

## City Council Chamber, City Hall, Tuesday, April 18, 2006

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, April 18, 2006, presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Ada Edwards, M. J. Khan, P. E., Pam Holm, Adrian Garcia, Carol Alvarado, Peter Brown, Sue Lovell, Shelley Sekula-Gibbs, M.D., and Michael Berry; Mr. Harlan Heilman, Division Chief, Claims & Subrogation Division, Legal Department; Mr. Richard Cantu, Director Citizens Assistance Office; Ms. Marty Stein, Agenda Director; present. Mayor Bill White and Council Member Addie Wiseman absent on city business. Council Member Ronald C. Green out of the city on city business.

At 2:03 p.m. Acting Mayor Pro Tem Berry called the meeting to order and called on Council Member Edwards to begin presentations. Council Member Edwards stated that she was proud to speak about Commissioner El Franco Lee who created in 1987 the popular Street Olympics Program and on April 18, 2006, he was being honored for his outstanding dedication and service to Harris County Precinct One Street Olympics and presented a Proclamation congratulating him, extended best wishes and proclaimed April 18, 2006, as "Commissioner El Franco Lee Day" in Houston, Texas and presented it to Mr. David Vincent and Mr. John Turner who accepted on Commissioner Lee's behalf. Council Members Clutterbuck, Holm and Brown absent.

Council Members Garcia, Johnson and Edwards commended Commissioner Lee and the Street Olympics and thanked Mr. Vincent and Turner for all that they did. Council Member Holm absent.

Council Member Edwards invited all members of the Housing Committee to the podium and stated that this was National Community Development Week, known as CDBG, and the funds went to a lot going on in the city and lifted the quality of life. Council Member Edwards invited Mr. Wilson and the staff present with the Housing Department to the podium and stated that when Mr. Wilson started it was like going into the lions den with no sword and much was now done and presented him a Proclamation proclaiming April 17 – April 24, 2006, as "National Community Development Week"; and Mr. Wilson stated that they worked the housing situation over a year and by September 31st they would have touched every house on the waiting list; and extra people had come to this city and they received no additional dollars to take care of social services or housing and Council should be commended on an outstanding job, this was a city within a city and he thought no other city in the U. S. had to do that and he congratulated them.

Council Members Alvarado and Garcia appeared at the podium with a presentation for the East End Chamber of Commerce and Council Member Alvarado stated that today a group very important to her was present, economics in the east end had improved over the last 10 years and a lot had to do with the city's participation allowing a management district and developments, but nothing would happen without help of the East End Chamber of Commerce and the Greater East End Management District and invited representatives to the podium. Council Member Garcia stated that the East End Management District was doing many great things and they together with the Chamber made a great partnership and did much for both their constituents; and the Council Members presented a Proclamation to representatives from the Management District and Chamber of Commerce proclaiming April 18, 2006, as "East End Chamber of Commerce Day" in Houston, Texas. Council Members Clutterbuck and Lovell absent.

Council Member Brown invited Mrs. Margaret Jenkins, her two grand children and Mr. George Collins Jr., and his dad Mr. Collins to the podium; and stated that Mrs. Jenkins was with the Greater Sugar Valley Civic Club and if there was ever a neighborhood angel it was Ms. Jenkins and her neighbors and presented a Certificate of Recognition to Ms. Jenkins for being a Neighborhood Angel, a guiding force for the park and library and someone who inspired others;

and presented Certificates of recognition to Edric Neal and Gary Walker and George Collins, Jr.'s Father as he was not present for their accomplishments.

At 2:31 p.m. Council Member Johnson invited Pastor Castro L. Walker, Sr. of the Jerusalem Missionary Baptist Church to lead all in prayer and Council Member Johnson led all in the pledge.

At 2:33 p.m. the City Secretary called the roll. Mayor White and Council Member Wiseman absent on city business. Council Member Green out of the city on city business.

Council Members Khan and Garcia moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Mayor White and Council Member Wiseman absent on city business. Council Member Green out of the city on city business. MOTION ADOPTED

Council Member Garcia moved that the rules be suspended for the purpose of moving Mr. Gene Goings, Ms. Sylvia Luna and Mr. Armando Bermudez to the top of the three minute Non-Agenda speakers and to add Mr. William Linthicum as the first speaker, seconded by Council Member Alvarado. All voting aye. Nays none. Mayor White and Council Member Wiseman absent on city business. Council Member Green out of the city on city business. MOTION 2006-0295 ADOPTED

The City Secretary began calling the public speakers.

Mr. William Linthicum, previously added to the speakers list appeared and stated that since July 2000 it was their privilege to provide the City of Houston the highest quality collection disposal services and late last year a serious issue was brought to his attention which needed to be investigated on the performance of the residential collection contract and they diligently pursued the issues and openly disclosed and documented the problem; that Council conducted an investigation, reviewed their past practices and implemented new procedures to make sure it did not happen again; that it was clear Republic made mistakes and the errors were unacceptable and an embarrassment to them and several administrative changes had come about to ensure such errors would not reoccur and several personnel changes had occurred to enhance procedures to be strictly adhered to; that they were responsible corporate citizens; and asked Council support Agenda Items 57 and 57a on tomorrow's Agenda. Council Member Johnson absent.

Council Member Garcia stated that he appreciated their conversations and the willingness they had to work with the city to make sure the taxpayers were looked after. Council Member Johnson absent.

Council Member Sekula-Gibbs thanked Mr. Linthicum for coming and stated that she respected that they were making changes; that it was important the public know this was a fair and open process and the department reported they could not find a better deal on garbage pickup. Council Member Johnson absent.

Council Member Khan stated that he wanted to acknowledge the Department finding the best deal and he also appreciated Mr. Linthicum coming before them and accepting responsibility. Council Members Johnson and Sekula-Gibbs absent.

Council Member Edwards thanked Mr. Linthicum for coming, and stated that a big concern to the administration was what departments were still with privatization contracts and was there a bailout plan and how could they look at privatization as they moved forward, but he did what was needed as a responsible business person and she appreciated it. Council Members Johnson and Sekula-Gibbs absent.

Council Member Brown thanked Mr. Linthicum for coming and for being a good corporate

citizen, and stated that on recycling, other cities had a large percent and he would like ways to make it economically viable for Houston and would love a memo from an expert on that in his company; and Mr. Linthicum stated that the primary way was education at a young age, but would follow-up in a letter to him. Council Members Johnson and Sekula-Gibbs absent.

Ms. Rosaio Marroquin, 9415 E. Avenue L, Houston, Texas 77012 (832-767-6413) had reserved time to speak but was not present when her name was called. Council Members Johnson and Sekula-Gibbs absent.

Ms. Claire Nonmacher, 7706 Meadowview, Houston, Texas 77037 (281-999-2112) appeared, presented information, introduced her family members and stated that she was president of Meadowlink Civic Club; and her time expired. Council Member Sekula-Gibbs absent.

Council Member Khan moved that the rules be suspended for the purpose of allowing Ms. Clare Nonmacher an additional one minute to speak, seconded by Council Member Johnson. All voting aye. Nays none. Mayor White and Council Member Wiseman absent on city business. Council Member Green out of the city on city business. Council Member Sekula-Gibbs absent. MOTION 2006-0296 ADOPTED

Ms. Clare Nonmacher further stated that for the last 41 years they held Easter at River Oaks Park, but for the last couple of years bathrooms have been locked on Easter Sunday and parks were probably used more of holidays than any other time; and urged Council Members to have them opened during those days. Council Member Sekula-Gibbs absent.

Council Member Holm stated that she spoke with the Parks Director and felt there was a legitimate concern, the reasons the bathrooms were locked was for safety of the children; and she hoped they would find a balance and compromise for them to use the parks without the unsafe situations. Council Member Sekula-Gibbs absent.

Council Member Johnson thanked Ms. Nonmacher for coming and stated that whenever she wanted to use the parks on Sundays, when the restrooms were closed, arrangements could be made to have them open and she could contact his office. Council Member Sekula-Gibbs absent.

Council Member Edwards stated that basically Council Member Johnson said it all and she could contact him and it would be arranged. Council Member Sekula-Gibbs absent.

Council Member Lovell stated that she wanted to compliment the children on how well they had waited such a long time; and she congratulated and commended them. Council Member Sekula-Gibbs absent.

Acting Mayor Pro Tem Berry stated that Mr. Dan Pederson with Parks was present at this time and they could speak with him. Council Member Sekula-Gibbs absent.

Ms. Allison Sandefur, 1009 C. R. 913, Joshua, Texas 76058 appeared and stated that she lives out of town, but comes back to Houston often and it was important to have facilities at the parks; and she was appreciative of how clean the parks were. Council Member Sekula-Gibbs absent.

Mr. Domingo Gonzales, 2010 N. Main, Houston, Texas 77009 (713-226-5349) appeared and stated that he was with First Bank and present regarding Fire Station No. 9 which was closing for renovations; that he had concerns as to how it would impact the community. Council Member Sekula-Gibbs absent.

Council Member Garcia thanked Mr. Gonzales for coming and stated that Fire Station No.

9 was closing for renovation and the ambulances and fire trucks were to be placed into other stations, supposedly it was to suffice enough to cover the area the station now existed in, but he was concerned about it and asked if Mr. Gonzales would assess from those coming into his bank whether they were concerned or not with the station closed; and Mr. Gonzales stated that with those he spoke with there was concern. Council Member Sekula-Gibbs absent.

Acting Mayor Pro Tem Berry stated that for those present on Fire Station No. 9 Captain Karen Dupont was present and prepared to speak with them; that they were welcome to still speak, but they had been heard and as he understood the Fire Chief had delayed closure of the station until Building Services located an alternative site plan. Council Member Sekula-Gibbs absent.

Mr. Alex Morales, 1506 Everett, Houston, Texas 77009 (713-303-9028) appeared and stated that he was happy to hear the status on Station No. 9, his family lived in the area over 50 years and had found the station's services very necessary; reiterated that Council consider the proposal he read this morning and urged they avoid the closing and avoid limited services until another facility was workable. Council Members Lawrence, Johnson and Sekula-Gibbs absent.

Council Member Garcia thanked Mr. Morales for coming and stated that thought it's said the Fire Chief was considering delaying the item that he had not yet seen any written confirmation and was reluctant to accept a verbal statement as there were real concerns. Council Members Lawrence, Johnson and Sekula-Gibbs absent.

