

City Council Chamber, City Hall, Tuesday, May 2, 2006

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, May 2, 2006, presiding and with Mayor Bill White, Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Ada Edwards, M. J. Khan, P. E., Pam Holm, Adrian Garcia, Carol Alvarado, Peter Brown, Sue Lovell, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; Ms. Connie Acosta, Division Chief, Labor Division, Legal Department; Mr. Richard Cantu, Director Citizens Assistance Office; Ms. Marty Stein, Agenda Director; present. Council Member Addie Wiseman absent on personal business.

At 2:03 p.m. Acting Mayor Pro Tem Berry called the meeting to order and called on Council Member Alvarado to begin presentations. Council Member Alvarado stated the Art Car Parade was coming May 13 and was one of the most original and entertaining in the world; and invited Mr. Roy Marsh and Ms. Kim Stoilis to the podium. Council Member Alvarado stated that they had been involved with the Art Car Parade for sometime and she hoped all would come out and join in the parade; and Mr. Marsh stated that T-shirts were presented to all and they were to be worn at the Parade which represented the entire city and in its three years had grown from 77,000 in attendance to over 200,000 last year; and encouraged all to support it; and Ms. Stoilis stated that she was artistic director at the Orange Show Center who produced the parade yearly; and Council Member's packets had much information including invitations to ride in art cars to schools and hospitals Friday, May 12th; and Council Member Alvarado thanked all sponsors; and stated that she hoped all would join in. Council Members Clutterbuck, Edwards, Holm, Garcia, Sekula-Gibbs and Green absent.

Council Member Alvarado stated that her second presentation was to kickoff May as National Bike Month and invited Ms. Lilly Beth to the podium. Council Member Alvarado stated that earlier in the week they kicked off National Bike Month at a bike trail and Ms. Beth's work was much appreciated and presented her a Proclamation proclaiming May as "National Bike Month" in Houston, Texas. Council Members Clutterbuck, Edwards, Holm, Garcia, Sekula-Gibbs and Green absent.

Council Member Berry stated that he wanted to say to Mr. Marsh that this was the third time he came to Council this year and the circumstances under which he assisted the Orange Car Parade were such that he kept them afloat and was a good member of the community; and Council Member Lawrence stated that she had gone to the schools last year and to the children it was like live toys circling the driveways and it was something they would never forget and was very exciting. Council Members Clutterbuck, Edwards, Holm, Garcia, Sekula-Gibbs and Green absent.

Council Member Brown invited those present with Blue Print Houston to the podium and stated that Saturday, May 6th they would be holding Citizens' Congress II an electronic townhall meeting at the George R. Brown Convention Center from 8:00 a.m. until noon and if anyone wanted to participate in planning Houston they were welcome to come; introduced all those present and presented them a Proclamation for Blue Print Houston's support in planning Houston's future and improving everyone's quality of life; and thanked the Houston Galveston Area Council and Houston Endowment who had been big supporters. Council Members Holm and Green absent.

Council Member Lawrence stated that Houston did need a vision; she appreciated all that they did and looked forward to the meeting. Council Members Holm and Green absent.

Council Member Johnson stated that this was Great American Cleanup Month and he wanted to make a presentation for Stop Trashing Houston and invited those with his presentation to the podium. Council Member Johnson stated that some employees had done great work in the City of Houston for years and Firestone Tires would be accepting used oil and tires, etc., they really stepped up to the plate and he presented Mr. Jerade Miller with Firestone

a Certificate of Recognition and recognized Neighborhood Protection employees for hard work done within the city.

At 2:24 p.m. Council Member Lovell led all in prayer and in the pledge.

At 2:25 p.m. the City Secretary called the roll. Council Member Wiseman absent on personal business.

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

At 2:26 p.m. the City Secretary began calling the public speakers.

Ms. Jeanette Rash, 2104 Lyons, Houston, Texas 77020 (713-228-8872) appeared, presented information and stated that she was preparing the legislative agenda for session for the Texas Towing and Storage Association; that last session the association worked on a bill to require training and drug testing for tow truck drivers who performed police tows and it was the first step in a statewide tow truck driver's license, they had approached the Texas Department of Transportation, Motor Carrier Division who was not responsive on putting that into law and in working on the Bill during session they made all concessions to TXDOT and Council Members to take the first step and were not successful, but wanted to try again in this session; and asked for Council's support to get a workable license in place; that also as first responders they worked with the Governor's Committee on an evacuation plan and wanted all to know that the towing industry through Texas Towing and Storage Association was willing to bring all responses and resources to the table as they could offer more than towing and it was in what they presented today. Council Member Berry absent.

Mayor White stated that the city supported anything to help professionalize and maintain standards and stated to Ms. Travis they would be supportive of that unless someone brought a problem to his attention; and one work group in the evacuation plan was Instant Management; that he had spoken at length to the County Judge about communications, contra flow lane availability, fuel, intersection control, and de-bottlenecking and Ms. Rash should let him know by the end of May if there had not been sufficient regional communication. Council Member Berry absent.

Upon questions by Council Member Sekula-Gibbs, Ms. Rash stated that they were trying to deal with police tows and wanted to provide incident management training and such companies would have to do drug testing and criminal background checks and then after working the bugs out it would go to a lighter testing similar to CDL license; and Council Member Sekula-Gibbs stated that there were two incidents brought to Council's attention where the drivers seemed professional but their identity of the person being towed was stolen once their credit cards were presented for payment by the person in billing; and upon further questions Ms. Rash stated that protecting identity was on their agenda to address, it was in the matter of handling. Council Member Berry absent.

Ms. Paula Parshall, 11316 Glasier, Houston, Texas 77076 (713-692-7968) appeared, presented information and stated that she lived in the Northline Community and present with residents of Primrose asking Council to vote against Item 37; that three years ago the manager of Southwest Housing and community leaders met to seek approval on a senior housing facility on Airline between Tidwell and I-45 and all were excited, but a key concern was safety and security for seniors and Southwest Housing said their facilities were the safest because seniors were the best security guards always looking and calling management, but today if you call management you could be threatened with eviction and those residents who came with her today were scared they would be threatened with eviction but they needed help; that in her presentation were statements from some residents who now thought they made a mistake living

there. Council Member Berry absent.

Council Member Sekula-Gibbs thanked all for coming and stated that many on Council shared their concern and she was opposed to issuing any TIRZ money to pay for this project; that she also thought the number of patrolmen there should be increased so seniors would be safer and Council would do what they could in referring this back; that she knew the Mayor had considered this; and upon questions, Mayor White stated that to reply he thought if owners of any apartment did not feel a standard of responsibility for their tenants such as security gates, lighting, training of management, etc., that as a group what the city was struggling with was what specifically should they as a city do as the one thing he did not want to do because of residents was to have a situation in which there was some insolvency because then nothing would get done; that he did need for people to come up with a proactive plan of what should be required and he had no problem saying if the developer wanted this then they needed to do this or forget it; and if she could help with that he would appreciate it. Council Members Alvarado and Berry absent.

Council Member Edwards stated that the Housing Committee was working to refer this back to Administration, she did not think TIRZ money should be used, but the project already received federal, county, state and city credits and she felt they not only had the responsibility but should have the authority to say based on the number of calls that there were needs which should be met and they should do so, the residents should not have to barricade themselves against crime and if the city needed to put more police there then the owners should pay for it; and her suggestion would be they clean it up and get protection or be billed for it; and Mayor White stated that he agreed with her. Council Member Berry absent.

Council Member Garcia stated that Mr. Walsh had been working on this project sometime and was trying to work out issues, but he never knew if it was done; that what would be helpful would be to know where they were with the administration's work on this and how not to get back in such situations, what thresholds should developers meet in the future to make sure it was what residents required in construction and management and they be held responsible; and Mayor White stated that to respond the city's equity was not funded and that was what was being discussed, he did look at a bond covenant or debt covenant on so-called conduit financing, and it could be a ground for accelerating debt when someone violated a city code or ordinance and that was why the work that he and Council Member Lawrence were doing on this and the scoring mechanism they had was so critical for apartment owners because they were talking about people's lives and where they lived; and what he was able to figure out was some elements were security gating, lighting, background checks for residents, evictions for misconduct, tenant organization and certified peace officers on site so he wanted people to be very specific about what they would do; and Council Member Garcia stated that he would like the Housing Department to set up additional criteria for the future so they could see management plans, etc. up front; and Mayor White stated that plans were usually good, but he understood and things should be required by landlords. Council Member Alvarado absent.

Council Member Khan thanked all for coming and stated that they were finally hearing from those who mattered the most, the ones who lived there, and he hoped they got the sense of strong feeling Council had about the development and his question was if they did not go ahead with what was being requested what would happen to the residents and the development, as the Mayor said there was limited housing to begin with and if they were pushed out or closed down there had to be a way for the development to be back at the level all felt comfortable and safe with; and Ms. Parshall stated that she thought Southwest Housing built the project and it was not their first, they were supposed to be the best of the best and they needed to step up and be responsible; that in a six month period there were 300 calls for service and from September to December were 117 calls, obviously the right personnel was not there and a disservice was done to the residents; and Council Member Khan stated that a taskforce was working on it and they were drafting an ordinance and it would give protection to not only this development but others. Council Members Lawrence and Alvarado absent.

Mayor White stated that he said previously here's a menu of specific items people could deal with and he believed residents knew better than others and he listed seven tools to deal with so if they would tell Council what they thought the agenda should be they could figure out how to implement it; and he thanked them for coming. Council Members Lawrence and Alvarado absent.

Ms. Carol Kleiber, 6200 North Shepherd, Houston, Texas 77091 (713-692-7968) appeared and stated that she lived in the community west of Northline and she was also concerned for the seniors at Primrose; that Southwest Housing was in business since 1993 and was one of the largest housing developers in the country with 54 properties and more than 12,000 units; that Primrose was a senior facility on Airline and their first development in Houston and crime was a major problem ineffective and intolerant management had only compounded the problem; that since September 2005 to April of 2006 there had been 295 calls for service to HPD and September 2005 to December of 2005 there were 117 and January 2006 to April 2006 there were 178 calls and ranged from non residents climbing fences to gain entry to the property to prostitution and drug dealing in their parking lot; that Council Member Garcia's office addressed the crime problem in December and promises were made by Southwest Housing but had not been kept and management continued to ignore and berate residents when concerns were brought to them and they refused to work with residents concerning maintenance, parking problems and financial issues with social security; that management and security were top issues needing to be addressed at Primrose; and urged a vote against Item 37. Council Members Garcia and Berry absent.

Council Member Johnson thanked all for coming and stated that as leaders of the community they had become the voice for residents and this was at a time where they must start to look at becoming more sufficient; that apartment complexes were at the mercy of complex owners, but the city must start to empower residents to take action for themselves, if they paid rent and did not get services the complex still had power, but if they did not provide services then fines should be able to be levied against them; and he hoped they would continue to push and he would stand with them. Council Members Garcia, Sekula-Gibbs and Berry absent.

Council Member Lovell stated that she was with the Mayor and tools should be given to the people, but if Southwest was doing other business in Houston she would like to know what they were doing in other places and if people were being treated the same way; that she would also like to know if business was being conducted as it should be and would like them checked as others who did business with the city were and like to know if all their property taxes were paid, to at least hold them to a certain standard; and asked Mayor White if that could be checked; and Mayor White stated that it was a small world as they were going in the same direction; that he asked the same question and they came down real hard on another project because they were behind on their taxes and then they came with a cancelled check which had been sent to HCAD for the amount and HCAD had never entered it into the computer so there were two stories there, but they would do that. Council Members Johnson, Sekula-Gibbs and Berry absent.

