

City Council Chamber, City Hall, Tuesday, October 31, 2006

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, October 31, 2006, Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Ada Edwards, Addie Wiseman, M. J. Khan, P. E., Pam Holm, Adrian Garcia, Carol Alvarado, Peter Brown, Sue Lovell, Shelley Sekula-Gibbs, M.D.; Ronald C. Green and Michael Berry; Ms. Jo Wiginton, Division Chief, Contract Division, Legal Department; Ms. Claudia Vasquez, Director Citizens Assistance Office; Ms. Marty Stein, Agenda Director; present.

At 1:59 p.m. Mayor White called the meeting to order and called on Council Member Wiseman who stated that as a city, a nation, all were grateful for the dedication and sacrifice men and women of our armed services made for us daily and it was important to show respect and gratitude and offer fallen soldiers and their families dignity they so deserved and a group of individuals saw to it every time there was a call and need that the dignity and honor was maintained and not interrupted and that was the Patriot Guard Riders and invited those present with the Southeast Patriot Guard Riders to the podium. Council Member Wiseman further stated that they provided an honor guard escort for fallen soldiers and their families during funeral services and presented them a Proclamation for their overall commitment of ensuring the dignity of fighting men and women was preserved in death, commended them, wished them continued success and proclaimed October 31, 2006, as "Patriot Guard Riders Day" in Houston Texas. A spokesperson for the group thanked all for the recognition and stated that it was not about them but the families of the fallen heroes and on their behalf they thanked them. Council Members Holm, Alvarado, Brown and Green absent.

Council Member Sekula-Gibbs invited those present with her presentation to the podium and stated that this was an acknowledgement that NASA and the Johnson Space Center was not only important to Houston but had gained recognition in the game world, each Council Member had been presented the new Monopoly Game, the Here and Now Addition, and the Johnson Space Center was voted by the country as one of the most popular landmarks and it now had a place on the Monopoly Board; that growing up Monopoly was very important to her and many others; and presented them a Proclamation saluting and commending NASA and the Johnson Space Center on this important occasion and extended best wishes for a successful observance and proclaimed October 31, 2006, as "Space Center Houston Day" in Houston, Texas.

Mayor White stated that Monopoly originated in 1904 by a leftwing socialist group who wanted to educate the American public about the dangers of capitalism and he wanted all to know that Council Member Sekula-Gibbs did not endorse objectives or goals of the game's original founders.

Council Member Johnson stated that it was an honor and privilege to stand before all today recognizing a young man who brought so much to this city and invited Mr. Ed King to the podium and stated that he was leaving the City of Houston on retirement; that he exemplified what it meant to climb the ladder by starting out as a messenger and ending as facilities manager and it was an honor and privilege to thank him for his services; and presented him a Certificate wishing him luck in his endeavors and for his dedication and loyal service; and proclaimed October 31, 2006, as "Ed King Day" in Houston, Texas.

Council Members thanked Mr. King for his service. Mr. King stated that it was an honor and pleasure and his family wanted to thank them for having him as an employee; that he worked with four Mayor's and Mayor White was the most timely; that he thanked them for their friendship. Council Member Lovell absent.

Council Member Johnson invited Officer Michael Donato to the podium and stated that being a public servant sometimes was a thankless job, but one who had gone beyond the call of duty was Officer Donato; that he was very instrumental in helping capture criminals who were vandalizing churches, stealing air conditioning units, etc., and he had gone to many meetings, etc., and it was a honor to recognize him; and presented him a Certificate of Recognition for pursuing the perpetrators and commending his efforts in keeping the communities private property safe and protected. Council Members Wiseman and Lovell absent.

At 2:31 p.m. Mayor White called the meeting to order and called on Council Member Clutterbuck who invited Rabbi Steve Morgan of the Congregation Beth Yeshuran to lead all in the prayer and Council Member Clutterbuck led all in the pledge.

At 2:33 p.m. the City Secretary called the roll. All present.

Council Members Khan and Sekula-Gibbs moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. MOTION ADOPTED.

Council Member Garcia moved that the rules be suspended for the purpose of a special three minute presentation, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2006-0980 ADOPTED

Council Member Garcia stated that he wanted to thank the important men and women who provided the important service of public safety to the City of Houston, both fire and police, and in honor of Officer Johnson he wanted to say if anyone wanted to donate to the 100 Club it would be a great way to honor him and his family; that he was with the Beta Sigma Phi Sorority and in 30 minutes raised from folks present, visiting Houston on convention, a large amount of money and he made the same commentary to someone who worked at Sun Coast and then they too came forward with a check and then invited the Houston Council Safety Professionals and executive director of the 100 Club and all with his presentation to the podium; and Ms. Swifts with Beta Sigma Phi presented a check for \$1,537.00 which they raised in 15 minutes; and a representative of Sun Coast Resources stated that they along with the Houston Council Safety Professionals together donated \$1,000.00; and the representative of the 100 Club stated that they would be meeting with Officer Johnson's wife to do a complete needs assessment to help her and their five children and they had a great response from the community and he did thank all for their support.