Ms. Olivia Garcia, 2307 Terry, Houston, Texas 77009 (713-223-2713) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Johnson and Sekula-Gibbs absent.

Ms. Abigail Diaz, 3211 Firnat, Houston, Texas 77093 (713-694-2120) appeared and stated that she was Chief Nurse at the health center about half a block from Station No. 9 and wanted to express how critical it was to have proper access to the critical care provided by the ambulance service at that station, sometimes they needed the ambulance 2 to 4 times a week and promptness was crucial. Council Members Lawrence, Johnson and Sekula-Gibbs absent.

Ms. Lorena Bravo, 202 Morris, Houston, Texas 77002 (713-228-5331) appeared and stated (as translated) that she did not feel it was a good idea to close Station No. 9 as many people needed it, several schools were in the area and she was not sure what could be done, but it was needed. Council Members Lawrence, Johnson, Clutterbuck, Edwards, Alvarado and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Council Member Garcia thanked Ms. Bravo for coming and stated that she made a good point, why was there not a temporary facility while Station No. 9 was undergoing renovations, he was not sure why that was not proposed. Council Members Lawrence, Johnson, Clutterbuck, Edwards, Alvarado and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Mr. Gene Goings, 3410 Robinson, Houston, Texas 77009 (713-223-0263) appeared and stated that he was president of the Near Northside (BOND) Blocks Organizing for Neighborhood Defense, and he panicked to think Station 9 would be closed for renovation, it was a station in the center of one of the biggest needed areas for ambulatory services and with their old houses within minutes of burning they were to the ground; that he was happy to hear there may be a temporary station within the area and one good place would be immediately north of the firemen's union hall, it was available and could at least hold an ambulance and hazardous vehicle; and urged something stay in the area. Council Members Lawrence, Johnson, Clutterbuck, Khan, Alvarado and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Upon questions by Council Member Garcia, Mr. Goings stated that he was president of Near Northside BOND; that he was never notified about the station from the Fire Department

but from his office (Council Member Garcia) and from the Police Community Outreach Department; and Council Member Garcia stated the station would be renovated and there was no plan for a temporary station, but he was pushing for one to be at the union hall or somewhere in the immediate area; that the station averaged about 12,000 runs a year and had two ambulances; and thanked him for his leadership. Council Members Lawrence, Johnson, Clutterbuck, Khan, Alvarado and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Acting Mayor Pro Tem Berry stated that the station was to close on May 1st, but the District Council Member was on top of it and passionate about it; that renovations occurred in all districts and many locations they had been working in asbestos and with stations just not acceptable so renovations were necessary, but they were saying what he hoped all would think that they could not do without their station; that in the past sometimes neighborhoods did go without a station in the area during renovation, maybe this would help to change policy. Council Members Lawrence, Johnson, Clutterbuck, Holm, Alvarado, Brown and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Ms. Sylvia Luna, 1909 Gentry, Houston, Texas 77009 (713-227-8529) appeared and stated that she lived two blocks from Fire Station No. 9 and they were two houses from a fire February 13th and flames were so high they worried their home would burn, fortunately firemen came quickly as they were two blocks away; that they needed a temp station nearby and a vacant area was near the clinic; and urged Council's assistance. Council Members Lawrence, Johnson, Clutterbuck, Holm, Alvarado, Brown and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Council Member Garcia thanked Ms. Luna for coming and stated that no one liked anything to go up in flames; and upon questions, Ms. Luna stated there were just a few homes bricked. Council Members Lawrence, Johnson, Clutterbuck, Holm, Alvarado, Brown and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Mr. Armando Bermudez, 405 James, Houston, Texas 77009 (713-229-8204) appeared and stated that that he was vice president of the Near Northside BOND; that he had a massive heart attack in 2002 and if not for the EMS just around the corner he would not be present today; that they needed the fire apparatus and ambulance very badly in the area as previously stated; and suggested placing a temporary next to the union hall. Council Members Lawrence, Johnson, Clutterbuck, Holm, Alvarado, Brown and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Council Member Garcia thanked Mr. Bermudez for coming and stated that at Kettleon Elementary there were now two combined elementary schools and they did need close medical personnel; and he asked that all residents present with a concern on the issue stand to be recognized. Council Members Lawrence, Johnson, Clutterbuck, Holm, Alvarado, Brown and Sekula-Gibbs absent. (NO QUORUM PRESENT)

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, Holm, Alvarado, Brown and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Mr. William Barker, 9966 Kirkdale, Houston, Texas 77089 (832-579-6260) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Johnson, Clutterbuck, Holm, Alvarado, Brown and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Ms. Ester Zulkanycz, 5225 Shelton Road, Pearland, Texas 77381 (832-647-9525) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Johnson, Clutterbuck, Holm, Alvarado, Brown and Sekula-Gibbs absent. (NO QUORUM PRESENT)

QUORUM PRESENT)

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

Ms. Annie Vaughn, 270 N. Carolina, Houston, Texas 77029 (713-676-2916) appeared and stated that she came last August complaining about Ms. Maria Batiste and was present to recant as it was not her harassing her about taxes it was her boss, Doug Eusitice, and he was still harassing her and if she did not go to the Harris County Appraisal District he would do this and that and she had never been there but always got disability exemption for 20 years. Council Members Lawrence, Johnson, Clutterbuck, Holm, Garcia, Alvarado, Brown and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Ms. Vaughn stated that she always got disability exemption and the person harassing her worked for Harris County; and Council Member Edwards suggested she call her County Commissioner, Commissioner El Franco Lee, he would be the one to intervene on her behalf; and Ms. Vaughn stated that she did not want to speak with him either. Council Members Lawrence, Johnson, Holm, Garcia, Alvarado, Brown and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Ms. Lailah Suki, 610 Timber Terrace, Houston, Texas 77024 (713-688-3330) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Johnson, Holm, Garcia, Alvarado, Brown and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Ms. Tracey Blackshire, 3602 Corksie, Houston, Texas 77051 (713-734-9745) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Johnson, Holm, Garcia, Alvarado, Brown and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Mr. Greg Howell, 12707 Murphy Road, Houston, Texas 77477 (832-566-2267) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Johnson, Holm, Garcia, Alvarado, Brown and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Mr. Martin Nbukwe, P. O. Box 14767, Houston, Texas 77021 (832-661-2626) appeared and stated that he was present regarding the City of Houston employment policies; that he had a degree in public administration and worked for the State of Texas nine and a half years and worked for the City of Houston before the state, but he went to a job interview for the city about three weeks ago and they wanted bilingual and he spoke Swahili and English very well and understood a little Spanish, unfortunately the one who interviewed him did not ask about his abilities she asked how many languages he spoke and he told her, but he knew he would not get the job; that he understood this was an English speaking country and he learned English and paid for it, but he did not know he had to go back and learn Spanish and he did not want to be discriminated against and he was a U. S. citizen. Council Members Lawrence, Johnson, Clutterbuck, Holm, Alvarado, Brown and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Upon questions by Council Member Khan, Mr. Nbukwe stated that he had applied with the Health Department about three weeks ago, he applied for administrative supervisor but had heard nothing from the department; and Council Member Khan stated that because someone did not speak a language should be no reason to not be considered for a job; that his mother tongue was not English either, but he learned it and took great pride he communicated in English and appreciated that he learned it also. Council Members Lawrence, Johnson, Clutterbuck, Holm, Alvarado, Brown and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Council Member Edwards stated that her office received several items to the point that

she wrote Human Resources last week asking about the basic requirement for all employees to be bilingual in Spanish and the response said only in specific cases such as translator, court reporter or something defined like that; and some offices preferred bilingual but it was not a requirement; and upon questions, Mr. Nbukwe stated that stated that being bilingual had nothing to do with his position; that he had not talked with Mr. Williams or anyone; and Council Member Edwards stated that if this was policy then it needed to be stated clearly and if not people needed to stop playing with peoples lives; and if he did not mind she would call Mr. Williams office and find out what his policy was. Council Members Lawrence, Johnson, Clutterbuck, Holm, Alvarado, Brown and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Acting Mayor Pro Tem Berry stated that Ms. Barton with the Health Department was present; and upon questions, Mr. Nbukwe stated that his information on the list was correct. Council Members Lawrence, Johnson, Clutterbuck, Holm, Alvarado, Brown, Lovell and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Ms. Stella Moses, 5730 Darlinghurst, Houston, Texas 77085 (713-855-6605) appeared and stated that a water main broke in the back of her home and destroyed all she owned and the city was in fault and never worked on it; that she did not know if people thought it abandoned but now there was a for sale sign there and she wanted to know why as now she was homeless. Council Members Lawrence, Johnson, Clutterbuck, Holm, Alvarado, Brown, Lovell and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Ms. Moses stated that the city was supposed to gut her house completely and start all over, it was in June 2004 and for a year and a half they did not touch it and then she found out she no longer had the home; that she was buying the home for about 6 or 7 years and never stopped paying on it; and Council Member Edwards stated that she would think the problem was with her mortgage company; and upon further questions, Ms. Moses stated that she spoke with someone in Housing; that she had not paid her home in two months because she sent \$5,000 and they held a check three months and then sent it back to the bank and then she paid two more payments and they said the house was sold; that she never received anything saying her house was in trouble; and Council Member Edwards stated that the letter she held had three names on it and dated 2005, she did not know which person would have received the letter but it was sent certified to a Scott Street apartment in Houston and she would give her a copy and maybe the names and numbers would give her information as to what was going on; and suggested she read it and get with Mr. Wilson in Housing and find out what was going on, the letter said it was foreclosed. Council Members Lawrence, Johnson, Clutterbuck, Holm, Alvarado, Brown, Lovell and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Mr. Mabry Cain, 4738 Larkspur, Houston, Texas 77033 (832-455-9504) appeared and stated that he lived in a mobile home, he inherited the property upon the death of his mother last March; that he reapplied for a temporary permit to keep the mobile home there because of economic hardship, he was unemployed, and submitted all documentation through the board, unfortunately, in the decision someone thought he did not fit the economic profile as he made \$1,500.00 for all of 2004, but he had received inheritance last year and spent part of it on the burial; that his sister owned the primary properties and only the mobile home was his, he kept his utilities current and was not on food stamps and asked for one year to secure employment and do what was necessary to move the mobile home, but they wanted him to comply in 30 days; that the house had been there 15 years and now he would lose the only property he had because the city said the mobile home could not be there. Council Members Lawrence, Johnson, Clutterbuck, Holm, Garcia, Alvarado, Brown, Lovell and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Acting Mayor Pro Tem Berry stated that he understood Council would be considering his appeal because it was filed timely at next weeks meeting, but he wanted him to know that while his facts were important by city ordinance they could only consider the record as it was before