Upon questions by Council Member Brown, Ms. Kleiber stated that Airline itself was a bad location and where it was located had persistent crime with prostitution and drugs, nothing had put a dent in it; that a senior complex in the area was needed but if they were allowing crime to spill into the complex then it was not a good location; and Council Member Brown stated that seniors needed to be able to walk around and not be locked in a compound and there seemed to be no criteria as to where the tax credit projects were located and when something like this happened they could attribute it to not having standards for the projects and he thought it would help if there was criteria and if they were going to pay the piper they should be aggressive about calling the tune and require the developer to get a better manager, etc., but he did not want to just walk away and leave everyone in the lurch. Council Members Johnson, Khan and Berry

absent.

Mayor White stated that there were a lot of things that were intractable problems, but this was not one of them and he was thinking along the same lines Council was last year which was they made a commitment and the developer did not file a paper that should have been and it gave them bargaining power and he wanted to maximize the use of that power; that there were consultations to the chairman of the Housing Committee at the time about requirements to be put on the director and he would say again if they would provide a specific list to him of what they thought should be done then he could go from there. Council Members Johnson, Khan and Berry absent.

Council Member Edwards stated that since she was Housing chair they had tried to develop a quorum around the issue of the very thing the Mayor talked about and spoke with Mr. Wilson who was helping them to develop a checklist, to Council Members who may not know whenever a tax credit was going up in their district they got a letter and they had the opportunity to go and speak with the board as to whether they felt it was the proper place for it; and maybe she needed to speak with the Mayor about reconstructing and maybe getting a new chairman for the committee because that was what the committee should be doing; and the issue of utility payments was also a big issue for such projects and there were a lot of things that could be done before approving such a project, but she needed a quorum and they talked about tenant associations, concentration issues and this very issue and that was why it was being sent back again, and evidently the composition of the committee now was not the one to make this kind of work happen because it was more than getting their own project passed, it was about developing policy Mr. Brown was talking about, it was about developing that kind of screening and authority that held people accountable and currently the committee comprised was not doing it; and she would say Council Members should contact Mr. Wilson to see where he was, but in her office if a tax credit letter came through she stopped it right there until they could sit and tell them what they were going to provide and how they would be accountable or they did not get her vote; and she would push for a letter to the developers to say they should meet with residents and also that there was an issue of management which seriously needed to be looked at and since they were not living up to taxpayer's money she would say they would step in and make it livable and then they would have to pay it back, she did not see why citizens should hang because of a legal issue, maybe the courts should settle it. Council Members Johnson, Clutterbuck, Alvarado and Brown absent.

Ms. Jackie Mayhorn, 5409 Van Zandt, Houston, Texas 77016 (281-987-9362) appeared and stated that she was Super Neighborhood Alliance president and present to help Primrose; that residents present were afraid of being evicted, but it was necessary as they felt they were hostage; that anyone should be allowed to live anywhere, anytime you had a concentration of low income you would have these issues; that also a one bedroom was \$561.00 a month, how was that affordable, that such issues came up time and time again at the Super Neighborhood Alliance Meeting, some communities allowed senior housing to come in because it was needed, but they would not tolerate such behavior from management and she was proud the Mayor and Council were looking at this in detail. Council Members Clutterbuck, Alvarado, Brown and Berry absent.

Mayor White stated that a number of residents were present and it was them they needed information from so he pulled Mr. Walsh out from a very important meeting and he would be present in 15 minutes and a conference room would be provided; that he would like them to be as specific as they could, but there was no reason to say what was already shared, Mr. Walsh walked the property and was familiar with it and he would report back to him, so he would ask that they wait if possible. Council Members Clutterbuck, Alvarado, Brown and Berry absent.

Upon questions by Council Member Garcia, Ms. Parshall stated that Carol Dordy was the manager referred to; she was one of the problems. Council Members Clutterbuck, Alvarado, Brown and Berry absent.

Council Member Sekula-Gibbs stated that earlier today in the Fiscal Affairs Meeting chaired by Council Member Green there was a presentation about a program available through the federal government called new market tax credit and it reminded her about the federal qualified health centers the city never applied for for so many years; that Mr. Clark Lord said the programs had been out for a number of years but the City of Houston was never in the game and he brought information for it; and from the synopsis of it, it sounded like it would give people an opportunity to develop desirable projects in heretofore neglected areas of the city; and recommended that Ms. Mayhorn and Ms. Parshall take an interest in it and come up to speed and try and help develop the project because they had to comply and it needed community support. Council Members Clutterbuck, Alvarado, Brown, Green and Berry absent.

Council Member Lovell stated that she knew they were in negotiation for this, but to her it was not a good way to come in asking for money when people were being threatened for complaining it was not secure; and hoped the Mayor would make it clear that threats from management should stop and that the place become secure; and if they wanted the city to help in anyway those things be fixed; and Mayor White stated that he got it. Council Members Lawrence, Clutterbuck, Alvarado, Brown, Green and Berry absent.

Mr. Justin Evans, 5047 Brisbane, Houston, Texas 77047 (713-294-3448) appeared and stated that he was present with community issues such as trash and ditches between Sunnyside and South Acres, the South Park area, he found that Houston had cleaned and maintained about 129 miles of ditches so far but did not see any near his area; and he was trying to organize a clean our ditches day but the church could not help; and asked Council to hear his cause and put money toward his neighborhood as when your neighborhood became rundown property value went down, he would like it corrected. Council Members Lawrence, Clutterbuck, Alvarado, Brown, Green and Berry absent.

Council Member Edwards stated that she lived in South Park too and there had been cleanups in the area so she would like him to call her office with specific locations so she could help him get done what he was trying to do. Council Members Clutterbuck, Khan, Alvarado, Brown, Green and Berry absent.

Ms. Jackie Friedman, 2006 Brun, Houston, Texas 77019 (713-521-0702) appeared, presented information and stated that a group was present today to discuss bike racks on buses; that METRO's board was appointed and ultimately accountable to city and county elected leaders and that was why it was important to gain Council's support; that she commuted to the Medical Center where over 800 employees and students biked daily and she served on the Medical Center's Bike Safety Committee as well as the Houston Pedestrian Bicycle Committee; that she was fortunate to work and live near the pilot route for METRO's Bikes on Buses Program and used it twice when her bike was disabled, she would love a full implementation of the program and though METRO said it had low rider ship the experience of countless other cities said once installed fleet wide rider ship shot up and their failure to install bike racks on buses was one reason Bicycling Magazine rated Houston along with Boston and Atlanta as the worst bicycling cities in the United States; and was asking Council to encourage METRO to use federal dollars available for years as they were expiring in August. Council Members Lawrence, Edwards, Khan, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Woody Spear, 5142 Grape, Houston, Texas 77096 (713-651-6366) appeared and stated that he lived in Houston 20 years and in the Meyerland area 12 years and today they were asking as a group for support from the Mayor and Council; that they would like letters from them to go to METRO asking for bike racks on the front of buses, it was important as METRO had (CMAQ) Congestion Mitigation and Air Quality Funding since July 2000 and had until August 2006 to use the funds and it would be lost if not used; that the cost was about \$1.2 million gross and CMAQ covered 80% and it would move cycling into the main stream, it would

attract new riders and expand the service system and create a greater revenue to the fare box along with a healthier lifestyle for Houston. Council Members Khan, Holm, Alvarado, Lovell, Green and Berry absent.

Council Member Brown stated that in Denver he noticed bike racks everywhere; and upon questions, Mr. Speer stated that Public Works did a great job in getting bike racks around public areas in Houston, at one time they even gave businesses the opportunity to get one free if they wanted it, but the challenge was getting METRO to go ahead with the program. Council Members Khan, Alvarado, Lovell and Green absent.

Council Member Brown moved that the rules be suspended for the purpose of hearing Ms. Robin Holzer after Mr. Fred Lazare; and Mayor White stated that if there was no objection by consent it was so ordered. Council Member Wiseman absent on personal business. Council Members Khan, Alvarado, Lovell, Sekula-Gibbs and Green absent.

Council Member Clutterbuck thanked all for coming and stated that she was concerned with the issue and they had her support and she would be sending a letter encouraging METRO to adopt the racks before the August deadline; that METRO had said bike racks could not go through the automated bus washing machine, but they must not have checked because she spoke with others and witnessed personally this being done in Austin and once they got past the learning curve so bus drivers knew how to handle the racks their program was so successful and it caused no delay in any travel times; and she heard there were towing issues but others towed from the back and removal of the racks were so easy even she could remove it; and this was a practical issue which she planned to take advantage of this summer with her children. Council Members Khan, Alvarado, Lovell and Green absent.

Council Member Edwards stated that she supported what they were doing and she would do what she could to support them; and Mr. Speer stated that 12 of the 15 largest cities had this in their METRO system. Council Members Khan, Alvarado, Lovell and Green absent.

Upon questions by Council Member Berry, Mr. Speer stated that they met with METRO on this in the past and their issues Council Member Clutterbuck had outlined, but if 12 of the 15 largest cities were using it then it seemed they could be smart enough to get around the obstacles; and Council Member Berry stated that Council continued to put good solid pillars of the community which he thought to be great representatives on the METRO Board and yet he found a number of people coming and asking for a change in METRO's policy and from a jurisdictional perspective they put people on the board and this seemed reasonable and he would ask they go to that board and let Council know what they said; that they were only asking another governmental entity to whom they delegated some authority to run it to change policy because they thought it to be a good one; and this was no reflection on Mr. Speer but he looked at the number of those who came to speak and the number who got stuck at the end of the line and he would say to any speaker on any issue that had multiple speakers that Council generally heard the first person and heard them well and they were welcome to come and be the 8th, 9th or 10th speaker on an issue, but it seemed almost unfair for the person waiting at the end of the line; and with that having been said if they just wanted to stand and let Council know how many people were there it spoke just as loudly to him. Council Members Khan, Alvarado, Lovell and Green absent.

Ms. Regina Garcia, 2425 University Blvd., Houston, Texas 77005 (713-522-9306) appeared and stated that she rode her bike all over town and to Council today; that they had been working with METRO on the issue for about 8 years, she took days off work and trained 1,200 of their best drivers on the program, 45 minutes in 10 different sessions teaching them to fold the racks, etc., because METRO announced they would implement the program, but after the sessions they decided they would rather spend funds at the time on park and ride; that the urgency now was the grants would expire in two months and that was why they came for Council's support, it was a wonderful opportunity. Council Members Khan, Alvarado, Lovell and

Green absent.

Council Member Holm stated that METRO was charged with building, operating and maintaining the transportation system and bicycles were a part of that system and she understood they came today because they were desperate as they had tried working though it and she felt Council should urge them to consider it as a top priority. Council Members Khan, Alvarado, Brown, Lovell and Green absent.

Mayor White stated that he asked them to seriously consider it and he looked at some numbers; that he knew they had \$500,000 in CMAQ funding and said to Ms. Stein that they could get the funding extended, but he did want them spent whatever they spent it on; that with the numerator being users and denominator being annual cost he thought it would be persuasive to him and he would ask them to look at it and then he would share the specifics of what METRO came back with with the citizens and they could tell him if it was right; that he had petitions and stacks of letters; and stated to Council Member Clutterbuck that he would like her to be the point of contact on this and he would copy her on things and she could be the liaison with citizens. Council Members Khan, Alvarado, Brown, Lovell and Green absent.

Council Member Clutterbuck stated that after eight years of working on this they were frustrated going to the body charged with dealing with the issue so they came to their elected officials and she felt it was time to tell METRO they needed to listen and evaluate what their ridership wanted. Council Members Khan, Alvarado, Brown, Lovell and Green absent.

