

City Council Chamber, City Hall, Wednesday, May 31, 2006

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, May 31, 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, Sue Lovell, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; Mr. Arturo Michel, City Attorney, Ms. Connie Acosta, Division Chief, Labor Division, Legal Department; Mr. Richard Cantu, Director Citizens Assistance Office; Ms. Marty Stein, Agenda Director; present. Council Member Peter Brown out of the city on city business.

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

At 9:30 a.m. Mayor White called the meeting to order and stated that they had a busy Council session and he was going to follow the rules a little bit more on time limits, that as a matter of policy they did respect members of the public and if there was going to be any issue involving an extended debate it was just a matter of following their own rules and courtesy to let the public session occur before they got to the business of the Council. Council Members Johnson, Khan, Garcia, Sekula-Gibbs and Green absent.

Mayor White called on Council Member Holm for the prayer and pledge of allegiance. Council Members Johnson, Khan, Garcia, Sekula-Gibbs and Green absent.

Mayor White requested the City Secretary to call the roll. Council Member Brown out of the city on city business. Council Members Khan, Garcia and Sekula-Gibbs absent.

Council Members Lovell and Alvarado moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Khan, Garcia and Sekula-Gibbs absent. MOTION ADOPTED

Council Member Berry stated that he wanted to consider Item No. 28 out of order and Mayor White stated that there may be a public speaker on the item. Council Members Khan, Garcia and Sekula-Gibbs absent.

Council Member Alvarado moved to hear the Monthly Financial Report before the public session, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Khan, Sekula-Gibbs and Green absent. MOTION 2006-0407 ADOPTED.

MAYOR'S REPORT

REPORT FROM CITY CONTROLLER AND THE CITY ADMINISTRATION REGARDING THE CURRENT FINANCIAL STATUS OF THE CITY including but not limited to, a revenue, expenditure and encumbrance report for the General Fund, all special revenue funds and all enterprise funds, and a report on the status of bond funds – was presented.

Mayor White recognized the City Controller for the Monthly Financial Report. Council Members Khan, Sekula-Gibbs and Green absent.

Ms. Annise Parker, City Controller, stated that it was the Monthly Financial Report for the period ending April 30, 2006, that there was very little to report this month as it should be when they were nearing the end of the fiscal year, they were currently projecting the General Fund would end the Fiscal Year 2006 with a surplus of \$26.1 million, a decrease of \$3.5 million from last month, she wanted to commend the administration for its efforts in this area, it had been a long time since the City had been able to really enjoy growth in its Fund Balance, that she had distributed new copies of the Trends Report that were gone over yesterday, they now had the corrected color copy of the report, she was not going to discuss it today, but wanted to make sure all Council Members received it, that there was about a \$2.6 million change in Inter Governmental Revenue and a \$700,000

decrease in revenues from Licenses and Permits, and that concluded her report. Council Members Khan, Sekula-Gibbs, Green and Berry absent.

Mayor White recognized Ms. Judy Gray Johnson, Director of Finance and Administratin for her report. Council Members Lawrence, Khan, Sekula-Gibbs and Berry absent.

Ms. Johnson stated that as the Controller stated as they near the end of the fiscal year they really should not have a lot of big new to report, the Sales Tax Revenues continued to be strong, the latest check that they received was up 8.6% from the same time last year and continued to be the bright spot and very good news for the local economy and also seemed to be holding the same throughout the State of Texas, they were watching the number of traffic citations, which were up significantly, the revenues were not yet up to the level of tickets written, but that was a general lag time, they expected to see revenues on citations coming up in the next few months to catch up with the tickets written, as they looked at expenses they did not see much change from last month at all and they were looking to see that high Fund Balance perhaps a little higher than predicted in the opening number for the budget, it was very close to the numbers they were predicting so all was smoothly going into the next fiscal year, pretty much as they had been predicting for the last three or four months, and that completed her report. Council Members Lawrence, Khan, Sekula-Gibbs and Berry absent.

Council Member Green moved to accept the Monthly Financial Report, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Lawrence, Khan, Sekula-Gibbs and Berry absent. MOTION 2006-0408 ADOPTED.

Mayor White stated that he wanted to thank the City Controller and Director of F&A for their extreme professionalism they had shown, that because of a lot of good work by a lot of hard working people, including their leaders in finance and the Members of the Fiscal Affairs Committee, towards the end of the year it was like it ought to be, where the numbers were good rather than having to lament about what went wrong with the budget. Council Members Khan and Sekula-Gibbs absent.

Council Member Garcia moved to suspend the rules to move Mr. Gordon Quan to the top of the speakers list, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Khan and Sekula-Gibbs absent. MOTION 2006-0409 ADOPTED.

Council Member Alvarado moved to suspend the rules to hear from Father Kevin Collins, Mr. Franklin Olson and Mr. John Ogren out of order, seconded by Council Member Garcia.

Council Member Berry stated that the only speaker on Item No. 28 was Mr. Barry Mandell and he would probably agree not to speak if they could move his item to the top of the agenda, that it was the CACHE contract.

A vote was called on Council Member Alvarado's motion. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Member Khan absent. MOTION 2006-0410 ADOPTED.

Council Member Berry moved to suspend the rules to consider Item No. 28 out of order at this time, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Member Khan absent. MOTION 2006-0411 ADOPTED.

28. ORDINANCE approving and authorizing contract between the City and the **ARTS COUNCIL OF HOUSTON/HARRIS COUNTY REGION** for the Support of the Arts Community – was presented. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Member Khan absent. ORDINANCE 2006-0532 ADOPTED.

Council Member Berry stated that he wanted to thank Ms. Jill Jewet for the work that she had done, that he thought they were going to see some real results in the arts organizations as a result of it. Council Member Khan absent.

Council Member Johnson moved to suspend the rules to consider Item Numbers 1 and 2 at this time, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Member Khan absent. MOTION 2006-0412 ADOPTED.

1. CONFIRMATION of the appointment of the following to the **HOUSTON AREA LIBRARY AUTOMATED NETWORK BOARD OF DIRECTORS**, with two-year terms:
Position One - **MS. DEBRA G. ALLEN**
Position Two - **MS. SYMA ZERKOW**
Position Three - **MR. GENE ROLLINS**

- was presented, moved by Council Member Johnson, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Member Khan absent. MOTION 2006-0413 ADOPTED.

Mayor White asked the newly appointed board members to stand and be recognized and thanked them for their contribution to the City.

2. REQUEST from Mayor for confirmation of the appointment of **MS. JOYCE CAMP** to Position Twelve of the **PUBLIC PARKING COMMISSION**, for a term to expire December 31, 2007 - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Brown out of the city on city business. MOTION 2006-0414 ADOPTED.

Mayor White stated that Ms. Camp was not present but he wanted to thank her for her service to the City.

Council Member Lawrence moved to suspend the rules to move Mr. Bert Keller and Ms. Graciela Saenz to the top of the three minute agenda list, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Brown out of the city on city business. MOTION 2006-0415 ADOPTED.

At 9:45 a.m. Mayor White stated that they would move to the public session and requested the City Secretary to call the first speaker.

Mr. Gordon Quan, 2 West Terrace, Houston, Texas 77007 (713-868-5667) appeared and stated that he was present as an attorney practicing immigration law for the past 30 years in Houston, that he wanted to provide some legal information regarding the day labor center situation, that the center they were talking about charged no fee to anyone, did not make the selection, they only provided the facility for which people could go to seek employment, that his firm had prepared a Memorandum of Law for the Council Members, that he met with the Director of the Immigration Service in Houston to see what their feelings would be about such a center, that immigration had a long list of priorities and day labor was low on their list of priority of where they needed to send their resources, smuggling, criminal aliens and things of that nature obviously took first priority, that the facility sought to really address social concerns in the neighborhood, loitering, blocking of traffic on major thoroughfares, trespassing and littering, Council Members Lawrence, Clutterbuck and Alvarado absent.

Upon questions by Council Members, Mr. Quan stated that in 1990 the law specifically excluded any site that did not refer for a fee, that the President recognized that there was a shortage of workers in the Country and he was the one who was proposing a path to legalization for people who were here in undocumented status, that it was not the site's

responsibility or had it ever been the role to look at anybody's documentation, that the first thing he did was meet with the Director of Immigration and asked if they felt they were facilitating illegal activity to tell them now and they would not go any further, and they worked hand in hand with the City on the projects, that he had no problem with informing employers of their responsibility, they had three days to complete the form, so it was up to them to fill it out and up to the federal authorities to enforce that, that the Community Development Block Grant dollars had gone to health clinics and other facilities where they did not check on their status as well, that Mr. Richard Cantu and several members of the City staff had worked very diligently on creating an RFP to make sure that when they fund it that they look at criteria, educating people, providing a safe environment, following up when people were not getting paid properly, those were some of the things that these sites do, not just provide a hiring facility, but to try to work with people to make sure that they were recognized for their work, that he wanted to congratulate NCI for even putting their neck on the line to work on the issue because they did not make money on it but they were committed. Council Members Clutterbuck, Holm and Alvarado.

Father Kevin Collins, 7250 Harrisburg, Houston, Texas 77011 (713-921-3531) appeared and stated that he was a resident of the east side of town and a pastor of many people who could take advantage of the site, that it was an improvement for their side of town and helped in the public safety area and gave the people a place where they felt they were not taken advantage of and gave a chance for people to have an orderly process in which they could be hired instead of just hanging around the corner, that the amendment would hurt the process and cause delays and basically a disincentive for people to even use the center, that he thought it was not helpful and went against the whole process of trying to provide an orderly place for people to get hired. Council Member Clutterbuck absent.

Upon question by Council Member Wiseman, Father Collins stated that he would not be providing services at the center but he supported order, that he believed they could call HPD and ask them to arrest somebody who did not pay someone for their services, that he had been told that they could ask the Robbery Division of the Police Department to arrest someone who deprived them of their just wages, and Council Member Wiseman stated that she would like something in writing if that was true. Council Members Edwards and Garcia absent.

Mr. Frank Olson, 201 Vanderpool, No. 113, Houston, Texas 77074 (713-465-0453) appeared and stated that their congregation, Memorial Drive United Methodist Church was a member of the Metropolitan Organization, that he lived in the west side and many of their congregation members were on the east and north side and had many immigrants in their communities and this was vital to the east side, that day labor sites had been funded through the City since 1994 after a study showed a need for such sites and the original proposal had bipartisan support, the east end site now in question had been in existence since 1996 and in the years that the City had supported that site had consistently been supported by Council, so it was a bit curious now as to why some Council Members who had supported the sites in the past were now opposing them. Council Member Edwards absent.

Upon questions by Council Members, Mr. Olson stated that the labor center was open to all people and did serve 50 to 60 people a day and they believed it was a very pragmatic approach to a citywide problem and unfortunately it was only at this particular center where men, women and anyone could come to seek a job with an independent contractor, that they believed it made very good sense to be compassionate, to have a place where men and women could get out of the heat and cold and get a job, Council Members Wiseman and Green absent.

Mayor White stated that he wanted to recognize Ms. Joyce Camp, who was present in the audience and thanked her for agreeing to serve on the Parking Commission, that it was an important service. Council Members Wiseman and Green absent.

Mr. John Ogren, 12568 Memorial Dr., Houston, Texas 77024 (713-467-3086) appeared

and stated that he was the team leader for the Metropolitan Organization, at Chapplewood United Methodist Church in the Memorial area, that he was not a minister, that TMO was a network of Houston churches concerned with social justice issues, their faith tradition taught them to have special concerns for the aliens among their neighbors, for that reason they strongly supported the day labor center currently in service in Houston and urged their continued support, the day labor center provided a safe environment for workers to be hired and helped combat the informal street corner hiring practices which were so common in Houston, they urged the Council to consider the practical issues related to street corner employment in the City, the day labor center was a step in the right direction and deserved their continued support. Wiseman and Green absent.