them so unfortunately they had to disregard what he just told them when hearing the appeal; and Mr. Cain stated that he was not sure if the board voted on a new permit or whether they were voting on an extension and he was applying for a permit and not an extension and was only asking for the time afforded by city ordinance; and Acting Mayor Pro Tem Berry stated that he only wanted him to know what would be considered and he would be getting an answer. Council Members Lawrence, Johnson, Clutterbuck, Holm, Alvarado, Brown, Lovell and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Mr. Mike Curry, 7500 Kirby #1121, Houston, Texas 77030 (281-650-6810) appeared and stated that he was present as last year during the hurricane he did not leave and in the Houston community he spotted a problem; that at the corner of Holcomb and Kirby he witnessed scaffolding piled ten feet high and construction debris at two sites of the intersection at the Med Center higher than anyone here; that he saw business site and business site with construction debris and if they had been hit with a hurricane that was an accident waiting to happen; that at the Kirby site storm sewers were being dropped and people worked to the last minute and left all the debris and the same in other locations and he hoped in preparation plans Council would look to see how to make builders comply in securing their construction materials. Council Members Johnson, Clutterbuck, Khan, Holm, Alvarado, Brown, Lovell and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Mr. Curry stated that at the corner of Kirby and Holcomb much was left in the street and they were currently going into the Rice Village area; that the Kirby site was still being worked on, but the Walgreens at the corner was finished; and Council Member Edwards stated that she appreciated his eyes and would check it out; and asked that he give the information to Mr. Norman with Public Works who was present at this time. Council Members Johnson, Clutterbuck, Khan, Holm, Alvarado, Brown, Lovell and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Mr. William (Beal) Reagan, 6230 Symare Avenue, Van Nuys, California 91401 (no phone) had reserved time to speak but was not present when his name was called. Council Members Johnson, Clutterbuck, Khan, Holm, Alvarado, Brown, Lovell and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Senator Robert Horton, 3714 Bain, Houston, Texas 77026 (713-260-6144) appeared and stated that he was the Lord; and continued expressing his personal opinions until his time expired. Council Members Johnson, Clutterbuck, Khan, Holm, Alvarado, Brown, Lovell and Sekula-Gibbs absent. (NO QUORUM PRESENT)

President Joseph Charles, Post Office Box 524373, Houston, Texas 77052-4373 (832-453-6376) appeared and stated that Mr. Horton was not a senator and he was the official President of the United States and continued expressing his personal opinions until his time expired. Council Members Johnson, Clutterbuck, Khan, Holm, Garcia, Alvarado, Brown, Lovell and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Ms. Andria Hunt, 3230 South Gessner #309, Houston, Texas 77063 (281-250-7981) appeared and stated that she was present to speak on public education and concerns for senior citizens because of the heat; that she did not know if Council was aware of an organization called standup.org and their spokesperson was Mr. Kevin Johnson who was the former player of the Phoenix Suns, but there was a crisis in the school system, Houston the fourth largest city was rated about 40th and it was very sad and she was asking for people to stand up for youth. Council Members Johnson, Clutterbuck, Khan, Holm, Garcia, Alvarado, Brown, Lovell and Sekula-Gibbs absent. (NO QUORUM PRESENT)

At 3:46 p.m. City Council recessed until 9:00 a.m., Wednesday, April 19, 2006. Mayor White and Council Member Wiseman absent on city business. Council Member Green out of the city on city business. Council Members Johnson, Clutterbuck, Khan, Holm, Garcia,

Alvarado, Brown, Lovell and Sekula-Gibbs absent. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, April 19, 2006

The Houston City Council reconvened at 9:00 a.m. Wednesday, April 19, 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. and Michael Berry; Mr. Arturo Michel, City Attorney; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Ms. Martha Stein, Agenda Director and Ms. Stella Ortega, Agenda Office, present. Council Member Ronald C. Green out of the city on city business.

At 8:26 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:28 a.m. Mayor White called the meeting to order. Council Members Wiseman and Garcia absent.

### **MAYOR'S REPORT**

Mayor White stated that there had been an average of 5,100 actual visits per day on the Houston Consumer Choice website, that over 1,000 people had made new choices, that the number of hits per day were 186,000 on the website, that the prices may be extended after April 30, 2006 for Council Members who did want to inform community groups about it, that he was trying to make it part of his speeches when he got out in the neighborhood, that he found there was a lot of interest in the issue because people were aware of electricity bills, although not everybody was aware that the posted summer rates for the standard price were a lot higher than the rates had been over the last 12 months, and that was something that people needed to know just as a courtesy. Council Members Wiseman and Garcia absent.

Members of Council commended Mayor White for the work they had done and the education that they had provided their citizens on the issue. Council Member Wiseman absent.

Council Member Alvarado moved to suspend the rules to consider Item Numbers 57, 57a, 55 and 58 out of order, seconded by Council Member Khan. All voting aye. Nays none. Council Member Green out of the city on city business. MOTION 2006-0297 ADOPTED.

Council Member Edwards moved to suspend the rules to consider Item No. 28 out of order, seconded by Council Member Khan. All voting aye. Nays none. Council Member Green out of the city on city business. MOTION 2006-0298 ADOPTED.

57. WRITTEN Motion by Council Member Garcia to amend Item 57A below as follows:  
"The City of Houston will provide official forms that will be used to determine billing amounts to be paid by the city and these forms will include a notice line as follows:  
This form is considered an official government document and any false information submitted will be considered a criminal offense and punishable by law." – **(TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. Council Members Wiseman and Sekula-Gibbs voting no, balance voting aye. Council Member Green out of the city on city business. MOTION 2006-0299 ADOPTED.

57a. ORDINANCE approving and authorizing first amendment to Contract No. 51583 between the City of Houston and **REPUBLIC WASTE SERVICES OF TEXAS, LTD.** – **(This was Item 20 on Agenda of April 12, 2006, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. Council Members Wiseman and Sekula-Gibbs voting no, balance voting aye. Council Member Green out of the city on city business. ORDINANCE 2006-0346 ADOPTED.

55. RESOLUTION authorizing the City Attorney to take appropriate legal action against **VALERO REFINING - TEXAS L.P.** and any other responsible persons to enforce the provisions of environmental laws and regulations – **(This was Item 10-1 on Agenda of April 12, 2006, TAGGED BY COUNCIL MEMBERS WISEMAN, JOHNSON, EDWARDS, ALVARADO, SEKULA-GIBBS and KHAN)** – was presented.

Council Member Alvarado moved to refer Item No. 55 back to the administration, seconded by Council Member Khan. Mayor White stated that the administration supported the motion to refer back.

Council Member Edwards asked if the motion to refer back meant that the item would not be discussed at committee, and Council Member Alvarado stated that there was still a strong possibility of the discussion in committee.

A vote was called on the motion to refer Item No. 55 back to the administration. All voting aye. Nays none. Council Member Green out of the city on city business. MOTION 2006-0300 ADOPTED.

Mayor White stated that they were working closely with the Attorney General on the violations and Valero, through it's CEO and President had indicated an approach which they thought was an appropriate approach to accomplish three things with respect to each violation, number one, make operation changes that would reduce significantly the likelihood of each incident, number two, detailed investments that may be needed to prevent these kind of emissions from occurring in the future, and number three, have consequences as a result of the violation, that people who were in the refining and petro chemical business, those were complex plants and it did not mean that Valero was a bad firm by having violations just as it did not mean that there were people who appeared in the Municipal Court system, but for a level playing field it meant there would be enforcement of the laws they had for pollution for many years, that Valero had indicated to him that proof would be in the pudding, they would put it back on if that turned out not to be the case but he thought they would find through this that they would see Valero actually be an industry leader in compliance mechanisms, based on what they represented to him, far more thinking ahead in a progressive fashion, that it was a little change and frankly he thought the change occurred when they put the item on the agenda, it got out of the hands of the lawyers and into the hands of business executives.

58. ORDINANCE approving and authorizing contract between the City of Houston and **GIBBS & BRUNS, LLP**, for Legal Services in connection with the collection of Hotel Occupancy Taxes from Internet-Based Hotel Room Resellers – **(This was Item 22 on Agenda of April 12, 2006, TAGGED BY COUNCIL MEMBERS WISEMAN, SEKULA-GIBBS and HOLM)** - was presented.

Council Member Alvarado moved to postpone Item No. 58 for one week, seconded by Council Member Khan.

After a lengthy discussion by Council Members, Mayor White stated that the administration agreed with the delay and a vote was called on the motion to postpone Item No. 58. All voting aye. Nays none. Council Member Green out of the city on city business. MOTION 2006-0301 ADOPTED.

28. ORDINANCE approving and authorizing interlocal agreement between the City of Houston and the **MIDTOWN REDEVELOPMENT AUTHORITY** for the construction of an addition to the Houston Technology Center (402 and 410 Pierce Street) - **DISTRICTS D - EDWARDS and I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Green out of the city on city business. Council Member Edwards absent. ORDINANCE 2006-0347 ADOPTED.

**CONSENT AGENDA NUMBERS 1 through 49**

**DAMAGES** - NUMBER 4

4. RECOMMENDATION from City Attorney for settlement of lawsuit styled **SOUTHWESTERN BELL TELEPHONE** vs. City of Houston; in the County Civil Court at Law No. Three (3) of Harris County, Texas, Cause No. 824,848 - \$55,000.00 - Property and Casualty Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Green out of the city on city business. Council Member Holm absent. MOTION 2006-0302 ADOPTED.

**ACCEPT WORK** - NUMBERS 5 and 8

5. RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$28,538,931.52 and acceptance of work on contract with **W. W. WEBBER, LLC (previously known as CHAMPAGNE-WEBBER, INC, TEXAS)** for Terminal “C” Southeast Ramp Upgrade and Widening at George Bush Intercontinental Airport/Houston; Project No. 554, CIP A-0184 and A-0377 - 01.54% under the original contract amount - **DISTRICT B - JOHNSON** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Green out of the city on city business. Council Member Holm absent. MOTION 2006-0303 ADOPTED.
8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$752,342.50 and acceptance of work on contract with **CHIEF ENVIRONMENTAL SURVEYS, INC** for Sanitary Sewer Inspection and Rehabilitation by Point Repair Method, GFS R-0266-R8-3 (4277-12) - 00.64% under the original contract amount – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Green out of the city on city business. Council Member Holm absent. MOTION 2006-0304 ADOPTED.

**PROPERTY** - NUMBERS 9 and 10

9. RECOMMENDATION from Director Department of Public Works & Engineering to **RESCIND MOTION #2005-979, 10/12/05**, which authorized purchase of Parcel AY2-049, located at 9400 E. Avenue H, owned by Rafael Suarez and wife Maria A. Suarez, for the Central Street Grade Separation Project from Central Street Extension over Manchester Avenue to Train Yard, **TO AUTHORIZE** condemnation of said parcel - **DISTRICT I - ALVARADO** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Green out of the city on city business. Council Member Holm absent. MOTION 2006-0305 ADOPTED.
10. RECOMMENDATION from City Attorney to purchase in lieu of condemnation Parcel AY2-041, located at 1503 Central Street, owned by Merichem Company, a Delaware corporation, for the **CENTRAL STREET GRADE SEPARATION PROJECT from Central Street Extension over Manchester Avenue to Train Yard**, CIP/GFS N-0676-01-2 - \$32,205.00 - **DISTRICT I - ALVARADO** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Green out of the city on city business. Council Member Holm absent. MOTION 2006-0306 ADOPTED.

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 11 and 12

11. **FERRARA FIREFIGHTING APPARATUS** for spending authority to purchase Repair Parts for Ferrara Pumper and Ladder Trucks for Houston Fire Department - \$30,000.00 - General Fund – was presented, moved by Council Member Khan, seconded by Council

Member Alvarado. All voting aye. Nays none. Council Member Green out of the city on city business. Council Member Holm absent. MOTION 2006-0307 ADOPTED.

12. **AAR, INCORPORATED** - \$380,275.00 and contingencies for an amount not to exceed \$399,288.75 for Asbestos Abatement, Demolition, Site Clean-up and **TECHNOLOGY SERVING PEOPLE, INC** - \$48,800.00 for Professional Environmental Consulting Services for the Police Department - Dangerous Building Consolidated Fund - **DISTRICT A - LAWRENCE** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Green out of the city on city business. Council Member Holm absent. MOTION 2006-0308 ADOPTED.

Mayor White stated that so people would have fair warning on the item on the agenda, he had authorized the City Attorney to bring suit against people who had the City, at taxpayer expense, cleanup their property, where they thought there was a significant chance of collection, so that suit would be coming, that they had worked on it for sometime and it should not be the taxpayers who subsidize landlords securing their properties in accordance with City ordinance, they had other things that their tax money could be used for rather than subsidizing those who violated the laws, that he had asked them to go back through all the cases where they spent taxpayer money and then filed a lien and where they were tax delinquent to foreclose, if there was a delinquent tax lien.

Council Member Lawrence stated that she looked forward to the day when they had 26 more buildings to go down on the situation, and asked the Legal Department if it was in the State of Texas that they had to renew liens every five years, and Mr. Michel stated that he believed there was a recording process but was not quite sure about the five years but would confirm that for her.

#### **ORDINANCES** - NUMBERS 15 through 48

15. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a 3,036 square foot portion of Shearn Street, Parcel No. SY4-040A, and a 10,115 square foot portion of Sawyerdale Street, Parcel No. SY4-040B; vacating and abandoning Parcel SY4-040A to Target Corporation (“Target”), the abutting owner, and Parcel SY4-040B to Sawyer Heights Village, Ltd. (“Sawyer Heights”), the abutting owner, in consideration of (a) the conveyance to the City by Target of (I) a tract of land containing 4,426 square feet, more or less, Parcel No. AY4-040A, located on the plat of Howard Haynes Addition, Lot 1, Block 1, John Austin Survey, A-1, Harris County, Texas, and construction of a cul-de-sac thereon and on the dead-end of Crockett Street, (II) a 10-foot-wide waterline easement containing 1,978 square feet of land, more or less, Parcel No. KY4-179A, in said Howard Haynes Addition, and (III) a water meter easement containing 401 square feet, more or less, Parcel No. KY4-179B, located in said John Austin Survey; (b) the conveyance to the City by TPO-GP, Inc (“TPO” and, collectively with Target and Sawyer Heights, “owner”) of a tract of land containing 5,157 square feet, more or less, Parcel No. AY4-040B, located in said John Austin Survey; (c) a \$9,107.00 carryover credit granted to owner and their successors and assigns for their excess portion of the transaction, to apply only toward the future abandonment and sale of street rights-of-way and/or easements; and (d) other good and valuable consideration - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. Council Member Green out of the city on city business. ORDINANCE 2006-0348 ADOPTED.
16. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a portion of a prescriptive sanitary sewer easement, Parcel SY5-024, vacating and abandoning said easement to West Dallas, Ltd., the abutting owner, in consideration of its conveyance to the City of a 10-foot-wide replacement sanitary sewer easement, Parcel DY5-006, and its payment of \$3,600.00 and other consideration to the City; the abandonment parcel and the conveyance parcel both being

out of a 5.738-acre tract, located within Tract 3, Unrestricted Reserve A, Obedience Smith Survey, Abstract 696, Houston, Harris County, Texas - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Green out of the city on city business. ORDINANCE 2006-0349 ADOPTED.

17. ORDINANCE finding and declaring public convenience and necessity for the acquisition of rights-of-way in connection with the public improvement project known as the Fuqua Road Grade Separation at Mykawa Road Project; authorizing the acquisition of certain real property interests within the right-of-way alignment and payment of the costs of such purchases and/or condemnations of such real property and associated costs for Appraisal Fees, Title Policies/Services, Recording Fees, Court Costs, and Expert Witness Fees in connection with the acquisition of construction easements in, over, upon and across tracts of land situated in the William J. Lovett Survey, Abstract No. 526, and being more specifically situated out of Lot 199 of Langston Place Section Two, Subdivision 191 of Minnetex Place Subdivision, in Houston, Harris County, Texas, and Fee Simple Title to parcels of land situated in the William J. Lovett Survey, Abstract No. 526, and the William B. Walker Survey, A-857, Harris County, Texas, being more specifically located out Lots 190, 191, 192, 193, 194 of Minnetex Place Subdivision, Harris County, Texas, out of land described in deed records of Harris County in Volume 6033, Page 21, Volume 426, Page 17, Volume 3957, Page 554 and recorded under County Clerk File G544911 **DISTRICT E - WISEMAN** – was presented. All voting aye. Nays none. Council Member Green out of the city on city business. ORDINANCE 2006-0350 ADOPTED.
29. ORDINANCE appropriating \$1,500,000.00 out of TIRZ Affordable Housing Fund 872; deobligating \$1,500,000.00 of Federal “HOME” Funds appropriated by Ordinance 2004-562; amending Ordinance 2004-562 to substitute the funds hereby appropriated for the funds hereby deobligated as the funding source in connection with the construction costs of an apartment complex in the 100 block of Aldine-Bender Road, Houston, Texas, to house low and very-low income elderly residents; approving compromise and settlement agreement with **TX ALDINE-BENDER HOUSING, L.P.**, the owner of the apartment complex - **DISTRICT B – JOHNSON** – had been pulled from the Agenda by the Administration, and was not considered.
32. ORDINANCE consenting to the addition of 1.0993 acres of land to **CYPRESS HILL MUNICIPAL UTILITY DISTRICT NO. 1**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Green out of the city on city business. ORDINANCE 2006-0351 ADOPTED.
33. ORDINANCE consenting to the addition of 3.51 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 109**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Green out of the city on city business. ORDINANCE 2006-0352 ADOPTED.
34. ORDINANCE consenting to the addition of 133.5590 acres of land to **HARRIS COUNTY WATER CONTROL & IMPROVEMENT DISTRICT NO. 84**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Green out of the city on city business. ORDINANCE 2006-0353 ADOPTED.
35. ORDINANCE approving and authorizing Communication Equipment License between the City of Houston and **HOUSTON CELLULAR TELEPHONE COMPANY, LP, BY ITS GENERAL PARTNER, NEW CINGULAR WIRELESS PCS, LLC** at George Bush Intercontinental Airport/Houston - Revenue - **DISTRICT B – JOHNSON** – had been pulled from the Agenda by the Administration, and was not considered.
36. ORDINANCE appropriating \$150,000.00 out of Airport System Consolidated 2001 AMT Construction Fund (548) as an additional appropriation for payments required by the

Federal Uniform Relocation Assistance Act to persons displaced from property acquired for a Noise Compatibility Program at Bush Intercontinental Airport, CIP A-0476-71.1, (approved by Ordinances 2003-1300, 2004-0617, 2004-1068 and 2005-0676) (Project 617) - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Member Green out of the city on city business. ORDINANCE 2006-0354 ADOPTED.

37. ORDINANCE issuing permit to **SYSCO CORPORATION** for constructing, using, occupying, operating, maintaining and repairing a 48-inch private storm sewer across, along, under and within Enclave Parkway, 255 feet north of Forkland Drive, a public street right-of-way of the City of Houston, Texas; containing findings and prescribing the conditions and provisions under which said permit is issued - **DISTRICT C - CLUTTERBUCK** – was presented. All voting aye. Nays none. Council Member Green out of the city on city business. ORDINANCE 2006-0355 ADOPTED.
38. ORDINANCE appropriating \$1,739,110.00 out of Water & Sewer System Consolidated Construction Fund as additional funding for an engineering services agreement between the City of Houston and **CORPRO COMPANIES, INC** for Corrosion Prevention and Rehabilitation Program for Water and Wastewater Mains, CIP S-0037-02-2; providing a maximum contract amount - \$157,448.00 - Enterprise Fund – was presented. All voting aye. Nays none. Council Member Green out of the city on city business. ORDINANCE 2006-0356 ADOPTED.
39. ORDINANCE appropriating \$87,518.19 out of Drainage Improvement Commercial Paper Series F Fund and \$171,811.26 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation for Construction of the City's Water, Sanitary, and Storm Sewer Lines in the Downtown/Midtown Transit Streets Program - Smith Street from Spur 527 to West Gray, GFS S-0443-12-3, R-0537-34-3 & M-0671-12-3, under Transportation Improvement Agreement with the **METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY** (approved by Ordinance No. 93-274); providing funding for contingencies relating to construction of facilities financed by the Drainage Improvement Commercial Paper Series and the Water & Sewer System Consolidated Construction Fund - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Green out of the city on city business. ORDINANCE 2006-0357 ADOPTED.
40. ORDINANCE appropriating \$720,692.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation and approving and authorizing first amendment to Professional Engineering Services Contract with **PATE ENGINEERS, INC** for Hayes Street Paving Improvements from Briar Forest to Lakeside Place, GFS N-0780-02-2 (SB9132-02) and Yale Street Rehabilitation from IH-10 to IH-610, GFS N-0724-01-2 (SB9202), (approved by Ordinance No. 2005-557); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICTS G - HOLM and H - GARCIA** – was presented. All voting aye. Nays none. Council Member Green out of the city on city business. ORDINANCE 2006-0358 ADOPTED.
41. ORDINANCE appropriating \$430,000.00 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation and approving and authorizing first amendment to Professional Engineering Services Contract with **WESTON SOLUTIONS, INC** for Wastewater Treatment Plants Improvements, GFS R-0265-37-2 (WW4883), (approved by Ordinance No. 2005-0331); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT G - HOLM** – was presented. All voting aye. Nays none. Council Member Green out of the city on city business. ORDINANCE 2006-0359 ADOPTED.