Council Member Garcia stated that Council Member Clutterbuck was on point and all who came did need to be heard so they could try and communicate and Council could make sure their concerns were heard; and they would also receive a letter from him for support. Council Members Khan, Alvarado, Brown, Lovell and Green absent.

Council Member Edwards stated that she believed so many came because no one else would listen; that METRO was always saying they needed to do something because other cities were doing it and she did not know why they did not have the same concern with this issue and would appreciate information on comparable cities. Council Members, Khan, Garcia, Alvarado, Brown, Lovell and Green absent.

Mayor White stated that if she had a source of that last figure he would also like it E-mailed to him. Council Members Khan, Garcia, Alvarado, Brown and Green absent.

Mr. Fred Lazare, 1015 Grovewood, Houston, Texas 77008 (713-864-8099) appeared and stated that he was a resident of Timber Grove Manor and past president of the White Oak Bayou Association and a strong advocate for bicycling for years and was present to let the Mayor know he would be one of the users of bike racks, most of his bicycling was done for transportation, however, the heat and humidity here was such it would be too hot to pedal in to work, but if racks were available he would pedal part of the way and then hop on the bus and then be able to change at the end of the work day and ride home; and urged Council ask METRO to take advantage of the funds and allow the obvious benefits. Council Members Khan, Garcia, Alvarado, Brown, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Lawrence thanked Mr. Lazare for the example on how he would use the system and she would write her letter of support and call some of the board members. Council Members Khan, Garcia, Alvarado, Brown, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Robin Holzer, 1306 Fairview, Houston, Texas 77006 (713-301-5716) stated that they had faith in the members at METRO and enjoyed working with them; that they went to Commissioner's Court earlier in the morning and received strong statements of support from Judge Eckels and Commissioners Radock, Garcia and Lee; that this was a community issue

and they were also looking for support from the Mayor and Council to see that things were timely and bicycle racks on METRO would allow more Houstonians to go more places than either transit or cycling could alone, it would bridge the gap. Council Members Khan, Garcia, Sekula-Gibbs, Green and Berry absent.

Council Member Lovell thanked Ms. Holzer for coming and stated that she was always articulate and she would agree this was not hard and it needed to get done. Council Members Khan, Garcia, Sekula-Gibbs, Green and Berry absent.

Mr. Eduardo Martinez, 2605 Calumet, Houston, Texas 77004 (713-522-1416) appeared and stated that he was one of nine homeowners today with concerns on the same issue; and he would give time to the next speaker. Council Members Khan, Garcia, Sekula-Gibbs, Green and Berry absent.

Upon questions by Council Member Edwards, Mr. Martinez stated that when he purchased his townhome he was told to call the City of Houston and he did so on three occasions and he was told his property would be delivered, but it never happened, and later he was told there were eight units where he lived and the City of Houston had no responsibility for collection service; and Council Member Edwards stated that she was not sure if they contacted her office, but would like to set a meeting between them and Mr. Buchanan to see if it could be solved. Council Members Khan, Garcia, Sekula-Gibbs, Green and Berry absent.

Mr. Mark Kressenberg, 2605 Calumet #22, Houston, Texas 77004 (713-951-1036) appeared, presented information and stated that he was present because the Director of Solid Waste blatantly refused to follow a city ordinance; that this was a 48 unit townhome development located two blocks east of 288 on Calumet and in terms of its fiscal size it was about the equivalent of half a square block; that when the development was begun in 2004 and early 2005 trash cans were handed to them, but when the others began moving in during July and they called 311 they were told the cans would be sent, but after 10 days they called back and were told they could not get cans because they had more than eight units, but in Chapter 39 of the City Ordinances it was specific and Section 39-1 was definitions which stated residential units would have pickup and it included townhouses and townhomes and that was what they had, single family dwellings; and he would like to have another three or four minutes and he felt they could take a lot less time. Council Members Khan, Garcia, Sekula-Gibbs, Green and Berry absent.

Mayor White stated that he would like him to suggest who would be dropped; and Ms. Estelle Mack, 2605 Calumet #19, Houston, Texas 77007 (713-522-8958); Ms. Tina Asuncion, 2605 Calumet #21, Houston, Texas 77004 (713-523-4886); Ms. Carolyn Houston Boone, 2605 Calumet #44, Houston, Texas 77004 (713-303-4796); and Mr. Brian Dawson, 2605 Calumet #20, Houston, Texas 77004 (713-480-2835) all stated that they would relinquish their time. Council Members Khan, Holm, Garcia, Sekula-Gibbs and Green absent.

Council Member Alvarado moved that the rules be suspended for the purpose of extending Mr. Kressenberg's time by three minutes and dropping the speakers who relinquished their time, seconded by Council Member Lovell; and Mayor White stated that if there were no objections it was so ordered; and asked Mr. Kressenberg to continue. Council Member Wiseman absent on personal business. Council Members Khan, Holm, Garcia, Sekula-Gibbs and Green absent.

Mr. Kressenberg stated that in getting back to the ordinance itself did say townhouses and townhomes, but the Director of Solid Waste seemed to be relying on the part in Section 39-1 where it said apartments in excess of eight individual units in a multi-unit arrangement/configuration would not be included, but that part of the ordinance did not apply to their real estate, it specifically said apartments and they did not have apartments and if townhouses were not to have trash picked up if there were more than seven then the ordinance

needed to say so; and another argument seemed to be they were not adjacent to or fronting a public street, Section 39-65, but it said collection services shall be limited to items placed at the curb line of a public street in front of or adjacent to the property upon which the waste was generated and there were three blocks to line their cans on and it took 30 seconds to roll it to the street and some did face the street; and if that was going to be city policy then builders needed to be informed because people were not going to buy and spend taxes when they could not get trash picked up. Council Members Khan, Holm, Garcia, Sekula-Gibbs and Green absent.

Mayor White stated that the Acting Mayor Pro Tem would have to preside in his stead in a moment, but he did want to serve the public and garbage collection was a basic service; that for a period of time after reorganization in the 1990s they assumed responsibility from a garbage collection agency and it turned out the City of Houston began collecting on private streets and there needed to be fairness or equity so they would know what the rules were and he could see arguments both ways, but when it came to people's attention there was not legal authority to do it then at a point they said if they collected for projects don't go back three years but take a good look at the ordinance to see if it should be changed or what the policy should be and the City Controller and Mr. Warren Baine were putting together a taskforce now to assist the Council committee in making policy decisions on the issue; that he would say he was not keen on developers who knew the rules and did not inform residents of them, but he knew the city did want to abide by the rules and the law and this took a lot of wisdom from a lot of people so they should not blame Mr. Buchanan as he brought it to his attention and it did need to be sorted out. Council Members Khan, Holm, Garcia, Alvarado, Sekula-Gibbs and Green absent.

Council Member Berry stated that the Mayor hit the nail on the head and it was a complicated issue; that if in fact Larry Davis, the developer, was no notice this was city policy and did not disclose it to them then it was on Larry Davis, but there may be an issue that Larry Davis and any other builder was of the mindset as the residents on this and was simply being given information they believed, but they did talk a lot about achieving population density and it struck him, not with apartment units because they had one owner and it made sense to pass the cost to that user, but if trying to achieve density other major cities did pickup trash if it was a condo or townhome dwelling and felt there needed to be a change in the reading; and Mayor White stated that what he said and in support of what he said moreover was although you could not take this too far, there were property taxes paid by the units and it was where did they draw the line, etc., and the issues should have been addressed five years and now they were trying to do it expeditiously. Council Members Clutterbuck, Khan, Holm, Garcia, Alvarado, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she suggested a meeting with Mr. Buchanan and if he thought it would be helpful she could help provide it; and Mr. Kressenberg stated that they would welcome her help; and Council Member Edwards further stated that they would try and set it within the next 5 to 7 days and that was in addition to what the Mayor said and perhaps the Mayor would have someone attend the meeting as well. Mayor White, Council Members Clutterbuck, Khan, Holm, Garcia, Alvarado, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Brown, Mr. Kressenberg stated that everyone owned their own place and there was no common owned property; and this was not about garbage trucks going down private streets, it was about them going down public streets and picking up public cans; and upon further questions by Council Member Brown, Council Member Edwards stated that if the issue came up in her district it was not brought to the attention of her office; that she knew where they stayed and the issue would probably come up more and that was why she thought the ordinance did need to be looked into; and Council Member Brown stated that when the ordinance was looked into he would like the issue of alleyways included; and Council Member Edwards stated that Council Member Lawrence's committee on Regulations and Neighborhood Development would probably be the place. Mayor White, Council Members

Clutterbuck, Khan, Holm, Garcia, Alvarado, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Lawrence stated that Director Buchanan was echoing a lot of information he had received from Legal and he was very concerned with this problem; that the two of them met a number of times and they were looking at the ordinance to see if it was fixable and as they put more requirements on flooding issues sometimes private streets had to be created because of retention ponds so the whole thing needed to be looked at and they were doing it; that they were not the only area and Council appreciated them coming; and Mr. Kressenberg stated that on the Larry Davis issue he met with his brother and was told there was another development just blocks from them about the same size and their trash was picked up; and Acting Mayor Pro Tem Berry stated that not to criticize his point, he was right that in large number the city made it a policy to pick them up in the past and only recently changed it and he was advised some 2,500 units were in their same predicament. Mayor White, Council Members Clutterbuck, Khan, Holm, Garcia, Alvarado, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Ms. Sarah Costello, 2605 Calumet #47, Houston, Texas 77004 (713-521-9217) appeared and stated that she appreciated the point Acting Mayor Pro Tem Berry made on population density and cities all over the country tried to reward people for moving into the core of the city, but policies such as this punished people; that she purchased home and not an apartment or condominium and it fronted a street and she paid taxes and for that would like trash pickup. Mayor White, Council Members Clutterbuck, Khan, Holm, Garcia, Alvarado, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. Brent Eilerts, 2605 Calumet #28, Houston, Texas 77004 (281-361-2858) appeared and stated that he did not want to be redundant but he was a taxpayer and would like his trash picked up; and he was encouraged about a discussion on coming to a solution. Mayor White, Council Members Clutterbuck, Khan, Holm, Garcia, Alvarado, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. Brad Downs, 2605 Calumet, Houston, Texas 77004 (832-372-8915) appeared and stated that he had received a letter stating no pickup because of Chapter 39 of the Code so he downloaded them and nothing appeared to be a reason for no pickup so he called Solid Waste and they refused to speak with him and referred him to Legal who referred him to his Council Member's office and they said he needed to speak with Mr. Buchanan and so then he was able to talk with him, but actually he could not say where it was stated and got the impression from him the city was trying to save money; that he had a can and it was confiscated and in River Oaks their homes were further away from the street and they had private drives longer than his so most of those in River Oaks should not receive pickup either and they only wanted Mr. Buchanan to go by the law and provide them service. Mayor White, Council Members Clutterbuck, Khan, Holm, Garcia, Alvarado, Brown and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Acting Mayor Pro Tem Berry stated that he believed those in River Oaks did have private garbage pickup; and on behalf of his colleagues and their District Council Member they understood their frustration and it was a problem needing to be dealt with. Mayor White, Council Members Clutterbuck, Khan, Holm, Garcia, Alvarado, Brown and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (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. Mayor White, Council Members Clutterbuck, Khan, Holm, Garcia, Alvarado, Brown and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. Mike Logan, 225 Airtex, Houston, Texas 77090 (281-248-8060) had reserved time to