Upon questions by Council Member Sekula-Gibbs, Mr. Ogren stated that the center was opened to all workers and whatever their legal status, the center provided a practical service to get people off of the street and reduce the issues of street crime and nuisance, that if it was determined to be illegal then obviously they were not going to support any illegal activity, that was the role of government, to set the laws and decide what the boundaries were and if a decision was made that it was an illegal activity at the center then obviously they would not support it, TMO or any congregation. Council Members Lawrence, Wiseman, Holm, Alvarado and Green absent.

Ms. Barbara Larson, 14406 Broadgreen, Houston, Texas 77079 (281-589-1984) appeared and stated that she was present because of her concerns over the day labor center, that traditionally 85% of the people who used the day labor centers were illegal immigrants, that they did have many citizens and green card holders, people who were legal in the City who needed job assistance, that if they say it was legal what would be the harm of inserting a provision in the contract saying it would only be available to people who were in the United States legally, that she thought the idea was good, of job service. Council Members Alvarado and Green absent.

Council Member Lawrence asked if the 85% came from some kind of research that they had done and Ms. Larson stated that the statistics came from the Federation of American Immigration Reform, the survey was done in 2001. Council Members Alvarado and Green absent.

Mr. Roger Rodriguez, 5800 Lumberdale Rd., Townhouse No. 35, Houston, Texas 77092 appeared and stated that all immigrants into the U.S. should be legal, hundreds of thousands enter the U.S. each year legally and also immigrate illegally, that the illegals have broken the law in several places along the process and now the City of Houston wanted to reward them and employers with a new improved facility, an improved day labor site would only facilitate more illegal immigration, that it would do nothing to solve the cause of the problem, corrupt inefficient forms of government in Mexico, Central and South America and other places were the cause of the problem and those forms of government only look out for a wealthy few and not for their population. Council Members Garcia, Alvarado and Green absent.

Upon questions by Council Member Wiseman, Mr. Rodriguez stated that he was opposed to a day labor center being provided to offer assistance to illegal people seeking employment, but okay with service being limited to those who were legally allowed to work in the US, that he would oppose the taxpayer money being used to facilitate the employment of immigrants that were not allowed to work in the U.S. Council Members Garcia, Alvarado, Green and Berry absent.

Ms. Wanda Sisco, 3520 Bellaire, Houston, Texas 77025 (713-667-8270) appeared and stated that she objected to taxpayer funding of illegal activity such as day labor centers used by people in the Country unlawfully, that there were agencies, such as the Texas Workforce Commission that provided for citizens and legal residents negating the need for day labor sites except for illegals, that numerous federal laws require permission to come into the Country, that the majority of the Council should have no conscious whatsoever for refusing to acknowledge

that their Country was being invaded; that one of the serial killer illegal alien, known as the east end killer, used the day labor centers. Council Members Garcia, Alvarado, Sekula-Gibbs. Green and Berry absent.

Ms. Janice Ferguson, 2902 Brompton Square, Houston, Texas 77025 (832-778-1249) had reserved time to speak, but was not present when her name was called. Council Members Garcia, Alvarado, Sekula-Gibbs. Green and Berry absent.

Mr. Bert Keller, 12306 Broken Bough, Houston, Texas 77024 (713-304-9312) appeared and stated that he was present to speak about the contract with ATS, there was a couple of items on there where he felt the City was paying for something that they would not have to, that in some of the letters of clarification, on page 71 of 75, in Exhibit X, for pricing purposes assume 25 approved citations per day, per installation approach for 30 days per month, that it was an assumption for uniformity in the proposing, but yet in the contract they get a minimum fee, they get paid for collecting 25 citations, possibly even if they did not do the work on 25 citations, if that was true the price that they turned in was actually lower than theirs because they did not have a minimum, if they collected 10 citations, they got paid for 10 and not 25, the City never said that they would give them a minimum of 25, they only wanted uniformity so that everybody could propose on an equal basis, that also their proposal included \$200,000 for a public awareness campaign with Mr. Nolan Ryan as their corporate spokesperson, that it said on page 3 of 5, in the Letter of Clarification, question number 46, vendors were to provide a complete public awareness campaign including the cost of radio and television time, that in the contract the City was paying them \$10,000 per month for the whole term, not just for one year, they were paying for five years, they were paying \$120,000 per year, why would they need it after year one, everybody was going to pretty much know that it was going on, they should think about it, they could save the amount of money 5 times over for the pro tem' office just by amending the contract and saying no to the public awareness campaign and no to the minimum fee, those were not in there and their price was lower than theirs if they included those in there, it was well documented, that he thought the process was also a little bit flawed and he thought they change ordered their way to profitability, that he spent a lot of time on Council finding change orders. Council Member Green absent.

Ms. Graciela Saenz, 1010 Lamar, No. 1420, Houston, Texas 77002 (713-659-9200) appeared and stated that she was present for Item No. 42 on the agenda, University Development, that it was her understanding that the issues had been addressed by the administration and Legal and wanted to thank them for working with them. Council Member Green absent.

Upon questions by Council Members, Ms. Saenz stated that they were behind on their taxes because some of the properties were sold to other individuals and showed up on the tax records as being part of University Development but had been sold, they had made arrangements to pay the taxes and were going to be putting liens on the people that they billed, that the handout to Council Members showed the payments that would made all the way through 2013. Mayor White and Council Member Green absent. Acting Mayor Pro Tem Berry presiding.

Ms. Hedi Carlson, 701 San Jacinto, Houston, Texas 77052 (713-861-3546) appeared, presented information and stated that she had a summary of a legal brief that she had given to Council and requested it be put into the record, that after discussing it with an attorney the proposed grant in the contract was a violation of federal immigration law, if it was approved as proposed the City and NCI faced legal charges, that the first problem was that the illegal worker could not qualify for the services and classes, that two, the day labor worker must be a resident, that the day labor worker was to be identity checked and it was not done, that the most basic problem with it was that it was a violation of U.S. law to harbor, encourage or induce illegal aliens to remain in the U.S. on equal terms with U.S. citizens, for the ordinance to withstand a legal challenge the City would have to insure the day labor workers eligibility, the center would

have to ensure the persons it services were authorized, the City Council did not have the authority to circumvent federal law and constitutional protections. Council Members Johnson, Clutterbuck, Garcia, Alvarado, Lovell and Green absent.

Ms. Louise Whiteford, 2431 Mantucket Dr., Houston, Texas 77057 (713-706-3546) appeared and stated that George Cannon, the former ambassador to Russia, made a comment on their present immigration policy, it was the most likely scenario was when the population density of the U.S. equals that of the country from which they were coming from they would stop coming, a tight labor market created the American dream and now they had the corporate dream of cheap labor, that both Proposition 1 and Proposition 2 allowed for an increase in taxes with an increase in population, there was no reason to raise taxes because of an increase in population, only a population increase of people who were a drain on the economy necessitated a tax increase, that 78% of illegal immigration was Mexican, that President Kennedy asked Congress to eliminate discrimination based upon the exiting national origins quoted immigration policy, he promised that they would never have more than 10% from any one Country, Mexico and Viet Nam were almost the same size, they had a minute number of Vietnamese allowed to stay in the Country, 120,000 were deported, that the center would favor Mexico over other countries because of the illegal immigrant problem. Council Members Johnson, Garcia, Alvarado, Lovell and Green absent.

Upon questions by Council Member Sekula-Gibbs, Ms. Whiteford stated that they had to stop playing games with the taxpayers money. Council Members Johnson, Holm, Garcia, Alvarado, Lovell and Green absent.

Mr. Richard Leal, 7314 Nordling, Houston, Texas 77076 (713-694-5138) had reserved time to speak, but was not present when his name was called. Council Members Johnson, Holm, Garcia, Alvarado, Lovell and Green absent.

Mr. Joe M. Padilla, 7418 Alderson, Houston, Texas 77020 (713-671-8317) had reserved time to speak, but was not present when his name was called. Council Members Johnson, Holm, Garcia, Alvarado, Lovell and Green absent.

Ms. Patricia Mancuso, 10142 Hazelhurst, Houston, Texas 77043 (713-461-7764) appeared and stated that in 1948 she immigrated from Canada with her parents, that there were no day labor centers, that as soon as they could they became American citizens, that she felt that day labor centers were symptomatic of the many problems with the immigration system and just one more magnet to draw the unskilled from Mexico and Central America, that the real problem was Mexico economics, with each new administration they were hopeful and with each new administration it failed, that they could not solve the problems of Mexican economics without destroying their own economic infrastructure. Council Members Johnson, Clutterbuck, Holm, Garcia, Alvarado, Lovell and Green absent. (No Quorum Present)

Council Member Sekula-Gibbs stated that they received a document that was distributed from Mayor White and Mr. Michel, the legal advisor for the City, that she would read her a little statement, that there were currently no provisions in CDBG regulations that specifically stated that undocumented or illegal aliens may participate in or receive any benefits under a CDBG funded activity, however Public Law 104-193 titled Personal Responsibility and Work Opportunity Reconciliation Act of 1996 was currently in effect and did include language under Section 401, which generally stated that an alien who was not a qualified alien was not eligible to receive federal public benefits, that it was clear that could not say that they did not know anymore, the humanitarian reasons certainly were always important, that they tried it and it did not work, it was not the answer. Council Members Johnson, Holm, Garcia, Alvarado, Lovell and Green absent.

Ms. Margaret Green, 14271 Longhorn Dr., Houston, Texas 77080 (713-465-3721) had reserved time to speak, but was not present when her name was called. Council Members

Johnson, Holm, Garcia, Alvarado, Lovell and Green absent.

Mr. Joe Vail, 6223 Autumn Forest, Houston, Texas 77092 (713-743-2094) appeared and stated that he taught Immigration Law at the University of Houston Law School, that he was not that familiar with the contract but in terms of Immigration Law it was not a violation of Immigration Law to have an employer come by and pick up people at day labor sites, that the 1986 Immigration Law specifically excluded casual hires and independent contractors from the law, they specifically excluded them from the employer sanctions provision of that law, and additionally the harboring provisions under Section 8 USC 1324 did not apply, that in terms of the numbers it was mentioned 85% by the Federation of American Immigration Reform, they were a very lobbying group on one side of the issue, that some illegals may be legal with a work permit, the statistics by the PEW Institute quoted that 60% of the illegals had families, many of them had U.S. children that they were supporting and talking about deporting, that he was on the planning committee and was involved in the early 1990's when the Westpark site came up and the reason for the site was not to help illegal immigrants, community members were complaining about people walking through the neighborhood and loitering and hanging out and they wanted them joined in one site, that in those meetings they had INS enforcement, HPD and employees of the City, that there were a couple of INS investigators that were looking at whether or not it would be a violation and the employer sanction provisions were in effect. Council Members Johnson, Holm, Garcia, Alvarado, Lovell and Green absent.

Upon questions by Council Members, Mr. Vail stated that employment under Immigration Law meant hiring somebody on for a regular pattern of employment, specifically excluded were independent contractors who hired somebody on for a day or a couple of days, that the way to determine who was an independent contractor versus who was an employee were things like were the individuals services available to the public, what was the length of time that they were there, other factors were did they bring their own tools, that there were a number of factors under federal regulation that they looked at, that they also recognized domestic help, they would also not be subject to employer sanctions if they had someone coming in once a week or month to clean the house or cut the yard, they specifically excluded them under federal law in 1986 so they were not required to do the I-9 forms and paperwork that was required, that he specifically taught Immigration Law and directed an immigration clinic at the law school, that he was an employment law expert. Council Members Johnson, Holm, Garcia, Alvarado, Lovell, Green and Berry absent. (No Quorum Present)

Mr. Mike Coley, 519 Forest St, Houston, Texas 77011 (713-926-2442) had reserved time to speak, but was not present when his name was called. Council Members Johnson, Holm, Garcia, Alvarado, Lovell, Green and Berry absent. (No Quorum Present)

Ms. Carolyn Tarleton, 14855 Memorial Dr., Houston, Texas 77079 (281-584-0381) had reserved time to speak, but was not present when her name was called. Council Members Johnson, Holm, Garcia, Alvarado, Lovell, Green and Berry absent. (No Quorum Present)

Council Member Sekula-Gibbs moved to suspend the rules to hear Mr. Romano after Mr. Tuton, seconded by Council Member Khan. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Johnson, Wiseman, Holm, Alvarado and Green absent. MOTION 2006-0416 ADOPTED.