42. ORDINANCE appropriating \$550,000.00 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation and approving and authorizing first amendment to Professional Engineering Services Contract with **ARCADIS G & M, INC** (approved by Ordinance No. 2005-0332) for Lift Station Renewal and Replacement, GFS R-0267-84-2 (WW4885); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS D - EDWARDS and E - WISEMAN** – was presented. All voting aye. Nays none. Council Member Green out of the city on city business. ORDINANCE 2006-0360 ADOPTED.
43. ORDINANCE appropriating \$97,750.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Construction Management and Inspection Services Contract between the City of Houston and **SCL ENGINEERING** for Construction Management and Inspection Services associated with the Replacement of the Ridgecreek Wastewater Lift Station and Rehabilitation of the Synott No. 2 Lift Station, GFS R-0267-82-3 (WW4861-04) and GFS R-0267-85-3 (WW4861-06) - **DISTRICTS D - EDWARDS and G - HOLM** – was presented. All voting aye. Nays none. Council Member Green out of the city on city business. ORDINANCE 2006-0361 ADOPTED.
44. ORDINANCE appropriating \$1,623,006.00 out of Series E Commercial Paper Metro Projects Fund, \$375,000.00 out of Street & Bridge Construction Fund and \$84,356.00 out of Water & Sewer System Consolidated Construction Fund; awarding construction contract to **LONE STAR ROAD CONSTRUCTION, LTD.**, for Hillcroft Avenue Paving Project, GFS N-0792-01-3 (SB9206); 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 Series E Commercial Paper Metro Projects Fund, the Street & Bridge Construction Fund and the Water & Sewer System Consolidated Construction Fund - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Green out of the city on city business. ORDINANCE 2006-0362 ADOPTED.
45. ORDINANCE appropriating \$2,416,400.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **D. L. ELLIOTT ENTERPRISES, INC** for Water Line Replacement in the Lindale Area, GFS S-0035-C7-3 (WA10789); 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, 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. Council Member Green out of the city on city business. ORDINANCE 2006-0363 ADOPTED.
48. ORDINANCE appropriating \$395,166.25 out of Parks Consolidated Construction Fund; awarding construction contract to **RESICOM, INC** for Construction of Grady Park, GFS F-504B-11-3; 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 construction of facilities financed by the Parks Consolidated Construction Fund - **DISTRICT G - HOLM** – was presented. All voting aye. Nays none. Council Member Green out of the city on city business. ORDINANCE 2006-0364 ADOPTED.
49. ORDINANCE approving and authorizing the fourth amendment to contract between the City of Houston and **McCLELLAN ENTERPRISES INC** for Melrose Golf Course Concession – had been pulled from the Agenda by the Administration, and was not

considered.

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

**MISCELLANEOUS**

1. ORDINANCE appropriating \$102,232.68 out of Fire Consolidated Construction Fund as an additional appropriation for Downtown Fire Station No. 8 Pavement Removal Soil Remediation, under construction contract with **COLUMBIA ENVIRONMENTAL SERVICES, INC**, approved by Ordinance No. 2006-75, GFS C-0149-03-5 - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Green out of the city on city business. ORDINANCE 2006-0365 ADOPTED.
- 1a. RECOMMENDATION from Director Building Services Department for approval of Change Order No. 2 in the amount of \$107,435.00 on contract with **COLUMBIA ENVIRONMENTAL SERVICES, INC** for Pavement Removal, Soil Remediation and Disposal for Downtown Fire Station No. 8, GFS C-0149-03-5 - **DISTRICT I - ALVARADO** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Green out of the city on city business. MOTION 2006-0309 ADOPTED.
2. RECOMMENDATION from Director Health & Human Services Department for approval of revision of the clinic dental fee schedule for reimbursable dental procedures covered by Children’s Health Insurance Program (CHIP) Dental for its enrollees – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Green out of the city on city business. MOTION 2006-0310 ADOPTED.
3. RECOMMENDATION from Director Department of Public Works & Engineering to approve refund for Water & Sewer Account to **MC PLAZA HOTEL L.P.** - \$44,491.90 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Green out of the city on city business. MOTION 2006-0311 ADOPTED.

**ACCEPT WORK** - NUMBERS 5 through 8

6. RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$10,633,039.00 and acceptance of work on contract with **STEWART-MATL, LTD.** for Automated People Mover (APM) Maintenance & Storage Facility Building and Site Utilities at George Bush Intercontinental Airport Houston (IAH), Project No. 536B, CIP A-0354, A-0203 and A-0422 - 19.61% over the original contract amount - **DISTRICT B - JOHNSON** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Green out of the city on city business. MOTION 2006-0312 ADOPTED.
7. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$710,079.71 and acceptance of work on contract with **TIMES CONSTRUCTION, INC** for Parks Master Plan - Dodson Lake Park, GFS F-504A-19-3 - 00.16% over the original contract amount - **DISTRICT H - GARCIA** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Green out of the city on city business. MOTION 2006-0313 ADOPTED.

**PURCHASING AND TABULATION OF BIDS**

13. **PRINTRAK, A MOTOROLA COMPANY** for Computer Maintenance and Support Services for the Automated Fingerprint Identification System for the Houston Police Department - \$197,496.00 General Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Green out of the city on city business. MOTION 2006-0314 ADOPTED.

### **ORDINANCES**

14. ORDINANCE amending City of Houston Ordinance No. 2006-255, relating to unauthorized Off-Premise Signs; providing for severability – was presented and tagged by Council Member Wiseman.
18. ORDINANCE authorizing the City of Houston to apply for and receive grant funds from the **UNITED STATES DEPARTMENT OF JUSTICE** to fund the City of Houston Katrina Response 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 - was presented.

Council Member Sekula-Gibbs stated that she wanted to congratulate Mayor White and thank Senator Hutchinson's office and Congressman Delay's office, as well as all of the Congressional delegation for assisting the City of Houston, Fort Bend County and Harris County in recovering money that will be of tremendous help in decreasing the crime rate.

Council Member Khan asked if all of the funds were going to be used for additional police officers and would the Chief at some point be giving a report to the City Council as to what part of town the new officers would be assigned as resulting from the grant funding, and Mayor White stated that they would be able to continue the Net Program in the next fiscal year, they were working and looking at alternatives where they could use some of the funds for enhanced EMS service that they had in the community, that they wanted to be able to use the funds in a way that was most cost effective, but the vast majority would go to maintaining the level of overtime vigilance that they had. Council Members Johnson, Alvarado and Berry absent.

Council Member Edwards stated that as to the whole issue of Katrina and people from Louisiana relocating to Houston she wanted to know what was the status of residency, that it had been over six months, were they under the same kind of residential requirements as the military was, and Mr. Michel stated that residency under law was both where they were physically and also what their intent was and he thought that intent was the difficult thing or what made it difficult to categorize where people were, if one lives in Texas for various purposes after six months to a year they could acquire residency but largely it was going to depend on what they wanted to do and where they wanted to be, that while they are living in Houston they treat them as Houstonians for most purposes, that he thought the long term issue was the one that he thought various people in the City and various social service agency were meeting with people to determine what their intent was and the Mayor may know more specifically about some of the programs than he did, but they treat them as Houstonians while they are living in Houston, and Mayor White stated that the basic services of local government was where they lived. Council Members Johnson, Clutterbuck, Alvarado and Berry absent.

Council Member Garcia stated that last night they had a Public Safety townhall meeting at the Independence Heights Community and he wanted to thank Chief Hurtt and his command staff for their attendance, that it was a very supporting community but it was not an easy meeting because the number one thing that almost everyone spoke to was that they needed boots on the ground, they were not seeing officers, their storefronts were closed, there were issues in the neighborhood, that he wanted to thank Chief Hurtt for being candid, that he was amazed at how well Chief Hurtt had been able to handle their respective priorities for the respective neighborhood but he would not be able to sustain that effort without additional

resources so he was excited about the fact that they were making a commitment to getting their manpower strength within the Houston Police Department where it needed to be and these resources would go a long way. Council Members Alvarado and Berry absent.

Mayor White stated that he fully supported what he expected to be the request from the District Attorney for some additional funds to support the effort because the District Attorney's office was busy right now. Council Members Alvarado and Berry absent.

A vote was called on Item No. 18. All voting aye. Nays none. Council Member Green out of the city on city business. Council Members Alvarado and Berry absent. ORDINANCE 2006-0366 ADOPTED.

19. ORDINANCE approving and authorizing application to the Office of the Governor, Criminal Justice Division, for assistance under the Juvenile Accountability Block Grant Program; declaring the City's eligibility for such grant; authorizing the Mayor to act as the City's Representative in the application process, with the authority to approve, accept, reject, alter or terminate such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program – was presented. All voting aye. Nays none. Council Member Green out of the city on city business. ORDINANCE 2006-0367 ADOPTED.
20. ORDINANCE approving and authorizing Resolution and submission of grant application, and further authorizing acceptance of Title V funding through the Office of the Governor's Criminal Justice Division to support the Mayor's After-School Achievement Program – was presented. All voting aye. Nays none. Council Member Green out of the city on city business. ORDINANCE 2006-0368 ADOPTED.
21. ORDINANCE approving and authorizing Resolution and submission of grant application, and further authorizing acceptance of Juvenile Justice and Delinquency Prevention (JJDP) funding through the Office of the Governor's Criminal Justice Division to support the Mayor's After-School Achievement Program – was presented. All voting aye. Nays none. Council Member Green out of the city on city business. ORDINANCE 2006-0369 ADOPTED.
22. ORDINANCE approving and authorizing Resolution and submission of a nomination, by the Parks and Recreation Department to the **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)**, of the Hermann Park Esplanade Enhancements Project for the Statewide Transportation Enhancement Program - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Green out of the city on city business. ORDINANCE 2006-0370 ADOPTED.
23. ORDINANCE approving and authorizing Resolution and submission of a nomination, by the Parks and Recreation Department to the **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)**, of the Mason Park Bridge Project for the Statewide Transportation Enhancement Program **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Green out of the city on city business. ORDINANCE 2006-0371 ADOPTED.
24. ORDINANCE approving and authorizing Resolution and submission of a nomination, by the Parks and Recreation Department to the **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)**, of the Memorial Park Bridge Project for the Statewide Transportation Enhancement Program **DISTRICT G – HOLM** – was presented.

After discussion by Council Members, a vote was called on Item No. 24. All voting aye. Nays none. Council Member Green out of the city on city business. ORDINANCE 2006-0372 ADOPTED.

25. ORDINANCE approving and authorizing Resolution and submission of a nomination, by the Parks and Recreation Department to the **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)**, of the Native Naturalized Esplanades Project for the Statewide Transportation Enhancement Program - **DISTRICTS A - LAWRENCE; D - EDWARDS; H - GARCIA and I - ALVARADO** – was presented, and tagged by Council Member Wiseman. (Note: Council Member Wiseman released her tag later in the meeting.)
26. ORDINANCE approving and authorizing Resolution and submission of candidate projects to the **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** for nomination under the Statewide Transportation Enhancement Program and Federal Funding under the Transportation Equity Act of 2005 to be administered by TXDOT, approving local matching funds for such projects, and authorizing the Mayor to sign the Resolution – was presented. All voting aye. Nays none. Council Member Green out of the city on city business. ORDINANCE 2006-0373 ADOPTED.
27. ORDINANCE approving and authorizing submittal of grant application to the **U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA)** for a Mobile Laboratory to measure air toxics in the Houston Ship Channel Area, declaring the City's eligibility for such grant; authorizing the Director of the Health & Human Services Department to act as the City's Representative in the application process; authorizing the Director of Health & Human Services Department to accept the grant and the grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the grant – was presented. All voting aye. Nays none. Council Member Green out of the city on city business. ORDINANCE 2006-0374 ADOPTED.
30. ORDINANCE appropriating \$800,000.00 out of TIRZ Affordable Housing Fund 872; deobligating \$800,000.00 of Federal "HOME" Funds appropriated by Ordinance 2003-1259; amending Ordinance 2003-1259 to substitute the funds hereby appropriated for the funds hereby deobligated as the funding source in connection with the construction costs of an apartment complex in the 5000 and 5100 blocks of Airline Drive, Houston, Texas, to house low and very-low income elderly residents; approving compromise and settlement agreement with **PRIMROSE HOUSTON 7 HOUSING, L.P.**, the owner of the apartment complex - **DISTRICT H – GARCIA** – was presented, and tagged by Council Members Wiseman, Sekula-Gibbs and Edwards.
31. ORDINANCE approving and authorizing first amendment to contract with **HOUSTON BUSINESS DEVELOPMENT, INC (Formerly known as the HOUSTON SMALL BUSINESS DEVELOPMENT CORPORATION)** to provide additional Community Development Block Grant ("CDBG") Funds in the amount of \$300,000.00 to implement a Micro-Enterprise Express Loan Program – was presented. All voting aye. Nays none. Council Member Green out of the city on city business. ORDINANCE 2006-0375 ADOPTED.
46. ORDINANCE awarding construction contract to **PACE SERVICES, L.P.** for Construction of Water, Sanitary Sewer and Storm Drainage Systems to serve Section Two of the Majestic Estates Subdivision; approving and authorizing an assignment of the construction contract to Majestic Homebuilders, Inc., CIP S-0800-G3-3 & R-0800-G3-3 (DPC-092) - **DISTRICT D - EDWARDS** – was presented, and tagged by Council Member Brown.

After discussion by Council Members, Council Member Brown stated that he would like an accounting of how Fund 872 dollars had been used in the past.

Mayor White stated that the state of reporting on everything that had been done on this account had been so detailed that he would encourage that if Director Wilson had not shared

those with Council Members to please do so.

After further discussion Mayor White stated that Item No. 46 had been tagged.

47. ORDINANCE appropriating \$1,695,671.13 out of Parks Consolidated Construction Fund; awarding construction contract to **TIMES CONSTRUCTION, INC** for Construction of Blackhawk Park, GFS F-504B-07-3; 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, Civic Art, and contingencies relating to construction of facilities financed by the Parks Consolidated Construction Fund - **DISTRICT E - WISEMAN** – was presented, and tagged by Council Member Wiseman.

**NON CONSENT AGENDA** - NUMBERS 50 and 51

**PROPERTY**

50. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Shelley Barrett of R. G. Miller Engineers, Inc., on behalf of Memorial Hermann Hospital System (Dan S. Wilford, President), for abandonment and sale of a portion of West 27th Street, from ±245 feet west of Ella Boulevard west to its dead-end, in exchange for the conveyance to the City of a full-width utility easement, all located in the Resubdivision of Shady Acres Second Addition, Henry Reinerman Survey, A-644, Parcels SY6-062 and VY6-021 - **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 adoption of the recommendation, seconded by Council Member Khan. All voting aye. Nays none. Council Member Green out of the city on city business. Council Member Wiseman absent. MOTION 2006-0315 ADOPTED.

51. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Frank B. Petrosky, Landtech Consultants, Inc., on behalf of the Housing Authority of the City of Houston, for abandonment and sale of the Lawn Street cul-de-sac and a 10-foot-wide water main easement, both located in the plat of Lincoln Park Apartments, Parcels SY6-079A and SY6-079B - **TWO APPRAISERS and one ALTERNATE APPRAISER - DISTRICT B – JOHNSON** - was presented. Council Member Wiseman absent.

Council Member Johnson named Mr. Travis Cooper and Mr. George Wyche as appraisers and Ms. Jasmine Quinerly as alternate appraiser and moved adoption of the recommendation, seconded by Council Member Khan. All voting aye. Nays none. Council Member Green out of the city on city business. Council Member Wiseman absent. MOTION 2006-0316 ADOPTED.

**MATTERS HELD** - NUMBERS 52 through 61

52. MOTION by Council Member Khan/Seconded by Council Member Alvarado to adopt recommendation from Director Parks and Recreation Department for approval of amendments to the Schedule of Park User Fees relating to golf green fees - **DISTRICTS B - JOHNSON; F - KHAN; G - HOLM and I – ALVARADO** – **(This was Item 31 on Agenda of April 12, 2006, TAGGED BY COUNCIL MEMBERS LAWRENCE and KHAN)** – was presented. Council Member Wiseman absent.

Council Member Holm moved to postpone Item No. 52 for one week, seconded by Council Member Alvarado. Council Member Wiseman absent.

After discussion by Council Members, Mayor White stated that the administration supported the motion to postpone and a vote was called on Council Member Holm's motion to postpone Item No. 52 for one week. All voting aye. Nays none. Council Member Green out of the city on city business. MOTION 2006-0317 ADOPTED.

53. MOTION by Council Member Khan/Seconded by Council Member Alvarado to adopt recommendation from Finance & Administration to award to **PHILPOTT MOTORS, LTD. d.b.a. PHILPOTT FORD** - \$1,304,298.00, **BABY JACK FORD AUTOMOTIVE, LTD.** - \$855,632.00 and **TOMMIE VAUGHN MOTORS, INC** - \$31,172.00 for Automobiles, Vans, Utility Vehicles and Light-Duty Trucks over 8,500-lbs. Gross Vehicle Weight Rating for Various Departments - Equipment Acquisition Consolidated and Other Funds – **(This was Item 9 on Agenda of April 12, 2006, TAGGED BY COUNCIL MEMBER WISEMAN)** - was presented. All voting aye. Nays none. Council Member Green out of the city on city business. MOTION 2006-0318 ADOPTED.
54. MOTION by Council Member Khan/Seconded by Council Member Alvarado to adopt recommendation from Finance & Administration to award to **PHILPOTT MOTORS, LTD. d.b.a. PHILPOTT FORD** - \$660,543.00 and **BABY JACK II AUTOMOTIVE, LTD.** - \$297,877.00 for Automobiles, Vans, Utility Vehicles and Pickup Trucks under 8,500-lbs. Gross Vehicle Weight Rating for Various Departments - Equipment Acquisition Consolidated and Other Funds – **(This was Item 10 on Agenda of April 12, 2006, TAGGED BY COUNCIL MEMBER WISEMAN)** - was presented. All voting aye. Nays none. Council Member Green out of the city on city business. MOTION 2006-0319 ADOPTED.
56. ORDINANCE approving and authorizing the **IMPAIRED DRIVING MOBILIZATION SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (IDM STEP)** Amendment No. 1 extending the grant period and increasing the maximum amount of overtime eligible for reimbursement; declaring the City's eligibility for such grant; authorizing the Mayor to act as the City's Representative in the application process; authorizing the Chief or the Acting Chief of the Houston Police Department to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program - \$82,578.00 - Grant Fund – **(This was Item 19 on Agenda of April 12, 2006, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. All voting aye. Nays none. Council Member Green out of the city on city business. ORDINANCE 2006-0376 ADOPTED.
59. ORDINANCE approving and authorizing Amendment No. 2 to engagement letter between the City of Houston and **ZUCKERT, SCOUTT & RASENBERGER, L.L.P.** for the Provision of Specialized Legal Services for the Houston Airport System; providing a maximum contract amount - 3 years and nine months - \$1,800,000.00 - **DISTRICTS B - JOHNSON; E - WISEMAN and I - ALVARADO** – **(This was Item 23 on Agenda of April 12, 2006, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. Council Members Wiseman and Sekula-Gibbs voting no, balance voting aye. Council Member Green out of the city on city business. ORDINANCE 2006-0377 ADOPTED.

Council Member Sekula-Gibbs requested a little more detail to be provided from the City Legal Department.

60. ORDINANCE approving and authorizing agreement for Professional Engineering Services between the City of Houston and **TRAFFIC ENGINEERS, INC** for Development and Implementation of a Traffic Management Program at George Bush Intercontinental Airport/Houston - 5 Years - \$450,000.00 - Enterprise Fund – **(This was Item 24 on Agenda of April 12, 2006, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. All voting aye. Nays none. Council Member Green out of the city on city

business. ORDINANCE 2006-0378 ADOPTED.

61. ORDINANCE appropriating \$1,580,900.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **COLT UTILITIES, INC** for Delafield Street and Lidstone Street Sewer Relocation, GFS R-2011-40-3 (WW4808-02); 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 I - ALVARADO** - **(This was Item 29 on Agenda of April 12, 2006, TAGGED BY COUNCIL MEMBER ALVARADO)** - was presented. All voting aye. Nays none. Council Member Green out of the city on city business. ORDINANCE 2006-0379 ADOPTED.

Council Member Wiseman stated that she would release her tag on Item No. 25.

25. ORDINANCE approving and authorizing Resolution and submission of a nomination, by the Parks and Recreation Department to the **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)**, of the Native Naturalized Esplanades Project for the Statewide Transportation Enhancement Program - **DISTRICTS A - LAWRENCE; D - EDWARDS; H - GARCIA and I - ALVARADO** - was again before Council. All voting aye. Nays none. Council Member Green out of the city on city business. ORDINANCE 2006-0380 ADOPTED.

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

Council Member Holm stated that tomorrow evening she and District G would be attending the regular PIP, Positive Interaction Progress, meeting at the Westside Command Station, 3203 South Dairy Ashford, that joining her would be Chief Hurtt, Chief Ottmeyer, Chief Fashueras and Captain Kerzner, they would be focusing on the rising concerns regarding neighborhood crime, that it was at 7:00 p.m. Council Member Holm absent.

Council Member Holm stated that she wanted to thank the following people from Public Works, Ms. Karen Labeck, who takes care of water bill problems that the constituents report, and Ms. Carolyn Sowell and Mr. Noel Freeman, who consistently respond and provide customer service oriented work and she appreciated that, and Ms. Brenda Kirkling, who manages a multitude of groups within the utility service program, Mr. Kerry Parker, Senior Project Manager and Mr. Tracy Samuel, Service Manager, who monitors and maintains the aging storm sewer system. Council Members Lawrence, Clutterbuck, Wiseman and Khan absent.

Council Member Holm stated that they had worked on the Quiet Zone along the Midlane tracks and on April 10, 2006 the comment period closed for the final time, that they were disappointed that there were a couple of comments, but they would jump through the hoop in order to meet the standards and guidelines, they anticipate and worked with Public Works and were hopeful that they would be able to make some minor adjustments required within the next few weeks and that they would then submit for a final designation for a quiet zone, that their goal was to be able to put up signs for a quiet area by the mid to end of June 2006. Council Members Lawrence, Clutterbuck, Wiseman, Khan and Sekula-Gibbs absent.

Council Member Holm stated that yesterday at the Quality of Life Committee meeting one of the topics was the News Rack Ordinance, that it was issue that the City had been wrestling with for a number of years, that they were happy to tell them that there were 12 representatives since January that had met, the El Dia, El Rumbo, the Chronicle, the Defender, African American News, Metro, Downtown District, Uptown District, Shaprstown, Public Works, Parking and Legal, to building consensus in bringing the News Rack Ordinance forward. Council Members Lawrence, Clutterbuck, Wiseman, Khan and Sekula-Gibbs absent.

Council Member Holm stated that the District G committee had their last official public comment regarding the University Westpark line on Monday, April 17, 2006, which was the fourth public meeting with Metro regarding the segment of Richmond between Union Pacific Railroad and Loop 610, that over the past 10 months there had been an excess of 10 meeting with various groups, that last week the City Council reappointed 5 committed board members to Metro, that she remained concerned that the perspective and charge of Metro limited their capacity to understand and give appropriate consideration to what the administration had placed as the highest priority and that was improving the quality of life for all Houstonians, that she again requests that through Council Members Clutterbuck, Edwards and herself that the Mayor ask Metro to keep the City involved and included on a regular basis and view them as a part of the process. Mayor White and Council Members Lawrence, Clutterbuck, Edwards, Wiseman and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding.

Council Member Alvarado stated that today she was celebrating a project that she had been working on since she was in college, the Central Avenue overpass in the Manchester neighborhood, they were breaking ground today, that years ago she used to come to City Council and to Metro and address them and make a pitch to get funding for a bridge, that she went to work for Congressman Gene Green and it was a project that they started working on together and through the Highway Funding Bill they were able to get about \$16 million and did have a small match from the City and were in the process of acquiring that property in the Manchester area, that it was something that she saw as a public safety issue, the bridge would go across about 9 sets of railroad tracks, that it was a street that had many accidents, tragedies and fatalities with kids crawling underneath the trains that were blocking intersections some times for hours or crawling over the trains, car accidents with trains, that she wanted to thank the Manchester community for their patience, that she wanted to acknowledge the work of Congressman Green, the Public Works Department and TXDOT, that the groundbreaking was today at 2:00 p.m. at the intersection of Central Avenue and Avenue H. Mayor White and Council Members Lawrence, Clutterbuck, Edwards, Wiseman, Holm and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Alvarado stated that she wanted to thank her colleagues who signed the pledge form, that she would be participating in the MS150 Ride, a bike ride from Houston to Austin, that all proceeds would go to the National MS Society. Mayor White and Council Members Lawrence, Clutterbuck, Edwards, Wiseman, Holm and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Khan stated that they were holding a townhall meeting on April 20, 2006 at the Multi Ethnic Community Center at 9819 Bissonnet, that they would bring long term residents and business owners of southwest Houston and their Katrina guests who were currently living in southwest Houston and address a lot of issues facing that community, that it was from 6:00 p.m. to 8:00 p.m. Mayor White and Council Members Lawrence, Edwards, Wiseman, Holm and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding.

Council Member Khan stated that he wanted to congratulate everyone involved in the Houston International Festival, that the festival fostered good will relations with other countries in an effort to simulate international trade, that it would be from April 22 and 23 and April 29 and 30, that this year they were honoring the country of Jamaica. Mayor White and Council Members Lawrence, Wiseman, Holm, Alvarado and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding.

Council Member Khan stated that they were going to have the Gulfton Festival, the Weed and Seed and the Gulfton Youth Development, that it was the 14<sup>th</sup> Annual Gulfton Festival and was sponsored by Kroger and would be at Bayland Park at 6200 Chimney Rock. Mayor White and Council Members Lawrence, Wiseman, Holm, Alvarado and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding.

Council Member Brown stated that he wanted to thank all of the participants in a Pan Asian townhall meeting that his office conducted on Saturday, that the Mayor and Council Members would be getting a very concise wrap up of the issues that were discussed at the meeting in Bellaire. Mayor White and Council Members Lawrence, Wiseman, Holm, Alvarado and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding.

Council Member Brown stated that the City of San Antonio just adopted an effort to have a plan to eliminate the conflicts with freight trains in their City and thought that Houston should do the same. Mayor White and Council Members Lawrence, Wiseman, Alvarado and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding.

Council Member Brown stated that he wanted to talk about Dr. Stephen Klineberg's "Public Perceptions in Remarkable Times", that it was a document which was a wonderful commentary on the state of the City and dealt with immigration, economy and how diversity was working in the City, the critical challenges that they faced, education, poverty and quality of place, the issue of city versus suburbs and the over arching issue of building a real quality of life city. Council Member Brown invited Dr. Klineberg to the podium to review his book, a copy of which is in the City Secretary's office for review. Mayor White and Council Members Lawrence, Johnson, Wiseman and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding.

Council Member Clutterbuck stated that she wanted to speak about a horrible crime that was committed yesterday afternoon as 30 students from District C schools, Johnson Middle School and Westbury High, were going home in the safety of their school bus they were attacked by an unknown suspect, who fired shots into the bus, that she wanted to commend the school bus driver who did an outstanding job returning those children to safety, he kept his cool and kept his calm and made sure that he got them to a safe place about a mile away at another HISD school location, but she was extremely concerned that it did not receive more media attention, it was not on the front page of their local newspaper and hoped that it would be tomorrow because it was not just a random shot it was an attack on a symbol of the safety of their children, a bright yellow HISD school bus, that she thought it was essential that they send a message that when they commit crimes in their neighborhoods, when they shoot at their children, when they fire on them, they would not stand by and they would hunt them down and bring them to justice, that she was calling on HPD, which she knew were making efforts and working diligently on the case with HISD Police, who were in charge of it, but she thought they needed to bring their full resources to bear on it to solve the crime immediately, there were some leads on it, and send a message to the community that it would not happen again, that Houston would not stand by and let anybody fire on the symbol of the safety of their children, that she was working with Diane Johnson, the President of the HISD School Board and she knew they had the full support of the City Council on it but thought it was essential that they send a message today as well as in the next immediate 24 to 48 hours that they wanted to bring the full resources of the City of Houston to solve this crime. Mayor White and Council Members Lawrence, Wiseman, Khan, Brown and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding.

Council Member Johnson stated that he had been working with an apartment complex in his district called Crofton Place Apartments on Holmstead and there had been several issues at the particular apartment complex in which two murders had taken place in less than a week, that he went to the apartment complex after hearing about it and to find out what could they do from a community standpoint to support and help and get it on the right track and he was met with a lot of hostility from the apartment complex, that they said they had it under control and certainly did not need his support, that they hired patrol officers, which were not HPD but just hired officers to take care of the property and he asked what about the residents and they said it was not their concern, that he had a problem with those type of complexes and knew they were doing something through Council Member Lawrence's committee to start dealing with it but when they were talking about quality of life at a lot of the apartment complexes they were not

holding the owners accountable to where they were offering quality living space for the residents so they needed to do a much better job of holding the apartment complexes, who were just essentially taking all the money and running, because the apartment owner did not even live in the City of Houston, that most of the residents of the City of Houston lived in apartment complexes but to no end were they protecting them and the environment in which they lived, that they had many people being held hostage in their own homes so they had to do a better job, that he had been meeting with many groups and they had been meeting at the apartment complexes and he welcomed and encouraged everyone to come out and lend their support so they could send a message to the owners. Mayor White and Council Members Lawrence, Wiseman, Khan, Garcia and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding.

Council Member Johnson stated that on Friday, April 14, 2006, they had their first annual District B Spring Fling and had over 3,000 residents and children come out to Hobart Taylor Park and it was a fantastic event, that he wanted to thank all of the sponsors and the Parks Department who did a great job in getting the park ready, and HPD and the Constable. Mayor White and Council Members Lawrence, Wiseman, Khan, Garcia and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding.

Council Member Lovell stated that it was good that Council Member Clutterbuck brought it up, that it was incredible to her that a school bus would be going home and shot at, that they should all be outraged, that it was totally unacceptable. Mayor White and Council Members Lawrence, Wiseman, Khan, Garcia and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding.

Council Member Lovell stated that she was the watchdog over her part of town and they had actually been experiencing some troubles of which she had called the non emergency number to report things that were happening so they would not escalate and become 9-1-1 problems and on a couple of instances she called and waited a long time, that she report to Mr. Terence Fontaine and he found out that they had four people on family leave at the center and so the other dispatchers were overloaded, that it was not acceptable that anyone would call and have to wait so long, that she did not want to criticize the people at the HEC center, she thought they did a great job, but maybe they needed to give them the tools to either deal with the situation when four people were off on family leave and not having to bring people in on an overtime situation, that she was supportive of flexible hours and also there was a program by which they could give the employee laptops computers that would actually allow them to take the calls at home, so that they could be on leave but work from their home and do their duties, and it would also be very valuable to them in a case of emergency where they could not get to the center but needed to be on duty and they needed extra help and they could work from home, that she would like to have them take a look at it and bring it up at the Public Safety committee meeting, that she thought it was a creative way that they could look at fixing the problem, but in the meantime she hoped that no one calls that center again and have to wait such a long time. Mayor White and Council Members Lawrence, Wiseman, Khan, Garcia and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding.

Council Member Lovell stated that she wanted to invite everyone on Saturday to the opening of their second field for Near Town Little League, they build on beautiful new field on a Hilton Foundation Grant, it was at the backside of Wharton Elementary School, between West Dallas and West Clay, a block off of Montrose Boulevard. Council Members Lawrence, Wiseman, Khan, Garcia and Sekula-Gibbs absent.

Council Member Edwards stated that she wanted to talk about the education fiasco that was going on in the State of Texas, that the statistics that Dr. Klineberg talked about really addressed the whole issue of what was happening in their community, that every nine seconds in the Country a high school student dropped out and about 30% of the high school population, nationwide, were dropping out and in the Hispanic and African American Community 50% were

dropping out, that in her opinion society had the choice to either educate their community or incarcerate, that almost 70% of the young people in TDC were high school dropouts and the other percentage were marginal students for the most part, that she would suggest that there be a taskforce pulled together from the State, County and City perspective, as to how to get a handle on it. Council Members Lawrence, Wiseman, Khan, Lovell and Sekula-Gibbs absent.

Council Member Edwards stated that the Valero issue to her was the whole process of how their air was monitored, that Valero was one of the leading quality businesses in that field but that business had been given so much cover by government that the air was amazing, that she would like to know where they were, what was the current status of air quality regulations, what they as a City could deal with, what was out of their hands, how did they help the businesses, they did not want to put anybody out of business because they had job for people but they had to learn how to coexist in the City with them. Council Members Lawrence, Wiseman, Khan, Lovell and Sekula-Gibbs absent.

Council Member Edwards stated that at the International Festival Jamaica was coming and it would start this weekend and would be fun, that it would be in Houston for the next two weekends, that it was an awesome experience for the family and gave kids an opportunity to see different parts of the world without ever leaving their own City. Council Members Lawrence, Wiseman, Khan, Lovell and Sekula-Gibbs absent.

Mayor White asked if there could be a joint hearing with some County Commissioners, that there were good people working at the County, that the DA had been one of the most aggressive in seeking sanctions on polluters until the State Legislature restricted his authority to do so, that most of the plants in the air shed, air circulation, for the City of Houston, were outside the City's jurisdiction and they did not want to create a situation in which there was an unfair disparity of enforcement, that there was also a real issue concerning the resource allocation, the inspectors per plant and the size of the plant, in the City versus outside the City, and they really needed to have a regional mechanism for local regional enforcement. Council Members Lawrence, Wiseman, Khan, Lovell and Sekula-Gibbs absent.

Council Member Garcia stated that he wanted to thank Captain Dupont for making herself available to the Northside Community, that yesterday they had a bunch of folks from the Near Northside Community at public session in regards to the closing of Fire Station No. 9 and they were expressing their concern, that Captain Dupont met with the community last night at their civic club and was able to help provide some answers and share with them Chief Boriski's pledge not to close the station until he could find an alternative or temporary site and maybe a change in the policy of how the Fire Department approached renovation of fire stations. Council Members Lawrence, Wiseman, Khan, Lovell and Sekula-Gibbs absent.

Council Member Garcia stated that tomorrow they would be having the first of the "Live Your Dream", "Vive Su Sueno" Workshops with SCORE and the Small Business Administration and the Housing and Community Development Department, they were workshops for those who owned their own businesses and wanted to find out what resources were available to grow their businesses, they would be having the first workshop tomorrow evening at the Harris County Department of Education, from 6:00 p.m. to 8:00 p.m. Council Members Lawrence, Wiseman, Khan, Lovell and Sekula-Gibbs absent.

Council Member Garcia stated that in his role as the Chairman of the MWBE Committee he was looking for ways for businesses that were hiring young people could get some credit and respect for that, not just during the summer but year round, that although Burger King and those types were good places they did not necessarily lead them into a path of becoming a franchise owner, so looking for ways that young people could get entry level positions, that sometimes young people living in reality of some of their circumstances did not get motivated by the traditional education and maybe that was why there was the dropout rate that there was, but he thought it was how they communicated to them how to translate educational opportunities to

wealth, personal wealth, and that was why he had encouraged the school district and they had meetings on how they could institute two very important learning communities within HISD curriculum, one was how to teach their young people to become financial managers, so hopefully they would create their own personal wealth and hopefully give back to their neighborhoods, that second, it was something that was being talked about so often and that was that Houston was destined to become the next nano valley, nanotechnology was part of Houston's future, but all of the projections tell them that the workforce would not come from Houston, it would be imported because the public school system was not performing to the point that it needed to be and that was why he had encouraged HISD to institute a nano science curriculum, that he had been working with Rice University's Nanotechnology Department and creating a linkage between those schools, their constituted schools specifically and their nano science program, they had been able to secure a grant that hopefully would translate into stipends for teachers to learn how to teach nano science to the young people, another grant had been secured where parents would be informed and educated as to what was nano science and how they could support their children in that regard, that he hoped they would be projects that would be catalysts for the future in terms of how they could put their kids on the right path towards a better future and make them part of Houston's future and not let them continue on paths that would not be the best. Council Members Lawrence, Wiseman, Khan, Holm, Lovell and Sekula-Gibbs absent.

Council Member Berry stated that since last November he and Mayor White had several conversations about the Joint Referral Committee, how they could improve that and they were working hard to do that and had brought in some outside people and some internal people to advice them and they were not yet ready with all the provisions but thought they were going to see some progress, that he wanted to thank Gary Norman and the Agenda Office for getting them the information they needed, that they had to get the case studies to see what went wrong, that Item No. 15 on the agenda was four days short of two years from original application to completion, that Item No. 16 was eighteen months, that in some of the cases it was the applicant who caused the delay and was not the City's process fault but he thought there was something they could learn from the case studies. Council Members Lawrence, Wiseman, Khan, Holm, Garcia, Lovell and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Council Member Berry stated that they had their TIA Committee meeting last week and Ann Culver and Gary Treece came and gave a presentation on I-69 and why they were part of that and where it was going, that Andy Iken discussed the Street Cut Ordinance and he guessed they were within a month of seeing the results of that and there were some improvements. Council Members Lawrence, Wiseman, Khan, Holm, Garcia, Lovell and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Council Member Berry stated that he had been very concerned since being on the Council with Council's relations with the Airport Department because he felt that it was sort of a stand alone department with a huge budget and a lot of moving parts that none of them really understood, that he had complained repeatedly about that and he felt that over the last couple of months they had made immense strides, the airport, between Kathy Elik and Mr. Vacar and the different people they dealt with there were not only forthcoming but seemed to want the Council's advice and input, that he thought his colleagues had appreciated that and he thought it made for a better relationship and a better process and he particularly wanted to thank Mr. Anthony Hall, who had been a steward through that process and did so through the Mayor's direction, that it was an incredible improvement. Council Members Lawrence, Wiseman, Khan, Holm, Garcia, Lovell and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Mayor White asked Council Member Berry if he intended to have some sort of hearing or maybe some material could be put in graphical form of the excellent analysis that was done about the problem of the removal of 18 wheelers that were stalled or broken down on the freeways and Council Member Berry stated that if that was his charge he would be glad to do it, that he and David Sapperstien had done the lunches with the traffic reporters and the thing they

all tell them was that SafeClear was a whopping success, that the one short coming were eighteen wheelers, that he knew eighteen wheelers were a concern of the Mayor, and Mayor White stated that he thought they were at or close to a reasonable solution, but thought they ought to start of with some kind of public hearing process. Council Members Lawrence, Wiseman, Khan, Holm, Garcia, Lovell and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Council Member Brown stated that he wanted to second about the enormous social issues that they faced of crime, failure in public education, incarceration, joblessness and homelessness, but one word that he did not hear was poverty, the disparity between the growing underclass and a shrinking wealthy class but people getting wealthier was a central challenge facing the City. Council Members Lawrence, Wiseman, Khan, Holm, Garcia, Alvarado, Lovell and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Council Member Edwards stated that for her sitting in the Council chair the question became what could they do about poverty and one of the big things that she wanted to bring to the Mayor was to see if the City could have an aggressive position as to the hiring of first time non violent offenders, that San Francisco, Chicago and Boston had an aggressive policy, that she was not talking about putting sex offenders in Parks and Recreation, that she was talking about people who were non violent and could be rehabilitated, that her staff was working on the issue. Council Members Lawrence, Wiseman, Khan, Holm, Garcia, Alvarado, Lovell and Sekula-Gibbs absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 11:38 a.m. Council Member Green out of the city on city business. Council Members Lawrence, Wiseman, Khan, Holm, Garcia, Lovell and Sekula-Gibbs absent. (NO QUORUM PRESENT)

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

MINUTES READ AND APPROVED

---

Anna Russell, City Secretary