speak but was not present when his name was called. Mayor White, Council Members Clutterbuck, Khan, Holm, Garcia, Alvarado, Brown and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Rev. Clifford Hill, 924 Prosper, Houston, Texas 77088 (832-287-4552) appeared, thanked all who gave him support and stated that he lived in Houston all his life and was present to speak on job related entries in Houston, there were too many issues surrounding the jobs and people and it needed to be addressed; that there were also too many games played in politics; that he had an on the job injury and it still was not addressed and when he found what he was being treated for it was not the actual injury, but he was a victim, he had a heat related injury and was being given a psychotic treatment and they were not accepting his on the job injury and his life was set back; and asked that Council address his problem and allow him proper treatment. Mayor White, Council Members Clutterbuck, Khan, Holm, Garcia, Alvarado, Brown and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Ms. Jaunita Haris, 2419 Wichita, Houston, Texas 77004 (713-522-3452) appeared and stated that she would ask the Mayor get a copy of what she was saying as she wanted him to know and get a response from him; that last year the sewer line was replaced in her alleyway and she spoke to the foreman at P. M. Construction and he promised when the job was completed the alley would be cemented again but it did not happen, all they did was cover it with dirt so she called it to their attention and she was told cement was not used anymore and the city had requested they use limestone, but it would be hard and look like cement but he did not do that either and he did not come back; that she had a White neighbor who shared her alley and she told her who to contact at P. M. Construction and she did and they came immediately and cemented her side but nothing to hers; that a number of people had come out from City Hall but nothing was done; and another thing needing taken care of was the curb in front of her house, the city moved water lines from the alley to the front of their homes and it caused much of the curbs to be broken and she wanted that taken care of also. Mayor White, Council Members Clutterbuck, Khan, Holm, Garcia, Alvarado, Brown and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Ms. Harris stated that before the waterlines were put in there was concrete and then they messed it up and she fixed it herself; that where she lived was where the millionaires had lived; and Council Member Edwards stated that photos she was given did not support what she was saying and since she was on Council alleys were always considered private; that they were not finding when her curb was torn up though they did have information on her sewers being put in and had photos before and after; and in order to help her she needed some type of time period to go by and she would like to speak with her in private. Mayor White, Council Members Clutterbuck, Khan, Holm, Garcia, Alvarado, Brown and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Lawrence stated that alleys were another situation the city had not dealt with and they realized the problems and were doing research; that the committee the Mayor created not only for garbage can problems was Neighborhood Protection Development and Regulations and they were looking at many things and getting Legal and that department's director to react to them; and information she would provide to Council Member Edwards they would get a copy of for their hearings. Mayor White, Council Members Clutterbuck, Khan, Holm, Garcia, Alvarado, Brown and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Acting Mayor Pro Tem Berry stated that Mr. Gary Norman with Public Works was present and would be able to assist her at this time. Mayor White, Council Members Clutterbuck, Khan, Holm, Garcia, Alvarado, Brown and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. Steven Williams, no address (no phone) had reserved time to speak but was not

present when his name was called. Mayor White, Council Members Johnson, Clutterbuck, Khan, Holm, Garcia, Alvarado, Brown and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. William Laster, 2421 Westcreek Lane #121H, Houston, Texas 77027 (281-216-5814) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Johnson, Clutterbuck, Khan, Holm, Garcia, Alvarado, Brown and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. Shelton Modelist, 5619 Lakefield Drive, Houston, Texas 77033 (713-733-6994) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Johnson, Clutterbuck, Khan, Holm, Garcia, Alvarado, Brown and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. Frank Black, 5112 Clay, Houston, Texas 77023 (713-921-7618) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Johnson, Clutterbuck, Khan, Holm, Garcia, Alvarado, Brown and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Ms. Stephanie Hrabar, 5005 Georgia, Houston, Texas 77093 (713-683-0638) appeared and stated that she came to speak directly to the Mayor as she had been working on air quality issues in the City of Houston; that she attended the first Environmental and Public Health Committee Meeting which she thought was excellent and after the meeting contacted the Mayor's Office wondering if he actually had a plan and they sent her a copy of the Air Quality Operating Program for 2006 and she and her neighbors would like to accept the plan, but she would request the Mayor place budget numbers with the plan and she needed Council Members to have a copy of the plan; that as citizens they would like to work with the Mayor and Council on air quality issues and would like all to have a copy so she could speak to them individually regarding such. Mayor White, Council Members Johnson, Clutterbuck, Khan, Holm, Garcia, Alvarado, Brown and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Acting Mayor Pro Tem Berry stated that he was advised this would go to the Environment and Public Health Committee and he thought they were in the process of putting together a budget, but considering there was no air quality budget in the past they were starting with nothing. Mayor White, Council Members Clutterbuck, Khan, Holm, Garcia, Alvarado, Brown and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Ms. Barbara Glass, 4615 Knoxville, Houston, Texas 77051 (713-834-2473) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Clutterbuck, Khan, Holm, Garcia, Alvarado, Brown and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Acting Mayor Pro Tem Berry stated that there was a special guest in the Chamber and did not want it to go unnoticed; that he went by many names, the Godfather of Funk and a few others, and invited Mr. George Clinton to stand and be recognized. Mayor White, Council Members Clutterbuck, Khan, Holm, Garcia, Alvarado, Brown and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Ms. Stella Dyson 4619 Knoxville, Houston, Texas 77051 (713-264-0031) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Clutterbuck, Khan, Holm, Garcia, Alvarado, Brown and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (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. Mayor White, Council Members

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

Senator Robert Horton, 3714 Bain, Houston, Texas 77026 (713-260-6144) appeared and stated that many in America were guilty of war, immigration, and entertainment crimes, etc.; and continued expressing his personal opinions until his time expired. Mayor White, Council Members Lawrence, Clutterbuck, Khan, Holm, Garcia, Alvarado, Brown and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

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

At 4:48 p.m. City Council recessed until 9:00 a.m., Wednesday, May 3, 2006. Council Member Wiseman absent on personal business. Mayor White, Council Members Lawrence, Clutterbuck, Khan, Holm, Garcia, Alvarado, Brown and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, May 3, 2006

The Houston City Council reconvened at 9:00 a.m. Wednesday, May 3, 2006, with Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Ada Edwards, M. J. Khan, P. E., Pam Holm, Adrian Garcia, Carol Alvarado, Peter Brown, Sue Lovell, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; Mr. Arturo Michel, City Attorney; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Ms. Martha Stein, Agenda Director and Ms. Stella Ortega, Agenda Office, present. Council Member Addie Wiseman absent due to being ill.

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

At 9:32 a.m. Mayor White called the meeting to order. Council Members Johnson, Garcia, Alvarado and Sekula-Gibbs absent.

MAYOR'S REPORT

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

Mayor White stated that the first item on the agenda was the Monthly Financial Report and recognized Ms. Annise Parker, City Controller and Ms. Judy Gray Johnson, Director, Finance and Administration for the report.

Ms. Parker stated that it was the Monthly Financial Report for the period ending March 31, 2006, that in the Controller's office they were currently projecting the General Fund would end Fiscal Year 2006 with a surplus of just under \$30 million, that after watching the trends for the last several months they had made some significant changes in their revenue projections for this month's report, that everything was going in the right direction as far as they could see, their estimate of Property Tax

Revenues had grown by \$11 million due to a higher certified tax roll from the Harris County Appraisal District, that year to date sales tax returns were running about 11% higher than last year and they expected the trend to continue at least for the near term, as a result they were increasing their sales tax projection by \$10 million, they were also increasing their projection for Other Fines and Forfeits by \$1.3 million to reflect higher than anticipated year to date collections, all the increases were more than offsetting the \$4.5 million worth of decreases in their projections for Gas Franchise Fees and Direct Interfund Services, that on the expenditure side HPD's budget was down by \$4.3 million due to lower than expected overall personnel costs and staff vacancies in F&A accounted for another \$1.7 million in personnel costs savings, that the spending reductions were offset by \$1.6 million of increased natural gas costs and other maintenance expenditures within Building Services and there was a \$1 million increase in the Health Department budget that was attributed to the expenditure of grant funds and believed they intended to offer an explanation of that to Council Member Sekula-Gibbs, that with regard to the Katrina Relief effort, to date they had received a little more than \$215 million from all sources, they had spent their encumbered \$232 million, the figure included more than \$19 million of departmental expenditures that were currently un-reimbursed; that she would more into the Quarterly Investment Report, as of March 31, 2006 the City had approximately \$2 billion invested and 99% of that money invested in their General Investment Pool, the pool was very much like a short term bond fund that held investments of very high credit quality, their investment strategy was to match assets and liabilities for a time period of one year into the future and then use discretion over the remaining funds, there was a detailed listing in the investment report that Council Members received in their offices, that they had two other small investment pools totaling about \$27 million that they must keep segregated both for IRS and insurance company reasons, the Federal Open Markets Committee would meet next Tuesday, they did expect interest rates to inch up again but then they expected them to stabilize for a period and because of that their Investment Committee voted last week to gradually extend the maturities of their portfolio, their investment strategy over the past several years in a rising interest rate environment had been to invest in shorter maturities so that as they rolled off they could invest in higher yielding maturities, they were going to change their strategy and invest a little more long term, although for them longer term meant three to five years for their investments, that included in the Monthly Report was their SWAP Report, the written SWAP Report in the Monthly Report had a lot of details and as always they would be glad to meet with any Council Member who wanted an individual briefing, that in the general comments, because of the increase in long term interest rates the value of all three SWAPs had improved significantly, that was favorable to the City if they wanted to terminate, although they had no intention at this time of terminating those SWAPs, that finally a very brief discussion of what was happening with Proposition 1 and Proposition 2, part of the start of the Fiscal Year on July 1 and at the time that the tax rate was fixed in October her office certified the FY06 Budget and they would also need to certify the FY07 Budget as it comes forward, that under Proposition 1 they would certify that the budget complies with the cap and then calculate what tax rate would support that cap, when they set the rates in October they would do an update to give them the latest number as they set the Property Tax Rates, that they did indicate that because of the large jump in property tax receipts that they had exceeded the cap on Proposition 1, there was no effective impact of that, it was just that in the budget for next year they would do a new trend and calculate the new budget cap for next year, they had anticipated that they were over the cap on Proposition 2 as well, assuming that Proposition 2 was in effect, however it was a moving target and just yesterday they received update population numbers and the combination of updated population numbers and the legal opinion that allowed them to subtract out Water Department sales to the various MUD districts had brought them under the cap for Proposition 2, a reminder to Council that while she certified the budget coming in the actual determination on Proposition 2 would be made when they Audit and Financial Report was out at the end of the year, they did a perspective calculation but the final numbers were done by the outside auditors at the end of the fiscal year, and that concluded her report. Council Members Johnson and Garcia absent.

Ms. Johnson stated that as the Controller mention the two revenue items that had increased since last month in their projections were the property and sales taxes, that they continued to see the evidence that the economy in Houston was growing, she believed they all received the report from Dr. Barton Smith, at the University of Houston, who prepared a report every six months that went into quite a bit of analysis of the trends that they saw as driving those economic indicators that lead them to make conclusions in the future of what their sales tax would be and all of those signs were very

positive going forward into the next fiscal year, leading from the discussion yesterday, they made a number of adjustments in their expenditure trends, as they got closer to the end of the year they get more refined in terms of what their projected spending was for each of the departments, that she would remind people that even though revenues were up, well over budget, expenditures were not, they were projecting to have spending for the General Fund ending about \$6 million below the budgeted amount and considering some of the cost pressures that they had seen this year she thought that was a good sign that they were still able to stay within the budget and perhaps a little bit below it, and that was true in general for the other funds as well, and that meant that their projected ending Fund Balance was certainly much higher than their beginning balance and they were very pleased to see that they would be going into the next fiscal year's budget with a good solid beginning point going forward, and that concluded her report. Council Members Johnson, Holm and Garcia absent.