Mr. Jim Tuton, 14861 N. Scottsdale Rd., Scottsdale, AZ 85254 (602-705-9092) had reserved time to speak but was not present when his name was called. Council Members Edwards, Wiseman, Alvarado, Lovell and Green absent.

Mr. Allan Romano, 8401 Airline, Houston, Texas 77037 (281-931-5000) appeared and stated that the contract that was being awarded on the red light cameras needed to be put hold, the RFP was flawed and the Committee on Public Safety decided that it should be reviewed, it should be re-set and brought forward, the contract said that no loop systems would be

accepted, that he had \$1,000 in his pocket if any Council Member could design a system without a loop system, that it said that the detector system would detect a vehicle and take a red light camera photo if they were doing zero miles per hour, why would they take a picture of a vehicle that was stationary, parked at the detector, that there were so many technical problems in the contract that it was not funny, that as a technical person he challenged anybody to come forward, even Mr. Tuton, that he talked to him last night, that he wanted the contract to be fair to anybody, he asked that all the red light camera people be awarded the chance to get the contract if they were fair and reasonable, that Mr. Tuton's system was the cheapest system, that according to their own procedures they did not take the lowest bid they take the fair and reasonable bid, that now it was free so it put ATS out, that it did not matter which way they went, ATS lacked in experience, that ATS was barred in 1999 to 2001 from competing when Red Flex sued them, there were other law cases that Mr. Tuton had put forward in the red light camera field, that this was not the company that he wanted to come to Houston, that he wanted to see red light cameras in Houston but wanted to see them done properly. Council Members Edwards, Wiseman, Alvarado, Lovell and Green absent.

Upon questions by Council Members, Mr. Romano stated that he had a Masters in Engineering out of Texas A&M, that he had enough hours in computer science for a PHD, in statistical mathematics for a PHD, that his specialty was intersection design and control, that he had an authorship of a computer program for coordinated traffic lights that had never been beaten or challenged, that he had worked for Texas Transportation, Texas A&M, Federal Highway Department in America, and had worked in other countries, that he came from Australia, that he did not work for anybody for any vendors who applied for the red light contract. Council Members Wiseman, Lovell and Green absent.

Mr. Jim Tuton, 14861 N. Scottsdale Rd., Scottsdale, AZ 85254 (602-705-9092) appeared and stated that it had been almost a year since the program began, that he knew the City began planning many years before but the RFP was actually issued in June 2005, that they participated in the process and appreciated the effort that the staff had brought forward, that he had been doing this for 20 years and he had never seen a program more comprehensive than this in terms of the full analysis, which actually included the implementation and operation of a physical camera, their programs had been very successful around the Country, they operated more than 30 programs from coast to coast, including some of the largest cities in the Country, Philadelphia, New York City and the City of Seattle, the contract had been negotiated was standing, ready and executed, they had the staff and equipment on hand and were ready to start immediately with the program, that he wanted to remind everybody that it was an initiative and was very successful across the Country at leveraging technology, it was innovative and would guarantee safety results without using taxpayer dollars because it was entirely funded by red light runners and not taxpayers, that ATF would only be paid with revenue generated by the program and the fee structure was relatively low at that. Council Members Lovell, Sekula-Gibbs and Green absent.

Upon questions by Council Members, Mr. Tuton stated that the payment structure was such that ATS was only paid out of revenue generated, they would never be paid out of the General Fund, they would never be paid more in fees than the program generates, their firm would invest million of dollars immediately in the program, including equipment, infrastructure and staff, the money that was generated by the program, through the fine structures would be used to fund them, that they were not guaranteed the minimum payment unless the program generated enough revenue to pay them the fee structure, the City would never have to come out of pocket and pay them money that had not been generated by the program, even if the system generated less revenue than the minimum payment, that the cameras could be moved throughout the City. Council Members Wiseman, Green and Berry absent.

Mr. Barry Mandel, 3023 S. Braeswood, Houston, Texas 77025 (713-662-2516) was present in the audience but advised he would not appear. Council Members Wiseman, Green and Berry absent.

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

Mr. Larry Jordan, 230 Delmar, Houston, Texas 77011 (no phone) had reserved time to speak, but was not present when his name was called. Council Members Wiseman, Green and Berry absent.

Mr. John Nicks, 602 Commerce St, Magnolia, TX 77355 (emjln@oplink.net) appeared and stated that he was present regarding the sound permit issues, that he would like to see the City Council and Mayor White change the process, that the way it was now they would only license for two, one person per two per location, two permits per month, that he would like to see it change where it was more up to the owner or management of the building to let a person do open air on their property, that public preaching on the City streets was something that he was trying to do. Council Members Wiseman, Green and Berry absent.

Upon questions by Council Members, Mr. Nicks stated that he had plans on exercising free speech, that he was concerned about the future, that he wanted to make it more friendly for people and wanted to do open air preaching within the City limits. Council Members Wiseman and Berry absent.

Mr. Joseph Momo Omari, 2820 Palm No. 2B, Houston, Texas 77004 (832-767-0870) had reserved time to speak, but was not present when his name was called. Council Members Wiseman and Berry absent.

Mr. Dallas Cantwell, 1511 Bingle B5, Houston, Texas 77055 (832-526-3488) had reserved time to speak, but was not present when his name was called. Council Members Wiseman and Berry absent.

Mr. Kenneth Wayne Morris, 2524 Walcott Lane, Houston, Texas 77088 (281-448-9541) appeared and stated that he was an independent contractor and a small business owner, they filed and paid their taxes as such, they would be a franchise owner under the Super Shuttle Agreement, which would take their business to the next level, as an independent contractor they leased their operating equipment, as a franchise they would own their operating equipment, that the difference between a McDonalds franchise owner and a Super Shuttle franchise owner was nothing at all, they were both small business owners, that Super Shuttle was a group of franchise owners organized under World Class Systems, the reason they needed exclusivity was so that when residential shuttle service develops in Houston they would not end up with the same rogue marketing all shuttles provide, it looked bad, their togetherness was demonstrated by their attendance today, and asked everyone present with him today to stand, they were Express Shuttle, that City Council's indecision had inadvertently affected 40 minority businessmen as a favor to one minority business, that City Council had put 100 family members lives on hold with not making a decision regarding the issue, that many of them had driven professionally for many years and wished to continue to do so under a system that would allow them to continue to be successful and take care of their minority families. Council Members Lawrence, Edwards, Holm, Garcia, Alvarado, Lovell and Berry absent. (No Quorum Present)

Mayor White stated that he appreciated their being present today and expressing their concerns, that they were going to try and get something on the agenda as quickly as they could. Council Members Lawrence, Edwards, Holm, Garcia, Alvarado, Lovell and Berry absent. (No Quorum Present)

Upon questions by Council Member Khan, Mr. Morris stated that he was an independent contractor with Express Shuttle, if the City Council did not pass the contract with Express Shuttle there would no longer be an Express Shuttle, they would be out of jobs, that they

provided good quality service and always had a back up with Yellow Cab company, and Council Member Khan stated that he would like to visit with him. Mayor White and Council Members Lawrence, Edwards, Holm, Garcia, Alvarado and Lovell absent. Acting Mayor Pro Tem Berry presiding. (No Quorum Present)

Upon questions by Council Member Johnson, Mr. Morris stated that Express Shuttle provide service from the airport to the hotel, to downtown, the Medical Center and the Westside area, that it was three weeks since they had been working, their manager made a decision that it would not be prudent to be out trying to have a business with competition such as Texas Super Shuttle, who was making it hard for him as a businessman to provide ample good service because they did not provide the type of service that they did, that he did not know the significance of what came about, that the City did not shut them down, that they were present at Council today to show the Mayor and City Council that they were the best. Mayor White and Council Members Lawrence, Edwards, Holm, Garcia, Alvarado and Lovell absent. Acting Mayor Pro Tem Berry presiding. (No Quorum Present)

Mr. Kenneth Cooper, 211 E. 37th, Houston, Texas 77018 (281-226-3729) appeared and stated that he was present regarding Express Shuttle, that his company hated to shut the company down because of the loss of over \$400,000 over the last 20 months, that their employees had benefits, a 401K plan and other things, the other companies did not offer those things to their employees, the independent contractors did not have benefits but they made enough money to get insurance and other things, that at this point about 70 or 80 people were without jobs and over 300 people were affected, if they had exclusive rights to the City they would put 40 franchise owners back to work, that they needed to have the exclusivity so when the residential shuttle service was developed again they would not have the same problems they were having right now. Mayor White and Council Members Lawrence, Khan, Holm, Garcia, Alvarado and Lovell absent. Acting Mayor Pro Tem Berry presiding. (No Quorum Present)

Mr. Seyyed Bushehri, 5515 Linden Grove Ct., Sugarland, Texas 77479 (832-276-4292) appeared, presented information and stated that he used to work for Express Shuttle until May 19, 2006, that over 100 employees were out of jobs right now, that as they all knew George Bush Airport was the ninth busiest airport in the Nation according to the traffic reports and it was increasing in passenger traffic every month so they needed professional and reliable shuttle service to and from the airport, that right now with the way Texan Shuttle was running with 9 runs on American and 4 other runs they could not call it a service to the airport, it was really next to nothing, unfortunately most of their passengers were people coming to Houston for the first time and they get their worst experience in Houston right from the airport, that the owners of Texan Shuttle came to the City and complained that Express Shuttle or Yellow Cab wanted to put their minority company out of business, they did not have anything else to say expect to bring minority to the issue, that with the service they were providing to the public they should have been out of business a long time ago, that they had nine minority drivers compared to his company with 100 minorities, that the Council Members had put all of their 100 minorities and their family's members lives on hold not having made any decisions regarding the issue. Mayor White and Council Members Lawrence, Khan, Holm, Garcia, Alvarado and Lovell absent. Acting Mayor Pro Tem Berry presiding. (No Quorum Present)

Council Member Edwards moved to suspend the rules to hear from Mr. Joseph Omari out of order, he was out of the room when his name was called, seconded by Council Member Khan. All voting aye. Nays none. Council Member Brown out of the city on city business. Mayor White and Council Members Lawrence, Holm, Garcia, Alvarado and Lovell absent. Acting Mayor Pro Tem Berry presiding.

Ms. Vera Jimenez, 12419 Birchchester Lane, Houston, Texas 77039 (281-987-2179) appeared and stated that she was a former ticket agent of Express Shuttle and was present to represent herself and the other ticket agents of a previous company of Express Shuttle, that on May 19, 2006 Express Shuttle closed down their operations after four years of successful

business and service, that at that time Express Shuttle had 19 ticket agents and 41 drivers, Express Shuttle employees were all dedicated to their jobs, as well as representing the City of Houston with friendly and helpful service to all its customers, that was why Express Shuttle in the past had repeated business on a daily basis, many times Express Shuttle customers commented on the employees professionalism and appearance, that it would be a shame to lose that type of service for their growing City, the ticket agents of Express Shuttle came from a variety of ethnic backgrounds and cultures but had always worked together to achieve a common goal to establish repeated business and to reflect a good reputation and outlook for the City of Houston, they were truly dedicated to their work and customers, many other ticket agents of Express Shuttle alone were single mothers with children and mortgages, they had students working through college and grandparents raising their grandchildren, they were now faced with everyday problems like every other person and were facing financial difficulties, that they, the former employees of Express Shuttle, were asking the City of Houston to strongly consider reestablishing Express Shuttle as a company of Super Shuttle, it would keep them working and continuing to represent the City of Houston with outstanding service to the visitors and tourists who visited the City. Mayor White and Council Members Lawrence, Holm, Garcia, Alvarado and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding.

