brown absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Acting Mayor Pro Tem Berry asked if there was anyone present who had reserved time to speak and no one responded. Mayor White, Council Members Johnson, Clutterbuck, Wiseman, Holm, Garcia, Alvarado and Brown absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. James P. Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) had reserved time to speak and was not present. Mayor White, Council Members Johnson, Clutterbuck, Wiseman, Holm, Garcia, Alvarado and Brown absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. Elbert Robertson, 1612 Sampson, Houston, Texas 77003 (832-364-8894) had reserved time to speak and was not present. Mayor White, Council Members Johnson, Clutterbuck, Wiseman, Holm, Garcia, Alvarado and Brown absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. Richard Vela, 4039 Erby, Houston, Texas 77087 (713-404-4027) had reserved time to speak and was not present. Mayor White, Council Members Johnson, Clutterbuck, Wiseman, Holm, Garcia, Alvarado and Brown absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Ms. Sudaphon Kinney, 225 Aldine Bender #708, Houston, Texas 77060 (281-448-4190) had reserved time to speak and was not present. Mayor White, Council Members Johnson, Clutterbuck, Wiseman, Holm, Garcia, Alvarado and Brown absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. Francisco Campos, 1942 Huger Oaks, Houston, Texas 77055 (713-907-8327) had reserved time to speak and was not present. Mayor White, Council Members Johnson, Clutterbuck, Wiseman, Holm, Garcia, Alvarado and Brown absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (832-453-6376) had reserved time to speak and was not present. Mayor White, Council Members Johnson, Clutterbuck, Wiseman, Holm, Garcia, Alvarado and Brown absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Senator Robert Horton, 3714 Bain, Houston, Texas 77026 (713-260-6144) had reserved time to speak and was not present. Mayor White, Council Members Johnson, Clutterbuck, Wiseman, Holm, Garcia, Alvarado and Brown absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. Raymond Mbala, 5959 Westheimer #21, Houston, Texas 77057 (469-556-7299) had reserved time to speak and was not present. Mayor White, Council Members Johnson, Clutterbuck, Wiseman, Holm, Garcia, Alvarado and Brown absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

At 4:58 p.m. City Council recessed until 9:00 a.m., Wednesday, March 30, 2006. Council Member Green absent on personal business. Mayor White, Council Members Johnson, Clutterbuck, Wiseman, Holm, Garcia, Alvarado and Brown absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, March 28, 2006

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, March 28, 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; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Ms. Martha Stein, Agenda Director and Ms. Stella Ortega, Agenda Office, present.

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 Wiseman, Holm, Garcia and Berry absent.

MAYOR'S REPORT

Mayor White stated that there was no Mayor's Report, that next week there would be a posting for a Mayor's Report for the Consumer Choice Initiative and those Council Members who could help him get the word out about in an objective manner about how people could be informed consumers.

CONSENT AGENDA NUMBERS 1 through 35

MISCELLANEOUS - NUMBERS 1 through 5

1. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **JOINT CITY/COUNTY COMMISSION ON CHILDREN**:
 - Position 2 - **MS. TAMMY TRAN**, appointment, for a term to expire 12/31/2007
 - Position 3 - **DR. BOBBIE A. HENDERSON**, reappointment, for a term to expire 12/31/2006
 - Position 4 - **MS. NANCY FREES FOUNTAIN**, appointment, for a term to expire 12/31/2007
 - Position 5 - **MS. LYDIA V. MCSTAY**, reappointment, for a term to expire 12/31/2006
 - Position 6 - **MS. JO ANN DELGADO**, appointment, for a term to expire 12/31/2007
 - Position 7 - **MR. VICTOR SAMUELS**, appointment, for a term to expire 12/31/2006
 - Position 8 - **COUNCIL MEMBER ADA EDWARDS**, appointment, for a term to expire 12/31/2007
 - Position 9 - **MS. SHARON OWENS**, appointment, for a term to expire 12/31/2006

- was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Wiseman, Holm and Berry absent. MOTION 2006-0240 ADOPTED.

Mayor White stated that Ms. Tammy Tran was in the audience and asked that she stand and be recognized. Council Members Wiseman, Holm and Berry absent.

DAMAGES - NUMBER 6

6. RECOMMENDATION from City Attorney for settlement of lawsuit styled **THI DOUNG MAI** and **ANDREW NHAN LE** vs. City of Houston; in the County Civil Court at Law No. Four (4) of Harris County, Texas, Cause No. 800;737 - \$33,000.00 - Property and Casualty Fund - was presented, moved by Council Member Johnson, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Wiseman and Berry absent. MOTION 2006-0241 ADOPTED.

ACCEPT WORK - NUMBERS 7 through 9

7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$807,126.16 and acceptance of work on contract with **LEM CONSTRUCTION CO., INC** for Rehabilitation of Roark #3 and Stroud Lift Stations,

GFS R-0267-B8-3 (4228-17) - 00.01% under the original contract amount - **DISTRICT F - KHAN** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Wiseman and Berry absent. MOTION 2006-0242 ADOPTED.