Mayor White stated that he wanted to remind his colleagues, as he had in the past, that it had been their desire to have a businesslike conservative approach to City finance and therefore they had, as a deliberate goal in shaping the budgets, build the cash reserves of the City, in part to strengthen their balance sheet for debt rating purposes and in part to anticipate the future needs that they may have under some expenses, such as energy expenses and firefighter pay increases, which were scheduled in the future, in the City of Houston they thought that budget surpluses were conservative, that he also wanted to remind the point made by Council Member Edwards from time to time, which was that their community had grown significantly over the last year, even though that number was not yet captured in the so called official population numbers which lagged by some year to eighteen months, but Council Members Clutterbuck and Khan knew how their districts had grown with some 150,000 people that they now had in their region, so they would have more needs for the use of the funds, that finally he commended the directors of the City departments that had responded well to their admonition that they should not feel obligated to spend every penny in a rush to the end of the year spending pattern, which so often characterized government, that as they found ways to cut costs throughout the years then they had assured people that they would not be blamed for doing so and that money should be spent intelligently, that he was particularly pleased that they had been able to meet all of their public service obligations and yet achieve a \$6 million savings compared to what they had authorized in budgeting, they knew it was the taxpayer's money, that finally, on the Katrina related expenditures, he was very proud of the role played by the community in making sure that the U.S. taxpayers dollars were well spent, there were 4,000 trailers in New Orleans, most of which were unoccupied, and the cost of those trailers was about six times the cost, so far, of 3,400 apartments which were occupied by people who were evacuees, that he was proud that they had done something that was very cost effective to save all of the American taxpayers money, that they were still in a struggle daily, that he was leaving to Washington, D.C. in part today to continue to get reimbursement for the various categories of expenditures from the federal government. Council Member Holm absent.

Council Member Sekula-Gibbs stated that considering that the judge had ruled that both Proposition 1 and Proposition 2 were on the Charter and part of the legitimate rules of governance for a City, when and how were they going to begin the process of determining how to issue that type of refund to taxpayers.

Mayor White stated that the formula in Proposition 2 was fairly clear and the calculations that he, Ms. Parker, Ms. Johnson and others had made, when they make the adjustments that were called for, including the revenues from other governmental entities and the emergency expenditures which increased the cap, to remember that they had a federal declaration on September 30, 2005 and they had applied for some \$13.5 million in Rita related expenditures, those amounts were added to the ceiling and they did think they would bust through any ceiling or cap and if it was and they were bound to do so they would identify reserves, in the timing of all that there would be an audit that would occur next fall and that audit would be the basis for that determination, but he had not seen any figures indicating that they would be required to do so.

Upon questions by Council Member Khan, Mayor White stated that with the benefit of some

hindsight he thought both Proposition 1 and Proposition 2 had some flaw in them, in his view, inasmuch as the population statistics had a substantial lack, that normally they would expect population to grow in an orderly fashion but right now the official State demographer was way behind on estimating the population, that the last figures that they had were January 1, 2005 and since that time they knew that jobs had grown, they knew there were over 120,000 people who had changed their mailing address from New Orleans to Houston and they knew they had almost 90,000 people in apartments, the vast majority of which were in Houston in the City sponsored program, they knew that large numbers of people had bought houses that had moved here from New Orleans so this was an issue but he thought with proper discipline and management they ought to be able to manage the budget and that was his intention. Council Member Edwards absent.

Upon further questions by Council Member Khan, Mayor White stated that he thought the Controller fairly stated in her report a month ago that people should be mindful of the fact that the pension issues, while they were liabilities, were reduced and reduced significantly, that the legacy of the agreements made in the 1995 to 2003 time period continued to haunt the City and that they did have significant bills to pay on the pension liability, that he bet them that they were record surpluses that they had in the City of Houston, they could not afford to spend those surpluses recklessly because they had some bills to pay on the pension liability, what was important was that over time the lines of the assets and the liabilities came together over time and he knew for example in the Police contract they looked at with the Police Pension Fund, 25 years, a period of time when the lines came together. Council Member Edwards absent.

Upon further questions, Ms. Johnson stated that they were looking at the possibility of doing some derivatives over the next few months, they had not gotten any final decisions, a few months ago they did a SWAP on the water and sewer side that was designed to lock in rates, anticipating that they would have a bond issue obviously sometime in 2007, they knew they had a capital plan and knew they would be issuing bonds then, they did a derivative that was a forward SWAP in order to lock in rates and they would notice that one was already ready in a positive viewpoint, showing that they made the right decision so far on that and clearly the experts were indicating that interest rates on the long term were likely to go up in the next couple of years, so they were looking at the possibility of doing something similar on the General Obligation Debt side, they had not gotten anything finalized but they were considering that because it may indeed be wise of them to attempt to lock in some of the lower rates that they had now versus what they would expect to pay in a year or two, and Ms. Parker stated that the details of that was the third SWAP listed in the Monthly Report on page 5. Council Members Edwards and Lovell absent.

After further discussion by Council Members, Council Member Green moved to accept the Monthly Financial Report and the Quarterly Investment Report, seconded by Council Member Khan. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Members Edwards, Holm and Lovell absent. MOTION 2006-0333 ADOPTED.

CONSENT AGENDA NUMBERS 1 through 34

PROPERTY - NUMBER 2

2. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, **TO AMEND MOTION #2004-1054, 10/6/04**, which authorized the abandonment and sale of South Post Oak Lane, from ±70 feet south of San Felipe Road to its terminus, and two turnaround easements, all located within Azalea Terrace Subdivision or Azalea Terrace Annex Subdivision, **ITEM 1** to include changes to the abandonments and to add conveyances, **ITEM 2** to include changes in the utility requirements, and **ITEM 7** to update the appraisal requirement and **TO DELETE ITEM 3**, Parcels SY5-011A through I and AY6-165A and B - **STAFF APPRAISERS - DISTRICT G – HOLM** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Members Edwards and Holm absent. MOTION

2006-0334 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 4 through 6

4. **MOHAWK RESOURCES, LTD.** for Purchase and Installation of a Front-End Alignment Machine from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for the Houston Fire Department - \$41,527.33 Equipment Acquisition Consolidated Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Members Edwards and Holm absent. MOTION 2006-0335 ADOPTED.
5. **BROOKSIDE EQUIPMENT SALES, INC** for Tractor Mower Attachments for the Parks & Recreation Department - \$49,580.00 - Equipment Acquisition Consolidated Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Members Edwards and Holm absent. MOTION 2006-0336 ADOPTED.
6. **SWARCO REFLEX, INC** for Spheres, Reflective Glass for Department of Public Works & Engineering - \$102,800.00 - General Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Members Edwards and Holm absent. MOTION 2006-0337 ADOPTED.

ORDINANCES - NUMBERS 10 through 34

10. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a 20-foot water main easement (Parcel SY6-008A) and a 40-foot sanitary sewer easement (Parcel SY6-08B), containing an aggregate of 0.1791 acre of land, more or less, out of a portion of the West Canal, located in the John Anderson Survey, A-97, Houston, Harris County, Texas; vacating and abandoning said easements to the Harris County Municipal Utility District (MUD) No. 285 for the purpose of constructing utility lines across the West Canal to service 79 single-family lots, in consideration of the MUD=s payment of \$1,638.00 and other consideration to the City – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Members Edwards and Holm absent. ORDINANCE 2006-0422 ADOPTED.
11. ORDINANCE consenting to the addition of 135.104 acres of land to **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 50**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Members Edwards and Holm absent. ORDINANCE 2006-0423 ADOPTED.
12. ORDINANCE consenting to the addition of 4.9380 acres of land to **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 58**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Members Edwards and Holm absent. ORDINANCE 2006-0424 ADOPTED.

13. ORDINANCE consenting to the addition of 66.6742 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 282, OF HARRIS COUNTY, TEXAS**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Members Edwards and Holm absent. ORDINANCE 2006-0425 ADOPTED.
14. ORDINANCE consenting to the addition of 0.9946 acres of land to **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 36**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Members Edwards and Holm absent. ORDINANCE 2006-0426 ADOPTED.
15. ORDINANCE consenting to the addition of 20.3203 acres of land to **MEADOWHILL REGIONAL MUNICIPAL UTILITY DISTRICT**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Members Edwards and Holm absent. ORDINANCE 2006-0427 ADOPTED.
16. ORDINANCE consenting to the addition of 24.0038 acres of land to **MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 46, OF MONTGOMERY COUNTY, TEXAS**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Members Edwards and Holm absent. ORDINANCE 2006-0428 ADOPTED.
17. ORDINANCE consenting to the addition of 31.437 acres of land to **RICHEY ROAD MUNICIPAL UTILITY DISTRICT**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Members Edwards and Holm absent. ORDINANCE 2006-0429 ADOPTED.
24. ORDINANCE finding and declaring public convenience and necessity for the acquisition of easements and rights-of-way in connection with the Public Improvement Project known as the Kirby Drive Storm Sewer Relief Project, Segment 3 (from Swift Boulevard to Robinhood Street); 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 easements in, over, upon, under, and across parcels of land situated in the A. C. Reynolds Survey, Abstract No. 61, Harris County, Texas, and being more specifically situated within Blocks 16, 17, 21, 24, 25, and 28 of West Houston Addition Subdivision, Restricted Reserve “A” of West Houston Addition Subdivision, and Restricted Reserve “A” of Rice Boulevard Shopping Center, as located along the east line of Kirby Drive and it’s intersection with University Boulevard, Amherst Avenue, Times Street, Rice Boulevard, Bolsover Drive, Dunstan Street, and Tangley Street - **DISTRICT C - CLUTTERBUCK** – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Members Edwards and Holm absent. ORDINANCE 2006-0430 ADOPTED.
25. ORDINANCE finding and determining public convenience and necessity for the acquisition of real property interests for rights-of-way in connection with the public improvement project known as the San Felipe Paving 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 Fee Simple Title to parcels of land situated in the Charles Sage Survey, Abstract No. 697 and the William White One Third League Abstract 836, in Harris County, Texas, and being more specifically situated out of Lots 25, 27, and 28 of Post Oaks Estates Subdivision, Lots 23, and 25, of Post Oak Gardens Subdivision,

Lot 2, Block 16, Lot 1, Block 15, Lot 1 Block 14, and Lot 7, Block 13, of Briarcroft Subdivision, out of Parcels of land described in Deeds Recorded under Harris County Clerk's File No. R320807, and R606388 in the Deed Records of Harris County, Texas and part of a Parcel of land described in Volume 2547 Page 185 of the Harris County Deed Records - **DISTRICT G - HOLM** – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Members Edwards and Holm absent. ORDINANCE 2006-0431 ADOPTED.