Upon questions by Council Member Khan, Ms. Jimenez stated that the only reason they were given as to why they were not changed over to Super Shuttle was because the votes did not come in to change Express Shuttle to Super Shuttle, that Express Shuttle had been in business for four years, that they were hoping for an agreement so they could be Super Shuttle for Houston. Mayor White and Council Members Lawrence, Holm, Garcia, Alvarado and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding.

Mr. Joseph Momo Omari, 2820 Palm No. 2B, Houston, Texas 77004 (832-767-0870) appeared and stated that he did not have any sympathy about the illegal immigration issue, it was difficult when \$165 million had been left on the Black political table, it was difficult when the Blacks were facing an economic genocide, it was difficult when the Black community was looking down the barrel of a racist economic system, and Mr. Omari continued to voice his personal opinion until his time expired. Mayor White and Council Members Lawrence, Holm, Garcia and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding.

Mr. William Barker, 9966 Kirkdale Dr., Houston, Texas 77089 (832-519-6260) had reserved time to speak, but was not present when his name was called. Mayor White and Council Members Lawrence, Holm, Garcia and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding.

Mr. Thomas Arrington III, 4106 Delano St, Houston, Texas 77004 (713-524-2699) appeared and handed out a book to each Council Member, and stated that on November 14, 2005, Mr. John O. Franklin, the imminent historian who was appointed by President Clinton on the initiative on race had said that America had not been willing to reconcile on race, that he had talked to governors and legislators and was all over the Country in an attempt to get reparations, not reparations necessarily, but a discussion in America on the issue of race, that on the issue of racism in America the City Council had refused to deal with that issue, that the book he handed out showed the global implications, it was called "King Leopold's Ghost", and showed the global implications of race in the world. Mayor White and Council Members Lawrence, Holm, Garcia and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding.

Council Member Clutterbuck thanked Mr. Arrington for distributing copies of the book, that it was an excellent book, and Mr. Arrington stated that he wanted them to read the book, he was a struggling graduate student, if they would like they could send the \$15 that the book cost to his address. Mayor White and Council Members Lawrence, Holm, Garcia and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding.

Mr. Dale York, 8855 Gulf Freeway, Houston, Texas 77017 (832-439-4135) had reserved

time to speak, but was not present when his name was called. Mayor White and Council Members Lawrence, Holm, Garcia and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding.

Ms. Gina Chepely, 1602 Ebony Lane, Houston, Texas 77018 (281-610-5811) had reserved time to speak, but was not present when her name was called. Mayor White and Council Members Lawrence, Holm, Garcia and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding.

Ms. Mary Taylor, 1403 Fashion Hill Dr., Houston, Texas 77088 (281-445-0682) appeared and stated that she was present regarding discrimination in the workplace and was also opposed to the issue that they were talking about in the beginning, that in 1990 she was injured and her feet were crushed, that she was working at a hospital, that she did not know that her feet were broken, she found out after continually hurting for over a year and a half, she went to the doctor and had x-rays and her feet were broken, that they fired her because they knew she could not work anymore, that she was a civic leader and lived in Acres Homes, Willowrun North Plaza, that the injury had damaged her body, it was a trauma to her brain, that she expected to get some answers. Mayor White and Council Members Khan, Holm, Garcia and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding.

Ms. Sudapon Kinney, 225 Aldine Bender, No. 708, Houston, Texas 77060 (281-448-4190) appeared and stated that she wanted the City Council to help her get her money from a claim of a balance of her credit card from Safeco, that she needed her money and had been here for 30 plus years and was a citizen of the United States, if they could help her she would appreciate it. Mayor White and Council Members Johnson, Holm and Garcia absent. Acting Mayor Pro Tem Berry presiding.

Ms. Alicia Butler, 1445 Walters Rd., Houston, Texas 77014 (281-658-7940) appeared, presented information and stated that she was present on behalf of the Acres Home community, to her knowledge there were a lot of seniors living there in deplorable conditions because of the community, there were funds they were aware of that could assist them in their living conditions and she was present to see if they could in fact get some help for the seniors, that Ms. Johnson, a 75 year old senior was present with her and lived alone in deplorable conditions in her home in Acres Home and had asked for help for several years and had yet to receive help or assistance through the City or any other agencies. Mayor White and Council Members Johnson, Holm and Garcia absent. Acting Mayor Pro Tem Berry presiding.

Acting Mayor Pro Tem Berry stated that Mr. Lester Whiting would meet with them in the Council Chamber. Mayor White and Council Members Johnson, Holm and Garcia absent. Acting Mayor Pro Tem Berry presiding

Ms. Mary Pruitt, no address, no phone had reserved time to speak, but was not present when her name was called. Mayor White and Council Members Johnson, 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 her name was called. Mayor White and Council Members Johnson, Holm and Garcia absent. Acting Mayor Pro Tem Berry presiding

Ms. Carol Dickinson, 4834 Glenvillage, Houston, Texas 77084 (832-529-3039) appeared and stated that she was present to talk about Body World Three Exhibit showing at the Houston Museum of Natural Science, that the exhibit was an atrocity and exhibited two dead men riding a dead horse with their skin peeled of, another man was holding his own skin, and asked if the City Council had the power to shut down the museum exhibit. Mayor White and Council Members Johnson, Holm and Garcia absent. Acting Mayor Pro Tem Berry presiding

Upon questions by Council Member Sekula-Gibbs, Ms. Dickinson stated that she had information for the Council Member regarding the exhibit and Council Member Sekula-Gibbs stated that she would like to see the information and thanked Ms. Dickinson for bringing it to their attention. Mayor White and Council Members Lawrence, Johnson, Edwards, Garcia and Alvarado absent. Acting Mayor Pro Tem Berry presiding.

Mr. Sammy Jones, 1415 W. Gulfbank, No. 211, Houston, Texas 77088 (no phone) had reserved time to speak, but was not present when his name was called. Mayor White and Council Members Lawrence, Johnson, Edwards, Garcia and Alvarado absent. Acting Mayor Pro Tem Berry presiding.

Mr. Marvin Holmes, 3211 Mellhenny St., Houston, Texas 77004 (832-398-9223) appeared and stated that he was present regarding the Library across the street, that some of their staff were unprofessional and rude, they were not very helpful, that in his neighborhood some of the houses needed to be torn down, that they needed speed humps in their neighborhood. Council Members Edwards, Holm, Garcia, Alvarado and Lovell absent.

The City Secretary stated that Ms. Carolyn Tarleton was not present earlier but advised that she was now present. Council Members Edwards, Holm, Garcia, Alvarado and Lovell absent.

Ms. Carolyn Tarleton, 14855 Memorial Dr., Houston, Texas 77079 (281-584-0381) appeared and stated that she was a native Houstonian, that immigration was out of control, that border control and respect of the law were paramount importance now, they needed to decide what was legal and illegal and make policy decisions and policy choices accordingly. Council Members Edwards, Holm, Garcia, Lovell and Berry absent.

Council Member Sekula-Gibbs thanked Ms. Tarleton for being present on the day labor center issue. Council Members Garcia, Lovell and Berry absent.

President Joseph Charles, Post Office Box 524373, Houston, Texas 77052-4373 (832-453-6376) appeared and voice his personal opinion until his time expired. Council Members Holm, Garcia, Alvarado and Berry absent.

Mr. William (Beal) Reagan, 6230 Symare Avenue, Van Nuys, CA 91401 (no phone) had reserved time to speak, but was not present when his name was called. Council Members Holm, Garcia, Alvarado and Berry absent.

Mr. Tony Jones, 1950 Spenwick, Houston, Texas 77055 (713-935-0011) had reserved time to speak, but was not present when his name was called. Council Members Holm, Garcia, Alvarado and Berry absent.

Ms. Leslie Wetzel, 63 Mystick Lake Circle, The Woodlands, TX 7731 (281-414-8431) had reserved time to speak, but was not present when her name was called. Council Members Holm, Garcia, Alvarado and Berry absent.

Mr. Larry Youngblood, 12519 Logan Mill Dr., Houston, Texas 77070 (281-477-3966) appeared and stated that he was present on unintended circumstances and consequences, that he spent the month of April on the border, standard operating procedures for the Minute Men, that they were to spot and report to the Border Patrol any groups of trespassers, that they took the month of May off, that it was reported to him by the ranchers that since they met last week four trespassers had expired for a total of 12 for the month. Council Members Holm, Garcia, Alvarado and Berry absent.

Council Members Lawrence and Sekula-Gibbs thanked Mr. Youngblood for the work he performed. Council Members Garcia, Alvarado and Berry absent.

Council Member Green moved to suspend the rules to remain in session beyond the scheduled noon recess to complete the meeting, seconded by Council Member Khan. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Garcia, Alvarado and Berry absent. MOTION 2006-0418 ADOPTED.

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. Council Members Garcia, Alvarado and Berry absent.

Mr. Jerry Brady, 827 E. Rogers, Houston, Texas 77291 (713-696-0177) appeared, presented information and stated that he was President of Liberty Cab Company and had 35 years of service to ground transportation in the City, that Liberty Cab Company was celebrating its 25th anniversary, that he was present to distribute a brief outline sketch of an opportunity and proposal and possible way to provide shared ride service to the citizens and visitors of Houston, the program that he outlined was all inclusive in terms of providers and would allow all of the current shuttle operators to continue to operate and would provide work for Houston's independent taxicab company drivers, that he would hope that they would take time to read it. Council Members Garcia and Berry absent.

Mayor White thanked Mr. Brady for being present and handing out the material today. Council Members Garcia and Berry absent.

Upon questions by Council Members, Mr. Brady stated that the first major point would be that all the shuttle operators that had currently operating shuttle service to and from the hotels in Houston would be allowed to continue to operate as they always had with a limit placed on the number of vehicles they operate, that it was his belief that all vehicles for hire in Texas should be permitted and in Houston should be permitted, that the new service that they were all desirous to provide to Houston citizens and visitors could be done by shared ride shuttle taxis and would be specially licensed taxicabs that were seven passenger mini vans. Council Member Garcia absent.

Ms. Joleen Reynolds, 1003 Trapper Hill Dr., Houston, Texas 77077 (281-556-1335) appeared, presented information and stated that she was past President of Texas Immigration Reform and stated that last week she said Council wanted to fund \$100,000.00 for a day labor center and that was aiding and abetting illegal aliens and that helping them search for jobs was a felony and Mayor White stated that it was not illegal to use federal funds from the Community Development Block Grant Program for the purpose, but the Houston Chronicle reported there was an irony federal funds were being used to violate federal laws, to say that the federal government and the Bush Administration approved funding the centers did not make it legal. Council Members Garcia and Green absent.

Mr. Benino Garcia, 7231 Force, Houston, Texas 77020 (713-673-0975) appeared, presented information and stated that he was employed by Yellow Cab of Houston as an orientation leader for Express Shuttle, and passed out a handout that showed the requirements that were needed to be able to contract with Express Shuttle and also the lease price that the contractors paid on their leases, and also the lease route that their drivers must follow during the schedule route, that their competitors did not have a route, instead drove around like wrecker drivers used to before the SafeClear Program. Council Members. Khan, Garcia and Alvarado absent.

At 12:07 Mayor White stated that they would move to the consent agenda.