8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,136,337.63 and acceptance of work on contract with **BOYER, INC** for Large Diameter Sewer Rehabilitation Sims Bayou Relief Line, Package 2, GFS R-0294-04-3 (WW4770-02) - 04.67% under the original contract amount - **DISTRICT I - ALVARADO** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Wiseman and Berry absent. MOTION 2006-0243 ADOPTED.
9. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,413,806.06 and acceptance of work on contract with **BOYER, INC** for Large Diameter Sewer Rehabilitation Sims Bayou Relief Line, Package 3, GFS R-0294-05-3 (WW4770-03) - 07.13% under the original contract amount - **DISTRICT I - ALVARADO** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Wiseman and Berry absent. MOTION 2006-0244 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 13 through 18

13. **AAR INCORPORATED** for Asbestos Abatement, Demolition and Site Clean-up Services for Police Department - \$44,554.00 and contingencies for a total amount not to exceed \$46,781.70 Dangerous Building Consolidated Fund - **DISTRICT B - JOHNSON** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Wiseman and Berry absent. MOTION 2006-0245 ADOPTED.
14. **INLAND ENVIRONMENTS, LTD** for Asbestos Abatement, Demolition and Site Clean-up Services for Police Department - \$58,688.00 and contingencies for a total amount not to exceed \$61,622.40 - Dangerous Building Consolidated Fund - **DISTRICTS B - JOHNSON; D - EDWARDS; H - GARCIA and I - ALVARADO** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Wiseman and Berry absent. MOTION 2006-0246 ADOPTED.
15. **CLARK-TECH ENVIRONMENTAL SYSTEMS, INC** for Asbestos Abatement, Demolition and Site Clean-up Services for Police Department - \$148,820.00 and contingencies for a total amount not to exceed \$156,261.00 - Dangerous Building Consolidated Fund - **DISTRICT I - ALVARADO** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Wiseman and Berry absent. MOTION 2006-0247 ADOPTED.
16. **HI-WAY EQUIPMENT CO., INC** for Paver Repair Service for Department of Public Works & Engineering - \$47,863.36 - Fleet Management Fund - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Wiseman and Berry absent. MOTION 2006-0248 ADOPTED.
18. **HOUSTON MAC HAIK DODGE CHRYSLER JEEP, LTD.** for Auto Chrysler Group OEM Parts and Repair Contract for Various Departments - \$594,063.10 - General and Fleet Management Funds - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Wiseman and Berry absent. MOTION 2006-0249 ADOPTED.

ORDINANCES - NUMBERS 20 through 34

20. ORDINANCE establishing the east and west sides of the 1400 through 1600 blocks of Columbia 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. Council Members Wiseman and Berry absent. ORDINANCE 2006-0281 ADOPTED.
29. ORDINANCE appropriating \$161,431.46 out of Fire Consolidated Construction Fund and approving and authorizing Professional Architectural Services Contract between the City of Houston and **RPM ARCHITECTS, INC dba ENVIRONMENTS & CO.** for Design of Val Jahnke Fire Training Academy Simulator Building, GFS C-0068-05-2; providing funding for the Civic Art Program and contingencies relating to construction of facilities financed by the Fire Consolidated Construction Fund - **DISTRICT E - WISEMAN** - was presented. All voting aye. Nays none. Council Members Wiseman and Berry absent. ORDINANCE 2006-0282 ADOPTED.
31. ORDINANCE approving and authorizing five-year Task Order Contract between the City and **AAR INCORPORATED** for Lead Remediation, Lead Decontamination, HEPA Filter Replacement, and Proper Disposal, GFS HPD-001-02-5; providing a maximum contract amount; providing funding for contingencies and professional environmental services - \$486,297.00 - General Fund **DISTRICT B - JOHNSON** - was presented. All voting aye. Nays none. Council Members Wiseman and Berry absent. ORDINANCE 2006-0283 ADOPTED.
32. ORDINANCE appropriating \$1,019,824.00 out of Drainage Improvement Commercial Paper Series F Fund, awarding contract to **HUFF & MITCHELL, INC** for Dunvale-Lipan Relief Storm Sewer, GFS M-0189-01-3 (M-0189-01); setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering testing, and contingencies relating to construction of facilities financed by the Drainage Improvement Commercial Paper Series F Fund - **DISTRICT G - HOLM** - was presented. All voting aye. Nays none. Council Members Wiseman and Berry absent. ORDINANCE 2006-0284 ADOPTED.
33. ORDINANCE awarding contract to **D. L. ELLIOTT ENTERPRISES, INC** for Lateral and Service Connection Replacement Services for Public Works & Engineering Department; providing a maximum contract amount - \$594,912.50 - Enterprise Fund - was presented. All voting aye. Nays none. Council Members Wiseman and Berry absent. ORDINANCE 2006-0285 ADOPTED.
34. ORDINANCE appropriating \$635,500.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **E. P. BRADY, LTD.** for McCarty No. 1 Lift Station Force Main Replacement, GFS R-2011-39-3 (WW4762-02); setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering testing, project management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT B - JOHNSON** - was presented. All voting aye. Nays none. Council Members Wiseman and Berry absent. ORDINANCE 2006-0286 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

2. RECOMMENDATION from Director Houston Airport System for approval of membership fees in Industry Organizations (Airport Council International & American Association of Airport Executives) for the period January 1, 2006 through December 31, 2006 - \$173,596.00 Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado, and tagged by Council Member Johnson. Council Members Wiseman and Berry absent.
3. RECOMMENDATION from Director Houston Airport System to allow two-year participation by the Houston Airport System in quarterly Customer Satisfaction surveys at Bush Intercontinental and William P. Hobby Airports - \$161,750.00 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado, and tagged by Council Member Edwards. Council Members Wiseman absent.
4. RECOMMENDATION from Mayor's Office Director of Health Policy to approve a contribution of \$50,000.00 by the City of Houston as a founding member of the **HARRIS COUNTY HEALTH CARE ALLIANCE** - General Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado, and tagged by Council Members Edwards and Garcia. Council Members Wiseman absent.