27. ORDINANCE appropriating \$873,920.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation and approving and authorizing first amendment to Professional Engineering Services Contract with **CLAUNCH & MILLER, INC** for Neighborhood Street Reconstruction Program NSR 446, GFS N-0378-01-2 (SB9209) and NSR 457, GFS N-0392-01-2 (SB9226) (approved by Ordinance No. 2005-392); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund **DISTRICTS C - CLUTTERBUCK; D - EDWARDS and I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Members Edwards and Holm absent. ORDINANCE 2006-0432 ADOPTED.
29. ORDINANCE appropriating \$5,000.00 out of Series E-Commercial Paper Metro Projects Fund and approving and authorizing Professional Construction Management and Inspection Services Contract between the City of Houston and **RATNALA & BAHL, INC** for Westview Paving: W. Sam Houston Pkwy to Shadowdale, GFS N-0549-01-3 (SB9023) - **DISTRICT A - LAWRENCE** – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Members Edwards and Holm absent. ORDINANCE 2006-0433 ADOPTED.
30. ORDINANCE awarding contract to **JMI MAINTENANCE, INC** for City-wide Ditch Maintenance Project (Work Order Contract), GFS M-0300-01-3 (SM5057); and allocating \$1,404,996.30 from the Storm Water Fund to provide funding for contract services, contingencies and project management relating to the subject – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Members Edwards and Holm absent. ORDINANCE 2006-0434 ADOPTED.
31. ORDINANCE appropriating \$1,963,022.88 out of Street & Bridge Consolidated Construction Fund, awarding construction contract to **STATEWIDE TRAFFIC SIGNAL COMPANY** for Traffic Signal Construction, GFS N-0650-20-3 (SB9250); setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for contingencies relating to construction of facilities financed by Street & Bridge Consolidated Construction Fund – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Members Edwards and Holm absent. ORDINANCE 2006-0435 ADOPTED.
32. ORDINANCE appropriating \$512,000.00 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation for Engineering Services associated with Sims South Wastewater Treatment Plant Improvements, Package II under Professional Engineering Services Contract between the City of Houston and **WESTON SOLUTIONS, INC** (approved by Ordinance No. 04-0707), GFS R-0265-30-2 (WW4874); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Members Edwards and Holm absent. ORDINANCE 2006-0436 ADOPTED.
33. ORDINANCE appropriating \$343,200.00 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation for Engineering Services associated with

the Southeast Wastewater Treatment Plant Improvements, Package II under Professional Engineering Services Contract between the City of Houston and **CAMP DRESSER & MCKEE, INC** (approved by Ordinance No. 04-0711), GFS R-0265-35-2 (WW4878); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT E - WISEMAN** – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Members Edwards and Holm absent. ORDINANCE 2006-0437 ADOPTED.

34. ORDINANCE appropriating \$625,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **INDUSTRIAL TX CORP.** for Flow Meters at various facilities, GFS S-0936-08-3 (WA10813); 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 Water & Sewer System Consolidated Construction Fund - **DISTRICTS A - LAWRENCE; B - JOHNSON; F - KHAN and G - HOLM** – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Members Edwards and Holm absent. ORDINANCE 2006-0438 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

1. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **HOUSTON CLEAN CITY COMMISSION: (Note: Nomination for District B pulled.)**
- Position 1 - **MS. PENNY HESS BUTLER**, appointment, for a term to expire 2/1/2007
 - Position 2 - **MR. J. HOWARD RAMBIN III**, reappointment, for a term to expire 2/1/2008
 - Position 3 - **MR. DONALD L. POARCH**, reappointment, for a term to expire 2/1/2007
 - Position 4 - **MS. RUTH R. HURST**, appointment, for a term to expire 2/1/2008
 - Position 5 - **MR. W. J. BOWEN**, reappointment, for a term to expire 2/1/2007
 - Position 6 - **MR. DANIEL J. SULLENBARGER**, appointment, for a term to expire 2/1/2008
 - Position 7 - **MS. ADRIANA TAMEZ**, appointment, for a term to expire 2/1/2007
 - Position 8 - **MS. RHENEL Y. JOHNSON**, appointment, for a term to expire 2/1/2008
 - Position 10 - **MR. EARL L. HARRISON JR.**, appointment, for a term to expire 2/1/2008
 - Position 11 - **MS. TANAZ CHOUDHURY**, reappointment, for a term to expire 2/1/2007
 - Position 12 - **MR. RAYMOND FRANKS**, appointment, for a term to expire 2/1/2008
 - Position 13 - **MS. CHARLOTTE ANN HAYNES**, reappointment, for a term to expire 2/1/2007
 - Position 14 - **MR. WILLIAM CECIL LINTHICUM**, reappointment, for a term to expire 2/1/2008
 - Position 15 - **MR. ROBERT A. RIDGE**, reappointment, for a term to expire 2/1/2007
 - Position 16 - **MR. NATHANIEL "NICK" CLAYTON II**, reappointment, for a term to expire 2/1/2008
 - Position 17 - **MS. CARLA LENA' WYATT**, appointment, for a term to expire 2/1/2007

- Position 18 - **MS. LINDA K. BROWN**, reappointment, for a term to expire 2/1/2008
- Position 20 - **MR. ROBERT W. GIBBS JR.**, reappointment, for a term to expire 2/1/2008
- Position 21 - **MR. MICHAEL E. LAVENGCO**, appointment, for a term to expire 2/1/2007
- Position 22 - **MS. SALLÉ S. MORSE**, reappointment, for a term to expire 2/1/2008
- Position 23 - **MS. SUSANA DUARTE**, appointment, for a term to expire 2/1/2007
- Position 24 - **MR. CHRIS K. WILMOT**, reappointment, for a term to expire 2/1/2008
- Position 25 - **MR. KEIJI ASAKURA**, reappointment, for a term to expire 2/1/2007
- Position 26 - **MR. REY DE LA REZA**, appointment, for a term to expire 2/1/2008
- Position 27 - **MS. KATHERINE BUI**, appointment, for a term to expire 2/1/2007
- Position 28 - **MR. FERNANDO CISNEROZ JR.**, appointment, for a term to expire 2/1/2008
- Position 29 - **MR. JOSÉ GRIÑÁN**, reappointment, for a term to expire 2/1/2007
- Position 30 - **MR. ARMANDO VALDES**, appointment, for a term to expire 2/1/2008
- Position 31 - **MS. SUSAN J. CITA**, appointment, for a term to expire 2/1/2007
- Position 32 - **MR. CALVIN WILLS**, appointment, for a term to expire 2/1/2008
- Position 33 - **MR. DARRYL KING**, appointment, for a term to expire 2/1/2007
- Position 34 - **MR. MARK C. FOWLER**, appointment, for a term to expire 2/1/2008
- Position 35 - **MR. BRIAN SIMS**, appointment, for a term to expire 2/1/2007
- Position 36 - **MS. DIAMANTINA “TINA” ARAUJO**, appointment, for a term to expire 2/1/2008
- Position 37 - **MR. MICHAEL HATLEY**, appointment, for a term to expire 2/1/2007
- Position 38 - **MS. KAREN BRACHT NORTH**, appointment, for a term to expire 2/1/2008
- District A - **MS. JANICE GABRIEL**, appointment, for a term to expire 2/1/2007
- District C - **MS. JANICE S. ROSE**, appointment, for a term to expire 2/1/2007
- District D - **MS. BESSIE M. SWINDLE**, appointment, for a term to expire 2/1/2007
- District E - **MR. PAUL KEVIN DIX**, reappointment, for a term to expire 2/1/2007
- District F - **MR. MIKE RIPPERT**, appointment, for a term to expire 2/1/2007
- District G - **MR. HARRY J. PHILLIPS JR.**, reappointment, for a term to expire 2/1/2007
- District H - **MR. JOSE A. MEDRANO**, appointment, for a term to expire 2/1/2007
- District I - **MR. RAMIRO FONSECA**, reappointment, for a term to expire 2/1/2007

NOTE: The nomination for District B of **Mr. Willie J. Hunter**, appointment, for a term to expire 2/1/2007 had been pulled by the Administration and was not considered.

- was presented, moved by Council Member Clutterbuck, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Members Edwards and Sekula-Gibbs absent. MOTION 2006-0338 ADOPTED.

Mayor White and Members of Council congratulated the new appointees to the Houston Clean City Commission and thanked them for their service to the City and asked that they stand and be recognized. Council Member Edwards absent.

Council Member Garcia moved to suspend the rules to consider Item No. 37 out of order, seconded by Council Member Khan. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Edwards absent. MOTION 2006-0339 ADOPTED.

37. 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 – (This was Item 51 on Agenda of April 26, 2006, TAGGED BY COUNCIL MEMBER GREEN)** – was presented.

Council Member Garcia stated that he wanted to refer Item No. 37 back to the administration, but wanted to recognize that Ms. Carol Dougherty, District Manager, for Southwest Housing, did come and provide some good insight, that they would see by the well laid out handout how well Ms. Dougherty and her staff had been trying to work with the community and the administration on many of the issues identified yesterday, that to make sure that there was transparency and clarity to the issues he wanted to refer it back to the administration, that they would seek some guidance from the Mayor as to how much time the administration would need to review the issues, and Mayor White stated that if they referred it back they would try to build whether it be this mechanism or not, that they had identified in the last two Council meetings the general goal, but they were waiting on some details and Mr. Walsh was working with the residents quite a bit yesterday, that they knew what they needed to do to address the problem, that what they would not do was bury their head in the sand and pretend that by doing nothing they did something, that they would have a proactive plan concerning how to address the particular issues, that they supported the motion to refer back.

Council Member Garcia moved to refer Item No. 37 back to the administration, seconded by Council Member Alvarado. Council Members Edwards and Berry absent.

After discussion by Council Members, a vote was called on Council Member Garcia motion to refer Item No. 37 back to the administration. Council Member Sekula-Gibbs voting no, balance voting aye. Council Member Wiseman absent due to being ill. Council Members Edwards, Holm and Berry absent. MOTION 2006-0340 ADOPTED.

PURCHASING AND TABULATION OF BIDS

3. **AMEND MOTION #2003-1302, 11/5/03, as amended by Motion #2005-0982 and #2006-45, TO INCREASE** spending authority from \$1,250,000.00 to \$2,150,000.00 on award to **VOYAGER FLEET SYSTEMS, INC**, for Purchase of Retail Fuel Card Services from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for Finance & Administration Department - \$900,000.00 - Central Service Revolving Fund - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Members Edwards, Holm and Berry absent. MOTION 2006-0341 ADOPTED.
7. **ALTIVIA CORPORATION, INC (BID NO. 4)** for Chemicals, Inorganic Metal Salt Coagulants for Department of Public Works & Engineering - \$2,054,000.00 minus a commission fee for Internet-based reverse auction services for a net award not to exceed \$2,034,000.00 - 12 Months Enterprise Fund - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Members Edwards, Holm and Berry absent. MOTION 2006-0342 ADOPTED.
8. **SNAP-ON INDUSTRIAL a Division of IDSC Holding LLC** for spending authority to purchase Automotive Diagnostic Equipment from the State of Texas Building and

Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for Various Departments - \$362,725.00 - General, Enterprise, Fleet Management and Property and Casualty Funds - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Members Edwards, Holm and Berry absent. MOTION 2006-0343 ADOPTED.

ORDINANCES

9. ORDINANCE approving and authorizing agreement between the City of Houston and the **TEXAS DEPARTMENT OF PUBLIC SAFETY** for Release of Driver Records to Governmental Entities; providing a maximum contract amount - \$10,000.00 - Workers Compensation Fund – was presented, and tagged by Council Member Sekula-Gibbs. Council Members Edwards, Holm and Berry absent.
18. ORDINANCE approving and authorizing a second amendment to an Electric Supply Agreement between the City of Houston and **TEXAS GENERAL LAND OFFICE** (approved by Ordinance No. 04-0273) – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Members Edwards, Sekula-Gibbs and Berry absent. ORDINANCE 2006-0439 ADOPTED.
19. ORDINANCE approving and authorizing contract between the City of Houston and **AVENUE COMMUNITY DEVELOPMENT CORPORATION** to provide a \$82,846.00 grant of Federal Community Development Block Grant ("CDBG") Funds for the Renovation of a Facility at 707 Quitman which will provide Social Services to Low and Moderate Income Residents **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Members Edwards and Berry absent. ORDINANCE 2006-0440 ADOPTED.
20. ORDINANCE approving and authorizing contract between the City of Houston and **SSI (U.S.) INC., d/b/a SPENCER STUART**, for Executive Search Consulting Services; providing a maximum contract amount - \$250,000.00 – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Members Edwards and Berry absent. ORDINANCE 2006-0441 ADOPTED.
21. ORDINANCE approving and authorizing contracts for Financial Advisory Services between the City of Houston and (1) **FIRST SOUTHWEST COMPANY** and (2) a joint venture between **COASTAL SECURITIES** and **MORGAN KEEGAN & COMPANY INC**; providing maximum contract amounts - 3 Years with two one-year options - Total for both contracts \$3,925,000.00 General and Enterprise Funds – was presented. Council Members Edwards and Berry absent.