Council Members thanked the representative of the 100 Club for what it was, for the process they went through for all firemen and police officers.

Council Member Holm moved that the rules be suspended for the purpose of hearing Mr. Louie Gavrel at the top of the Non-Agenda list of speakers, seconded by Council Member Khan. All voting aye. Nays none. Council Members Johnson, Green and Berry absent. MOTION 2006-0981 ADOPTED

Council Member Brown moved that the rules be suspended for the purpose of hearing Ms. Olivia Randle and Mr. Charles X. White at the top of the three minute list of speakers, seconded by Council Member Khan. All voting aye. Nays none. Council Members Johnson, Green and Berry absent. MOTION 2006-0982 ADOPTED

At 2:40 p.m. the City Secretary began calling the public speakers. Council Members Johnson, Lovell and Green absent.

Mr. John Quinlen, 2310 S. Eldridge, Houston, Texas 77077 (832-300-4444) had reserved time to speak but was not present when his name was called. Council Members Johnson, Lovell and Green absent.

Mr. Joseph Colangelo, 8311 Cheshire Vale, Houston, Texas 77024 (713-412-1875) appeared, presented information and stated that he was present to discuss the proposed nuisance ordinance; that the Houston apartment Association worked with various city officials to come up with a fair ordinance to combat crime and yet not harm others and the city and apartments should work together for a win/win situation; that the proposal placed the blame for crime on the apartment properties themselves and they hoped changes would be made as owners did the best job they could. Council Members Alvarado, Lovell, Green and Berry absent.

Mr. Robert Cress, 12000 MLK Blvd. #1, Houston, Texas 77048 (713-724-1726) appeared and stated that he was a property owner with 576 units for the last 15 years and he was aware of battling crime working with private security and off duty HPD, high fences and property rules and regulations, but another ordinance was not necessary; that Neighborhood Protection seemed to be doing a good job of weeding out apartments in questionable neighborhoods and he was not on the nuisance list, but going by calls for service could sometimes be lowered by apathy; that they tried to get residents to call 911 even if they thought there was a problem and perhaps they should look at crime statistics rather than calls for service. Council Members Holm, Alvarado, Lovell, Green and Berry absent.

Mr. Mike Cress, 12000 MLK Blvd. #1, Houston, Texas 77048 (713-724-1726) appeared and stated that he and his father ran the complex and had just under 500 units; that they put fences, a 24 hour guard gate and it still did not stop the wrong people from getting in, but that did not mean they lived there and because something happened on property it did not mean they were residents; that they worked closely with HPD and he walked with them until early in the morning; that they brought in Katrina families which they could get no information on and of 30 people who left monthly probably 25 were those asked to leave; that they did all they could and the new ordinance put all enforcement on the owner and they could not arrest, etc., the current ordinances covered the problems and gave solutions and asked that they work together. Council Members Holm, Alvarado, Lovell, Sekula-Gibbs and Berry absent.

Upon questions by Council Member Edwards, Mr. Cress stated that current ordinances went after nuisance properties and they did have to be partners in fighting crime, but they worked closely with local officers to do that, they were trying to be good owners; that they did not make a profit. Council Members Holm, Alvarado, Lovell, Sekula-Gibbs and Berry absent.

Council Member Garcia thanked Mr. Cress for coming and expressing concerns and stated that they were trying to measure crime on properties; and upon questions, Mr. Cress stated that in defining good owner/bad owner, one living on the premises and taking an active interest as opposed to absent landlords and no apartment support system might be the answer; that with a blanket calls of service number he thought would throw good properties in with the bad. Council Members Holm, Alvarado, Lovell, Sekula-Gibbs and Berry absent.

Mayor White stated that he would make two comments on the point of calls for service was an excellent point and that was why they did not use it; that coming up with something not based on that was based on objectives so the owner knew where he stood and it was not personal relationships and the second thing was all present heard what people were saying, this was a society where personal responsibility was important and it was why the person ultimately responsible for a crime was a criminal and for those who did provide security the city tried to not create something burdensome and to have a procedure in the manual people could read and

where property owners would have no liability at all so long as they sat down and agreed to a mutual acceptable plan. Council Members Holm, Alvarado, Lovell, Sekula-Gibbs, Green and Berry absent.

The City Secretary stated that Mr. John Quinlen was now present and would speak at this time. Council Members Holm, Alvarado, Lovell, Sekula-Gibbs, Green and Berry absent.