After discussion by Council Members, Council Member Garcia stated that he would appreciate it if the Health Department or someone would let him know how they were going to be able to incorporate the Near Northside Health Partnership. Mayor White stated that Item No. 4 had been tagged. Council Member Lovell absent.

5. RECOMMENDATION from Director Housing & Community Development Department to allow for the advance of up to \$4 million from the General Fund to appropriate housing grant funds for Emergency and Single Family Home Repair Program – was presented, and tagged by Council Members Lawrence, Garcia, Wiseman, Sekula-Gibbs, Khan and Clutterbuck.

After discussion by Council Members, Council Member Lawrence stated that she would like to see backup, that she had asked the Legal Department to give her something in writing from HUD showing that it was a doable deal; and Council Member Lovell stated that she would like to have some discussion on the item, that she would ask Council Member Edwards if they could refer it to her committee and she could call an emergency meeting; and Council Member Edwards stated that they could have a special hearing on it on Monday.

PROPERTY

10. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee disclaiming, releasing and relinquishing the City's right, title, interest, claim in and to (i) an undefined storm sewer easement and (ii) the right to repurchase property if necessary for the extension of West Lamar Street and Leonidas Street, both as set forth in a deed from the City of Houston to R. F. Ball Construction Company, Inc. **DISTRICT D – EDWARDS** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2006-0250 ADOPTED.
11. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Mr. Ryan B. Haley of 4119 Montrose Limited, a Texas limited partnership [Tenax Montrose, LLC, a Texas limited liability company (John P. Hansen, Manager), general partner], for abandonment and sale of portion of an alley and two street easements in exchange for the conveyance to the City of a full-width utility easement over the portion of the alley being abandoned and sold, located within Montrose Addition and 4119 Montrose Tract, Parcels SY6-069 and VY6-016 - **STAFF APPRAISERS - DISTRICT D - EDWARDS** – was presented, moved by Council

Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none.
MOTION 2006-0251 ADOPTED.

PURCHASING AND TABULATION OF BIDS

12. **MEGADATA CORPORATION** for AirportMonitor Software License Agreement and Passur Portal License Subscription for the Houston Airport System - \$30,000.00 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2006-0252 ADOPTED.
17. ORDINANCE appropriating \$518,130.00 out of Street & Bridge Consolidated Construction Fund for Construction and Installation of Speed Humps for the Public Works & Engineering Department, CIP N-0660-08-3; providing funding for project management relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund – was presented, and tagged by Council Members Lawrence and Wiseman.

Council Member Lawrence stated that she had spoken with Mayor White and Public Works, she had a real concern when they tear up a street or blacktop at the time a contract was issued, especially if they were putting in new concrete streets, that at the same time they put the speed humps back, if they come in and blacktop the neighborhood knows that those speed humps would be put back, they had already been approved by the Fire Chief when they were first put there, that they all had neighborhoods that when they leave and come back there were no speed humps and then they had to wait six months to get the speed humps, so that whole process, in her mind, needed to be changed in Public Works, and Mayor White stated that Mr. Norman, on more than one occasion, had agreed with Council Member Lawrence and had sent notes to that effect, that they should not have eight signoffs in order to have those speed humps put back.

Council Member Sekula-Gibbs stated that she would like to get the latest on the actual policy of how constituents could initiate getting or removing speed humps on their streets, and Mayor White stated that they would get it to her.

Council Member Holm stated that it was an issue that a lot of them had talked about a lot, that it was not a question of whether or not they liked speed humps it was a question of what the process was, that it was very simple to have an objective process and a reinstatement process and right now they were bogged down by a subjective decision by the Fire Department, that she was not even sure why the Fire Department was in on it, why they could not state which streets were appropriate and which were not and then let them establish a project, that she had asked Council Member Berry in his committee for them to really address it.

Mayor White stated that Item No. 17 had been tagged.

- 17a. **ISI CONTRACTING, INC** for Construction and Installation of Speed Humps for Department of Public Works & Engineering - \$454,500.00 – was presented, and tagged by Council Members Lawrence and Wiseman.

ORDINANCES

19. ORDINANCE **AMENDING ARTICLE III OF CHAPTER 39 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the Clean City Commission – was presented, all voting aye. Nays none. ORDINANCE 2006-0287 ADOPTED.
21. ORDINANCE consenting to the addition of 1.0559 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 405**, for inclusion in its district - was presented.

Council Member Brown stated that he would be voting a symbolic no vote on the item because as he had mentioned before he did not really understand the policies or standards that Houston had regarding MUDs in the ETJ.

Council Member Lawrence stated that Mr. Marcotte would be at the next committee meeting on April 20, 2006 to talk about MUDs and standards so they would be covering that.

After further discussion a vote was called on Item No. 21. Council Member Brown voting no, balance voting aye. MOTION 2006-0288 ADOPTED.

Council Member Berry moved to suspend the rules to consider Item No. 40 out of order, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2006-0253 ADOPTED.

40. ORDINANCE providing for Passenger Facility Charges at William P. Hobby Airport – **(This was Item 21 on Agenda of March 22, 2006, TAGGED BY COUNCIL MEMBERS WISEMAN, LAWRENCE, GARCIA, EDWARDS and CLUTTERBUCK)** – was presented.

After a lengthy discussion by Council Members, Council Member Holm asked for an audit next year of the Airport and what was going on or some kind of accountability so they could really understand the process, and Council Member Garcia asked whether or not they could have some assurance that the PFC for would be for future projects and not any preexisting.

A vote was called on Item No. 40. Council Members Clutterbuck, Wiseman and Edwards voting no, balance voting aye. ORDINANCE 2006-0289 ADOPTED.

22. ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 479** – was presented. Council Member Brown voting no, balance voting aye. ORDINANCE 2006-0290 ADOPTED.

23. ORDINANCE consenting to the addition of 2.5874 acres of land to **MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 60, OF MONTGOMERY COUNTY, TEXAS**, for inclusion in its district – was presented. Council Member Brown voting no, balance voting aye. ORDINANCE 2006-0291 ADOPTED.

24. ORDINANCE consenting to the addition of 425.17 acres of land to **NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 19**, for inclusion in its district – was presented. Council Member Brown voting no, balance voting aye. ORDINANCE 2006-0292 ADOPTED.

25. ORDINANCE approving and authorizing lease agreement between the City of Houston and **ABCO AVIATION, INC** for certain premises at William P. Hobby Airport - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. ORDINANCE 2006-0293 ADOPTED.

26. ORDINANCE approving and authorizing the submission of an application for grant assistance to the State of Texas through the **CRIMINAL JUSTICE DIVISION, OFFICE OF THE GOVERNOR (“CJD”)** for the Police Storefront Crisis Team Grant/14 Program; declaring the City’s eligibility for such grant; authorizing the Mayor to act as the City’s representative in the application process; authorizing the Chief of the Houston Police Department to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program - \$28,025.00 General Fund – was presented. All voting aye. Nays none. ORDINANCE 2006-0294 ADOPTED.

27. ORDINANCE appropriating ~~\$1,600,000.00~~ \$700,000.00 out of Tax Increment Reinvestment Zone (TIRZ) Affordable Housing Fund (Fund 872) to complete repairs

mandated by the United States Department of Housing and Urban Development (HUD) under the Single Family Home Repair Program Guidelines, formerly known as the Emergency Home Repair Program Guidelines – was presented.

The City Secretary stated that Item No. 27 was posted as \$1,600,000.00 and the appropriation had been reduced to \$700,000.00. Item No. 27 was tagged by Council Members Wiseman, Garcia and Sekula-Gibbs.

28. ORDINANCE approving and authorizing contract between the City of Houston and **EPSTEIN BECKER GREEN WICKLIFF & HALL, P.C.**, for representation of the City in legislative, regulatory, right-of-way, franchise, contract and litigation-related matters including administrative proceedings before the Public Utility Commission of Texas and appeals therefrom, and other related dockets and proceedings addressing retail rates and customer service; providing a maximum contract amount - \$1,400,000.00 - General Fund – was presented, and tagged by Council Members Wiseman, Edwards, Khan and Clutterbuck.

Upon questions by Council Members, Mr. Michel stated that with each legal contract they looked at it to make sure that it was the best value, locality and diversity in all respects, that he thought that Epstein Becker's Mr. Alton Hall had done a tremendous job in representing the City historically and in particular most recently in the True Up proceedings, that he was also involved in the last major rate case apart from the True Up or Stranded Cost proceedings that this was very similar to, so they had good experience, that he had also looked at this and in other areas where they dealt with franchises and utilities to see if they were getting the best lawyers involved or were they getting the best deal, in this area it was a limited area in terms of people who had expertise and it was also further limited for government entities because people tended to line up on certain sides of the docket, there were certain people who traditionally represented utilities, and even on the non utility side they divided into different camps, those who represented industrial and those who represented residential, when they looked at that he thought this firm offered the best value and expertise and they had also shown it in some other areas where the City had asked them to help, they continued to look at it and looked at the rates they were charging and looked at the budgets in terms of the work and had also been able to compare historically, recently, in the other proceedings and they, by significant factor, charged much less than the rates that were charged to the utilities that they could see through public records and he thought that had shown the good value that they had received, that he thought those were some of the major points; that the bulk of the proceedings, except for \$100,000.00 was reimbursable under the PUC rules by the utilities themselves, and that was often the case with the contracts of this nature and that being the case they still scrutinized it to make sure they were getting the best value and to make sure that as the case went on they were reviewing the bills and making that same inquiry, that in these cases it was often a battle of experts of the analysis of the data and projections and roughly half of the costs that were on Item No. 28 were attributable to that.

After further discussion by Council Members, Council Member Khan stated that he would like to have a meeting with Mr. Michel on the item; and Council Member Edwards asked what the money represented, and Mr. Michel stated that it was projected payments based on an hourly fee, there were no monies that were being advanced to the firm, they would submit a bill for work done and that was the allocation to pay.