Council Member Green stated that with the backup he had addressed a memo to each Council Member that detailed the financial advisor contract, that he thought it was a good deal that they were going with two advisors, that he wanted to bring up the fact that as they began the new financial advisor contract he thought it called attention to the City's approach when it came to dealing with some of their regional firms in the way of financial services, that yesterday in Fiscal Affairs they discussed the last Series A, B and C bond issuances and found that the numbers were dismal at best when it came to the co managers, the senior managers, certainly in most of the situations and the negotiated sale, made all the money, which he was not advocating any one particular firm over another, he was advocating that they look at all of the qualified firms and if they were going to continue with the co manager situation that they make it one that really had teeth, if they looked at the numbers the co managers on the last deal got less than 1% of the take down and that was embarrassing, so he would like to see them, as they moved forward to the next deals, pay attention to the numbers at the end, not just in the beginning, and that they look at the regional firms, that they did not really have any firms that

were "qualified as minority" firms, they did not have an MWBE program when it came to the take downs and the bankers, because all of the small firms had graduated and that was actually what they wanted their firms to do but he thought it was some that he thought they needed to pay attention to when it came to what their regional firms were doing. Council Member Edwards absent.

Council Member Alvarado stated that she wanted to thank Chairman Green for allowing the discussion yesterday, she thought it was a very good healthy debate on the issue of diversifying in their financial services, that it had been an issue that she had tried to bring to the attention of not just the City of Houston but even at looking at what the three pension funds did and two years ago she highlighted in an editorial that in 2003 that their three major pension funds, Fire, Police and Municipal paid more than \$3 million in investment fees to firms that they did business with, that 0.002% went to Hispanic firms and 0.014% went to African American firms, that it was not just in the City of Houston, it was with the three pension funds as well that did a terrible job and she wished that they had the same attitude and the same spirit of cooperation that they did when they talked about engineering and architectural firms, when it came to financial services they just could not seem to get there, that yesterday when they had the discussion about the taxable 2006 A transaction, the priority policy, she thought that was the place where they could see some room for opportunity for the City of Houston to be more inclusive of small and minority firms, that in looking at the item she saw that with three major firms as senior underwriters in the deal and a three firm designation rule buyers really had no motivation to get the smaller firms involved so they were more inclined to stay within their comfort zones and just deal with the traditional names, that she would like to propose that they establish that a minimum of two designations should be reserved for any small or minority firm in the deal, she would also add that they have a minimum of 20% of each trade be designated for small and minority firms so that they could prevent the miniscule designation in the future, that she would like the group that was established, the finance working group to consider that and the administration to be supportive of her two recommendations, and how they could do better with the diversifying with financial services in the City of Houston. Council Member Edwards absent.

Council Member Khan stated that he would request that the MWBE Department take a closer look at the progress of the contract on a regular basis, and would request that Chairman Garcia ask for an update and see what they were doing in identifying and promoting the minority firms in order to get the expertise for the firms and get the contract goals met. Council Member Edwards absent.

Council Member Garcia asked if the contract was time sensitive, and Mayor White stated that he thought it was a fruitful topic for Council Member Garcia's committee to consider, they were aware that the pending item had to do with the City's financial advisors and the administration supported Chairman Green and his recommendation on the particular issue, including the division of work between the two firms on the financial advisory contract, so he would suggest that the issues of the selection of the underwriters and that process be somehow separated from the pending item for which there was some sense of time urgency, and Council Member Garcia asked what work as Chairman of the committee did he need to do to bring back meaningful recommendations that would be heard. Council Member Edwards absent.

Mayor White stated that certainly on every recommendation that came up to him, and thought it was true with the Controller, as they discussed the underwriters on particular issues, there were very specific inquires concerning the MWBE components of it, for example, on the Water Sewer issuance, which was by far the largest, they re-reviewed the work that had been done by the prior administration and Mr. Hall personally went to try to identify what the best firms were in the Country because underwriting was not a small business, that they scoured the Nation, that contrary to the advice of financial professionals was that much more things could efficiently be done in an auction process by computer and they were doing that some, that finally, Council Member Alvarado had made two very specific suggestions and he thought they

ought to be seriously considered and they had to look at the size and scale of transactions, the impact on what they did on computer based auctions, and also there was the issue of law that they needed to pay close attention to. Council Member Edwards absent.

Mr. Hall stated that financial advisory service contracts had a 24% MWBE participation requirement and Ms. Johnson advised that they had met that, they were talking about three separate things that they had mixed together and they had met those, that there was a City Council process for the selection of professionals for the various debt issuances and to his knowledge that had been followed and it provided for an examination of each issue, the assemblage and structure of the professional advisory teams, thirdly, separate and apart from those, the issue of pension participation or lack of it, was something that Council Member Alvarado had been reminding the community about for some time, but the specific charge of the pension systems investment of those funds, Council did have a good new window to influence that in that they now had a direct appointee to those pension boards and they needed to be reminded of their responsibility to the community because they were the persons responsible for investment oversight for the pension funds. Council Member Edwards absent.

Mayor White stated that there were prudence rules, if their pension board started investing funds with a small start up fund with \$2 million in their management he for one would object, that they might want to review in Council Member Holm's committee the policies and standards of the pension boards for investment selection. Council Member Edwards absent.

Council Member Holm stated that they were talking about several issues, that at the April 27 board meeting of the pension system, their appointee, Alfred Jackson, and the Controller's appointee, Gilbert Garcia, brought the very subject up and it was under discussion and in direction and that was the process that they needed to go by, that she welcomed opportunity to addressing it. Council Member Edwards absent.

After further discussion by Council Members, Mayor White stated that he would get a report from Ms. Johnson on the specific suggestions made by Council Member Alvarado. Council Member Edwards absent.

A vote was called on Item No. 21. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Edwards absent. ORDINANCE 2006-0442 ADOPTED.

22. ORDINANCE approving and authorizing compromise and settlement agreement between **R. M. CROWE HOUSTON PORTFOLIO III, L.P.** and the City of Houston to settle a claim \$37,339.78 - General Fund – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Edwards absent. ORDINANCE 2006-0443 ADOPTED.
23. ORDINANCE approving and authorizing contract between the City of Houston and **HOUSTON COMMUNITY COLLEGE SYSTEM (HCCS)** for Professional Educational Services Contract for the Department of Public Works and Engineering; providing a maximum contract amount 3 Years with two one-year options - \$350,000.00 - Enterprise Fund – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Edwards absent. ORDINANCE 2006-0444 ADOPTED.
26. ORDINANCE approving and authorizing an interlocal agreement between the City of Houston and the **ALDINE IMPROVEMENT DISTRICT** to provide Water and Sewer Service outside the City of Houston - Revenue – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Edwards absent. ORDINANCE 2006-0445 ADOPTED.
28. ORDINANCE appropriating \$5,000.00 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 **WASHINGTON GROUP INTERNATIONAL, INC** for 24/30/36-inch Water Line Rehabilitation/Upgrades along Westheimer, Midlane, Calumet, and Westpark, GFS S-0900-A5-3 (WA10448-08) - **DISTRICTS C - CLUTTERBUCK; D - EDWARDS and G - HOLM** – was presented. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Edwards absent. ORDINANCE 2006-0446 ADOPTED.

NON CONSENT AGENDA - NUMBER 35

MISCELLANEOUS

35. MOTION to set a date not less than seven (7) days from May 3, 2006, to receive nominations for Positions 6 and 7 of the Land Assemblage Redevelopment Authority for terms to expire two years from appointment date - was presented.

Council Member Alvarado moved to set May 10, 2006 to receive nomination for Positions 6 and 7 of the Land Assemblage Redevelopment Authority, seconded by Council Member Khan. All voting aye. Nays none. Council Member Wiseman absent due to being ill. MOTION 2006-0344 ADOPTED.

MATTERS HELD - NUMBERS 36 and 37

36. REVIEW of the record and make determination of the appeal filed by Mabry Cain on the decision of the General Appeals Board on denial of a Manufactured Home Hardship Permit at 4738 1/2 Larkspur, Houston, Texas 77033 - **DISTRICT D – EDWARDS – (This was Item 49 on Agenda of April 26, 2006, TAGGED BY COUNCIL MEMBER EDWARDS)** – was presented.

Council Member Lovell moved to postpone Item No. 36 for one week, seconded by Council Member Green. All voting aye. Nays none. Council Member Wiseman absent due to being ill. MOTION 2006-0345 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Sekula-Gibbs stated that she had heard information regarding a new Director for the Bureau of Animal Regulation or BARC, that she understood the new Director was named Kent Robertson but did not have many details on the gentleman, that many of her constituents had repeatedly expressed concern about the director's position at BARC and they spent quite a bit of time initially searching for a BARC Director and that person was Ms. Denise Arnold, that Ms. Arnold worked very hard to change the administrative procedures at BARC and to bring a new philosophy to that institution, that she did not know enough to really reflect back to her constituents of how Mr. Robertson was chosen, was there a search that was done nationwide to try to bring in the best candidate so there would be reduced killing of animals and yet more effective bringing of animals out of the neighborhoods where they were causing difficulties for their residents, that she would like to get information on how he was selected and what his philosophy was regarding BARC going forward so they could communicate better with their constituents because they were very concerned. Council Members Lawrence, Holm and Brown absent.

Council Member Sekula-Gibbs stated that it was time for the annual Skin Cancer Screening that had been going on for a number of years in the area, that the screening would be May 13, 2006 from 10:00 a.m. to 1:00 p.m., that for folks who did not have health insurance they could go to a number of health sites, hospitals particularly, throughout the region and obtain a Skin Cancer Screening from a board certified Dermatologist, that if anyone was interested in getting a free screening they could call 1-800-ACS-2345 and get a list of the sites

or go onto the American Academy of Dermatology website, www.aad.org. Council Members Lawrence, Holm and Berry absent.

Mayor White stated that they would circulate a press announcement about the new head of BARC, that it was a national search, they were looking for somebody who was the best and who had experiences in turning around a situation where there was too many animals that were not taken care of and one feature of that had to be somebody who had a proven track record of working with the community and non profit organizations. Council Members Lawrence, Holm, Garcia and Berry absent.

Council Member Khan stated that he wanted to congratulate the Houston International Festival Organization who held a wonderful international festival highlighting the Country of Jamaica; that also this week they were having the Off Shore Technology Conference, that lately Houston had a lot of international visitors and was truly an international City. Council Members Lawrence, Holm and Garcia absent.