Council Member Berry moved to suspend the rules to consider Item No. 57 out of order, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Khan and Garcia absent. MOTION 2006-0419

ADOPTED.

57. 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 – **(This was Item 20 on Agenda of May 24, 2006, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Khan, Garcia and Berry absent. ORDINANCE 2006-0533 ADOPTED.

CONSENT AGENDA NUMBERS 1 through 54

MISCELLANEOUS - NUMBERS 4 and 4A

4. ORDINANCE appropriating \$78,754.50 out of Water & Sewer System Consolidated Construction Fund as additional funding for contract with **PELTIER BROTHERS CONSTRUCTION, INC** for Lang Lift Station Replacement, GFS R-0267-70-3 (WW4816-02) (approved by Ordinance No. 04-0548) - **DISTRICT A – LAWRENCE** – was presented. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Garcia and Berry absent. ORDINANCE 2006-0534 ADOPTED.
- 4a. RECOMMENDATION from Director Department of Public Works & Engineering for approval of Change Order No. 2 in the amount of \$79,293.86 on contract with **PELTIER BROTHERS CONSTRUCTION, INC** for Lang Lift Station Replacement, GFS R-0267-70-3 (WW4816-02) **DISTRICT A - LAWRENCE** – was presented, moved by Council Member Sekula-Gibbs, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Garcia and Berry absent. MOTION 2006-0420 ADOPTED.

DAMAGES - NUMBER 5

5. RECOMMENDATION from City Attorney for settlement of lawsuit styled **VICTOR CORTEZ v. City of Houston**; in the 189th Judicial District Court of Harris County, Texas; Cause No. 2004-01447 \$30,000.00 - Property and Casualty Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Garcia and Berry absent. MOTION 2006-0421 ADOPTED.

ACCEPT WORK - NUMBERS 6 through 11

6. RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$18,730,626.02 and acceptance of work on contract with **MANHATTAN CONSTRUCTION COMPANY** for Terminal C Pedestrian Bridge at George Bush Intercontinental Airport/Houston Project No. 490F, CIP A-0322 and A-0355 - 04.14% over the original contract amount - **DISTRICT B - JOHNSON** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Garcia and Berry absent. MOTION 2006-0422 ADOPTED.
7. RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$2,948,495.21 and acceptance of work on contract with **W. W. WEBBER, LLC (previously known as W. W. WEBBER, INC)** for Runway 8L-26R Midfield Grading at George Bush Intercontinental Airport/Houston Project 522M, CIP A-0304 - 00.14% over the original contract amount - **DISTRICT B - JOHNSON** – was presented, moved by

Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Garcia and Berry absent. MOTION 2006-0423 ADOPTED.

8. RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$1,536,000.34 and acceptance of work on contract with **W. W. WEBBER, LLC (previously known as W. W. WEBBER, INC)** for Wright Road Extension and Miscellaneous Site Work for the USPS Building at George Bush Intercontinental Airport/Houston Project 610, CIP A-0489 16.42% under the original contract amount - **DISTRICT B - JOHNSON** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Garcia and Berry absent. MOTION 2006-0424 ADOPTED.
9. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$463,995.00 and acceptance of work on contract with **M & I ELECTRIC INDUSTRIES, INC** for Municipal Courts Building Electrical Upgrade, GFS D-0105-02-3 - 05.00% over the original contract amount - **DISTRICT H - GARCIA** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Garcia and Berry absent. MOTION 2006-0425 ADOPTED.
10. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$223,660.36 and acceptance of work on contract with **JIMERSON UNDERGROUND, INC** for Sims Bayou Siphon; GFS R-0270-02-3 (4717-1) - 37.36% under the original contract amount - **DISTRICT D - EDWARDS** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Garcia and Berry absent. MOTION 2006-0426 ADOPTED.
11. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,885,017.17 and acceptance of work on contract with **CALCO CONTRACTING, LTD.** for Construction of 42-inch Water Line along Scenic Ridge Dr., Oak Spring Dr., Oak Stream Dr., Timberline Rd., Brittmoore Rd., and Church Ln from Katy Addicks Pump Station to Abandoned Railroad Easement, GFS S-0900-86-3 (WA10624-04) - 02.65% under the original contract amount - **DISTRICT A - LAWRENCE** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Garcia and Berry absent. MOTION 2006-0427 ADOPTED.

Council Member Lawrence stated that she wanted to record her “no” vote on Item No. Council Member Garcia and Berry absent.

PURCHASING AND TABULATION OF BIDS - NUMBERS 13 through 15

13. **ARROW SERVICES, INC** for Asbestos and Lead Abatement Services for Fire Station No. 9 for Building Services Department - \$29,420.00 and contingencies for a total amount not to exceed \$30,891.00 - In-House Renovation Revolving Fund – was presented, moved by Council Member Alvarado, seconded by Council Member Khan. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Garcia and Berry absent. MOTION 2006-0428 ADOPTED.
15. **RUSH TRUCK CENTERS OF TEXAS, L.P.** for Medium- and Heavy-Duty Trucks and Bodies for Various Departments - \$243,610.00 - Equipment Acquisition Consolidated and Combined Utility System General Purpose Funds – was presented, moved by Council Member Alvarado, seconded by Council Member Khan. All voting aye. Nays none.

Council Member Brown out of the city on city business. Council Members Garcia and Berry absent. MOTION 2006-0429 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 16 through 54

19. ORDINANCE approving and authorizing Special Warranty Deed conveying to Erwin R. Kahn, a parcel of land containing 25,691 square feet, more or less, being out of Block 8, Unrestricted Reserve "F" of Woodland Trails, Section Two, Samuel Lewis Survey, A-510, Harris County, Texas (Water Plant Site located at 7026 1/2 Hidden Arbor Lane, Parcel S95-064); and in consideration of Erwin R. Kahn's payment of \$16,110.00, and other consideration to the City - Revenue **DISTRICT A - LAWRENCE** – was presented. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Garcia and Berry absent. ORDINANCE 2006-0535 ADOPTED.
20. ORDINANCE approving and authorizing Special Warranty Deed conveying to Norma Alvarez d/b/a Deal Investments, a parcel of land containing 12,993 square feet, more or less, being a portion of Lot 1, Block 1, Timber Creek Addition according to the replat of Blocks 1 and 2 of said addition, A. H. Osborne Survey, A-610 Harris County, Texas (former Northwest Sludge transfer system site located at 1734 Creek Drive at Long Point Road, Parcel S98-062); and in consideration of Norma Alvarez d/b/a Deal Investments' payment of \$103,500.00, and other consideration to the City - Revenue - **DISTRICT A - LAWRENCE** – was presented. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Garcia and Berry absent. ORDINANCE 2006-0536 ADOPTED.
21. ORDINANCE approving and authorizing Special Warranty Deed conveying to Maria Lourdes Garcia, a parcel of land containing 14,808 square feet, more or less, being all of Lots 470 and 471, Block 16, Fontaine Place Subdivision, Section 4, W. P. Mays Survey, 4-576, Harris County, Texas (former Water Plant Site located at 10400 Castleton Street at Calgary Lane, Parcel S83-088); and in consideration of Maria Lourdes Garcia's payment of \$16,000.00, and other consideration to the City - Revenue - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Garcia and Berry absent. ORDINANCE 2006-0537 ADOPTED.
22. ORDINANCE approving and authorizing Special Warranty Deed conveying to Gary DeCet, a parcel of land containing 12,269 square feet, more or less, being the east 125.00 feet of the west 185.00 feet of Reserve "A" of Redwoods Subdivision, D. H. Fitch Survey, A-272 Harris County, Texas (former Water Well Site located at 2920 Reed Road, Parcel S87-016); and in consideration of Gary DeCet's payment of \$30,000.00, and other consideration to the City Revenue - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Garcia and Berry absent. ORDINANCE 2006-0538 ADOPTED.
23. ORDINANCE approving and authorizing Special Warranty Deed conveying to Cheryl Gonzales, a parcel of land containing 13,198 square feet, more or less, being a portions of Block P and Block Q, together with those portions of abandoned London Street and New York Street located out of a part of the Grand Park Annex Addition, J. E. Durkee Survey, A-1013 Harris County, Texas (excess portion of Health and Human Services Central Warehouse located at 4500 Block of Swanson Boulevard, Parcel SY4-044); and in consideration of Cheryl Gonzales' payment of \$38,000.00, and other consideration to the City - Revenue - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Garcia and Berry absent. ORDINANCE 2006-0539 ADOPTED.
24. ORDINANCE approving and authorizing Special Warranty Deed conveying to Solwest,

- LLC, a parcel of land containing 7,625 square feet, more or less, the residue of Lots 21, 22, 23 and 24 and Lot A, Block 125, Central Park Addition, S. M. Williams Survey, A-87, Harris County, Texas (excess Navigation Boulevard, right-of-way located at 6500 Navigation Boulevard, Parcel S71-049); and in consideration of Solwest, LLC's payment of \$13,200.00, and other consideration to the City - Revenue - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Garcia and Berry absent. ORDINANCE 2006-0540 ADOPTED.
25. ORDINANCE approving and authorizing Special Warranty Deed conveying to Solwest, LLC, a parcel of land containing 10,432 square feet, more or less, being the residue 7,992 square feet out of Lots B, C, D and E Block 125 and 2,440 square feet being the excess right-of-way of Terminal Street, Central Park Addition, S. M. Williams Survey, A-87, Harris County, Texas (excess Navigation Boulevard, right-of-way located at 6600 Navigation Boulevard, Parcel S71-050); and in consideration of Solwest, LLC's payment of \$14,353.00, and other consideration to the City - Revenue - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Garcia and Berry absent. ORDINANCE 2006-0541 ADOPTED.
26. ORDINANCE approving and authorizing Special Warranty Deed conveying to Jeanette Morones, a parcel of land containing 8,900 square feet, more or less, being all of Tract No. 5 also being a portion of Lot 76, Block F of Archer Acres Subdivision, J. T. Harrell Survey, A-329 Harris County, Texas (former Water Well Site No. 349, located at 9011 Lomax Street, Parcel S87-029); and in consideration of Jeanette Morones's payment of \$13,050.00, and other consideration to the City Revenue - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Garcia and Berry absent. ORDINANCE 2006-0542 ADOPTED.
27. ORDINANCE approving and authorizing Special Warranty Deed conveying to Kelly Ramon, a parcel of land containing 5,000 square feet, more or less, being Lots 29 and 30, Block 14, Manchester Subdivision, an addition to the Town of Harrisburg, Callahan & Vince Survey, A-9, Harris County, Texas (received by the City in a lawsuit settlement located at 9410 East Avenue J, Parcel SY5-057); and in consideration of Kelly Ramon's payment of \$10,000.00, and other consideration to the City - Revenue - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Garcia and Berry absent. ORDINANCE 2006-0543 ADOPTED.
38. ORDINANCE appropriating \$26,915.00 out of Drainage Improvement Commercial Paper Series F, for land purchases, the payment of Appraisal Fees, Title Policies/Services and Recording Fees, for and in connection with the purchase of Parcel Number LY5-009 (located in the 8100 block of Bassett Street, Houston, Harris County, Texas), for the Sunnyside Court Storm Sewer Laterals Project; CIP M-0217-01-2, (owners: Patricia A. Simien and Johnaton Simien) **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Garcia and Berry absent. ORDINANCE 2006-0544 ADOPTED.
39. ORDINANCE appropriating \$29,449.00 out of Drainage Improvement Commercial Paper Series F, for land purchase and Title Services, for and in connection with the purchase of Parcel Number LY5-010 (located in the 8100 block of Bassett Street, Houston, Harris County, Texas), for the Sunnyside Court Storm Sewer Laterals Project; CIP M-0217-01-2, (owner: Mel-Lo Development, L.L.C. - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Garcia and Berry absent. ORDINANCE 2006-0545 ADOPTED.

40. ORDINANCE appropriating \$164,335.38 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing an Advanced Funding Agreement between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION** for Utility Adjustments along IH 10 from east of Eldridge to east of Kirkwood; GFS S-0521-23-3 (SB9262) - **DISTRICTS A - LAWRENCE and G - HOLM** – was presented. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Garcia and Berry absent. ORDINANCE 2006-0546 ADOPTED.
43. ORDINANCE appropriating \$850,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **HNTB CORPORATION** for Design of Neighborhood Street Reconstruction Project No. 435A, GFS N-0367-02-2 (SB9222); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund **DISTRICT A - LAWRENCE** – was presented. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Garcia and Berry absent. ORDINANCE 2006-0547 ADOPTED.
44. ORDINANCE appropriating \$277,400.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **AIA ENGINEERS, LTD.** for Design of Two Bike/Pedestrian Bridges across West Brays Bayou West, GFS N-0420-05-2 (SB9163-01); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund **DISTRICT C - CLUTTERBUCK** – was presented. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Garcia and Berry absent. ORDINANCE 2006-0548 ADOPTED.
45. ORDINANCE appropriating \$270,100.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **SCIENTECH ENGINEERS, INC** for Design of the Concrete Pavement Management and Improvement Program, Kashmere, GFS N-0782-02-2 (SB9245); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Garcia and Berry absent. ORDINANCE 2006-0549 ADOPTED.
46. ORDINANCE appropriating \$2,372,420.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **RWL CONSTRUCTION, INC** for Water Line Replacement in Kelving Subdivision, GFS S-0035-A7-3 (WA10767); setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering testing, project management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT C - CLUTTERBUCK** – was presented. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Garcia and Berry absent. ORDINANCE 2006-0550 ADOPTED.
47. ORDINANCE appropriating \$1,625,700.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **D. L. ELLIOTT ENTERPRISES, INC** for Water Line Replacement in Cliffwood Area, GFS S-0035-B8-3 (WA10781); setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering testing, construction management, project management and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT C - CLUTTERBUCK** – was

presented. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Garcia and Berry absent. ORDINANCE 2006-0551 ADOPTED.

48. ORDINANCE appropriating \$3,990,000.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **R. K. WHEATON, INC** for Waterline Replacement in the Houston Heights Subdivision, GFS S-0035-94-3 (WA10733); setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering testing, project management, construction management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Garcia and Berry absent. ORDINANCE 2006-0552 ADOPTED.
49. ORDINANCE appropriating \$1,058,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **METRO CITY CONSTRUCTION, L.P.** for Waterline Extensions and Crossings: Willowbrook Service Area, GFS No. S-0100-12-3 (WA10673-2); setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering testing, project management and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT A - LAWRENCE** – was presented. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Garcia and Berry absent. ORDINANCE 2006-0553 ADOPTED.
50. ORDINANCE appropriating \$1,889,000.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **LAYNE-TEXAS, a division of LAYNE CHRISTENSEN COMPANY** for Well No. 3 for Park Glen Plant No. 1, GFS S-0100-15-3 (WA10807); 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 F - KHAN** – was presented. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Garcia and Berry absent. ORDINANCE 2006-0554 ADOPTED.
51. ORDINANCE appropriating \$2,340,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **UTILITY SERVICE CO., INC** for Rehabilitation of Four Elevated Storage Tanks, GFS S-0600-B4-3 (WA10814-04); 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 - **DISTRICTS D - EDWARDS and E - WISEMAN** – was presented. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Garcia and Berry absent. ORDINANCE 2006-0555 ADOPTED.
52. ORDINANCE appropriating \$1,730,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **D. L. ELLIOTT ENTERPRISES, INC** for On-Call Water Main & Sanitary Sewer Extensions, GFS No. S-0801-P5-3 (WA10660-05); setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and

other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering testing, project management and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – was presented. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Garcia and Berry absent. ORDINANCE 2006-0556 ADOPTED.

53. ORDINANCE appropriating \$800,000.00 out of Public Library Consolidated Construction Fund for Materials and Equipment for Looscan Library, CIP E-0095 - **DISTRICT G - HOLM** – was presented. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Garcia and Berry absent. ORDINANCE 2006-0557 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

3. RECOMMENDATION from Director Building Services Department to debar **GSG TEXAS, INC, TOM HERINK**, President and **BILL D. MOORE, JR.**, Vice President; and **GOLF SERVICES GROUP, INC**, from receiving City public works contracts for a period of two years – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Garcia and Berry absent. MOTION 2006-0430 ADOPTED.

PROPERTY

12. RECOMMENDATION from Director Department of Public Works & Engineering relative to the bid sale of Parcel S95-050 of Motion #1995-2152, be amended to appoint one replacement independent real estate appraiser and one alternate independent real estate appraiser and Parcel S87-009 of Motion #2005-986, be amended to appoint two independent real estate appraisers and one alternate independent real estate appraiser - **DISTRICTS E - WISEMAN and F – KHAN** – was presented.

Council Member Wiseman named Mr. Jimmy Patton as appraiser for Parcel S95-050.

Council Member Khan named Mr. Philip Muchinsky and Mr. Samuel Stewart as appraisers and Mr. Michael Copland as alternate appraiser for Parcel S87-009, and moved approval of the recommendation, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Garcia and Berry absent. MOTION 2006-0431 ADOPTED.

PURCHASING AND TABULATION OF BIDS

14. ORDINANCE appropriating \$273,720.00 out of Street & Bridge Construction Fund (Fund 405) for Rapid Refueling Upgrades for Public Works & Engineering Department – was presented, and tagged by Council Members Wiseman and Holm. Council Members Garcia and Berry absent.

Council Member Sekula-Gibbs stated that Item No. 14 allocated \$273,000 out of the Fund 405 and would like some explanation of how Fund 405 funding was to be determined, yesterday she asked for a listing inside of the budget in one of the sections that identified the various funds but did not list their number. Council Members Garcia and Berry absent.

Council Member Holm stated that on Fund 405 she was still trying to figure out how they find it, that it was no where in the budget, and Mayor White stated that Judy Johnson put

together both criteria and budget accounts and there was some amount in the budget and some amount that was not designated for particular funds. Council Members Garcia and Berry absent.

Mayor White stated that Item No. 14 was tagged. Council Members Garcia and Berry absent.

14a. **DUP'S INC** for Rapid Refueling Upgrades for Department of Public Works & Engineering \$273,720.00 - Street & Bridge Construction Fund – was presented, and tagged by Council Members, Wiseman, Holm and Sekula-Gibbs. Council Members Garcia and Berry absent.

RESOLUTIONS AND ORDINANCES

16. RESOLUTION of the City Council of the City of Houston, Texas giving consent to **TEXAS GULF COAST HEALTH FACILITIES DEVELOPMENT CORPORATION** for the financing of certain Health Facilities located within the City of Houston, Texas for the benefit of Lifegift Organ Donation Center - **DISTRICT C – CLUTTERBUCK** – was presented. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Johnson and Garcia absent. RESOLUTION 2006-0007 ADOPTED.

Council Member Sekula-Gibbs thanked the administration for supporting the Lifegift Organ Donation Facility, and Council Member Edwards stated that she wanted for someone to get back with her to see if there were any illegal immigrants that were served by the organization and did it meet the same requirements that they were putting forth for the day labor centers, and Mayor White stated that they would do that. Council Members Garcia and Berry absent.

17. ORDINANCE **AMENDING ARTICLE VI, CHAPTER 37 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, by adding a new Division 3 relating to Cable and Video Service providers within the City of Houston - was presented and tagged by Council Member Wiseman. Council Members Johnson and Garcia absent.

18. ORDINANCE **AMENDING ARTICLE V OF CHAPTER 40 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Excavation in the Public Way; establishing a schedule of fees for permits issued in connection therewith; containing findings and other provisions relating to the foregoing subject; providing an effective date; providing for severability; containing a repealer - was presented and tagged by Council Members Wiseman and Green. Council Members Johnson and Garcia absent.

29. ORDINANCE altering and establishing maximum prima facie speed limits in certain zones in the City of Houston; containing findings and other provisions relating to the foregoing subject; providing a repealer; containing a savings clause; providing for severability; declaring certain conduct to be unlawful and providing a penalty – was presented. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Members Johnson and Garcia absent. ORDINANCE 2006-0558 ADOPTED.

30. ORDINANCE approving and authorizing first amendment to Contract #52024 between the City of Houston and **HOUSTON MEDIASOURCE** for a Public Access Television Channel - \$250,000.00 Cable Television Fund - was presented, and tagged by Council Members Clutterbuck, Wiseman, Sekula-Gibbs and Holm. Council Members Johnson and Garcia absent.

Council Member Holm stated that she was surprised to realize since 1990 they were paying \$600,000.00 of the General Fund for this and she would like an accounting; and Mayor White stated that in his view and the view of the Director of Finance and Administration it was sloppy work by those in Finance and there was no excuse for it; and he wanted to thank those who worked on it and Council Member Clutterbuck for her leadership in coming up with ideas

because they wanted to run this efficiently and they wanted to expand the range of services to make meetings more transparent to the public and there would be changes in F & A. Council Members Johnson and Garcia absent.

After discussion by Council Members, Mayor White stated that the item had been tagged. Council Members Garcia and Berry absent.

31. ORDINANCE issuing a permit to **DANIEL INDUSTRIES, INC** for constructing, using, occupying, operating, maintaining and repairing a Hydraulic Containment System, consisting of a double walled HDPE pipeline and 2 HDPE electrical conduits across, along, under and within Windover Lane, north of Cedardale Drive, the 9700 and 9800 blocks of Pine Lake Drive and the 9700 and 9800 blocks of Larston Drive, public street rights-of-way of the City of Houston, Texas; containing findings and prescribing the conditions and provision under which said permit is issued **DISTRICT A – LAWRENCE** – was presented. All voting aye. Nays none. Council Member Brown out of the city on city business. ORDINANCE 2006-0559 ADOPTED.
32. ORDINANCE approving and authorizing lease agreement between the City of Houston and **BEVCO COMPANY, INC**, and **AMERITEX AIRWAYS, INC, d/b/a BEVCO AMERITEX** for certain premises at Ellington Field - **DISTRICT E - WISEMAN** – was presented. All voting aye. Nays none. Council Member Brown out of the city on city business. ORDINANCE 2006-0560 ADOPTED.
33. ORDINANCE appropriating \$1,625,000.00 out of Airport System Consolidated 2001 NON-AMT Construction Fund, and approving and authorizing a contract between the City of Houston and **RANNOCH CORPORATION** for Upgrading Existing Airport Operations Monitoring and Flight-Tracking System for the Houston Airport System; CIP A-0511 - **DISTRICTS B - JOHNSON; E - WISEMAN and I – ALVARADO** – was presented, and tagged by Council Members Johnson and Garcia.
34. ORDINANCE appropriating \$2,180,615.00 out of Airport System Subordinate Lien Revenue Bond Series 1998B (AMT) Construction Fund and approving and authorizing contract between the City of Houston and **KOETTER FIRE PROTECTION OF HOUSTON, LLC** for Fire Alarm System Upgrade at George Bush Intercontinental Airport/Houston, William P. Hobby Airport and Ellington Field, CIP A-0500; Project 421 - **DISTRICTS B - JOHNSON; E - WISEMAN and I - ALVARADO** – was presented, and tagged by Council Members Wiseman, Johnson and Garcia.
35. ORDINANCE appropriating \$1,310,000.00 out of Airports Improvement Fund, (CIP A-0138) as additional funding for Professional Consulting Services Contract No. 53607 (authorized by Ordinance No. 02-0171) in connection with Information Technology Services for the Houston Airport System by and between the City of Houston and **DEREK CONSULTING GROUP, INC**; providing a maximum contract amount - **DISTRICTS B - JOHNSON; E - WISEMAN and I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Brown out of the city on city business. ORDINANCE 2006-0561 ADOPTED.
36. ORDINANCE amending Ordinance No. 2003-469 to increase the maximum contract amount to contract between the City of Houston and **J.T.B. SERVICES, INC** for Demolition Services for the Houston Police Department - \$75,000.00 - Dangerous Building Consolidated Fund – was presented. All voting aye. Nays none. Council Member Brown out of the city on city business. ORDINANCE 2006-0562 ADOPTED.
37. ORDINANCE approving and authorizing a settlement agreement in connection with lawsuit styled Kossman v. City of Houston – was presented.

After discussion a vote was called on Item No. 37. All voting aye. Nays none. Council Member Brown out of the city on city business. ORDINANCE 2006-0563 ADOPTED.

41. ORDINANCE appropriating \$264,695.15 out of Water & Sewer System Consolidated Construction Fund and \$255,000.00 out of Tax Increment Reinvestment Zone Affordable Housing Fund; approving and authorizing developer participation contract between the City of Houston and **UNIVERSITY DEVELOPMENT, INC** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve Section Six of the Southway Subdivision, CIP S-0800-13-03 & R-0800-13-03 **DISTRICT E - WISEMAN** – was presented. All voting aye. Nays none. Council Member Brown out of the city on city business. ORDINANCE 2006-0564 ADOPTED.
42. ORDINANCE appropriating \$222,280.16 out of Water & Sewer System Consolidated Construction Fund and \$192,678.29 out of Tax Increment Reinvestment Zone Affordable Housing Fund; approving and authorizing developer participation contract between the City of Houston and **UNIVERSITY DEVELOPMENT, INC** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve Section Seven of the Southway Subdivision; CIP S-0800-14-03 & R-0800-14-03 **DISTRICT E - WISEMAN** – was presented. All voting aye. Nays none. Council Member Brown out of the city on city business. ORDINANCE 2006-0565 ADOPTED.
54. ORDINANCE appropriating \$30,422,700.59 out of Tax Increment Funds for Reinvestment Zone Number One, City of Houston, Texas (Lamar Terrace Zone), Reinvestment Zone Number Two, City of Houston, Texas (Midtown Zone), Reinvestment Zone Number Three, City of Houston, Texas (Market Square Zone), Reinvestment Zone Number Four, City of Houston, Texas (Village Enclaves Zone), Reinvestment Zone Number Five, City of Houston, Texas (Memorial Heights Zone), Reinvestment Zone Number Seven, City of Houston, Texas (Old Spanish Trail/Almeda Corridors Zone), Reinvestment Zone Number Eight, City of Houston, Texas (Gulfgate Zone), Reinvestment Zone Number Nine, City of Houston, Texas (South Post Oak Zone), Reinvestment Zone Number Ten, City of Houston, Texas (Lake Houston Zone), Reinvestment Zone Number Eleven, City of Houston, Texas (Greater Greenspoint Zone), Reinvestment Zone Number Twelve, City of Houston, Texas (City Park Zone), Reinvestment Zone Number Thirteen, City of Houston, Texas (Old Sixth Ward Zone), Reinvestment Zone Number Fourteen, City of Houston, Texas (Fourth Ward Zone), Reinvestment Zone Number Fifteen, City of Houston, Texas (East Downtown Zone), Reinvestment Zone Number Sixteen, City of Houston, Texas (Uptown Zone), Reinvestment Zone Number Seventeen, City of Houston, Texas, (Memorial City Zone), Reinvestment Zone Number Eighteen, City of Houston, Texas (Fifth Ward Zone), Reinvestment Zone Number Nineteen, City of Houston, Texas (Upper Kirby Zone), Reinvestment Zone Number Twenty, City of Houston, Texas (Southwest Houston Zone), and Reinvestment Zone Number Twenty-One, City of Houston, Texas (Hardy Place) for Affordable Housing, Administrative Expenses, Payment of Project Costs, Payments to the Houston Finance Corporation and certain Redevelopment Authorities as provided herein – was presented, and tagged by Council Member Wiseman.

MATTERS HELD - NUMBERS 55 through 62A

55. MOTION by Council Member Khan/Seconded by Council Member Alvarado to adopt recommendation from Finance & Administration Department to **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** – **(This was Item 17 on Agenda of May 24,**

2006, TAGGED BY COUNCIL MEMBERS LAWRENCE and WISEMAN) – was presented.

Council Member Khan moved to amend Item No. 55 as follows:

“By copy of this memorandum, I move to amend Item #55 to delete Lone Star Uniforms and to extend the expiration date of the remaining uniforms, accessories and supplies contracts from June 4, 2006 to June 3, 2007 with no additional spending authority.”, Mayor White absent. Acting Mayor Pro Tem Berry presiding.

A vote was called on Council Member Khan’s motion to amend Item No. 55. All voting aye. Nays none. Council Member Brown out of the city on city business. Mayor White absent. Acting Mayor Pro Tem Berry presiding. MOTION TO AMEND CARRIED

A vote was called on Item No. 55 as amended. All voting aye. Nays none. Council Member Brown out of the city on city business. Mayor White absent. Acting Mayor Pro Tem Berry presiding. MOTION 2006-0432 ADOPTED AS AMENDED.

56. MOTION by Council Member Khan/Seconded by Council Member Alvarado to adopt recommendation from Finance & Administration Department to **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. – (This was Item 18 on Agenda of May 24, 2006, TAGGED BY COUNCIL MEMBERS WISEMAN and KHAN)** – was presented.

Council Member Khan moved to amend Item No. 56 as follows:

“By copy of this memorandum, I move to amend Item #56 to delete Lone Star Uniforms and to extend the expiration date of the remaining apparel, uniforms, caps and patches contracts from June 4, 2006 to June 3, 2007 with no additional spending authority.” Mayor White absent. Acting Mayor Pro Tem Berry presiding.

A vote was called on Council Member Khan’s motion to amend Item No. 56. All voting aye. Nays none. Council Member Brown out of the city on city business. Mayor White absent. Acting Mayor Pro Tem Berry presiding. MOTION TO AMEND CARRIED

A vote was called on Item No. 56 as amended. All voting aye. Nays none. Council Member Brown out of the city on city business. Mayor White absent. Acting Mayor Pro Tem Berry presiding. MOTION 2006-0433 ADOPTED AS AMENDED.

58. ORDINANCE **AMENDING CHAPTER 45 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Photographic Traffic Monitoring System Enforcement Procedures – **(This was Item 21 on Agenda of May 24, 2006, TAGGED BY COUNCIL MEMBERS WISEMAN and GREEN)** – was presented.

After discussion a vote was called on Item no. 58. Council Members Wiseman, Edwards and Sekula-Gibbs voting no, balance voting aye. Council Member Brown out of the city on city business. ORDINANCE 2006-0566 ADOPTED.

59. ORDINANCE approving and authorizing contract between the City and **AMERICAN**

TRAFFIC SOLUTIONS, INC for Photo Red Light Camera Enforcement System and Services – **(This was Item 22 on Agenda of May 24, 2006, TAGGED BY COUNCIL MEMBERS GREEN, WISEMAN, JOHNSON, HOLM and LAWRENCE)** - was presented. Council Member Berry absent.

Council Member Wiseman moved to amend Item No. 59 as follows:
“Move to delete Section 3.1 Minimum Fee requirements from Exhibit G re: payments to contractor and service level performance standards.”, tagged by Council Member Alvarado. Council Member Berry absent.

Council Member Wiseman moved to amend Item No. 59 as follows:
“Move to substitute the following language for 8.2 Public Awareness Campaign:
‘The cost of the public awareness campaign shall be borne by the contractor’, and delete existing language in this section.”, tagged by Council Member Alvarado.

A vote was called on Item no. 59. Council Members Wiseman, Edwards, Lawrence, Holm, Sekula-Gibbs and Berry voting no, balance voting aye. Council Member Brown out of the city on city business. ORDINANCE 2006-0567 ADOPTED.

60. 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 – **(This was Item 27 on Agenda of May 24, 2006, TAGGED BY COUNCIL MEMBER GREEN)** – was presented. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Member Clutterbuck absent. ORDINANCE 2006-0568 ADOPTED.
61. 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 – **(This was Item 31 on Agenda of May 24, 2006, TAGGED BY COUNCIL MEMBERS HOLM and GREEN)** – was presented. All voting aye. Nays none. Council Member Brown out of the city on city business. Council Member Clutterbuck absent. ORDINANCE 2006-0568 ADOPTED.
62. WRITTEN Motion by Council Member Wiseman to amend Item 62A below as follows:
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 MEMBERS ALVARADO and WISEMAN)** - was presented.

Council Member Wiseman stated that the sentiment behind the amendment was to insure that they were complying with all laws as was required by the contract, it just spelled it out, that she had asked the Legal Department and Mr. Michel to provide some information as to a specific provision within the contract and did not get anything until this Council session started, that a lot of what had been discussed had been debating obligations and what was required, if something was not required was it also without question not permitted under law, and Mr. Michel stated that they could do something that was not required if it was not otherwise illegal, and Council Member Wiseman stated that they should go ahead and feel comfortable in amending the item because there was nothing in anything that had been provided that said they could not amend the contract in this manner, that she thought they should go ahead and proceed in a manner which allowed them to fully comply and not run into the danger of not complying, which many of them believed they were not in compliance without the provision

within the contract, that she had a question as to the agreement they had with HUD for the CDBG funds, that it said 2,000 people they would serve, the contract said 1,000 so did that mean that there was another contractor out there that was going to provide them the same service to serve the same amount of people for no money, that she would like that question answered.

Council Member Lovell stated that she would vote against Item No. 62 and would propose an amendment to Item No. 62a, that it was not a substitute, she would like to vote down Item No. 62.

Council Member Garcia stated that he was grateful that many people had taken interest into his Second Ward area and would encourage his fellow colleagues, who had taken such great interest, to continue to do so because he needed more help out there, if they wanted to share some CIP dollars he would greatly appreciate that, his community needed it, if they were interested in improving the quality of life he could use some affordable housing, infrastructure, public safety and fire dollars, that on the item that was being proposed they did not do what Council Member Wiseman was proposing with any other City service, that he thought it was putting them in the wrong direction because it could impede a great deal of work that the City of Houston did for respective communities throughout the City, that he would like time to further digest Council Member Lovell's amendment.

Council Member Sekula-Gibbs stated that yesterday at the budget hearings for the Housing and Community Development, Mr. Wilson provided some of the cuts for his department and he said there would no longer be any funds available for day labor sites and she asked him if that was going forward a definite or was it just something to appease those of the Council Members who had concerns about it and Mr. Wilson stated that it was definitely not going to be funded next year, that she was confused because if they were not going to fund it next year why just not fund it this year and do the right thing, and Mayor White stated that there were two question and the first was that there was a phrase about the City promoting people to hire and he did not see that word in any contract and he did not condone it, and second, what do they do about next year's budget for the April to April and May to May CDBG plan, they did have cutbacks from the federal government, those were cards that they had to deal with, just like the kinds of lack of enforcement on the border were cards that they had to deal with and not pretend that they could control destiny, that he thought it was going to be up to the City Council and he personally had not talked to Mr. Wilson about what will or will not be in the CDBG budget that was submitted and vetted through stakeholder next March and April, but thought it was going to be sort of a lively debate at that time and on the general issue if people wanted to do something good now and it may not be sustainable because of federal budget cuts, then they do a lot of things within resources as best they could, that this would not be the final cut on it and he would say that for all non profits organizations, because of the severe cutbacks in the CDBG funds, that a lot of non profits were going to be asked to step into the breach as they always had in the community.

Council Member Edwards stated that in Mayor White's first term there was a loud cry from in particular the African American Community to ask the City Council to support a house bill regarding the study of reparations in this Country and the City Council said, and she had the tape if anybody was interested, "that we do not have the authority nor the responsibility to intervene in federal legislation and/or law", so she would move to call for the question, seconded by Council Member Alvarado.

Mayor White stated that the motion was moot because Council Member Wiseman did not seek recognition and there was no further discussion of the item.

A roll call vote was called on Item No. 62.

ROLL CALL VOTE:

Mayor White voting no
Council Member Lawrence voting no
Council Member Johnson voting no

Council Member Garcia voting no
Council Member Alvarado voting no
Council Member Brown out of the city on
city business.

Council Member Clutterbuck voting aye
Council Member Edwards voting no
Council Member Wiseman voting aye
Council Member Khan voting no
Council Member Holm voting aye

Council Member Lovell voting no
Council Member Sekula-Gibbs voting aye
Council Member Green voting no
Council Member Berry voting aye
MOTION 2006-0434 FAILED

Council Member Lovell stated that she would like the City help employers not break the law and presented the following written motion to amend Item no. 62a.

“I move to amend Item No. 62a to include the following paragraph under article 1 of the Contract between the City of Houston and Neighborhood Centers, Inc., relating to the operation of a Day Labor Program in the East End/Second Ward Area.

1.6 The Contractor further agrees to provide a Form I-9 (Employment Eligibility Verification) available to each prospective employer for use and it should be the employers obligation to the extent required by federal law to prepare, verify, and maintain the form under the U.S. Immigration Reform and Control Act of 1986, as amended and maintain a record of having provided the form.”, tagged by Council Members Wiseman and Green..

After discussion by Council Members, Council Member Wiseman stated that she would release her tag on Council Member Lovell's amendment to Item No. 62a.

After further discussion Council Member Edwards stated that last week she had asked for an analysis of calls for service at that address and an analysis of INS or Homeland Security as to what kind of activities they had at the day labor center and she had not received that, and Mr. Michel stated that he would follow up on it.

After a lengthy discussion, Council Member Green stated that the reason why he tagged the amendment was because he fundamentally had an issue with the word employer so to that end he would like to offer the following friendly amendment, if his colleague would so accept, in 1.6 The Contractor further agrees to provide a Form I-9 (Employment Eligibility Verification) available to each prospective, and at that point cross the word “~~employer~~” and insert “each prospective individual using the services of contractor” for “their” use and it should be that individual's obligation to the extent required by federal law to prepare, verify, and maintain the form under the U.S. Immigration Reform and Control Act of 1986, as amended and maintain a record of having provided the form, so essentially they were taking out the word employer and replacing it with “the individual using the services of contractor” and in the second word employer it should say “that individual's obligation” seconded by Council Member Alvarado.

Mayor White stated that Council Member Green needed to remove his tag on Council Member Lovell motion to amend Item No. 62a, move and second, and then decide whether or not he wanted to tag one or both, and Council Member Green stated that he would remove his tag on Council Member Lovell's amendment and offer the previous friendly amendment to her amendment.

Mayor White stated that the pending item was the Council Member Green's amendment to Council Member Lovell's amendment to Item No. 62a and a vote was called. All voting aye. Nays none. Council Member Brown out of the city on city business. MOTION CARRIED

A roll call vote was called on Council Member Lovell's motion to amend Item No. 62a as amended.

ROLL CALL VOTE:

Mayor White voting aye	Council Member Garcia voting aye
Council Member Lawrence voting aye	Council Member Alvarado voting aye
Council Member Johnson voting aye	Council Member Brown out of the city on city business.
Council Member Clutterbuck voting aye	Council Member Lovell voting aye
Council Member Edwards voting aye	Council Member Sekula-Gibbs voting no
Council Member Wiseman voting aye	Council Member Green voting aye
Council Member Khan voting aye	Council Member Berry voting aye
Council Member Holm voting aye	MOTION 2006-0435 ADOPTED AS AMENDED.

62a. 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 54 on Agenda of May 24, 2006, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented as amended.

A roll call vote was called on Item No. 62a as amended.

ROLL CALL VOTE:

Mayor White voting aye	Council Member Garcia voting aye
Council Member Lawrence voting no	Council Member Alvarado voting aye
Council Member Johnson voting aye	Council Member Brown out of the city on city business.
Council Member Clutterbuck voting no	Council Member Lovell voting aye
Council Member Edwards voting aye	Council Member Sekula-Gibbs voting no
Council Member Wiseman voting no	Council Member Green voting aye
Council Member Khan voting aye	Council Member Berry voting no
Council Member Holm voting no	ORDINANCE 2006-0470 ADOPTED AS AMENDED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Clutterbuck yielded to Council Member Green who stated that he wanted to remind all this afternoon they would start day two of the budget presentation for the Fiscal Affairs Committee and at 3:00 p.m. there was the budget for the Library; 3:30 p.m. Human Resources and 4:00 p.m. Solid Waste and they would begin promptly at 3:00 p.m. Council Member Johnson absent.

Council Member Clutterbuck stated that she wanted to add her thanks to the Mayor and his staff as Council Members not necessarily legally entitled to all the information were given the opportunity and thanked him for involving Council in the budget process. Council Members Lawrence, Holm, Garcia and Sekula-Gibbs absent.

Council Member Clutterbuck stated that Mr. Clarence Fontaine had done an outstanding job and she was remiss in not mentioning two who were heavily involved and that was Ms. Tina Paez and Ms. Selina Mohammad for their outstanding diligent work with tremendous detail and as a result taxpayers of the City of Houston had been able to save over \$600,000.00 out of the General Fund which could be spent on other things. Council Members Lawrence, Holm, Garcia, Alvarado and Sekula-Gibbs absent.

Council Member Clutterbuck stated that a difficult issue in District C was relating to partial street closers at Drexel and Suffolk which was between Westheimer and Richmond to determine their effect on the neighborhood and surrounding communities and she wanted to thank Mr. Mike Marcotte for his hard work and as a result those street closures were removed;

that she wanted to encourage the city to evaluate how they evaluated traffic concerns relating to preserving safety of neighborhoods and would ask that owners of Smith and Molenski and owners of Escalante's, outstanding restaurants, to ask their valets and patrons to exit on Westheimer and not cut through neighborhoods; that she also asked HPD to set up a DWI taskforce in residential areas south of Westheimer in that area to protect neighborhoods. Council Members Lawrence, Holm, Garcia, Alvarado, Sekula-Gibbs and Green absent.

Council Member Clutterbuck stated that as mentioned last week this Saturday she was appearing at the Houston Astros game and wanted to thank Mayor White for allowing her to present certificates on his behalf to four women Marine veterans to thank them for their services during several wars; and also thank Council Member Michael Berry for allowing her the opportunity as well. Council Members Lawrence, Holm, Garcia, Sekula-Gibbs and Green absent.

Council Member Wiseman stated that she wanted to be first to congratulate the Houston Astros and Mr. Roger Clemens for his signing, it was a great day for Houston and the Astros. Council Members Lawrence, Holm, Garcia, Sekula-Gibbs and Green absent.

Council Member Wiseman stated that she wanted to remind all that constituents were flooding in Huffman and on Edgebrook and assistance in providing them with the proper drainage improvements would be appreciated; that she understood Public Works was to go out today to Huffman to look at the area and they had been trying to get them to do so for some time; and she felt there were just short time fixes; and Mayor White stated that there was money on Edgebrook, he had gone out there several times and upon questions, Council Member Wiseman stated that there was money in the budget for Edgebrook but any assistance he could provide in urging TXDOT to move swifter would be great. Council Members Lawrence, Holm, Garcia, Sekula-Gibbs and Green absent.

Mayor White stated to Ms. Stein that on the status of TXDOT's project on Edgebrook if Mr. Marcotte could report back to him on Friday about it he would appreciate it. Council Members Lawrence, Holm, Garcia, Sekula-Gibbs and Green absent.

Council Member Lovell stated that she also wanted to congratulate the Houston Astros and welcome back Mr. Clemens; that she looked forward to attending the games. Council Members Lawrence, Wiseman, Holm, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Lovell stated that she wanted to wish her son Steven good luck today as he started his summer school classes in college; she loved him, hoped he would enjoy it and knew he would do well. Council Members Lawrence, Wiseman, Holm, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she wanted to thank Ms. Elyse Coffee in Solid Waste as trash was not picked up Friday on a street in Sunnyside because of staffing problems and after 311 was called they were told to call back Tuesday and someone would go out, but she called Ms. Coffee and the trash was picked up Saturday; that she did not have access to cell numbers of department heads and did not know if that was available, but it was difficult to try and reach department heads on weekends or after hours with an emergency; and Mayor White stated that he would ask Ms. Stein to communicate with Mr. Fontaine as they needed a number or some system where Council Members would have a point of contact within each department pretty close to 24 hours. Council Members Lawrence, Wiseman, Holm, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she was challenged by the discussion which went on regarding the day labor center and it was not because people disagreed but because of the way they disagreed, they had several communities come and ask for intervention on federal matters

and when it was not politically expedient the Council told people it was not their realm of responsibility or authority, they did not intervene with other legislative bodies and she would like consistency as to what they did and did not discuss; and her concerns with the day labor situation was she was still not sure as to what they were expecting, whether HPD would be doing something they did not do as she was not an attorney but understood racial employment and illegal status were civil matters, illegal entry into the country was one thing, but once in other things they spoke of were civil and her question was what where their expectations of the center and she would hate them to think they knew what they were doing and then every week have another challenge; that she knew Mr. Michel had a lot of work but wanted to know what they could do as a city body, that they could ask and expect HPD to do regarding what they called illegal immigration; and would they be asking for people's status whenever they came into any city building or used any city facility and when a city official was called were they supposed to ask if they were a legal citizen before they would respond to them, she wanted to know how far they were taking this; that she did not like people being threatened and this was a non partisan body and she would not want or appreciate anyone from the Democratic party calling her and telling her how she should vote at this table, she did not like that kind of intimidation, but did want to know from the Administration what the expectation of the police force and enforcement of city facilities was for those determined to be illegal immigrants. Council Members Lawrence, Wiseman, Holm, Garcia, Lovell, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that if she did get a call from a party official telling her to vote one way or another he trusted she would speak up at the microphone because he thought most citizens would find that highly objectionable; and Council Member Edwards stated that if a Democratic official ever called to tell her how to vote she would tell them what she needed to tell them right here on the microphone. Council Members Lawrence, Wiseman, Holm, Garcia, Lovell, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Alvarado stated that Mr. Rene Martinez had been a longtime employee of the City of Houston's Planning and Development Department and was leaving the City and would be working as director of Economic Development for Neighborhood Centers and she did appreciate all his work. Council Members Lawrence, Wiseman, Holm, Garcia, Lovell, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Alvarado stated that her chief of staff and former campaign manager Mr. James Rodriguez was having his last day today and she thanked him for being an outstanding employee and good public servant and also a great friend; and she appreciated him and he would be missed. Council Members Lawrence, Wiseman, Holm, Garcia, Lovell, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Khan stated that he also wanted to congratulate Mirza Baig who was retiring from Public Works after long service; that he was a wonderful employee who would be missed and his service was appreciated. Council Members Lawrence, Wiseman, Holm, Garcia, Lovell, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Khan stated that this Saturday there would be an Asian American Business Council Townhall Meeting at the Chinese Cultural Center located at 10303 West Office Drive at 2:00 p.m. and they would discuss how to improve public safety in and around the new China Town around the Bellaire/Harwin area; and all were welcome. Council Members Lawrence, Wiseman, Holm, Garcia, Lovell, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 1:49 p.m. Council Member Brown out of the city on city business. Council Members Lawrence, Wiseman, Holm, Garcia, Lovell, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

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

MINUTES READ AND APPROVED

Anna Russell, City Secretary