After further discussion Mayor White stated that Item No. 28 had been tagged.

30. ORDINANCE appropriating \$1,372,460.00 out of Parks Consolidated Construction Fund, awarding construction contract to **RESICOM, INC** for Construction of MacGregor Park Road Improvements, GFS F-504A-21-3; 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; providing funding for engineering and testing services, construction management

and contingencies relating to the construction of facilities financed by the Parks Consolidated Construction Fund - **DISTRICT D – EDWARDS** – was presented, and tagged by Council Members Lawrence, Edwards and Sekula-Gibbs.

Council Member Edwards stated that she understood that the company was still delinquent in their taxes and that was the reason for her tag.

35. ORDINANCE appropriating \$3,157,670.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **CALCO CONTRACTING, LTD.** for Water Line Replacement in Jensen-610 Area, GFS S-0035-C4-3 (WA10786); setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management, construction management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT H – GARCIA** – was presented. All voting aye. Nays none. ORDINANCE 2006-0295 ADOPTED.

NON CONSENT AGENDA - NUMBERS 36 through 37

MISCELLANEOUS

36. CONFIRMATION of the appointment or reappointment of the following 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:
- Position 6 - **MR. GARY BAUMGARTNER**
 - Position 7 - **MR. CARLOS ALVARADO**
 - Position 8 - **MR. WALTER GOFF**
 - Position 9 - **MR. DANIEL DALY**

- was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2006-0254 ADOPTED.

- 36a. RECEIVE nomination for appointment as Chair of the **BOARD OF DIRECTORS OF REINVESTMENT ZONE NUMBER ONE (ST. GEORGE PLACE), CITY OF HOUSTON, TEXAS**, for a term to expire December 31, 2006 - was presented.

Council Member Clutterbuck stated that she wanted to nominate Mr. Walter Goff for the position of Chair for the Board of Directors of Reinvestment Zone Number One (St. George Place).

Council Member Khan moved to close nominations for Chair of the Board of Directors of Reinvestment Zone Number One (St. George Place), seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2006-0255 ADOPTED.

- 36b. CONFIRM the appointment of Chair for Item 36A above – was presented.

Council Member Clutterbuck moved to appoint Mr. Goff as Chair of the Board of Directors of Reinvestment Zone Number One (St. George Place), seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2006-0256 ADOPTED.

PROPERTY

37. RECOMMENDATION from the Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Richard and Theresa Moore, for abandonment and sale of Avie Street, from South Heights Boulevard ±50 feet east to its dead-end, in exchange for the conveyance to the City of a 10-foot-

wide water line easement, both located between Lots 1 and 2, Block 8 and Lots 15 and 16, Block 10, both in the Riverside Park Addition, in the John D. Taylor Survey, A-72, Parcels SY6-074 and KY6-151 - **TWO APPRAISERS and one ALTERNATE APPRAISER - DISTRICT H – GARCIA** – was presented.

Council Member Garcia named Mr. Frank Flores and Mr. John Fox as appraisers and Mr. Patrick O'Connor as alternate appraiser, and moved approval of the recommendation, seconded by Council Member Khan.

Upon questions by Council Member Khan Mayor White stated that Mr. Christie was working on the process for payment for appraisals. Council Member Berry absent.

A vote was called on the motion to approve the recommendation. All voting aye. Nays none. Council Member Berry absent. MOTION 2006-0257 ADOPTED.

MATTERS HELD - NUMBERS 38 through 44

38. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$293,017.15 and acceptance of work on contract with **SUMCO, INC** for MacGregor Park - Ballfield Lights, GFS F-504A-11-3 - 03.50% over the original contract amount - **DISTRICT D - EDWARDS – (This was Item 8 on Agenda of March 22, 2006, TAGGED BY COUNCIL MEMBER EDWARDS)** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Berry absent. MOTION 2006-0258 ADOPTED.

39. MOTION by Council Member Khan/Seconded by Council Member Alvarado to adopt recommendation from Director Department of Public Works & Engineering to purchase Parcel AY3-517, located at 3225 North Freeway, owned by KAMS, Inc, a Texas corporation, Kenneth Slataper, President, for the **LITTLE YORK WHITE OAK BAYOU TRAIL PROJECT**, CIP N-0420-36-2 - \$64,503.00 - **DISTRICT H – GARCIA – (This was Item 14 on Agenda of March 22, 2006, TAGGED BY COUNCIL MEMBER GARCIA)** – was presented.

Council Member Garcia moved to refer Item No. 39 back to the administration for thirty days, seconded by Council Member Alvarado.

After further discussion by Council Members, Council Member Garcia stated that this was a good opportunity to have a committee discussion on what was the policy for appraisals. Council Member Berry absent.

A vote was called on the motion to refer Item No. 39 back to the administration. All voting aye. Nays none. Council Member Berry absent. MOTION 2006-0259 ADOPTED.

41. ORDINANCE making a general appropriation of certain revenues of the City in support of annual budgets for Fiscal Year 2006; authorizing transfers in support of the annual budgets of the City for Fiscal Year 2006 – **(This was Item 23 on Agenda of March 22, 2006, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. Council Member Wiseman voting no, balance voting aye. Council Member Berry absent. ORDINANCE 2006-0296 ADOPTED.

42. 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 income elderly residents - **DISTRICT B - JOHNSON - (This was Item 25 on Agenda of March 22, 2006, TAGGED BY COUNCIL MEMBERS JOHNSON, WISEMAN, KHAN, SEKULA-GIBBS)**

and CLUTTERBUCK) - was presented.

Council Member Johnson moved to refer Item No. 42 back to the administration, seconded by Council Member Khan. All voting aye. Nays none. Council Member Berry absent. MOTION 2006-0260 ADOPTED.

43. ORDINANCE accepting the individual proposals from **WESTCHESTER FIRE INSURANCE COMPANY, LEXINGTON INSURANCE COMPANY, HARTFORD FIRE INSURANCE COMPANY, ESSEX INSURANCE COMPANY, LIBERTY MUTUAL FIRE INSURANCE COMPANY, JAMES RIVER INSURANCE COMPANY, COMMONWEALTH INSURANCE COMPANY, CONTINENTAL CASUALTY INSURANCE COMPANY, UNDERWRITERS AT LLOYDS LONDON, ALLIED WORD ASSURANCE (US); AXIS SURPLUS LINES INSURANCE COMPANY, INSURANCE COMPANY OF THE WEST and RSUI INDEMNITY COMPANY** which are participating in the Layered Property Insurance Program and approving and authorizing the purchase of a General City Property Insurance Policy - \$8,234,945.00 - Property and Casualty Fund – **(This was Item 33 on Agenda of March 22, 2006, TAGGED BY COUNCIL MEMBER WISEMAN and LAWRENCE)** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2006-0297 ADOPTED.
44. ORDINANCE accepting the proposal from **LEXINGTON INSURANCE COMPANY** for Bush/IAH and Hobby Airports and approving and authorizing the purchase of Terrorism Insurance - \$294,909.50 Property and Casualty Fund – **(This was Item 34 on Agenda of March 22, 2006, TAGGED BY COUNCIL MEMBER WISEMAN and LAWRENCE)** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2006-0298 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Edwards stated that she wanted to congratulate the Parks and Recreation on hosing the National Junior Wheelchair Basketball Tournament and wanted to congratulate the Houston team who placed third out of a group of sixteen. Council Members Clutterbuck, Wiseman and Khan absent.

Council Member Edwards stated that she wanted to congratulate Ms. Katie Murray who had been the spearhead of a lot of improvements at McGregor Park and was being recognized by the Parks People at their gala for the Terry Hershey Grass Roots Award for her work and dedication at McGregor Park. Council Members Clutterbuck, Wiseman and Khan absent.

Council Member Edwards stated that on April 1, 2006, Stop Trashing South Union, there would be a cleanup where people could convene at Zollie Scales at 3501 Corridor, it would be held from 8:00 p.m. to 1:00 p.m. Council Members Lawrence, Johnson, Clutterbuck, Wiseman and Khan absent.

Council Member Edwards stated that with the rising costs of gas prices she was at a quandary as how do they handle the chores of their City Council office, that her staff had to go out and use their personal cars to attend meetings, that some times they had three to four trips per day where people were going back and forth, that she would like to have a discussion about having a car pool where Council staff could use City cars or car allowances, that something had to be looked at. Council Members Lawrence, Clutterbuck, Wiseman, Alvarado and Sekula-Gibbs absent.

Council Member Edwards stated that her other concern was the SPARK Park situation, that she would like to suggest that how ever they could look at their budget or come up with the \$20,000, especially from District Council Members, because it affected their areas, that they look at some way to find the \$20,000 to make whole the \$80,000 budget of the SPARK Parks

Program. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Alvarado, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Garcia stated that it was time to kickoff MLS Soccer in the City of Houston, that the Houston Dynamo would be having their inaugural game on Sunday at 6:30 p.m. Council Members Lawrence, Johnson, Wiseman, Alvarado, Sekula-Gibbs, Green and Berry absent.

Council Member Holm stated that a good friend of their's, Ms. Holly Anawatti was diagnosed with a brain tumor several months ago and had gone through surgery, that this weekend she got good news that the remaining tumor, that they could not remove through surgery, had been dramatically reduced; that on Sunday was the Run for the Rose, named after Dr. Marni Rose. Council Members Lawrence, Johnson, Wiseman, Garcia, Alvarado, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Holm stated that she thought there were some things that they had done that because of their inability to enforce and know what the process was it was not as successful as they could be, that one was the traffic controls that inhibited their mobility because they were concentrated on the private garages at peak time, that the other one was lane blockages, they passed an ordinance that they had to be permitted to block lanes and just in the last month there had been three major ones that she had tried to report and could get no response for, that the most recent one was last Thursday night when a red, unmarked truck, with a Missouri license plate was completely blocking one complete lane of Sage Road at 5:00 p.m. on a Thursday, that she sat behind it for several seconds before she could get around, that she went around the corner, stopped and got out of her and she asked the man nicely what he was doing and where his permit was to which he said he was with Time Warner and they had a general permit and they could do anything they wanted any time they wanted, after that she pursued with her questions and he would not answer her, he just kept on working until he got off of the crane and went to talk to her and they went through a whole process, that it was so unfair and frustrating for citizens, and the last one was the panhandling, that in the perception of a lot of the public it was worse today then when they passed it. Council Members Lawrence, Johnson, Wiseman, Garcia, Alvarado, Brown and Berry absent.