Council Member Khan stated that he wanted to thank Mayor White, the administration, HPD and Chief Hurtt and recognize the effort of his colleague, Council Member Clutterbuck, for the mobile command center, which was deployed in southwest Houston, that it started at the Fondren station and moving on to the Gulfton area, that it would go on until May 6, 2006, that even though it was one bus moving around various parts of southwest Houston it was really bringing a lot of focus about HPD's efforts of fighting crime. Mayor White and Council Members Lawrence, Johnson, Edwards, Holm, Garcia 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 crime and anti gang efforts in southwest Houston and would be at Houston Baptist University and wanted to thank Congressman Al Green who joined in the effort, that it would be on Friday, May 5, 2006, Mayberry Theater between 6:00 p.m. and 8:00 p.m., that he would encourage everybody to attend; that Gulfton was holding an annual festival on May 20, 2006. Mayor White and Council Members Lawrence, Johnson, Edwards, Holm, Garcia and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Khan stated that he wanted to recognize the efforts of the Houston Parks Department and the Mayor's Office of Disabilities as he was there attending their townhall meeting on Health and Wellness, that it was wonderful meeting at the Metropolitan Multi Service Center, that everybody participated and gave good input as to how they could further improve their parks and facilities to make sure that everybody who wanted to enjoy the facilities was able to do so. Mayor White and Council Members Lawrence, Johnson, Edwards, Holm, Garcia and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Khan stated that he wanted to talk about the Sex Offender Law that was passed by the City of Bellaire, they strengthened their Sex Offender Law by imposing fines on property owners who willingly and knowingly rent their properties to sex offenders, that he would like to see the City of Houston strengthen their ordinance. Council Members Lawrence, Johnson, Edwards, Holm, Garcia and Sekula-Gibbs absent.

Council Member Green stated that he wanted to alert his colleagues about a very interesting collaboration between the City and HISD, that it was a citywide initiative focusing on improving the lives of Houston's youth and the launch would be held at the George R. Brown Convention Center on May 13, 2006 from 8:00 a.m. to 4:00 p.m., for more information they could call 713-556-7020 or to register on line go to www.houstonisd.org/safe-drugfree or they could call his office at 713-247-2012, that it was a series of workshops designed to help their youth, to make life better for them. Council Members Lawrence, Johnson, Edwards, Holm, Garcia and Sekula-Gibbs absent.

Council Member Green stated that he wanted to let the Council Members know that the next Fiscal Affairs committee would not be the first Tuesday of next month, it would be May 30, 2006 at 10:00 a.m. in Council Chamber, that it was a result of an ordinance that said that the MOFAR had to be released before the third Wednesday after the fifteenth of the preceding month, that would be the first day of their budget hearings. Council Members Lawrence, Johnson, Edwards, Holm, Garcia and Sekula-Gibbs absent.

Council Member Brown stated that Citizens Congress II would take place on Saturday at the George R. Brown Convention Center from 8:00 a.m. to 12:00 p.m., that it was free and the parking was free thanks to the Convention and Entertainment Department, that he urged the Mayor and City Council to attend the event on Saturday and to include the funds for their first comprehensive plan since 1929 in the 2007 budget. Council Members Lawrence, Johnson, Holm, Garcia, Alvarado, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that she wanted to thank her colleagues for joining in on the consent agenda Item No. 24, which was the beginning of segment three of Kirby Drive Reconstruction, which was going to provide long overdue flood relief to that neighborhood and to all of the neighborhoods in the Medical Center flooding area, that she was looking forward to working with the contractor and was hoping that this segment would go a lot faster than segment number two, which seemed to be stalled out in front of Prima Pasta and several other good businesses, those businesses did have access but were seeing a dramatic decrease, that it was Total Contracting, that the staging material and two large box culverts were sitting in front of the businesses, that she knew that Mayor White agreed that they did not want to see businesses suffer more than they had to. Council Members Lawrence, Johnson, Holm, Garcia, Alvarado, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that she wanted to commend the Police Department and the mobile command station that was doing tremendous good work in the southwest Houston. Council Members Lawrence, Johnson, Holm, Garcia, Alvarado, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that she went to Austin on Monday, that it was a fascinating experience, that she wanted to testify on behalf of the concept of allowing local taxing entities, like the City of Houston, local option in terms of lowering the appraisal cap rate, that the bill she was speaking on was one sponsored by Representative Martha Wong, that the bill would have allowed local municipalities, local taxing authorities the option of lowering the cap down to a floor of 5% and it would not have been binding on other municipalities, for example the City could have lowered the cap but it would not have been binding on HISD, that unfortunately when she got up there a committee substitute was offered and removed the local municipalities and left in strictly the school districts, when the Chair announced that the committee substitute had been offered there was a long line of people signing up to withdraw their opposition to the bill and the Chairman announced that those were people representing other counties in the State, that there was no reason why they as elected officials should have their hands tied in their ability to lower the appraisal cap, that other elected officials and other municipalities throughout the State were lobbying against and that was astonishing to her, that they had a strict disagreement on what municipalities and elected officials representing voters should have the opportunity and authority to do, that she wanted to thank Mayor White for his support on this, that she had been charged by Chairman Green to lead an effort to lead an effort to have a Council resolution that they could deliver to Austin and hopefully the fight was not over yet. Council Members Lawrence, Johnson, Holm, Garcia, Alvarado, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Mayor White stated that the principal that local government entities should be allowed to make local government decisions, to him, was a very basic issue. Council Members Lawrence, Johnson, Holm, Garcia, Sekula-Gibbs and Green absent.

Council Member Lovell stated that she appreciated it as a homeowner, but when she got her appraisal and they take it all the way up to the max and if she wants to go and protest it she could usually get it lowered, but they were banking on the fact that they were not going to take time out of their day or pay someone to go in and get it lowered, so when they do lower it they want to say that if this is what they thought it was worth why did they not just put that number to it in the first place, that they were really together on that issue and something needs to be done, and Mayor White stated that he wanted to have more capability of understanding ad valorem tax revenue within the F&A Department. Council Members Lawrence, Johnson, Holm, Garcia, Sekula-Gibbs and Green absent.

Council Member Lovell stated that she wanted to wish Happy Birthday to her Chief of Staff, Jose Soto and to Council Member Alvarado's Chief of Staff, James Rodriguez. Council Members Lawrence, Johnson, Holm, Garcia, Sekula-Gibbs and Green absent.

Council Member Edwards stated that she wanted to wish Council Member Clutterbuck a belated Happy Birthday, that she had a beautiful birthday cake that someone made for her, and Council Member Clutterbuck stated that Officer Jerome Moon and his wife own "Who Made the Cake" on Shepherd Drive. Council Members Lawrence, Johnson, Khan, Holm, Garcia, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Council Member Edwards stated that it was a pleasure to sit at the Council table and watch the new Council Members, that Council Member Clutterbuck had been an awesome asset, her staff and her willingness to be a part of the solution and she wanted to thank her personally, and she wanted to thank Mayor White for asking Council Member Clutterbuck to go and represent them in Austin and hopefully they would be able to get a full report of what was going on with that in Austin. Council Members Lawrence, Johnson, Khan, Holm, Garcia, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she wanted to say thank you and congratulations to the Almeda Civic Club under the leadership of Ms. Beluah Maxey, that 29 members of their club had completed the Houstonians on Watch, the program of HPD and they had another group that was going in. Council Members Lawrence, Johnson, Khan, Holm, Garcia, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Council Member Edwards stated that District D was going to have another cleanup, that if anybody had any old used computers they could bring them to the cleanup, there was going to be a nonprofit agency who takes those computers and reconfigures them to be used for nonprofit and youth groups, that it would be on May 20, 2006 at Edgewood Park and 5803 Bellfort, they could be a part of cleaning up the community, that they could contract Karen Heller at her office for more information at 713-247-2001. Council Members Lawrence, Johnson, Khan, Holm, Garcia, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Council Member Edwards stated that it looked like the LUCY Project was back on board, that she had the privilege of being over at the Museum of Natural Science last week and they had some people in from Ethiopia and it looked like they might still get the project for the City of Houston. Council Members Lawrence, Johnson, Khan, Holm, Garcia, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she wanted to congratulate Brian Shane of the Dynamo's, he was going to be off of the team for a couple of months, that he made the World Soccer Team. Council Members Lawrence, Johnson, Khan, Holm, Garcia, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Council Member Edwards stated that as to the Southern Crushed Concrete saga, there was going to be a hearing in Austin next Wednesday and Ms. Swindle along with Commission Lee had put together a busload of people who were going up to Austin, that they would not be able to testify but she thought it would be important for people to see in Austin that a sizeable

amount of the community was still concerned about the air quality, if they wanted more information concerning that they could call her office at 713-247-2001 or they could call Commissioner Lee's office and speak with Ms. Swindle and she could give them more information. Council Members Lawrence, Johnson, Khan, Holm, Garcia, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Council Member Edwards stated that Nzinga Rideaux in her office had been the head of an organization called Fundamentals Inc. for about 10 years, that it used basketball to help inner city girls and covered all communities and all races, any young girl who wanted to use basketball as a skill but also using basketball as a way to learn how to relate with people, that Nzinga had really run the organization out of her and her husband's pocket and they were having an equipment drive on Saturday, May 6, 2006 at the Breakfast Klub, that their wish list included tennis shoes, jersey's, sports bra's, basketballs and those types of things, that if they had any of that available, gently used or new, they had girls of all sizes, that they would be at Travis and Alabama. Council Members Lawrence, Johnson, Khan, Holm, Garcia, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she knew they did not do to much on international issues at the Council but she would like to have any Council Member who was agreeable with her on what was going on in Dafar, Sudan, that it was probably one of the worst things that was happening, that she would like to see the City Council do a resolution to the U.S. Congress or to the Sudan, that it had to stop. Council Members Lawrence, Johnson, Khan, Holm, Garcia, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Council Member Alvarado stated that she wanted to join in with Council Member Lovell in wishing James Rodriguez and Jose Soto a Happy Birthday. Council Members Lawrence, Johnson, Khan, Holm, Garcia, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Council Member Alvarado stated that they had a very good townhall meeting in the Fourth Ward and wanted to thank Council Member Lovell for coming out and lending her support on many of the issues they were dealing with, that she wanted to thank HPD, Public Works and the Library Department for also being there. Council Members Lawrence, Johnson, Khan, Holm, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Alvarado stated that some time ago they talked about the high cost in what the City was paying for mobile phones, blackberry's and pagers and they consolidated some of that stuff and she wanted to acknowledge the work of Terrence Fontaine because their last bill comparing February 2006 to February 2005 they had a 32% reduction in those costs. Council Members Lawrence, Johnson, Khan, Holm, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Alvarado stated that she wanted to wish a belated Happy Birthday to Council Members Clutterbuck and Khan. Council Members Lawrence, Johnson, Khan, Holm, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Alvarado stated that she wanted to thank Council Member Clutterbuck for going and testifying in Austin, that it was a reminder that they all needed to be mindful of what was taking place at the Legislature. Council Members Lawrence, Johnson, Khan, Holm, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Alvarado stated that they had a really terrible thing that took place in the region, in Spring, Texas, where they had a young boy that was severely hurt, and she thought the City, community and region had been hurt, that many times they thought about all of the wonderful successes they had when it came to celebrating their diversity and they capitalized on that and bragged about their City, but when they had things like what happened to the young man in Spring, Texas it was a reminder that they still had so much hatred out there in the

communities, that she was hoping that justice was served, that the individuals who caused this great injury and pain pay the price in the most severe way, that it had been really painful to read the articles and read the history of one particular individual and the level of hate in such a young person, a teenager, who had so much hate and had taken it out on others, and Council Member Lovell stated that they were not categorizing it as a hate crime, it was one of the most egregious examples of what a hate crime was, that she thought that they in their dialogs had to be very clear that they should call it what it was and it was a hate crime. Council Members Lawrence, Johnson, Khan, Holm, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Alvarado stated that she wanted to commend the HPD officers, that they had thousands of people marching and rallying at two different parks and she continued to be proud of the way the police officers handled those types of masses and those types of events that take place in the City, that she was proud to see that they had no arrests, no disorderly contact in any way. Council Members Lawrence, Johnson, Khan, Holm, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 11:45 a.m. Council Member Wiseman absent due to being ill. Council Members Lawrence, Johnson, Khan, Holm, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary