

## City Council Chamber, City Hall, Tuesday, May 23, 2006

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, May 23, 2006, Mayor Bill White presiding and with Council Members Jarvis Johnson, Anne Clutterbuck, Ada Edwards, Addie Wiseman, M. J. Khan, P. E., Pam Holm, Adrian Garcia, Carol Alvarado, Peter Brown, Sue Lovell, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; Ms. Connie Acosta, Division Chief, Labor Division, Legal Department; Mr. Richard Cantu, Director Citizens Assistance Office; Ms. Marty Stein, Agenda Director; present. Council Member Toni Lawrence absent on personal business.

At 2:10 p.m. Mayor White called the meeting to order and called on Council Member Lovell to begin presentations. Council Member Lovell stated that it was her honor to make a presentation to Mr. Ted Ellis, a local artist, and invited Mr. Ellis to the podium. Council Member Lovell further stated that Mr. Ellis had given each Council Member a picture and a calendar with his art; that he was an environmental chemist who turned professional artist over 15 years ago and he was a leading African American contemporary artist capturing American culture and heritage drawing from his native city New Orleans; and presented him a Proclamation recognizing his contributions and proclaimed May 23, 2006, as "Ted Ellis Day" in the City of Houston, Texas. Mr. Ellis stated that his sole purpose was to work with his passion and it was an honor to have his day seeing value in what he did; and he thanked them all. Council Members Johnson, Holm, Alvarado, Sekula-Gibbs and Berry absent.

Council Member Green stated that he had been a fan of his for a while and in his law office he had two of his pieces. Council Members Johnson, Holm, Alvarado, Sekula-Gibbs and Berry absent.

Council Member Khan stated it was an honor to know him and see his work which he had been inspired by. Council Members Johnson, Holm, Alvarado, Sekula-Gibbs and Berry absent.

Council Member Garcia stated that it was his honor to recognize an organization which did many great things in the community and invited those with The Salvation Army to the podium. Council Member Garcia further stated that they did a tremendous amount of good for many years and presented them a Proclamation recognizing their works and proclaimed May 23, 2006 as "Salvation Army Day" in Houston, Texas. The spokesperson for the Salvation Army stated that material had been distributed to all and they had started in 1899 and in 1941 her grandparents were Salvation Army officers who came to Houston and started what was still in existence today; that the promise of the Salvation Army was to do the most good with what was entrusted to them and in Houston alone since October 19th they had expended \$6.5 million and it was because of all who donated they were able to be here so long and the presentation went to all. Council Members Johnson, Alvarado, Sekula-Gibbs and Berry absent.

Council Member Garcia stated that an individual present needed special recognition, Mr. Jose Hernandez was a great example of hard work and patience, someone who focused on studies and honored his parents; that he grew up a son of migrant workers and on May 6th the National Aeronautics and Space Administration chose him to perhaps be the next human to set foot on the moon, he was chosen as he was a materialist engineer at the Johnson Space Center and an expert in x-rays and tomography and ultrasound and was winner of the NASA Service Award for 2002 and 2003, the Lawrence Livermore National Laboratory Outstanding Engineer Award in 2001 and U. S. Department of Energies Outstanding Performance Commendation of 2000 and it was his honor to present him a Proclamation proclaiming May 23, 2006 as "Jose Hernandez Day" in Houston, Texas. Mr. Hernandez stated that as a city resident he was truly honored and humbled to receive such a Proclamation and could only hope that stories of such Proclamations got to youth to serve as inspiration in terms of importance of education, setting goals and perseverance because those ingredients with strong family support the sky was not the limit, it was the universe; and he thanked them for the recognition. Council Members Johnson, Clutterbuck, Brown and Berry absent.

Council Member Edwards stated that she had friends who worked at NASA and it was hard work and she congratulated him. Council Members Johnson, Clutterbuck, Brown and Berry absent.

Upon questions by Council Member Sekula-Gibbs, Mr. Hernandez stated that he was a civilian, a mission specialist; and Council Member Sekula-Gibbs further stated that Council was delighted to have him present; that she was a strong supporter of NASA and the Johnson Space Center and she wanted to take the opportunity to encourage everyone to support NASA, it gave so much back and she congratulated him on being a part of it; that the shuttle program was scheduled to retire in 2010 and the crew exploration vehicles were not set to take off until 2014 and the gap needed to be closed, they could not expect their scientist and engineers to sit around waiting and she hoped all would echo to Washington and ask for the funding so those people would not be lost to other nations. Council Members Johnson, Alvarado, Brown and Berry absent.

Council Member Wiseman congratulated Mr. Hernandez and stated that as his Council Member she was proud of his accomplishments and the great opportunity he had before him; that last week she and Council Member Sekula-Gibbs were in Washington, DC with the Citizens for Space Exploration doing all they could to get across to representatives on the federal level the importance of continued funding and closing the gap; that she also wanted to share her gratitude as he mentioned the passion and need to push for education for the children and that was the message sent back from the representatives in DC, they want the educational component. Council Members Johnson, Alvarado, Brown and Berry absent.

Upon questions by Council Member Lovell, Mr. Hernandez stated that he would absolutely take his Proclamation with him to the moon, he would roll it up and put it up his sleeve; and Council Member Lovell stated that it would be the first Proclamation on the moon. Council Members Johnson, Alvarado, Brown and Berry absent.

Council Member Green stated that this week they were celebrating something all took for granted and that was National Public Works Week; and invited Mr. Michael Marcotte to the podium. Council Member Green further stated that Public Works services were an integral part of every day lives with the health, safety and comfort of daily lives depending on such services; that this years theme was Public Works, the heart of every community; and presented a Proclamation to Mr. Marcotte wishing them continued success and recognizing all their efforts and proclaimed the week of May 21 through May 26, 2006, as "National Public Works Week". Mr. Marcotte thanked all for honoring all the men and women in the department as well as public servants throughout the area; that one emphasis was to tell all young children so they may aspire to the important works. Council Members Johnson, Holm, Alvarado, Brown, Sekula-Gibbs and Berry absent.

Council Member Edwards stated that Public Works was the heartbeat of this city and of this administration and she did applaud Mr. Marcotte for the works and challenges he had stepped up to and was addressing in such an efficient and productive manner. Council Members Johnson, Holm, Alvarado, Brown, Sekula-Gibbs and Berry absent.

At 2:32 p.m. Council Member Garcia invited Deacon Joe Rubio to lead all in prayer and Mr. Gunney Vasquez, a Korean and Viet Nam veteran, to lead all in the pledge. Council Members Brown and Berry absent.

At 2:34 p.m. the City Secretary called the roll. Council Member Lawrence absent on personal business. Council Members Brown and Berry absent.

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

The City Secretary began calling the public speakers.

Ms. Sharon Czuja, 902 Northside Drive, Houston, Texas 77073 (281-537-0957) had reserved time to speak but was not present when her name was called. Council Members Alvarado and Berry absent.

Mr. David Hicks, 2402 Brun, Houston, Texas 77019 (281-528-0141) appeared in opposition to Agenda Item 54 and stated that he was a business owner in Houston who had come in support of Council Member Sekula-Gibbs to pull funding from labor centers who aided and abetted illegal Mexican nationals in Houston and to use the money for other needed purposes. Council Members Alvarado and Berry absent.

Ms. Mary Wadham, 4049 Courtney, Houston, Texas 77026 (713-206-5871) had reserved time to speak but was not present when her name was called. Council Members Alvarado and Berry absent.

Mr. Curtis Collier, 7803 Oak Castle, Spring, Texas 77389 (281-787-4637) appeared in opposition to Agenda Item 54 and stated that he was president of the US Border Watch and their organization did extensive studies along with the Department of Labor which showed 87% of individuals who gained employment through such sites were illegal aliens and they would invite any Council Member to ride with them to labor sites and show the surrounding community was not sanitized; and if they went forward with this there would probably be a lawsuit. Council Members Johnson, Green and Berry absent.

Upon questions by Council Member Wiseman, Mr. Collier stated that research showed 87% of day labor site users were illegal; and Council Member Wiseman stated that she would ask the administration if Mr. Wilson had any documentation to show as she was interested in such. Council Members Green and Berry absent.

Upon questions by Council Member Lovell, Mr. Collier stated that he lived in Spring, Texas. Council Members Green and Berry absent.

Upon questions by Mayor White, Mr. Collier stated that coming into the US itself was not a felony, he was sure felons were at some sites but it was unrelated to the entry of the US, however, the entry was violation of federal law; that his organization went to day labor sites posing as employers wanting to hire and when asking for green card for social security 87% could not produce either. Council Members Green and Berry absent.

Upon questions by Council Member Alvarado, Mr. Collier stated that the US Border Watch was a citizen action group in existence about 2 1/2 years and did many activities involving immigration, working on the borders and locally, they were similar to the Minutemen; that there were day labor sites in Spring and they were pretty well spread out all over the United States and basically in every community; that they had not checked how many went to parks, clinics or called for service from police or fire there would be no reason to achieve that information. Council Members Green and Berry absent.

Council Member Edwards stated that the day labor centers served all Houstonians, it was not limited to illegal or immigrant labor at all, it was a place for people to work day jobs as for whatever reason they could not get a steady job; that this was assistance and she would not challenge his numbers, but would like to know what method they used for them; and Mr. Collier stated that they went to the sites and attempted to hire and they did not have the correct cards; and Council Member Edwards stated that if she was asked for that information she could not provide it either. Council Member Berry absent.

Upon questions by Council Member Khan, Mr. Collier stated that if they were not provided

the correct documentation they would be checked as a probable illegal; that he was primarily against day labor sites being used for employment of illegal aliens, but they must be able to define how many were illegally working in the environment, but to eliminate a park because you might think the majority in the area were illegal's would be absurd because there was no way to determine; that the park would also benefit the tax paying citizens and he would still want it funded. Council Members Johnson and Berry absent.

Council Member Green stated that today Council was joined by Mr. Adam Gibson who was manager of International Trade of the Greater Houston Partnership and who was just sworn in by Mr. Anthony Hall as an attorney; and asked him to stand to be recognized. Council Members Johnson and Berry absent.

Ms. Leslie Wetzel, 63 Mystic Lake Circle, Woodlands, Texas 77381 (281-414-8431) appeared in opposition to Agenda Item 54 and stated that she was present in support of Council Member Sekula-Gibbs, not funding the day labor centers; and urged Council to not approve that funding as it violated law by aiding and abetting illegal criminals looking for work and they were often taken advantage of by unscrupulous employers. Council Members Johnson and Berry absent.

Upon questions by Council Member Garcia, Ms. Wetzel stated that she did not know of any such labor sites in the Woodlands, but was suspicious they were in the surrounding area; that she would not say she agreed with Mr. Collier totally, with such a blanket statement; and whether she did or did not have correct documents and whether she was favorable or not in being put in a category of illegal was an irrelevant question. Council Members Johnson, Clutterbuck, Lovell and Berry absent.

Council Member Brown stated that the American economy was dependent upon the labor the undocumented workers provided; and Ms. Wetzel stated they did not have evidence to back that up; and Council Member Brown stated that was the general census; and upon questions, Ms. Wetzel stated that her proposal would be to enforce the laws. Council Members Johnson, Clutterbuck, Garcia, Lovell and Berry absent.

Mayor White stated that there were various views on the issue of the city having responsibility to enforce criminal laws of the state; that they did not enforce federal civil law within the City of Houston. Council Members Clutterbuck, Garcia, Lovell and Berry absent.

Mrs. Fran Walker, P. O. Box 650, Katy, Texas 77491 (713-964-4700) had reserved time to speak but was not present when her name was called. Council Members Clutterbuck, Garcia, Lovell and Berry absent.

Mr. Robert Walker, P. O. Box 650, Katy, Texas 77491 (713-964-4700) had reserved time to speak but was not present when his name was called. Council Members Clutterbuck, Garcia, Lovell and Berry absent.

Ms. Louise Whiteford, 2431 Mantucket Drive, Houston, Texas 77057 (713-706-3546) had reserved time to speak but was not present when her name was called. Council Members Clutterbuck, Garcia, Lovell and Berry absent.

Ms. Phyliss Dillon Gann, 3030 Post Oak Blvd. #604, Houston, Texas 77056-6565 (713-212-0606) had reserved time to speak but was not present when her name was called. Council Members Clutterbuck, Garcia, Lovell and Berry absent.

Ms. Joleen Reynolds, 1003 Trapper Hill Drive, Houston, Texas 77077 (281-556-1335) appeared in opposition to Agenda Item 54 and stated that she was currently past president of Texas for Immigration Reform and several years ago appeared before Council opposing taxpayer money for day labor centers, it was common knowledge those who used the centers

were illegal; that the Federal Immigration and Nationality Act stated someone committed a felony upon assisting an alien and that was what they were doing. Council Members Garcia, Lovell and Berry absent.

Council Member Sekula-Gibbs stated that she did not think they should use federal money to break federal law and to her that was what was happening; that this idea was meant to solve a problem but it was not working and often when hired they were exploited and they needed to reassess. Council Members Garcia and Berry absent.

Upon questions by Council Member Edwards, Mayor White stated that there were allegations they were breaking the law and they took laws seriously, but President Bush did fund day labor centers through the authorized federal programs and he did not think an allegation that the President in funding these items was violating the law and it was not brought to his attention he or his colleagues in federal government were in violation of the law, it was easy to say they were but he thought it was wrong to assert that about those who supported them; and Council Member Edwards further stated that funds for this were federally approved by a federal agency and they knew what the money was being used for. Council Members Garcia, Sekula-Gibbs and Berry absent.

Mr. Johnny Jones, 1950 Spenwick #318, Houston, Texas 77055 (713-935-0011) had reserved time to speak but was not present when his name was called. Council Members Sekula-Gibbs and Berry absent.

Mr. Eduardo Garcia, O. O. Box 34442, Houston, Texas 77234 (281-481-8339) appeared in opposition to Agenda Item 54 and stated that he was present in support of Council Member Sekula-Gibbs, it was not right spending the funding on the day labor centers; that he felt the government failed its people by not following through on the laws and he hoped Council would consider those laws. Council Members Sekula-Gibbs and Berry absent.

Upon questions by Council Member Garcia, Mr. Garcia stated that he lived in Clear Lake; and Council Member Garcia further stated that in speaking on facts a number of those present said they were in support of Council Member Sekula-Gibbs, but the issue was not that she was on the Agenda, but an item on the Agenda, but she did vote for the day labor center in the last round of funding. Council Members Clutterbuck, Brown and Berry absent.

Council Member Sekula-Gibbs stated that the American people were concerned about this problem and they did need to hear from citizens, the idea of a day labor site was initially thought of as solving problems and cleaning neighborhoods; that people would not loiter in other's yards, but it was a failed program and they should not continue with failed programs but look for new solutions. Council Members Clutterbuck, Brown and Berry absent.

Ms. Betty Lawson, 1148 Dorothy, Houston, Texas 77008 (713-869-4098) appeared in opposition to Agenda Item 54 and stated that she was a resident of District H and protesting the funding for the day labor center, they must not reward breaking laws by more free handouts. Council Members Wiseman, Brown and Berry absent.

Council Member Sekula-Gibbs stated that people needed to know the concept of police not enforcing federal immigration laws dated back 10 1992 when Chief Nuchia signed a general order stating they would not enforce them, but this was a concern for many people and if the federal government was serious on not wanting illegal immigration to continue then they should provide training and education for officers and adequate funding and centers to take illegal families because it was not just adult men, but families. Council Members Wiseman, Alvarado, Brown and Berry absent.

Council Member Garcia stated that he hoped she received his E-mail, many people thought the \$100,000 was to build a new site and it was for an existing site which Council

Member Sekula-Gibbs voted for last time, what was on the Agenda was to partner with an organization which had experience and expertise in program services; that another part of his district did have funding appropriated for a day labor center which he had not moved on yet as he wanted to be sure there was a model program to review; and his work on this site was six months to a year's worth of work in assessing and evaluating the site; and when she wrote him she described it accurately as a work pool, they were calling it day labor site, but it was a work pool where anyone could walk in and possibly get an opportunity. Council Members Wiseman, Alvarado, Brown and Berry absent.

Mr. Tony Jones, 1950 Spenwick, Houston, Texas 77055 (713-935-0011) appeared in opposition to Agenda Item 54, presented information and stated that he supported Council Member Sekula-Gibbs and would like Item 54 referred back to the Administration where Mr. Michel and his staff could incorporate the I-9 Form for the day labor site, even though the city was not employers they could screen the people; that he supported a day labor center which he had submitted to when he was in college, he would like this string attached to the money, it was not hard. Council Members Wiseman, Alvarado, Brown and Berry absent.

Mr. Richard Shaw, 2506 Sutherland, Houston, Texas 77023 (713-923-9473) appeared in favor of Agenda Item 54 and stated that he was in favor of community block grant funding for the day labor center as he was in favor of other federal funding to help all residents in Houston with whatever was needed; that he was a member of the Mayor's Advisory Committee for Refugee and Immigrant Affairs and also chair of the Business Affairs Committee and served on the City of Houston's Day Labor Taskforce and it had been and still was their recommendation for the City of Houston to continue their contract with Neighborhood Centers, Inc., and other qualified contractors who operated the indoor day labor centers which provided an opportunity for day laborers to set a minimum wage for work, opportunity to track contractors, especially those who did not pay, opportunity for occupational and health training, etc., the east end site was well run and orderly and a working model as to what such sites should be; and urged the passage of the ordinance. Council Members Wiseman, Alvarado, Brown and Berry absent.

Council Member Garcia stated that he made interesting points and he thanked him for being an advisor on how to do things better. Council Members Wiseman, Alvarado, Brown and Berry absent.

Upon questions by Council Member Edwards, Mr. Shaw stated that as a member of the Day Labor Taskforce and Mayor's Committee on Immigrant Refugee Affairs they wanted day labor centers in neighborhoods so they would have control over them, getting them off streets and a way to recover wages from unscrupulous employers; that there had always been day labor centers, just not always populated by Hispanics; and where he lived in Spring Branch many worked at the centers and lived right there around them in apartments, etc., and paid rent and property taxes. Council Members Clutterbuck, Wiseman, Garcia, Alvarado, Brown and Berry absent.

Upon questions by Council Member Sekula-Gibbs, Mr. Shaw stated that he had seen the report on Channel 13 by Art Rascon where he was undercover as a day laborer and the unsafe equipment they used, but he did not think Art used the indoor center because if he had they would have the employer's license plate number, know who he was and have a way to go and get his money; and Council Member Sekula-Gibbs stated that her problem was it was a failed program; and Mr. Shaw stated that he needed good people to go with him and speak to employers about more money for employees and he would like her and others to go with him to Wal-Mart and speak to them; and Council Member Sekula-Gibbs stated that they could not provide benefits because so many illegal's drove that down; and Mr. Shaw stated that Wal-Mart had plenty of money, they were the number one company in the world. Council Members Clutterbuck and Brown absent.

Upon questions by Mayor White, Mr. Shaw stated that from what he saw on the news Art

Rascon was not hired at an indoor labor site under question now, he was hired at a corner, when hired at an indoor site someone did track license plates and they knew who they were and could find out when they were not paid and other abuses so that was the advantage of the indoor site and if Art had gone there..., but then he would not have had a story. Council Members Clutterbuck, Brown and Lovell absent.

Mr. Mike Coley, 519 Forest, Houston, Texas 77011 (713-926-2442) appeared in opposition to Agenda Item 54 and stated that he lived about two miles from Minute Maid and most of his speech had already been said, but he went and hired workers to help him with a translator, then he realized most were here illegally and the day labor center provided an income for them after already breaking the law once and breaking it again; and he thought they provided a magnet for them and it should not be funded. Council Members Clutterbuck, Alvarado, Brown and Lovell absent.

Council Member Johnson stated that he had heard a lot of communication as to whether the center was good or bad, but they were working with an organization which was bringing a valuable service needed, they made sure the particular individuals were not taken advantage of and through the grant they were looking to provide education so they could understand they did not have to accept certain environments to work in and through NCI they were working to develop worker's rights and citizenship education; that he was involved in social service a number of years and worked with youth all the time; that a problem with youth was loitering and the Boys and Girls Club went and took them off the streets by educating them and to him this was the same situation where individuals were loitering though looking for work and this could place them in an environment where they could learn and get skills they needed to be productive members of society; and earlier someone said a survey was done, but he was not able to substantiate how they came to the 87%, were some counted more than once; and this was not to specifically provide service to illegal's in the country it was for citizens or those needing jobs.. Council Members Clutterbuck, Alvarado, Brown, Sekula-Gibbs and Lovell absent.

Deacon Joe Rubio, 2900 Louisiana, Texas 77006 (713-874-6657) appeared and spoke in favor of Agenda Item 54 and stated that he was vice president of Catholic Charities for the Arch Diocese of Galveston/Houston and chair of the Mayor's Advisory Committee on Immigration and Refugees and there was only one day labor center funded by the City of Houston and in the Second Ward, there were not centers on the corners, just clumps of men, there was a center in the Second Ward for over 10 years, after years of neglect and sufferance the Congress of the United States was in the process of reforming a fractured immigration system which put thousands of vulnerable workers on streets in search of a good day of work to feed their family and the center was one neighborhood's recognition that assistance was needed and human response to the lack of political will and an attempt to bring order to its streets. Council Members Clutterbuck, Brown and Sekula-Gibbs absent.

Upon questions by Council Member Khan, Deacon Rubio stated that many of the workers in the center he spoke to were American citizens down on their luck and looking for employment, there were a significant number of undocumented workers but they were off the streets waiting for an employer and NCI did a good job of receiving private donations and corporate donations; that he was familiar with the federally funded health centers in the city but he was not sure how you received services and thought you had to be a citizen or resident, however, under the new alliance system there would be community health center which would take everyone based on residence in the city and county. Council Members Clutterbuck, Brown, Sekula-Gibbs and Green absent.

Upon questions by Council Member Garcia, Deacon Rubio stated that many denominations were supporting comprehensive immigration reform in the Senate and House of the United States and how it affected local communities was what TMO talked about; that if you had an unsecured border and no guest worker program where they registered and were

identified then you often had chaos which was found on street corners and the day labor was a way for a neighborhood to respond to that type of chaos and create order, but it must be well funded and now it was under funded, understaffed and under appreciated; and a number of people went to the center down on their luck; and Council Member Garcia stated that the ethnic breakdown covered Caucasian, African American and Asian as well as Hispanic and he hoped people did not assume that everyone who stepped into such a center was an illegal immigrant. Council Members Clutterbuck, Brown, Sekula-Gibbs and Green absent.

Mr. Larry Youngblood, 12519 Logan Mill Drive, Houston, Texas 77070 (281-477-3966) appeared in opposition to Agenda Item 54 and stated that all he was going to say was marked out as it was already said; that he did live in Houston and went to Houston schools and knew what he was talking about; that he picked tomatoes as a child, shined shoes, worked at the docks, etc., and such jobs would be done by an American trying to get into college; that his degree was in physics and scientifically the numbers heard today were good numbers and from the way he read the law someone committed a federal felony if they assisted someone getting employment. Council Members Clutterbuck, Holm, Alvarado and Brown absent.

Council Member Garcia stated that he felt he knew where he was going but again he wanted to be clear this was a center for folks trying to get a job and help themselves out and it was up to employers to determine a person's status and as far as he knew there was no particular document which proved a person's American status, folks said if you had a passport you were an American but there was no legislation which required you to get one or carry one; that he heard him and many talked about research like interviewing or going under cover, but this was complicated and though the center helped Caucasians, African Americans and Asians, if you were Hispanic and in such a place the assumption was you were illegal and he would appreciate he also go before corporate boards and share because all he heard had more to do with the workforce needs and in the Wall Street Journal it said illegal immigrants represented less than 5% of the US workforce and yet made up 24% of those working in farming occupations, 17% in cleaning services, 14% construction laborers, 12% food preparation and he thought his comments were best heard by those with hiring authority. Council Members Johnson, Clutterbuck, Edwards, Holm, Brown and Sekula-Gibbs absent.

Mr. C. W. Foley, 1233 Archley, Houston, Texas 77055 (713-465-2866) appeared in opposition to Agenda Item 54 and stated that he was against the labor center as it was another way to spend \$100,000 and put Americans out of work; that it was said illegal's were here doing work Americans would not do and that was not true; that he was in construction before he retired and there were many Americans working and now you could rarely find an American on a construction job and after paying for their welfare, etc., the government needed to concentrate on Americans as they paid the taxes. Council Members Johnson, Clutterbuck and Sekula-Gibbs absent.

Council Member Wiseman stated that she understood he wanted his government adhering to all laws and she wanted to address concerns raised; that a colleague said there was no one document to clarify eligibility but they did have the Immigration and Naturalization Service and all must fill out forms and the Federal Government said no employer could legally decide which document would show a person's employment eligibility but did list documents; that she was Hispanic and she needed to make it clear if someone discriminated against her because she was Hispanic they were not being racists as the definition everyone was familiar with because Hispanics were of the White race, but she would not call them racists and wanted to make that clarification; that another thing was the contract Council was being asked to approve for the labor site had a clause which stated it was subject to all laws and rules of the United States, the state of Texas and the City Charter and ordinances of the City of Houston, etc., and certain information was for employers to verify the eligibility of individuals for employment to preclude the unlawful hiring or recruiting of aliens not authorized to work in the United States and she felt all the name calling should be left out and the allegations of racism should be left out and focus should be placed on what they needed to do. Council Members Johnson, Clutterbuck, Edwards

and Sekula-Gibbs absent.

Ms. Katie Whitford, 2431 Mantuacket Drive, Houston, Texas 77057 (713-706-3546) appeared and stated that she was present speaking on behalf of the president of Texas for Immigration Reform, Ms. Louise Whiteford who could not be present today, and the issue of the refunding of the day labor site fell into two categories which was legal and ethical; that federal law prohibited committing federal funds and resources in order to facilitate illegal employment of undocumented aliens and day labor centers fueled illegal immigration which in turn promoted even more illegal immigration; that in 1969 Caesar Chavez a member of the United Farm Workers marched to the border to protest use of illegal aliens as temporary replacement workers during a strike as he knew the price of labor went up and down depending on how tight the labor market was and now they had what he warned about and it was delusional to think this would benefit the poor when all it did was foster a growing divide in the class system of have mores and have nots. Mayor White, Council Members Johnson, Clutterbuck, Edwards, Holm and Alvarado absent. Acting Mayor Pro Tem Berry presiding.

Ms. Maria Jimenez, 7105 Sherman, Houston, Texas 77011 (713-857-3373) appeared in favor of Item 54, presented information and stated that what she presented was a document compiled by the National Immigration Forum on Facts and Myths on Immigration and it went to the fact, myth and source and she wanted to provide such because as decision makers their decisions needed to be based on fact rather than myth or misconceptions or perceptions; and another issue was legality and if she remembered because they were day laborers you did not establish a relationship between employer and employee and ultimately as representatives of the people this country was founded on the concept of no taxation without representation and everyone in the city was taxes with city sales tax, state sales tax and many undocumented workers may not be able to have social security numbers but could go to the IRS and get an identification tax number and many paid taxes, particularly because current immigration reform legislation required them to pay to qualify. Mayor White, Council Members Johnson, Clutterbuck, Edwards, Holm, Alvarado, Lovell and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Acting Mayor Pro Tem Berry stated that Council Rules prohibited outbursts; and he would ask both sides to restrain themselves. Mayor White, Council Members Johnson, Clutterbuck, Edwards, Holm, Alvarado, Lovell and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Deacon Manuel Quiroga, 2405 Navigation, Houston, Texas 77002 (832-725-9465) appeared in favor of Agenda Item 54 and stated that he lived in the community over 25 years and was a leader with the Metropolitan Organization and representing priests and parishioners of Our Lady of Guadalupe and he asked those with him to stand to be recognized. Deacon Quiroga further stated that they represented churches, schools, union and congregations and as concerned Christians who lived and worshiped in the East End they were present supporting the labor center which was a few blocks from their church and they believed it was in the interest of their community; and urged that Council not break the immigrant spirit which was currently dividing this country; that they worked long and hard creating a place to make their community safe; and urged continued support. Mayor White, Council Members Johnson, Clutterbuck, Edwards, Holm, Lovell and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Alvarado, Deacon Quiroga stated that TMO's role was they worked with communities and their goal was to help people; and Council Member Alvarado stated that TMO was a very reputable organization in the Catholic Church and it was said by approving the item they would be doing something illegally and she did not think TMO, Catholic Charities or the Catholic Church would be involved in anything illegal. Mayor White, Council Members Johnson, Clutterbuck, Edwards, Holm, Lovell and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Wiseman stated that she wanted to add that there was a provision in the contract which stated they were not allowed to even begin discussing religious services to the clients of the labor site; religion was to be kept totally out. Mayor White, Council Members Johnson, Clutterbuck, Edwards, Holm, Lovell and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Khan stated regardless which side of the issue one was on both sides had valid points and both had valid reasons but he would use this opportunity to thank him and others who were involved with humanitarian work for all those needing help. Mayor White, Council Members Johnson, Clutterbuck, Edwards, Holm, Lovell and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Brown thanked Deacon Quiroga and the TMO for all they did in advancing civility in the City of Houston; and upon questions, Deacon Quiroga stated that with no labor centers people would be back on the streets. Mayor White, Council Members Johnson, Clutterbuck, Edwards, Holm, Lovell and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. William Jones, 11502 Moltere, Houston, Texas 77065 (713-240-1625) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Johnson, Clutterbuck, Holm, Lovell and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding.

Mr. Steven Weinstein, 1318 Rosallie, Houston, Texas 77004 (713-521-2920) appeared and stated that he spoke a few weeks ago about an event on November 6, 2005, and Council Member Berry invited him to submit such in writing and basically that was what he was present to do today; that it took awhile to get it all written down but in November two men invaded his home and restrained him with handcuffs and threatened his life while stealing approximately \$40,000 in his belongings; that it was a nightmare and he continued to experience it daily; that he finally reported it to police and identified a photo; that he later found out the case was presented to the DA and John Jordon decided to not press charges as he had been acquainted with one of those who robbed him and they were unable to get a return phone call from the suspect; and he was present trying to get something done. Mayor White, Council Members Johnson, Clutterbuck, Holm, Garcia, Lovell and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Acting Mayor Pro Tem Berry stated that he had a memo from HPD and apparently they did reach out to the DA's office and they decided not to pursue it so he thought his complaint as understood by Mr. Weinstein was not with HPD or a city institution but with the DA; and Captain Ready was present and available to speak with him. Mayor White, Council Members Johnson, Clutterbuck, Holm, Garcia and Lovell absent. Acting Mayor Pro Tem Berry presiding.

Council Member Edwards stated that with no criminal recourse she would assume he still had a civil recourse where he could file against the ones he alleged had grieved him and there were several law centers which had pro bono advise they gave and if he had no attorney she would suggest he go to one such legal center and her office would be happy to provide him with a number. Mayor White, Council Members Clutterbuck, Holm and Garcia absent. Acting Mayor Pro Tem Berry presiding.

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, Holm and Garcia absent. Acting Mayor Pro Tem Berry presiding.

Ms. Charles Hallman, no address (no phone) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Clutterbuck, Holm and

Garcia absent. Acting Mayor Pro Tem Berry presiding.

Mr. Ray Garza, 633 Woolworth, Houston, Texas 77020 (713-676-3409) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Clutterbuck, Holm and Garcia absent. Acting Mayor Pro Tem Berry presiding.

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 Clutterbuck, Holm and Garcia absent. Acting Mayor Pro Tem Berry presiding.

Mr. Mike Logan, 225 Airtex, Houston, Texas 77090 (281-248-8060) appeared, presented information and stated that he saw Mayor White on television speaking about electric bills and that was why he was present; that over half the energy burned in Texas was used in the commercial and industrial sector and a few years back the city embarked on a very successful campaign of demand, sight management using updated technology to reduce energy demand and therefore energy expenditures and he was present to present a strategy for demand management for the commercial and industrial sector and suggest how they may work together on how to implement such a strategy and it would conserve energy, save jobs, significantly reduce pollution and strengthen American businesses with Houston as the epicenter. Mayor White, Council Members Clutterbuck, Holm and Garcia absent. Acting Mayor Pro Tem Berry presiding.

Ms. Sudapon Kinney, 225 Aldine Bender #708, Houston, Texas 77060 (281-448-4190) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Clutterbuck, Holm and Garcia absent. Acting Mayor Pro Tem Berry presiding.

Ms. Lillian Shaw, 2310 Kabee, Houston, Texas 77020 (713-673-0770) appeared and stated that she was present speaking for her neighbors, there was a house on the corner at 4215 Nichols and it had high weeds, bees, etc., they called the city and was told to get a bee keeper but it was not their house and once there was a sign saying the city would sell at auction but the sign was now down and they did not know what happened to that; that city workers came out and put stickers on the house and she and others were worried about the bees and when passing the house they were afraid someone may jump out and grab someone; and they were wanting help. Mayor White, Council Members Clutterbuck, Holm, Garcia, Lovell and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding.

Council Member Johnson stated that he was glad she brought this point up; that it was obviously a problem that had been plaguing District B for a number of years, that when neighborhoods and neighbors like her wanted to see problems alleviated they should be able to take action into their own hands and certainly they wanted to be able to help her with that, that she should call his office and speak with Mr. Alvin Byrd and he would go out and see to it and see that they get to the bottom of it; and Mr. Norris was present and would speak with her at this time. Mayor White, Council Members Clutterbuck, Holm, Garcia and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding.

Mr. Larry Jordan, 230 Delmar, Houston, Texas 77011 (no phone) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Clutterbuck, Holm, Garcia and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding.

Ms. Sheila Jackson, 5806 Darlington, Houston, Texas 77085 (713-728-2057) appeared and stated that on June 8, 2004, a water line broke and flooded her house in Windsor Village and June 22nd it was decided a fund would be set so repairs could be made and work began in February 2005; that the work was never really completed as the contractor said he would come back and never did, but within that time her floor began to come up and her Mom became ill and was on blood thinners; that she brought this up every month to the contractor and called the city for almost a year and she needed her floor fixed, it was a danger to her mother and she felt all

request were falling on deaf ears; that they stole from her and sparked a fire and all was ignored, she was tired of fighting and trying to take care of this and she had a list of things which needed to be done. Mayor White, Council Members Johnson, Clutterbuck, Holm, Garcia and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding.

Council Member Edwards stated that she remembered her and her Mom and her commitment today was she would get Mr. Wilson, Mr. Skeets in Housing to reopen this and see what could be done right away; and she would be calling her tomorrow; that they thought they had a reputable contractor for her and obviously they did not and she would try and make that as whole as quickly as possible. Mayor White, Council Members Johnson, Clutterbuck, Holm, Garcia and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding.

Acting Mayor Pro Tem Berry stated that as well as Council Member Edwards another resource for her would be Mr. Norman with Public Works and he was present and could speak with her at this time. Mayor White, Council Members Johnson, Clutterbuck, Holm, Garcia and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding.

Ms. Penny Cretsinger, 6119 Birchmont, Houston, Texas 77092 (713-398-7928) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Johnson, Clutterbuck, Holm, Garcia and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding.

Mr. Donald Wasson, 5011 Autumn Forest, Houston, Texas 77091 (713-202-2427) appeared, presented information and stated that he was a resident of Candlelight Oaks Village and had served on the Houston Association of Realtors Political Advisory Group and was now in a group which were against the proposed HISD transportation facility to be built in the 6500 block of Pinemont, the residents opposed it due to cost, fear of flooding and extra traffic and felt the barn was best left at the Delmar Stadium location; that over 13 acres of undeveloped land would be concreted over; that many locations in his presentation had flooded in the recent past and it was their understanding the underground water system would be emptying into Cole Creek and Brick House Gully Bayou and eventually into White Oak Bayou and they were getting higher and staying higher than ever before and adding additional water to them would cause flooding downstream from the bus barn and another concern about the underground water storage system was the water pollution and runoff and frequent inspection and maintenance would be needed; that redevelopment in an older area could cause important impacts on drainage; and HISD intended to spend over \$16 million to construct the bus barn and that was too much money to spend to park and wash buses and should be spent upgrading facilities for children. Mayor White, Council Members Johnson, Clutterbuck, Holm, Garcia and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding.

Acting Mayor Pro Tem Berry stated that Mr. Cantu with Citizens Assistance was available and he believed the response at this point was when someone submitted a plat they did not submit its use, but he could be assured they would have to comply with every Building Code regulation and all other city regulations. Mayor White, Council Members Johnson, Clutterbuck, Holm, Garcia, Lovell, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Ms. Martha Barnard, 5934 Greenmont, Houston, Texas 77092 (713-688-6246) appeared at the podium; and upon question by Acting Berry, Ms. Barnard stated that all those in the back were with her; and Acting Mayor Pro Tem Berry stated that they appreciated the fact not every one of them chose to come down to speak and instead elected a spokesperson, it made their jobs easier and he thanked them for letting them know they were all present. Ms. Barnard, presented information and further stated that all those dressed in red represented residents of zip code 77092 and area around the sight of the HISD proposed bus barn bounded by Antoine and Bingle in District A; that in the area there were over 4,000 single family dwellings and over 3,000 apartments and they could imagine the traffic; that yesterday they met with the Texas

Department of Transportation representatives sharing concerns about the impact on traffic with HISD's 200 buses and TxDOT alleviated some concerns on the 290 feeder, however, a problem arose on Pinemont which was difficult to manage as they exited their subdivision Forest West or approached Pinemont from Alabonson as it dead ended; that they were trouble shooting from a position of experience and assuming HISD did indeed build this the existing traffic lights at Pinemont and Antoine and Pinemont and Bingle would not manage traffic safely since they barely did it now; and with Perry Homes adding traffic from their new 200 homes under construction off the 6000 block of Pinemont they desperately needed a traffic light at Pinemont and Arbor Vitae Drive since Perry Home's only entrance and exit was at that intersection; that a counter was in place a couple of days but during HISD's spring break and that would not be accurate and congestion seemed obvious; that they spoke before the Board of Education three times and were now looking to the Mayor and Council to be sure the additional traffic on Pinemont was managed efficiently. Mayor White, Council Members Johnson, Clutterbuck, Holm, Garcia, Lovell and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Brown, Ms. Barnard stated that they met with the Planning Department earlier this day and they were looking into helping them and they did appreciate it; and Council Member Brown stated that if they called his office he would do what he could to assist. Mayor White, Council Members Johnson, Clutterbuck, Holm, Garcia, Lovell, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Acting Mayor Pro Tem Berry stated that Council Member Lawrence was informed; and Ms. Barnard stated that she was very helpful and had guided them a great deal; and Acting Mayor Pro Tem Berry stated that he knew Mr. Norman had already met with them and was present and they could speak with him after the meeting. Mayor White, Council Members Johnson, Clutterbuck, Holm, Garcia, Lovell, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mrs. Rebekah Maddux-EI-Hakam, 1950 Lexington, Houston, Texas 77098 (281-804-2157) appeared and stated that she was a resident of Richwood Place and deed restrictions chair of the Richwood Place Civic Association and present seeking a resolution to issues; that they lived between Shepherd and Hazard and near three popular restaurants which were former homes; that none of them had off street parking and operated a valet service and created congestion in the street, they placed cones on the curbside and elsewhere and operated in an unsafe manner for patrons, residents and Houstonians traveling the street; that the valets did not obey traffic laws and reversed down the street and even u-turned in the middle when other cars were coming and allowed vehicles to drive the wrong direction into oncoming traffic; that Chapter 46 of the Code addressed the valet parking requirements and she spoke with Mr. Daniels in the Transportation Division and found they operated without required permits and were in violation, but though Transportation issued permits they did not handle enforcement; and Council Member Edwards office was in touch with Officer Neeley in Public Affairs and he had attempted to help, however, Friday there was still no citation written and they called HPD and he came out and observed and a citation was issued, but they were still operating with no permit. Mayor White, Council Members Johnson, Clutterbuck, Holm, Garcia, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that they would make sure the Code was followed and ordinances were enforced and she was making calls at this time; that parking was an ongoing problem in the community and hopefully they can stop such illegal parking. . Mayor White, Council Members Johnson, Clutterbuck, Holm, Garcia, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Berry stated that Council Member Lovell lived not far from there and he had an office near there and with Council Member Edwards taking lead and he and Council

Member Lovell helping this should be stopped; that they all saw this and he would be glad to help the district Council Member with anything he could. Mayor White, Council Members Johnson, Clutterbuck, Holm, Garcia, Brown, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. Moustapha El-Hakam, 1950 Lexington, Houston, Texas 77098 281-804-2157) appeared and stated that he was speaking of a backhoe parked on their street April 3, 2006, which was over eight weeks ago; that the property was issued a permit for demolition on December 27, 2005, but today was the 51<sup>st</sup> day and no demolition had taken place and the bulldozer had not moved an inch; that it was also now tagged with graffiti and they felt this constituted a neighborhood nuisance under the Code of Ordinances and if he was a child he would jump on the equipment with no questions; that approximately two weeks ago they filed two separate complaints with 311 and a constable showed up which they thought was to either expedite the demolition or oversee the removal of the bulldozer but nothing material had happened as yet; that they were in favor of the house coming down, it was a dangerous and possible fire hazard, but they did not feel it should take this amount of time to prepare a structure for demolition nor did they feel a company should place their bulldozer in a location as it was prepared for demolition; and he was concerned with their street as a number of residents had not signed deed restrictions and had decided to cut curbs and make a big parking lot of their front lawn and it cut down on traffic which could actually park. Mayor White, Council Members Johnson, Clutterbuck, Holm, Garcia, Alvarado, Brown, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that regarding mitigation during demolition there were things people had to do and she would assume they had it when they filed for the permit to demolish; that her office would be getting back with them regarding the bulldozer and off-street parking as to what they could do and what they were doing. Mayor White, Council Members Johnson, Clutterbuck, Holm, Garcia, Alvarado, Brown and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Lovell stated that they needed to check and see if a demolition permit was applied for and if they had the name of the company should be on there and most companies were very busy and would not be leaving equipment there and she and Council Member Edwards would be looking into this; and Mr. El-Hakam stated that his wife looked into this and there was a permit pulled in the name of L and M Industries on December 27, 2005. Mayor White, Council Members Johnson, Clutterbuck, Holm, Garcia, Alvarado, Brown and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. Benino Garcia, 7231 Force, Houston, Texas 77020 (713-673-0975) appeared and stated that he was an employee of Yellow Cab of Houston, at least for the rest of the week, as Express Shuttle folded last Friday at 11:00 p.m. and it was ironically on the day they were celebrating 100 days of no accidents; that they employed 8 minorities as office workers and 6 minority call takers, 20 minority ticket agents and had 39 minority van drivers of which 13 were with him now and 2 Anglo van drivers and 4 minority dispatchers and that was 79 individuals now out of a means of livelihood; that this showed although Yellow Cab may be Anglo owned it was minority run and operated; that the Mayor's Administration, Aviation Department and Council were aware that the contract requested by Super Shuttle would be a sole source service because they were the only company which could provide the best qualified and quality service for the City of Houston. Mayor White, Council Members Johnson, Clutterbuck, Holm, Garcia, Alvarado, Brown and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Acting Mayor Pro Tem Berry stated that all those present with Mr. Garcia should raise their hand to be recognized and that all appreciated them coming; and showing their numbers. Mayor White, Council Members Johnson, Clutterbuck, Holm, Garcia, Alvarado, Brown and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Khan stated that he should be assured Council did value his opinion and input and it allowed them to do a better job; and upon questions, Mr. Garcia stated that Express Shuttle closed Friday night; that they had problems with competitors not following rules the city stated and since they nor the city could control them it was shut down; and Council Member Khan stated that in the upcoming shared ride program he hoped there would be potential for them to find a meaningful occupation. Mayor White, Council Members Johnson, Clutterbuck, Holm, Garcia, Alvarado, Brown and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Lovell stated that she heard good things about them and it was too bad; that the scheduled ride service would actually expire in August and it was her understanding they would be looking at who was to get the new permit shortly and this issue would be revisited. Mayor White, Council Members Johnson, Clutterbuck, Holm, Garcia, Alvarado, Brown and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Acting Mayor Pro Tem Berry stated that as a representative of their group he should contact his office at talk with Mr. Carl Davis and they would be having a committee meeting addressing this issue and hopefully with the Administration, private vendors and the Legal Department they would be at a point to move forward and they would appreciate them being present. Mayor White, Council Members Johnson, Clutterbuck, Holm, Garcia, Alvarado, Brown and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. Pankaj Shaw, 7015 Quince, Houston, Texas 77087 (832-768-8701) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Johnson, Clutterbuck, Holm, Garcia, Alvarado, Brown and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. Sherman Malveaux, 10122 Sage Court Drive, Houston, Texas 77089 (281-922-7309) appeared and stated that he was present regarding property he bought through a tax option from the Constable tax sales, basically he purchased it July 2003 and received the deed in September 2003 and the City of Houston Neighborhood Protection demolished the property January 2004 and his problem was he only owned it three months after getting the deed and the city had sat on the property since 1997 with its violations and a demo order was signed in 2000 and nothing was done, it had fire damage in 2000 and 2001 and he tried to buy the property as an investment, to renovate and put it back into the market, but now he had a lien for \$12,500 by the City of Houston doing the demolition; that he contacted Council Member Johnson's office but he was sent here and there and lost hours of employment; that the order had gone out before they bought the property and when the demolition took place he had not received any notice, but he had paperwork showing the previous owner had notice; that his mistake was not researching the title, but even if he had researched it July 2003 when they bought the property it would have showed as being clear and his take was Neighborhood waited for someone to buy and then demolished it. Mayor White, Council Members Johnson, Clutterbuck, Holm, Garcia, Alvarado, Brown and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Upon questions by Acting Mayor Pro Tem Berry, Mr. Malveaux stated that he paid cash; and Acting Mayor Pro Tem Berry stated that he may have a cause of argue against his seller because there was no notice and should have put him on notice. Mayor White, Council Members Johnson, Clutterbuck, Holm, Garcia, Alvarado, Brown, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Wiseman stated that he was a constituent of hers though the property was in her colleague's district and they had a good working relationship and she would be happy to share information with him; and upon questions, Mr. Malveaux stated that he bought it at the Constable tax sales and he would have appreciated knowing it was to be torn down; that

adjacent to his property was a shed that said "blank, HPD" and it seemed while resources were there that building would have been torn down; and Council Member Wiseman stated that the city was trying to be aggressive with demolition of unsound buildings, in this situation she was curious about the notification process; and Acting Mayor Pro Tem Berry stated that generally they extinguished all liens or you were notified of the amount of lien and at closing it was back paid, it was due and payable at closing; that Mr. Malveaux was correct he did deserve notice whether he owned it one week or three months and he thought through the Legal Department they would make sure he received information and move forward from there. Mayor White, Council Members Johnson, Clutterbuck, Edwards, Holm, Garcia, Alvarado, Brown, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. Tom Birmingham, 1615 Beaconsire Road, Houston, Texas 77077 (713-465-7415) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Johnson, Clutterbuck, Edwards, Holm, Garcia, Alvarado, Brown, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. Trent Winters, 7967 W. Airport, Houston, Texas 77071 (713-729-1153) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Johnson, Clutterbuck, Edwards, Holm, Garcia, Alvarado, Brown, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Ms. Andrea Hunt, 10101 W. Sam Houston Parkway S., Houston, Texas 77099 (no phone) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Johnson, Clutterbuck, Edwards, Holm, Garcia, Alvarado, Brown, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. Joseph Omo Omari, 2820 Palm #2B, Houston, Texas 77004 (832-767-0870) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Johnson, Clutterbuck, Edwards, Holm, Garcia, Alvarado, Brown, Sekula-Gibbs and Green 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 Johnson, Clutterbuck, Edwards, Holm, Garcia, Alvarado, Brown, Sekula-Gibbs and Green 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 Johnson, Clutterbuck, Edwards, Holm, Garcia, Alvarado, Brown, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

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

At 5:28 p.m. City Council recessed until 9:00 a.m., Wednesday, May 24, 2006. Council Member Lawrence absent on personal business. Mayor White, Council Members Johnson, Clutterbuck, Edwards, Holm, Garcia, Alvarado, Brown, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, May 24, 2006

The Houston City Council reconvened at 9:00 a.m. Wednesday, May 24, 2006, with Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson,

Anne Clutterbuck, Ada Edwards, Addie Wiseman, M. J. Khan, P. E., Pam Holm, Adrian Garcia, Carol Alvarado, Peter Brown, Sue Lovell, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; Mr. Arturo Michel, City Attorney; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Ms. Martha Stein, Agenda Director and Ms. Stella Ortega, Agenda Office, present.

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

At 9:34 a.m. Mayor White called the meeting to order. Council Members Johnson, Garcia, Alvarado, Lovell and Green absent.

Council Member Khan moved to suspend the rules to consider Item Numbers 2, 3, and 4 and the Mayor's Report before the scheduled hearing, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Johnson, Garcia, Brown, Lovell and Green absent. MOTION 2006-0387 ADOPTED.

2. CONFIRMATION of the appointment of the following to the **HOUSTON READ COMMISSION**, with three-year staggered terms from appointment date:

Position 19 - **MR. ALAMDAR HAMDANI**

Position 22 - **MR. PHILIP D. FRAISSINET**

- was presented, moved by Council Member Khan, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Members Brown, Lovell and Green absent. MOTION 2006-0388 ADOPTED.

Mayor White congratulated the new appointees to the Houston Read Commission and asked that they stand and be recognized.

3. CONFIRMATION of the appointment of the following to the **WASTEWATER CAPACITY RESERVATION REVIEW BOARD OF DIRECTORS**, for two-year terms:

Position 4 - **DR. ASIF WAHIDI**

Position 5 - **MS. KATHERINE MEARS, P.E.**

- was presented, moved by Council Member Khan, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Members Garcia, Brown, Lovell and Green absent. MOTION 2006-0389 ADOPTED.

Mayor White and Members of Council congratulated the new appointees and thanked them for their service to the City and asked that they stand and be recognized. Council Members Garcia, Lovell, Green and Berry absent.

4. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **WASTEWATER CAPACITY RESERVATION REVIEW BOARD**:

Position 1 - **MR. MURDOCK SMITH, JR.**, reappointment, to a term  
expiring 3/1/2007

Position 2 - **MS. MANJULA KRISHNAMURTHY**, appointment, to a term  
expiring 3/1/2008

Position 3 - **MR. F. WILLIAM (BILL) OTHON**, appointment, to a term  
expiring 3/1/2007

- was presented, moved by Council Member Khan, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Members Garcia, Lovell and Green absent. MOTION 2006-0390 ADOPTED.

Council Member Sekula-Gibbs stated that she wanted to thank the new appointees for their service to the City. Council Members Garcia, Lovell and Green absent.

Council Member Edwards stated that she wanted to congratulate all who were serving and helping the City, and asked if there was someone who could give her an outline of what the group did, that she was not sure how they might be working with the Flooding and Drainage Committee, and Mayor White stated that he would ask Ms. Cabral to give her the formal charge and it would have contact information. Council Members Garcia, Lovell and Green absent.

Mayor White requested that the new appointees to the Wastewater Capacity Reservation Review Board stand and be recognized. Council Members Garcia, Lovell and Green absent.

### **MAYOR'S REPORT** - FY2007-2011 Capital Improvement Plan

Mayor White stated that he wanted to spend a couple of minutes hitting some highlights, the proposed CIP was before the City Council in May based on input from Council Members around the Council table, that a few years ago it was in people's hands in August or September, that they would be able to wrap up the CIP in good time so that they could begin planning, the later people wait to do the planning the more delayed projects were, that he wanted to thank Mr. Dadoush, and the team that he put together with a lot of institutional knowledge from people who had been working on it for many years, for getting it together, that some of the general approaches they had was that they used conservative realistic assumptions concerning their debt capacity, it was maintaining the fiscal discipline with no increase in property taxes in order to provide the basic public improvements, that it was based on priority and input from stakeholders and as with last year they were getting more and more funds from non City sources, grants, private donations and the work of Ann Travis and her shop was particularly appreciated, that for him the proudest thing was that they put the most money on the most basic of the priorities within the City, those being the public infrastructure, their water and wastewater, roads and streets and public safety functions, so it was priority based, that they had been able to extend the funding for the drainage program an additional year, which brought them up to a quarter of a billion dollars in drainage funding, which stood in sharp contrast to where they were in January or February 2003 of zero funds prospectively for neighborhood drainage funding, that he thought they all knew that they had a goal, for about the third time in this administration they were seeking to have a change in the FEMA rating, in part that was going to be on the reduction of flood damage and frequency of damage because of the neighborhood drainage improvements, that it may sound drainage and millions and tens of millions of dollars, but just go out and check for example the project that was taking water around the Medical Center so it would not flood through the Medical Center and in real blunt terms they were talking about the difference between a pipe that less their arm span to having different sections that were two 12 by 12 conduit, they could drive hummers through this things and it was creating an underground river so that it would bypass the construction, that was just one example because they all depended on the Medical Center, that in October and November of 2003 there was a two or three hour flood and the Medical Center was incapacitated for two hours, they could not get to the emergency rooms, that as they knew they were spread throughout the neighborhoods of the City unfortunately, there was no district that was spared of years of neglect of building up the infrastructure and not having sufficient development regulations to prevent flooding, that was a new highlight in the budget, that finally, without raising property taxes at all, to make sure they continued to have a Capitol Improvement Program on a business like basis, every five years or so the City seeks bond issuance, voter authorization so they could do capitol improvements, which they did so in 1991, 1997 and 2001, that they did not want to run out of money and have to shut down projects and the continuity and flow of projects and he did not want to design stuff, that one of the rules that they did in government right now was not designing things that they were not going to build, so it was something that he would be seeking input from a number of different people and stakeholders in the community and was sure that the citizens of the community did want facilities such as the new jail they were building with the County, the property room that they needed in order to make sure that evidence was available for the District Attorney and the defense lawyers, the police firing range and all the things that they needed, to continue with the drainage improvements, to continue making sure that roads and

streets were improved and maintained, so that they were not pushing off to the next administration, to continue to have Developer Reimbursement Programs so that they could compete with MUDs, so that development could occur within the City limits, that made their neighborhoods safer with people living there and where there was people sharing the burden of public safety and streets and roads within the City limits not outside the City limits and just using the property without paying for it, so these were all some of the reasons why he knew there would be support for continuing to do their job in a businesslike basis and investing in the future of their City, that the total amount was \$4.493 billion over the next five years for the CIP, slightly up from where they were in the total CIP last year, most of that increase was because of the Enterprise Funds. Council Member Green absent.

After discussion Council Members thanked Mayor White for the CIP and for his leadership and also thanked Mr. Dadoush for his work on the CIP.

Mayor White stated that Mr. Fontaine did a brilliant job in the last week because the contractor for the City fuels, because of City policies which were intended to protect the City but instead made it so the City could not do business with solvent companies, they required everybody selling the fuel to indemnify them for their own negligence, so the refineries said they had plenty of companies, so they buy from brokers and the market goes south and the brokers do not perform, so their broker for fuel, and this was a lay opinion, said they were not going to deliver fuel unless they paid more than the contract and they had been scrambling, that he thought that they may get fuel cheaper than they had been selling to them, that they were the center of the refining and petro chemical industry and they ought to think about if there was volume purchasing that they could do, that they ought to take a whole look into that and have a whole briefing, and have the TTI there and have people from Shell and Lyondell and others who were experts in the field, and let Houston be the Public Works Department that was best in the Nation in what they did in terms of material and the full life cycle pricing of those materials. Council Member Green absent.

### **HEARINGS - 9:00 A.M.**

The City Secretary stated that Ms. Margaret Wallace would make comments. (Note: The districts proposed for Strategic Partnership Agreements were listed on the agenda as 1a through 1t and are listed in order of comments by Ms. Wallace.)

1. **PUBLIC HEARING** on proposals for the City of Houston to enter into separate strategic partnership agreements with the below named districts in Harris County and Fort Bend County, and on separate proposals by the City of Houston to annex for limited purposes certain territory within said Districts and, as indicated below, certain territory in the vicinity of certain Districts - was called.
  - a. Amending the existing strategic partnership agreement with **Cy Champ Public Utility District**;
  - b. Amending the existing strategic partnership agreement with **Harris County Municipal Utility District No. 221**; - was presented.

Ms. Wallace stated that for Districts a and b, the City would amend an existing Strategic Partnership Agreements by adding new territory, there was no territory outside the MUD that would be included, the area was entirely commercial, there were no residents, the City would levy a 1% sales tax, which it would divide evenly with the utility district, the City would enforce the fireworks ban in the area to be annexed and it would not provide other public services. Council Members Edwards, Alvarado and Berry absent.

- c. Amending the existing strategic partnership agreement with **Prestonwood Forest Utility District** and annexing certain territory located in the vicinity of the District;

- d. Amending the existing strategic partnership agreement with **Cinco Municipal Utility District No. 12** and annexing certain territory located in the vicinity of the District – was presented.

Ms. Wallace stated that for Districts c and d, the City would amend an existing agreement by adding new territory, there was territory outside of the district to be included in the annexation, the area was entirely commercial, there were no residents, the City would levy a 1% sales tax, which it would divide evenly with the MUD, the City would enforce the fireworks ban in the area to be annexed, it would not provide other public services. Council Members Edwards, Alvarado and Berry absent.

- e. **Heatherloch Municipal Utility District;**
- f. **Harris County Municipal Utility District No. 46;**
- g. **Westador Municipal Utility District** - was presented.

Ms. Wallace stated that for Districts e, f and g, the City would execute a new Strategic Partnership Agreement, there was no territory outside of the MUD to be included, the area was entirely commercial, there were no residents, the City would levy a 1% sales tax, which it would divide evenly with the utility district, the City would enforce the fireworks ban in the area to be annexed, it would not provide other public services. Council Members Edwards, Alvarado and Berry absent.

- h. **Chimney Hill Municipal Utility District** and annexing certain territory located in the vicinity of the District;
- i. **Harris County Municipal Utility District No. 11** and annexing certain territory located in the vicinity of the District;
- j. **Harris County Municipal Utility District No. 18** and annexing certain territory located in the vicinity of the District;
- k. **Harris County Municipal Utility District No. 286** and annexing certain territory located in the vicinity of the District;
- l. **Harris County Water Control and Improvement District No. 96** and annexing certain territory located in the vicinity of the District;
- m. **Jackrabbit Road Public Utility District** and annexing certain territory located in the vicinity of the District;
- n. **Longhorn Town Utility District** and annexing certain territory located in the vicinity of the District;
- o. **Langham Creek Utility District** and annexing certain territory located in the vicinity of the District;
- p. **Mills Road Municipal Utility District** and annexing certain territory located in the vicinity of the District;
- q. **Post Wood Municipal Utility District** and annexing certain territory located in the vicinity of the District;
- r. **Remington Municipal Utility District No. 1** and annexing certain territory located in the vicinity of the District – was presented.

Ms. Wallace stated that for Districts h, i, j, k, l, m, n, o, p, q and r, the City would execute new Strategic Partnership Agreements, there was territory outside of the utility districts included in the annexation, the area was entirely commercial, there were no residents, the City would levy a 1% sales tax, which it would divide evenly with the utility district, the City would enforce the fireworks ban in the area to be annexed and it would not provide other public services. Council Members Edwards, Alvarado and Berry absent.

- s. **Harris County Municipal Utility District No. 342** and annexing certain territory located in the vicinity of the District – was presented.

Ms. Wallace stated that for District s, the City would execute a new Strategic Partnership Agreement, there was territory outside of the utility district to be included, the area was primarily residential with some commercial, the City would levy a 1% sales tax on the commercial territory, which it would provide the MUD 25% of, the City would provide police, fire and EMS services in the area to be annexed, for fire and EMS services the residents would be assessed up to \$15 per month, the City would not provide any other public services, all residents in the district would be able to vote for Mayor, City Council, the City Controller and on all Charter elections. Council Members Edwards, Alvarado and Berry absent.

t. **Harris County Municipal Utility District No. 412** – was presented.

Ms. Wallace stated that for District t, the City would execute a new Strategic Partnership Agreement, the area would be exclusively residential, the City would provide police, fire and EMS services in the area to be annexed, for fire and EMS services the residents would be assessed up to \$15 per month, the City would not provide any other public services, all residents in the area to be annexed would be able to vote for Mayor, City Council, the City Controller and all Charter elections. Council Members Edwards, Alvarado and Berry absent.

Council Member Khan moved to close the public hearing, seconded by Council Member Green. Council Members Edwards, Alvarado and Berry absent.

Upon questions by Council Members, Ms. Wallace stated that State law provided that any resident annexed in a limited purpose area through a Strategic Partnership Agreement had full voting rights, the only areas that had residents in them that would be affected by the voting rights were the two specifically listed, the remaining areas were all commercial and there were no residents, however if there were residents in them they would have voting rights. Council Member Berry absent.

Upon further questions by Council Members, Mayor White stated that there were certain features of limited purpose annexations, which included the voter consent by the MUD district, that because it was limited purpose there were not some of the same apprehensions and fears and there was a built in safeguard compared to full annexation, which entailed ad valorem taxes and an obligation to offer a full range of services, so as a matter of public policy the law was written to permit limited purpose annexations under different circumstances than a full annexation and more over it seemed like it probably was the right balance because the people who thought that the City of Houston should be more vigilant about thinking ahead concerning areas in the ETJ or limited purpose jurisdiction thought that the prohibitions against full annexation were bad, that there were people on both sides, but the preponderance of the criticism tended to be from people who thought they were limiting their rights to annexation severely through the agreements, and Ms. Wallace stated that the specific language stated that an annexation through a strategic partnership agreement with the utility district was excluded from the general provisions of general purpose annexation. Council Member Berry absent.

Upon further questions by Council Members, Ms. Wallace stated that Chapter 42 applied to all of the areas because the areas were located within their ETJ, that if property changed from commercial to residential during the tenure of the SPA it had essentially no affect on the contract, those new residents in the area did receive full voting rights, essentially if the commercial property was removed there was clearly a loss of sales tax revenue, so the City and the utility district might want to consider some type of amendment, but nothing happens on the surface, that the typical strategic partnership agreement, which she would say was about 75% of the agreements that they had on board was 30 years from the date of execution and that was a reasonable amount of time determined by the City and the utility districts at the time they initiated the program and they had maintained the 30 years in an effort to keep continuity and to keep each agreement as consistent with the other for the typical districts, the ones that were not 30 years were the anomalies and they were primarily the developer driven districts where there was more residential property and the term of the agreements was typical that they would be

allowed to annex the property when they saw fit and that would mean that they would do a financial analysis on the existing debt by the district, the benefit to the City of Houston and at that point they could make the decision, as long as the developers were reimbursed by the utility district, they could make the decision that they were financially advantageous for them to annex it and they could do so. Council Member Berry absent.

The City Secretary stated that no one had reserved time to appear at the hearing. Council Member Berry absent.

A vote was called on the motion to close the hearing. All voting aye. Nays none. Council Member Berry absent. MOTION 2006-0391 ADOPTED.

### **CONSENT AGENDA NUMBERS 2 through 50**

#### **ACCEPT WORK** - NUMBERS 6 and 7

6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,654,132.68 and acceptance of work on contract with **C & C SERVICES** for Water Line Replacement in Alabama Subdivision Area, GFS S-0035-A2-3 (WA10762) - 01.82% under the original contract amount - **DISTRICT C - CLUTTERBUCK** – was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Berry absent. MOTION 2006-0392 ADOPTED.
7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,200,288.99 and acceptance of work on contract with **D. L. ELLIOTT ENTERPRISES, INC** for Water Line Replacements: Elgin Area, GFS S-0035-A6-3 (WA10766) -18.04% under the original contract amount - **DISTRICT I - ALVARADO** – was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Berry absent. MOTION 2006-0393 ADOPTED.

#### **PROPERTY** - NUMBER 8

8. RECOMMENDATION from the Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Matt Cain, Kimley-Horn & Associates, Inc., on behalf of Wal-Mart Stores, Inc. (Bob Pinkleton, Vice President), for abandonment and sale of a 20-foot-wide utility and fire lane easement in exchange for the conveyance to the City of a 20-foot-wide utility and fire lane easement, both out of Reserve A, Block 1, of the Sam's Addition, located in the David Middleton Survey, A-535, Parcels SY6-083 and QY6-007 - **STAFF APPRAISERS - DISTRICT A - LAWRENCE** – was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Berry absent. MOTION 2006-0394 ADOPTED.

#### **PURCHASING AND TABULATION OF BIDS** - NUMBERS 9 through 16

9. **TEXAN FLOOR SERVICE, LTD.** for Carpet from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for the Convention & Entertainment Facilities Department - \$237,176.97 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Berry absent. MOTION 2006-0395 ADOPTED.
11. **AAA DEMOLISHING COMPANY** for Asbestos Abatement, Demolition and Site Clean-up Services for Houston Police Department - \$40,210.00 and contingencies for a total

amount not to exceed \$42,220.50 - Dangerous Building Consolidated Fund – was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Berry absent. MOTION 2006-0396 ADOPTED.

12. **L-3 COMMUNICATIONS MOBILE-VISION, INC** for Preventive Maintenance Agreement for Communications Equipment from the State of Texas Building and Procurement Commission's contract through the State of Texas Cooperative Purchasing Program for Houston Police Department - \$54,900.00 - General Fund – was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Berry absent. MOTION 2006-0397 ADOPTED.
13. **BIG Z LUMBER COMPANY** for Treated Timber and Piling for Department of Public Works & Engineering - \$349,527.00 - General Fund – was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Berry absent. MOTION 2006-0398 ADOPTED.
14. **AMEND MOTION #2006-151, 2/22/06, TO INCREASE** spending authority from \$2,678,400.00 to \$3,348,000.00 for Chemical, Caustic Soda for Department of Public Works & Engineering, awarded to **ALTIVIA CORPORATION** - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Berry absent. MOTION 2006-0399 ADOPTED.
15. **THE HEITMAN COMPANY, INC** for Automotive, Heavy Duty Brake Lining, Blocks and Service for Various Departments - \$195,018.00 - General Fund – was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Berry absent. MOTION 2006-0400 ADOPTED.
16. **ALLSTEEL, INC** - \$101,215.20 and **THE HON COMPANY** - \$15,325.53 for Office Furniture from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for Various Departments - General, Enterprise and Other Funds – was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Berry absent. MOTION 2006-0401 ADOPTED.

#### **RESOLUTIONS AND ORDINANCES** - NUMBERS 19 through 50

19. RESOLUTION of the City Council prescribing the date, time, and location of a public hearing on the City Budgets for the time period July 1, 2006 through June 30, 2007; authorizing notice of such public hearing and making other provisions related to the subject **HEARING DATE - TUESDAY - 1:30 P.M. - JUNE 13, 2006** – was presented. All voting aye. Nays none. Council Member Berry absent. RESOLUTION 2006-0006 ADOPTED.
32. ORDINANCE appropriating \$667,700.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **HUITT-ZOLLARS, INC** for Design of Neighborhood Street Reconstruction (NSR) 455, GFS N-0387-01-2 (SB9224); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2006-0506 ADOPTED.
33. ORDINANCE appropriating \$1,155,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **VAN DE WIELE ENGINEERING, INCORPORATED** for Design of Neighborhood Street Reconstruction Projects NSR 458 and NSR 463, GFS N-0390-01-2 (SB9225) and N-0395-01-2 (SB9228); providing funding

for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICTS C - CLUTTERBUCK; G - HOLM and H - GARCIA** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2006-0507 ADOPTED.

34. ORDINANCE appropriating \$486,200.00 out of Water & Sewer System Consolidated Construction Fund as an additional appropriation for Professional Engineering Services Contract between the City of Houston and **DEMOPULOS & FERGUSON ASSOCIATES, INC** for Design of the Lift Station Renewal/Replacements (approved by Ordinance No. 01-0398), GFS R-0267-65-2 (WW4816) - **DISTRICTS A - LAWRENCE; D - EDWARDS; H - GARCIA and I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2006-0508 ADOPTED.
35. ORDINANCE appropriating \$942,000.00 out of Drainage Improvements Commercial Paper Series F Fund, awarding contract to **TJ&T ENTERPRISES, INC** for Local Drainage Improvement Projects Ruiz Street Storm Sewer Outfall Replacement & Regg Drive, Ditch Rehabilitation; GFS M-0126-S6-3 (SM5051-01); setting a deadline for bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management, and contingencies relating to construction of facilities financed by the Drainage Improvements Commercial Paper Series F Fund - **DISTRICTS D - EDWARDS and H - GARCIA** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2006-0509 ADOPTED.
36. ORDINANCE appropriating \$4,550,807.70 out of Series E Commercial Paper Metro Fund, and \$1,773,959.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **JFT CONSTRUCTION, INC** for San Felipe Street Pavement Improvements from Fountainview to Chimney Rock; GFS N-0750-02-3 (SB9180); setting a deadline for bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management, and contingencies relating to construction of facilities financed by the Series E Commercial Paper Metro Fund and Water & Sewer System Consolidated Construction Fund - **DISTRICT G - HOLM** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2006-0510 ADOPTED.
37. ORDINANCE appropriating \$396,650.00 out of Street & Bridge Consolidated Construction Fund; awarding contract to **ACM CONTRACTORS, INC** for Safe Sidewalk Program 02 Project; GFS N-0800-02-3 (SB9214-02); setting a deadline for bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management, construction management, and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICTS B - JOHNSON and I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2006-0511 ADOPTED.
38. ORDINANCE appropriating \$833,650.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **R & B GROUP, INC** for Red Gully Lift Station Rehabilitation; GFS R-0267-F8-3 (WW4871-03); setting a deadline for bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2006-0512 ADOPTED.

39. ORDINANCE appropriating \$740,000.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **R & B GROUP, INC** for Myrtle Lift Station; GFS R-0267-60-3 (4765-06); setting a deadline for bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2006-0513 ADOPTED.
40. ORDINANCE appropriating \$263,150.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **METRO CITY CONSTRUCTION, LP** for Woodhead Street Sewer Replacement; GFS R-2011-44-3 (WW4869-01); setting a deadline for bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2006-0514 ADOPTED.
41. ORDINANCE appropriating \$7,339,600.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **INDUSTRIAL TX CORP.** for Southeast Wastewater Treatment Plant Improvements; GFS R-0265-35-3 (WW4878); setting a deadline for bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT E - WISEMAN** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2006-0515 ADOPTED.
42. ORDINANCE appropriating \$1,079,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **RELIANCE CONSTRUCTION SERVICES, L. P.** for Waterline Replacements in Canterbury Village; GFS S-0035-B7-3 (WA10780); setting a deadline for bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management, construction management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2006-0516 ADOPTED.
43. ORDINANCE appropriating \$1,925,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **N. G. PAINTING, L. P.** for Rehabilitation of three Ground Storage Tanks at three Pumping Stations; GFS S-0600-B3-3 (WA10814-03); setting a deadline for bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, construction management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund **DISTRICTS D - EDWARDS; F - KHAN and G - HOLM** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2006-0517 ADOPTED.
44. ORDINANCE appropriating \$6,103,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **PRELOAD, INC** for Concrete Ground Water Storage Tank at Katy Addicks Repump Station; GFS S-0610-A1-3 (WA10797); setting a

deadline for bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management, construction management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT A - LAWRENCE** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2006-0518 ADOPTED.

45. ORDINANCE awarding construction contract to **TRIPLE B. SERVICES LLP.** for Water, Sanitary Sewer and Storm Drainage Systems to serve Section Three of the San Pablo Subdivision, approving and authorizing an assignment of the Construction Contract to **LENNAR HOMES OF TEXAS LAND & CONSTRUCTION, LTD.**; CIP S-0800-A2-03 & R-0800-A2-03 (DPC-049) **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2006-0519 ADOPTED.
46. ORDINANCE appropriating \$1,956,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **C AND C SERVICES** for Waterline Replacement in Cambridge Village, GFS S-0035-B6-3 (WA10779); setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering testing, project management, construction management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2006-0520 ADOPTED.
47. ORDINANCE appropriating \$9,718,300.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **TRIPLE B SERVICES, L.L.P.** for 48-inch water line along Cambridge, Holly Hall & Knight Streets from Old Spanish Trail (OST) to West Bellfort; GFS S-0900-92-3 (WA10800-01); setting a deadline for bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management, construction management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2006-0521 ADOPTED.
48. ORDINANCE appropriating \$417,900.00 out of General Improvements Consolidated Construction Fund, awarding construction contract to **TIMES CONSTRUCTION, INC** for Municipal Courts Elevator Renovation; GFS D-0113-07-3; setting a deadline for 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 construction management and contingencies relating to construction of facilities financed by the General Improvements Consolidated Construction Fund - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2006-0522 ADOPTED.
50. ORDINANCE finding and determining public convenience and necessity for acquisition of real property interests for rights-of-way in connection with the Public Improvement Project known as the Long Point at Wirt Paving Project (from Johanna to French Village); 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 10,621 square feet of land more or less in thirteen parcels situated in the William Trott Survey Abstract No. 766, and/or the John Flowers Survey, Abstract No. 269, in Harris County, Texas, and

being 112 square feet out of a 6.2 acre tract of land conveyed by deed recorded under Volume 3026; Page 738 of the deed records of Harris County; 112 square feet out of a 0.5507 acre tract conveyed by deed recorded under County Clerk's File No. F000487; 112 square feet out of a 0.5611 acre tract of land conveyed by deed recorded in County Clerk File No. S212480; 1,019 square feet out of a 0.3561 acre tract of land, leased by a memorandum of lease recorded in County Clerk File No. V196571; 1,314 square feet out of a 0.2296 acre tract of land as conveyed by deed recorded in County Clerk's File No. U582039; 398 square feet out of a 0.4120 acre tract of land as conveyed by deed recorded in County Clerk File No. S050846; 165 square feet out of a 0.2755 acre tract of land conveyed by deed recorded in County Clerk File No. V832375; 388 square feet out of a 0.967 acre tract of land conveyed by deed recorded in County Clerk File No. X727828; 148 square feet out of 0.137 acres as a portion of a 1.8095 acre tract of land conveyed by deed recorded in County Clerk File No. S557930; 1,132 square feet out of a 0.7055 acre tract of land conveyed by deed recorded in County Clerk File No. T368687; 1,381 square feet out of a 15.652 acre tract of land as conveyed by deed recorded under County Clerk's File No. V121413; 2,511 square feet out of Restricted Reserve "A" in Block 1 of Wirtpoint Subdivision; 2,829 square feet out of Unrestricted Reserve "B" in Block 1 of Wirtpoint Subdivision - **DISTRICT A - LAWRENCE** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2006-0523 ADOPTED.

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

**MISCELLANEOUS**

5. MOTION to repeal Motion #2004-1012 and 2005-646, which established a residential parking permit area and related parking regulations for the south side of the 5700 block of Logan Lane in the Super Neighborhood of Washington Avenue/Memorial Park, and repeal a portion of Motion #2004-985 - **DISTRICT G – HOLM** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. Council Member Berry absent.

Council Member Holm stated that parking had been an issue repeatedly at the Council table, that several years ago they established a residential permitting ordinance that allowed people who lived in the community surrounded by commercial to reserve and protect parking during key times against the commercial areas, that in 2004, along with several other neighborhoods, Logan Lane applied for the residential parking, because the quiet street was now surrounded by a big shopping center on the corner of Memorial and Asberry and every day the street was loaded with overflow traffic that ended up now only being an inconvenience but blocking driveways where they could not get in and out of the driveway, as a result of that, immediately because of some interior fighting within the neighborhood, the opportunity was seized by a family in order to take advantage of it and basically wreck havoc and so with the help of some of her colleagues, who frankly did not understand the concept and the problem that was there and did not seek their office to help understand it all, they were today faced with the threat of a lawsuit and therefore they were rescinding the Logan Lane, that it was a classic example of bad policy, they were doing something for the wrong reason and it was at the expense of some really good neighbors, and even though it only affected twelve property owners she thought any time they sued it dramatically affected the quality of life of people then they had made a significant statement.

Council Member Edwards stated that it had been an ongoing problem in District D for a while, she though the policy itself was bad, the way they operated it, enforced it and implemented it, she did not see how a City could tell one group of taxpayers that they had more access to a City street than another group of taxpayers, as she understood it both home owners and commercial properties were supposed to have parking designated when they got their businesses, that in Montrose most of the businesses that were affected had been there for thirty or forty years, before there was even a parking requirement needed, so she thought the whole

thing needed to be relooked at, what happened at the Medical Center was qualitatively different than what was happening throughout the rest of the City and she thought it was laziness on their part to say that they could have a one stop, fits all, type of parking situation for inner City parking, they were going to have to really look at and hopefully the parking commission that Mayor White had put together would look at how they could develop some joint ventures with public private parking in inner City areas as well as to encourage more TIRZ to build parking like what had been done on Alameda, where they build two public parking lots for the very same reason, that she was encouraged that Ms. Rambo was going to be looking at it, and the parking commission was going to be looking at it, that she was in the process of writing Mayor White a request that they halt the implementation of further decal paring until the parking commission had a chance to look at it and see if it was equitable to all of the taxpayers.

Council Member Khan stated that he was glad that they were finally closing the chapter on Logan Lane, that it had been an ongoing process for as long as he had been on Council, that as the City of Houston was growing he thought that parking was one issue they had to tackle, and he would like for them to consider forming a parking authority to really have a focused look into it and solve the difficult issue before it became a headache for everybody.

Council Member Brown stated that he had an opportunity to sit in on some of the parking commission meetings and he thought they had a great group, that he agreed with Council Member Edwards and understood the issue in Council Member Holm's district, but as the City grew and changed their parking policy and the standards they had with that needed to evolve. Council Member Sekula-Gibbs absent.

Mayor White stated that first, every opportunity that they had to encourage private developers to get together to do joint parking spaces to the extend that they needed a variance to do that they ought to try through the Planning Commission to grant that variance, if somebody could communicate that along, that number two, a lot of times people come in and say they wanted to collaborate and do it together and they needed help, that usually meant they needed taxpayers money, the most important thing to him was that it very well could be that just like streets, roads, water and sewer, there was a role for public funding of that, but they needed to make some policies and they could not be made ad hoc. Council Member Sekula-Gibbs absent.

Council Member Lawrence stated that on the parking issue she was real excited about Ms. Rambo taking over, that as they became much more densely populated areas they were going to need some variances and needed to look at it very carefully, that she looked at certain committees and they needed to be much more active and consider density and things like alleys and what they could do to keep a lot of greenspace and be fair to both businesses and neighborhoods alike, and they were going to have a lot of thought process in the parking and alleys as they developed neighborhoods, that whatever they had they just had to make sure they followed the ordinances of the City. Council Member Sekula-Gibbs absent.

A vote was called on Item No. 5. Council Member Holm voting no, balance voting aye. Council Member Sekula-Gibbs absent. MOTION 2006-0402 ADOPTED.

Mayor White stated that he did believe that Council Member Holm was acting in good faith and by his own eyes and ears he heard the users of a commercial facility say they did not want to park in front of somebody else's house.

Council Member Sekula-Gibbs stated that she had stepped out and wanted to record her aye vote on Item No. 5.

## **PURCHASING AND TABULATION OF BIDS**

10. **KUSTOM SIGNALS, INC** for Handheld Laser Radar Units through the Interlocal

Agreement for Cooperative Purchasing with Houston-Galveston Area Council for Police Department \$249,120.95 - General Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Mayor White absent. Acting Mayor Pro Tem Berry presiding. MOTION 2006-0403 ADOPTED.

17. **AMEND MOTION #2003-569, 6/4/03, TO EXTEND** expiration date from June 4, 2006 to June 3, 2007, for Uniforms, Accessories and Supplies Contracts for Various Departments, awarded to **LONE STAR UNIFORMS, INC (formerly DIRECT ACTION UNIFORMS), RBI ADVERTISING, INC d/b/a RBI COMPANY, PREMIER EMBLEM, GT DISTRIBUTORS, INC** and **BRATWEAR** and **TO INCREASE** spending authority from \$153,778.50 to \$192,223.13, on award to **GT DISTRIBUTORS, INC** and from \$42,107.65 to \$64,230.71 on award to **RBI ADVERTISING, INC d/b/a RBI COMPANY** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado, and tagged by Council Members Lawrence and Wiseman. Mayor White and Council Member Brown absent. Acting Mayor Pro Tem Berry presiding.
18. **AMEND MOTION #2003-571, 6/4/03, TO EXTEND** expiration date from June 4, 2006 to June 3, 2007, for Apparel, Uniforms, Caps and Patches Contracts for Various Departments, awarded to **LONE STAR UNIFORMS, INC (formerly DIRECT ACTION UNIFORMS), PERFECTION UNIFORM CO., LAWMAN'S UNIFORM & EQUIP. CO.,** and **V. H. BLACKINTON & CO., INC** and **TO INCREASE** spending authority from \$35,710.00 to \$44,637.50, on award to **LAWMAN'S UNIFORM & EQUIP. CO.**, from \$96,894.05 to \$135,651.67 on award to **LONE STAR UNIFORMS, INC (formerly DIRECT ACTION UNIFORMS)** and from \$3,734,756.90 to \$3,884,756.90 on award to **PERFECTION UNIFORM CO.** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado, and tagged by Council Members Wiseman and Khan. Mayor White and Council Member Brown absent. Acting Mayor Pro Tem Berry presiding.

Council Member Khan stated that on Item No. 18 they approved \$3.9 million and now though they were only asking for \$200,000 more since they passed it they had only spent \$200,000 per year, so it was his understanding that there was still \$2 million sitting in that category so why was it that they would be spending \$2 million in the next year and they needed additional funding, and Acting Mayor Pro Tem Berry stated that they would get him an answer. Mayor White and Council Member Brown absent. Acting Mayor Pro Tem Berry presiding.

## **RESOLUTIONS AND ORDINANCES**

20. **ORDINANCE AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the Regulation of Parking by providing for the transfer of the Residential Parking Permit Program to the Convention and Entertainment Facilities Department and the clarification of provisions concerning the adjudication of parking violations; containing findings and other provisions relating to the foregoing subject; providing an effective date; providing for severability – was presented, and tagged by Council Member Wiseman. Mayor White and Council Member Brown absent. Acting Mayor Pro Tem Berry presiding.
21. **ORDINANCE AMENDING CHAPTER 45 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Photographic Traffic Monitoring System Enforcement Procedures – was presented, and tagged by Council Members Wiseman and Green. Mayor White and Council Member Brown absent. Acting Mayor Pro Tem Berry presiding.
22. **ORDINANCE** approving and authorizing contract between the City and **AMERICAN TRAFFIC SOLUTIONS, INC** for Photo Red Light Camera Enforcement System and Services – was presented, and tagged by Council Members Green, Wiseman, Johnson, Holm and Lawrence. Mayor White and Council Member Brown absent. Acting Mayor Pro Tem Berry presiding.

After discussion by Council Members, Council Member Holm stated that she had asked for a lot of information and had no response even to the fact that they had received her request, that she hoped she could get some information early in the week and not on Monday, and Mayor White stated that he would take personal responsibility of getting her that information.

Council Member Khan asked if the cost to the City per camera was capped at \$5,000 and Mayor White stated that he would get that formation for Council Member Khan. Council Members Brown and Berry absent.

Mayor White stated that Item No. 22 had been tagged by Council Members Green, Wiseman, Johnson, Holm and Lawrence. Council Members Brown and Berry absent.

23. ORDINANCE approving and authorizing Resolution and the submission of Graffiti Abatement Project to the Texas Department of Transportation ("TxDOT") for nomination under the Statewide Transportation Enhancement Program and for federal funding under the Transportation Equity Act of 2005, to be administered by TxDOT, and approving local matching funds for such project – was presented. Council Member Berry absent.

Council Member Lovell stated that she wanted to say that everything they could do to graffiti abatement they were going to hear over and over in the City constantly, that graffiti was not art because art was not destructive, if they wanted to do graffiti it could be art in their own home, on their own fence or bedroom, but when they went out and destroyed other people's property under the disguise of art, it was not, that she was glad that TXDOT was joining with the City and everybody else in doing graffiti abatement. Council Member Berry absent.

A vote was called on Item No. 23. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2006-0524 ADOPTED.

24. ORDINANCE amending Ordinance No. 99-487, passed May 19, 1999, as amended, which approved and authorized the submission of the 1999 Consolidated Plan and the grant application for the 25th Community Development Block Grant ("CDBG") Program, among others, to the United States Department of Housing and Urban Development ("HUD") under the authority of Title I of the Housing and Community Development Act of 1974, as amended – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2006-0525 ADOPTED.
25. ORDINANCE amending City of Houston Ordinance No. 2001-0555, passed June 13, 2001, as amended, which approved and authorized the submission of the 2001 Consolidated Plan and the grant application for the 27th Community Development Block Grant ("CDBG") Program – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2006-0526 ADOPTED.
26. ORDINANCE approving and authorizing agreement between the City of Houston and **CREATIVE CHOICE TEXAS I, LTD.** to provide \$500,000.00 Loan of Federal "HOME" Funds for acquisition and renovation of an apartment building located at 8210 Bauman, Houston, Texas, to house low income residents - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2006-0527 ADOPTED.
27. ORDINANCE approving and authorizing \$280,000.00 Legal Services Agreement between the City of Houston and **ANDREWS & KURTH, LLP** to provide legal services in connection with the restructuring of certain Economic Development Loans and with the City's continuing participation in HUD's Sec. 108/Economic Development Initiative – was presented, and tagged by Council Member Green. Council Members Clutterbuck and Berry absent.

After discussion by Council Members, Council Member Green stated that he would like to visit with Mr. Michel on Item No. 27 and see the invoices as well, and Mayor White stated that in the budget that was submitted to Council there were additional pay increases to cut the gap between the City and the DA and the Harris County Attorney office, that had ripple affects and they needed to be looking at the budget of the Legal Department, that he thought that the issue of whether or not they should do a competitive search with an established legal search firm with someone with HUD experience worthy and would support their putting something on the agenda, and Council Member Green stated that he thought when it came to administrative services and for professional services he would like to see Council Member Garcia's committee explore whether there was a potential MWBE component here. Council Members Clutter buck, Khan and Berry absent.

28. ORDINANCE consenting to the addition of 2.32808 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 150**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2006-0528 ADOPTED.
29. ORDINANCE amending Ordinance 2004-640 to increase the maximum contract amount for contract between the City of Houston and **GREENBERG TRAUIG, LLP** for Professional Legal Services - \$90,000.00 - Property and Casualty Fund – was presented. Council Member Berry absent.

Council Member Green stated that he would like to meet with Mr. Michel and maybe look at some of the invoices. Council Member Berry absent.

A vote was called on Item No. 29. All voting aye. Nays none. Council Member Berry absent ORDINANCE 2006-0530 ADOPTED.

30. ORDINANCE approving and authorizing Professional Engineering Services Contract between the City of Houston and **WALTER P. MOORE AND ASSOCIATES, INC** for Theater District Parking Structural Assessment and Repairs, GFS B-0087-01-2 - \$121,000.00 - Enterprise Fund **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2006-0530 ADOPTED.
31. ORDINANCE appropriating \$368,300.00 out of General Improvements Consolidated Construction Fund and approving and authorizing contract between the City of Houston and **3D/INTERNATIONAL, INC** for Installation and Implementation of CIP Management Software, GFS D-0126-01-5 - was presented, and tagged by Council Members Holm and Green. Council Member Berry absent.
49. ORDINANCE appropriating \$193,000.00 out of Fire Consolidated Construction Fund, \$405,000.00 out of General Improvements Consolidated Construction Fund, \$125,000.00 out of Public Health Consolidated Construction Fund, \$534,000.00 out of Public Library Consolidated Construction Fund, \$578,000.00 out of Parks Consolidated Construction Fund, \$259,000.00 out of Police Consolidated Construction Fund, \$91,000.00 out of Water & Sewer System Consolidated Construction Fund and \$75,000.00 out of Solid Waste Consolidated Construction Fund for Project Management Costs – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2006-0531 ADOPTED.

**NON CONSENT AGENDA** – NUMBER 51 through 53

**MISCELLANEOUS**

51. RECEIVE nominations for the City of Houston representatives of the **HOUSTON AREA LIBRARY AUTOMATED NETWORK BOARD OF DIRECTORS**, for Positions One, Two,

and Three, with two-year terms – was presented. Council Member Berry absent.

Council Member Johnson nominated Ms. Debbie G. Allen for Position One of the Houston Area Library Automated Network Board of Directors.

Council Member Holm nominated Ms. Syma Zerkow for Position Two and Mr. Gene Rollins for Position Three of the Houston Area Library Automated Network Board of Directors.

Council Member Khan moved to close nominations for Positions One, Two and Three of the Houston Area Library Automated Network Board of Directors, seconded by Council Member Berry. All voting aye. Nays none. MOTION 2006-0404 ADOPTED.

## **PROPERTY**

52. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Edward Eckart, Goodwin and Marshall, Inc., on behalf of Industrial Developments International (Texas), L.P. [ID International (Texas), L.P. (Henry D. Gregory, Jr., Chief Executive Officer), sole general partner], for abandonment and sale of Colombard Drive, from Greensgate Drive east ±820 feet to the boundary of the Esplanade Phase One Subdivision, in exchange for the conveyance to the City of a 25-foot-wide water line easement, all located in Unrestricted Reserve B, Simon Contreras Survey, A-220, Parcels SY6-082 and KY6-207 - **TWO APPRAISERS and one ALTERNATE APPRAISER - DISTRICT B – JOHNSON** – was presented.

Council Member Johnson named Mr. Travis Cooper and Mr. George Wyche as appraisers and Ms. Jasmine Quinerly as alternate appraiser and moved approval of the recommendation, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2006-0405 ADOPTED.

53. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Howard A. Rose of the University of St. Thomas, for abandonment and sale of a portion of West Main Street, from Yoakum Boulevard to ±80 feet east of Graustark Street, and a portion of Mt. Vernon Street, from West Main Street to ±100 feet north of Colquitt Street, in exchange for the conveyance to the City of two full-width utility easements, all located within the Montrose Addition, Parcels SY6-078A, SY6-078B, VY6-028A and VY6-028B - **TWO APPRAISERS and one ALTERNATE APPRAISER - DISTRICT D – EDWARDS** – was presented.

Council Member Edwards named Mr. George Coleman Jr. and Ms. Shiela Stewart as appraisers and Ms. Jasmine Quinerly as alternate appraiser and moved approval of the recommendation, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2006-0406 ADOPTED.

## **MATTERS HELD** – NUMBER 54

54. ORDINANCE approving and authorizing contract between the City of Houston and **NEIGHBORHOOD CENTERS, INC.**, to provide \$100,000.00 in Community Development Block Grant Funds to operate a Day Labor Program in the East End/Second Ward Area - **DISTRICT H - GARCIA – (This was Item 19 on Agenda of May 17, 2006, TAGGED BY COUNCIL MEMBERS LAWRENCE, HOLM, SEKULA-GIBBS, BERRY and CLUTTERBUCK)** - was presented.

Council Member Wiseman stated that there had been great concern raised around the Council table with respect to the customers of the day labor center and whether or not they would be violating federal law with respect to the customers, the issue was whether or not a

candidate for employment was legally eligible for employment in the United States, given that it was a concern regardless of whether or not funding was through CDBG or other means it was still very clear in federal law that it was a violation to recruit and to assist in any way the placement of employment of those individuals who were not eligible to work in the United States therefore she was submitting an amendment as follows:

“To add the following stipulation to section:

E. RECRUITMENT/INTAKE/REGISTRATION/DOCUMENTATION PLAN, OF EXHIBIT B

“Contractor, and/or its subcontractors or designees, will take action to verify that laborers wishing to utilize services at this location are authorized to work in the United States.

Laborers who do not meet criteria prescribed by OMB No. 1615-0047, will be prohibited from obtaining service at this location.”, tagged by Council Member Alvarado.

Council Member Wiseman stated that she would tag her amendment and the main item.

After further discussion by Council Members, Council Member Edwards stated that she had several questions, that she was trying to find out if there had been any intervention into day laborers in Houston centers by the old INS, which was now Homeland Security, and she wanted to check on calls for service, since people were intimating that there was a lot of criminal activity surrounding day labor services, that she would like information on those two points, and Council Member Holm stated that she had a couple of questions regarding the eligibility of CDBG funding and asked that if there was no accountability how could they apply CDBG funding and know that it could be accepted, that she wanted to know what the programming was for the \$100,000, and Council Member Edwards asked if Council Member Garcia could have a special called meeting and have some folks from Homeland Security or the Justice Department and have a special meeting with Housing and the Public Safety Committee to go through the questions and get a venue to where they could have a reasoned discussion based upon law and fact and not on myth and emotion, and Mayor White stated that they would get the Council Members something about whether or not the contract, as written, violated federal law, and Council Member Edwards asked if an I-9 was required for employees of the City of Houston when they applied for work.

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

Mayor White stated that they had lost a citizen of their community who had the most impact on the Nation, Mr. Lloyd Bentsen, who exemplified public service best, that he was a public servant who was respected by the fact that he worked extremely hard and was informed on the issues and treated colleagues with dignity and respect, that they all ought to keep the Bentsen family in their prayers. Council Members Johnson, Wiseman, Garcia and Sekula-Gibbs absent.

Mayor White stated that everyone knew that the issue of immigration law, policy and enforcement was federal matter and they had to deal daily with things that the federal government did or did not do, then they had to deal with the consequences of what happens with the cards that were dealt to them, that it was an issue that could be emotional but he appreciated the civil tone, that they should treat the issues with dignity and respect, that in particular that all of them were trying to deal with issues that the lack of law enforcement, laws they did not write and whose enforcement was not their principal responsibility. Council Members Johnson, Wiseman, Garcia and Sekula-Gibbs absent.

Council Member Brown stated that he wanted to talk about technology and handed out an article from the latest issue of Governing Magazine on WiFi, that it was interesting that there were 11 U. S. cities where essentially a citywide cloud of WiFi was operational, there were 23

cities where a vendor had been chosen, and 15 cities, including Houston, where the RFP had been issued, that Governing Magazine was a very impartial, high, plain monthly about issues of government and how they improve government in cities and states, that it did raise a question in a comparison with cable television when cities gave franchises for cable television and did not ask for any share of the revenue, whether the same thing was happening in a lot of the cities which were in effect franchising WiFi, that he did not really understand exactly where Houston stood on that but knew that they needed to be vigilant about any additional revenue sources so he thought people might be interested in how this described that issue. Council Members Johnson, Edwards, Wiseman, Holm, Garcia and Sekula-Gibbs absent.

Council Member Brown stated that he had gotten a lot of calls related to what he would call nuisances in the City, particularly from neighborhood people, that there was a whole range from nuisances, that he took the time to go through their City code and found codes that had to do with nuisances, whether they were noise, glare or parking in neighborhood area, whatever, but they were scattered through the City code and in many cases the enforcement was very difficult because they had to go through a quasi legal proceeding and at the end of that there may be a fine of \$25 or \$50, which was, he thought, in fact no deterrent at all from cleaning up the nuisances, particularly in their neighborhoods, that he wanted to remind all of them of an idea he had spoken about earlier in the year that had been successful in the City of Detroit, which was their Blight Court, that they had a special court for these types of nuisances, civic associations and neighborhood people could go and have a direct process to get relief for violators of their nuisance ordinances, that it might be something that they might want to consider in Houston, that he did not know what Mayor White thought about that but he would be happy to get him more information about that or Council Member Green, since he had been very active in reforming their Municipal Court system. Council Members Johnson, Edwards, Wiseman, Holm, Garcia and Sekula-Gibbs absent.

Council Member Brown stated that what they were doing in Houston to become a real high tech City, he had a very interesting workshop last month, a sort of partnership with the Greater Houston Partnership about where Houston stood in terms of building a high tech bio tech life sciences economy, that in competing with cities like Phoenix and Denver, and this weekend he was in Baltimore, where the University of Maryland was building an amazing bio park in a deteriorated area of downtown Baltimore and use the bio park as a stimulus for urban revitalization, that basically where the City stood in that respect was what he had gathered from the experts that they had at the workshop, that they were on the top as far as publicly funded research, primarily at the Texas Medical Center, but as it was described by various people including Dr. Malcolm Gillis, who was now the Chairman of the Board of Bio Houston, that they were about at the bottom in terms of privately funded research and venture capital and opportunities of commercialization of the many breakthroughs and whether it was nano technology, genome research or life sciences research, that it was suggested that they have some kind of public advisory committee to help Bio Houston and the other groups, University of Houston, Rice and Houston Technology Center, to really move forward in that area, that he would be happy to provide them with some more information but thought to be competitive in this field, and one of the thoughts was that they really needed to recruit a major pharmaceutical company to come to Houston and setup shop, that Houston needed to be more active in this field, or as Dr. Gillis said at Rice, their children were going to be technology serfs in Houston and that certainly not what they wanted to be because he said the real business would be elsewhere, that Dr. Gillis sounded a rather loud alarm on the issue and he would hope that the City Council through one of its committees and the Mayor would take an initiative rather soon and really see where they were at and what they needed to do to be competitive with the other cities in the bio tech life sciences field. Council Members Johnson, Edwards, Wiseman, Holm, Garcia and Sekula-Gibbs absent.

Council Member Clutterbuck stated that this past weekend she had a wonderful time attending the Gulfton 15<sup>th</sup> Annual Festival and Parade, that she wanted to thank Jesse Gutierrez with the Mayor's Anti Gang Task Force in the Gulfton area, that he did an outstanding job

representing the City and helping advocate for the needs of Gulfton, that he was the last hire that Council Member Garcia made before he came to City Council, that he was an outstanding individual and a good reflection on the City and Council Member Garcia's fine skill at spotting good employees, that it was a fun opportunity and she wanted to thank Chief Hurtt for attending and also Captain Williams and Officer Moon and the other number of individuals and officers from the Fondren Division who were there and doing a great job, that she wanted to thank the group called Bikers Against Child Abuse, the parade was a lot of fun because of the large number of bikers, that they were advocating to bring attention to the problem of child abuse in all of their communities. Council Members Johnson, Wiseman, Holm, Garcia, Lovell and Sekula-Gibbs absent.

Council Member Clutterbuck stated that as they approached Memorial Day she wanted to thank Council Member Berry for giving her the opportunity to deliver a proclamation for four women veterans at the Astros game coming up on June 3, 2006, that they were Marine veterans and she was tremendously honored to have the chance to recognize them and wanted to thank the Astros for the opportunity as well. Council Members Johnson, Wiseman, Holm, Garcia, Lovell and Sekula-Gibbs absent.

Council Member Clutterbuck stated that she wanted to thank Council Member Lovell for her leadership, tenacity and dedication to the efforts relating to graffiti, that she thought they had a really good partnership with Chief Lumpkin working at Neighborhood Protection and it added emphasis on that difficult issue, that she liked what Council Member Lovell said, that it was not art when it was destructive, that it was a message that needed to be delivered continuously. Council Members Johnson, Wiseman, Holm, Garcia, Lovell and Sekula-Gibbs absent.

Council Member Clutterbuck stated that she wanted to acknowledge her Agenda Director, Martha Cranejo, who was going to celebrate a birthday and wished her a happy birthday and thank you from all of the residents of District C. Council Members Johnson, Wiseman, Holm, Garcia, Lovell and Sekula-Gibbs absent.

Council Member Clutterbuck stated that she wanted to congratulate Mr. Andrew Douglas, who was sitting in the audience and was a recent graduate of Concordia Lutheran, that he was the star pitcher for Concordia Lutheran. Council Members Johnson, Wiseman, Holm, Garcia, Lovell and Sekula-Gibbs absent.

Council Member Edwards stated that she wanted to applaud Mayor White for his patience and endurance, that she saw him this morning on television with his bicycle. Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Alvarado, Lovell and Sekula-Gibbs absent.

Council Member Edwards stated that she wanted to congratulate the Houston Comets, who were one and one, that they beat Seattle last night, that Tina Thompson was on a rampage, that they had a lot of new ladies on the Comets and they played hard and fast. Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Alvarado, Lovell and Sekula-Gibbs absent.

Council Member Edwards asked if they were ready for a hurricane, that the Flooding Committee was going to present a very important meeting on June 5, 2006 and would feature David Paul, the meteorologist at Channel 11, that she wanted to thank the Channel 11 General Manager for helping them work it out, that Mr. Paul was going to give them information on hurricanes, what they could expect and what to look for in their homes and on the news, along with Dorothy Martinez who was with the National Flood Insurance Program, they were going to be giving some one on one tips on hurricanes and how they could get more control of it, that it would be on June 5, 2006 at City Hall at 10:00 a.m.; that tomorrow on May 25, 2006 they would have a flooding meeting that was going to be dealing with an ordinance development, so if they were interested they would like for them to be there, that for those on the Flooding Committee, who were Chairs of the sub committees, the Regional Planning, Funding and Public Awareness,

they were looking for their reports as to where they were with their respective areas. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Lovell and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she knew they were short on money but she would really hope that they could find more than 2% for their civilian employees, that she thought the employees worked very hard and long, that it had been a long time since they had a substantial raise, that she knew Mayor White had done quite a bit since he had been in office. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Lovell and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she had two things that she was concerned about, and if she had gotten it already she apologized, that she really needed to have the information before the budget hearings and that was the statement that was in the last MOFAR where it was stated that the Police Department was \$4 million plus under spent on personnel and she needed to know what it meant in relation to what they were asking in additional monies for personnel, that she had asked several times to have that done, that if she had gotten it in the last couple of days, she apologized, that it was in the last MOFAR, the Controller statement that the Police Department had under spent \$4 million plus in personnel, that she did not know why and that was why she was asking why there was under spending, and Mayor White stated that because the pattern of retirement and the effect of the Phase Down Programs had been something that the Police Department had trouble predicting, that some of it was because of poor systems and some of it was because of uncertainty, that they would get her a more detailed explanation, but certainly people within the Police Department knew that it was not their intention to be at less than a full personnel force, that also they had this thing if somebody retired earlier than they expected them to retire and they tended to be at the higher salary level, then they could not scramble fast enough to get a new person through the class, that had been in the last two fiscal years what they had been dealing with. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Lovell and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Council Member Edwards stated that her staff had done quite a bit of research on different cities responses to what they call the Civility Ordinance, some people called it Anti Loitering Ordinance, and there had been two cases in Los Angeles and in Chicago where the Supreme Court had struck down the ordinances, that she had asked Mr. Michel and he had agreed to do this she just wanted to make sure that their ordinance was not in that same line, so if they could get more information to see if they were in compliance. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm, Garcia, Brown, Lovell and Sekula-Gibbs absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 11:58 a.m. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Lovell and Sekula-Gibbs absent. (NO QUORUM PRESENT)

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

MINUTES READ AND APPROVED

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Anna Russell, City Secretary