Mayor White stated that he thought they needed a category of City employees and would start with 40, and would have Ms. Stein email to Chief Hurtt and Mr. Marcotte and others, who would be dedicated enforcement that could be stationed at intersections who could be used for some of the violations; that on her second point, that he had a four point plan that they had talked about at the end of last year and Mr. Lapin was going to shepherd with stake holder groups to come up with something, that he did it at open Council and needed to know where that was. Council Members Lawrence, Johnson, Wiseman, Garcia, Alvarado, Brown and Berry absent.

Council Member Sekula-Gibbs stated that the City and County was represented at a recent meeting on Pandemic Flu and attended also by one of the leaders in the Nation on Health and Human services, Secretary Michael Levett, that the point of the meeting was to urge all cities, counties and private sector business leaders, schools and faith based organizations and groups who had outreach to get ready and develop a serious plan to deal with the potential of Pandemic Bird Flu. Council Members Lawrence, Johnson, Wiseman, Garcia, Alvarado and Berry absent.

Council Member Khan stated that he wanted to thank the Public Works Department, the Dunlap Project was being worked on and the department was giving updates to the constituents. Council Members Lawrence, Johnson, Wiseman, Garcia, Alvarado, Sekula-Gibbs and Berry absent.

Council Member Khan stated that last night they had a Super Neighborhood Council

meeting in Alief and Chief Lumpkin was present and they had one of the best discussion on graffiti, they found out that the City of Houston was putting a lot of resources into graffiti abatement, that he wanted to recognize Council Member Lovell who he understood brought all of the groups together to figure out how to best fight the blight to the neighborhoods. Council Members Lawrence, Johnson, Wiseman, Garcia, Alvarado, Sekula-Gibbs and Berry absent.

Council Member Khan stated that there were a lot of residences that were used for halfway houses and what residences were noticing that some of the houses, which were three bedroom homes, were occupying 10 to 12 people and asked if there was a City ordinance as to how many people were living there, that it was really putting a lot of pressure on the neighborhoods, that he would like to have someone look into that. Council Members Lawrence, Johnson, Wiseman, Garcia, Alvarado, Sekula-Gibbs and Berry absent.

Council Member Khan stated that he wanted to congratulate a new restaurant in the Montrose area called D&R, that it was the largest restaurant chain in Turkey, that it was the first time they were opening a restaurant in the United States and chose Houston to open their first fast food restaurant, that they opened last Saturday at 4621 Montrose Blvd. Council Members Lawrence, Johnson, Wiseman, Garcia, Alvarado, Sekula-Gibbs and Berry absent.

Council Member Khan stated that he thought there was a requirement that whenever they had a place of worship that there would be some sign posted around the area, that a Sikh Community Temple at 6834 Setsuma Boulevard did not have any sign indicating there was a temple or a church, that they had requested that a sign be placed. Council Members Lawrence, Johnson, Wiseman, Garcia, Alvarado, Sekula-Gibbs and Berry absent.

Council Member Green stated that April 1, 2006 was Keep Houston Beautiful Day, that there would be many activities that neighborhood groups could do to participate in that; the GPC Conference would be held April 3 through 4, 2006 at the George R. Brown Convention Center, that it was to apprise businesses on how to do business with the Government, the federal, State and local governments; that next budget and Fiscal Affairs committee meeting would be on Tuesday, April 4, 2006 in Council Chamber, that they were holding a pre budget workshop dealing with amendments and would encourage all Council Members to attend or to send the person who would be working with them on their budget amendments so that they would know the process, that they were going to address all of the amendments from last year. Council Members Lawrence, Johnson, Wiseman, Garcia, Alvarado, Sekula-Gibbs and Berry absent.

Mayor White stated that this was not something that he had discussed with individual Council Members, but Council Member Edwards had asked about priorities and public safety came first in the City, but she had also asked questions about dealing with the needs of a larger population in the civilian departments and the social safety net and he thought he was following her train of thought and would know what they could or could not do as a practical matter but the issue if the Federal Government had cut back 10% on CDBG, including the operating funds for some of the programs, that he thought it was going to be an important time when he would rely on some of the Council Members, were there any activities which historically had been funded by federal grants, which should be funded by another source of revenue, that he thought there was action in Congress to restore the cutbacks, but they needed to make contingency plans. Council Members Lawrence, Johnson, Wiseman, Garcia, Alvarado, Sekula-Gibbs and Berry absent.

Council Member Edwards stated that she would like to ask Mr. Wilson for an overview of where their CDBG Funds had been pledged to historically and what they were looking at with the cut that was already done. Council Members Lawrence, Johnson, Wiseman, Garcia, Alvarado, Sekula-Gibbs and Berry absent.

Council Member Brown invited everyone to an electronic townhall meeting, the Blueprint Houston Second Citizens Congress on May 6, 2006 at George R. Brown Convention Center

from 8:00 a.m. to 12:30 p.m. Council Members Lawrence, Johnson, Wiseman, Garcia, Alvarado, Sekula-Gibbs and Berry absent.

Council Member Brown stated that he had gotten a lot of calls and had meetings with developers who were frustrated by the uncertain regulatory landscape of doing quality development in Houston and thought there were a number of things they could do to encourage that, that at the same time there were a lot of neighborhood folks who were really concerned about a similar kind of uncertain regulatory landscape, whether it was prevailing lot lines and that sort of thing, that he thought they could move forward on both fronts and those were not conflicting interests, that he recently read a regulation that came from the Public Works Department and said in effect that they used to be their standards for building in a flood plain and now these were their new standards, that it was not an amendment, that it was like an executive order that said those were the policies and standards and results that they wanted to get, that his question was could department heads and Mayor White make more use of an administrative order to get the show on the road than let it sort of flounder in a committee, that it seemed like they did not necessarily have to amend Chapter 42, the Planning Director could issue an administrative order saying these were supplemental regulations or clarification of the prevailing lot size dilemma, a good example could be dangerous buildings, could they legally make more use of the executive order from department heads or Mayor White, and Mayor White stated that he thought that was something that they ought to look at. Council Members Lawrence, Johnson, Wiseman, Garcia, Alvarado, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that they would be hosting the following meetings in District C, April 4, 2006, at 6:30 p.m. at Will Rogers Elementary, it would be a Lynn Park Highland Village Traffic Mitigation; the Metro meetings would be on April 5, April 6, April 10, April 12, and April 18, 2006 and hoped that all of the At Large Council Members would attend, that the times and locations were both on the Metro website as well as the District C website. Council Members Lawrence, Johnson, Wiseman, Khan, Holm, Garcia, Alvarado, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that the District C cleanup would be on Saturday, April 15, 2006, at Linkwood Park at 11:00 a.m., south of South Braeswood, between Stella Link and Buffalo Speedway. Council Members Lawrence, Johnson, Wiseman, Khan, Holm, Garcia, Alvarado, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Lovell stated that SPARK Parks were important and hoped they got the funding. Council Members Lawrence, Johnson, Wiseman, Khan, Holm, Garcia, Alvarado, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Lovell stated that she wanted to congratulate Mayor White and Council Member Clutterbuck after finding out they had 20 more police officers in her area. Council Members Lawrence, Johnson, Wiseman, Khan, Holm, Garcia, Alvarado, Brown, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Lovell stated that she had gotten a ticket and had gone on line to pay the ticket, the ticket had 10 numbers but when she went on line it said she could put up to the first 9 numbers on her ticket, she continually put the 10 numbers and it did not show up and then she was reissued another ticket which was double and she would be glad to pay that since she was not very good on the computer, her point was that she could understand why the revenues were down in Municipal Courts if they could not easily go on line to pay the tickets, that if they could look into that and get it fixed. Council Members Lawrence, Johnson, Wiseman, Khan, Holm, Garcia, Alvarado, Brown, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Lovell stated that they had calls to her office, apparently the Planning

Department had let go about 11 people out of their department and that people in her area who had relationships with people in that department and were very distressed over the fact that the good relationships that they had with the Planning Department were now going to go away, that she would like for Ms. Gafrick to visit with her. Council Members Lawrence, Johnson, Wiseman, Khan, Holm, Garcia, Alvarado, Brown, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Lovell stated that she was transitioning from private sector health insurance over to the City and wanted to compliment the HR Department, that it was very comparable to the health insurance she had when in the private sector and wanted to compliment them on the policy they had come up with. Council Members Lawrence, Johnson, Wiseman, Khan, Holm, Garcia, Alvarado, Brown, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Lovell stated that she wanted to compliment Ms. Linda Clarke, who last week put together an awesome meeting between Houston Galveston Area Council and Mr. Rodney Bradshaw and Mr. Michael Temple, who headed up the workforce training, that Mr. Larry Temple came down from the Texas Workforce Commission, they sat with people from Louisiana that were involved with getting the City back up and running and getting people back to work and moving people back to Louisiana, that it would be quite a while before New Orleans was ready for people to move back, that the people who were in Houston were now Houstonians. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Khan, Holm, Garcia, Alvarado, Brown, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that one of the most important committees that Mayor White had developed was the Health Environmental Committee and she wanted to thank Council Member Alvarado for putting on her agenda for the April 6, 2006 meeting the Southern Crushed Concrete issue that had been going on and the Mayor's support, that there were still some issues she was concerned about and wanted to thank the Legal Department for their support and the whole City, that one of the things she was asked to do by the community was to have a hearing, that the hearing was on April 6, 2006, and would encourage the public to come out and give their concerns and challenges. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Khan, Holm, Garcia, Alvarado, Brown, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards asked Mayor White to give her the information on his energy piece, she wanted to see if they could get that moving because they were already getting calls in her office about getting help with the air conditioning. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Khan, Holm, Garcia, Alvarado, Brown, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that Mr. Dadoush should communicate with Council Member Edwards on their timetable, there would be a Mayor's report that would have a lot of detail next Wednesday but they could receive some information before that, the website was under construction, they needed help in getting it out to community based organizations so that they could inform them, and asked Mr. Michael Moore to make sure that every Council Member received the information. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Khan, Holm, Garcia, Alvarado, Brown, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that they had been asked by a lot of Louisiana people still living in Houston and wanting to go back home to really encourage a satellite voting place in Houston for them to vote and she would encourage any Council Members to give the folks a hand. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Khan, Holm, Garcia, Alvarado, Brown, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 12:08 p.m. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Khan, Holm, Garcia, Alvarado, 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

Anna Russell, City Secretary