Mr. John Quinlen, 2310 S. Eldridge, Houston, Texas 77077 (832-300-4444) appeared and stated that he was an attorney, apartment owner and participant in the multi housing task force which considered the ordinance and a part of Southwest Houston 2000 and felt he could approach this from different perspectives; that he thought the ordinance was legally unconstitutional, you could not criminalize individuals for the actions of other individuals; that the Mayor and Council had a great relationship with responsible property owners and this ordinance may create a relationship between them that was not good; that crime was bad, but they could work together; that he went to the city once a month to get calls for service so he could address problems, the two working together was a win/win. Council Members Alvarado, Lovell, Sekula-Gibbs and Green absent.

Upon questions by Council Member Berry, Mr. Quinlen stated that he thought the ordinance was unconstitutional because the ordinance attempted to impose punitive sanctions upon individuals based on criminal actions of another and he did not think an ordinance was necessary to identify problem properties or problem owners; that as the ordinance was drafted now he felt it would capture him and his properties; and Council Member Berry asked that all agreed something needed to be done and would appreciate his ideas in writing; and Mr. Quinlen stated that he would suggest putting out for public information which calls were coming in from properties so all could see them. Council Members Wiseman, Alvarado, Lovell, Sekula-Gibbs and Green absent.

Mr. Louie Gavrel, 2300 Lazy Hollow Lane, Houston, Texas 77063 (713-334-8188) appeared and stated that he was the former manager of the Beverly Lofts and on April 28, 2006, he was attacked in his home and he was handicapped, after they beat him and tied him up and tore his house apart looking for Coke and then found out they were at the wrong home and left taking nothing; that he was on the floor naked and beat and tied up and used his tongue to dial 411 and the lady said she could not connect him to 911, he explained his circumstance and was told again to call 911 so he did. Council Members Alvarado, Sekula-Gibbs and Green absent.

Council Member Holm stated was he asking why 411 could not connect to 911; and Mr. Gavrel stated he would like an explanation, but Dr. Persse was doing a great job and he wanted what he had given to him; and Council Member Holm stated that she was not sure what they could do to help him get a response but anyone in an emotional state dialing the wrong number should get a reply; and Mayor White stated that the Director of Citizens Assistance or someone should pursue with AT&T and the 911 system and find out the procedures and the explanation for the inability of 411 and make sure this was communicated and find out the procedures and about the freedom of request act. Council Members Sekula-Gibbs and Green absent.

Mr. Richard Shaw, 2506 Sutherland, Houston, Texas 77023 (713-923-9473) appeared and stated that janitors were near minimum wage with some making only \$20.00 a day and at that rate they could not work themselves out of poverty, but they could negotiate themselves out of poverty by contractors coming to the table and bargaining in good faith and they needed the Mayor and Council's help to push the contractors to bargain with them; that the contractors were facing 22 charges now for their actions and even assault charges; that in all work there was dignity and there should be dignity in all work; that all new effects of poverty with health care

and education failing; that Houston was better than that and should stand with them. Council Members Sekula-Gibbs and Green absent.

Council Member Alvarado stated that similar strikes were in other cities; and upon questions, Mr. Shaw stated that they had reached a compromised contract and did have health care and a better wage, but did not know if it was an exact living wage for LA, but they needed to sit here and reach agreement also; and Council Member Alvarado stated that many times it was the same company and they agreed in one part of the country to do something and not in another; and Mr. Shaw stated this was the law to bargain and it needed to be done in good faith. Council Members Wiseman, Holm, Sekula-Gibbs and Green absent.

Council Member Garcia thanked Mr. Shaw for being present on such an important cause and in terms of negotiations he understood they never got started; and upon questions, Mr. Shaw stated that from what he knew that was his understanding and something needed to be put on the table; and Council Member Garcia stated that the janitors were pushed to strike and he thanked the entire Labor Council for their support; that his mother had been a janitor and this was personal. Council Members Wiseman, Holm, Sekula-Gibbs and Green absent.

Council Member Berry stated that they may disagree on issues but he knew what he did was in his heart; and upon questions, Mr. Shaw stated that he believed this was with contractors and not building owners; and Council Member Berry stated that Council had no authority over them; and Mr. Shaw stated that they did have moral authority and could speak to them and let them know in Houston they expected better. Council Members Johnson, Wiseman, Holm, Sekula-Gibbs and Green absent.

Mr. David Atwood, 1802 Kipling, Houston, Texas 77098 (713-529-3829) appeared, presented a few flyers and stated that he was president of the Houston Peace and Justice Center and present to say they were in full support of the janitors and their strike and would do all to support them; that it was an outrage to get paid such a wage when some earned hundreds of thousands of dollars and yet argued to prevent them a living wage; that if Houston was to be a great city then they were to be supported. Council Members Johnson, Clutterbuck, Wiseman, Sekula-Gibbs and Green absent.

Upon questions by Council Member Edwards, Mr. Atwood stated that he worked at Shell and some made millions and you could not get along without janitors; and Council Member Edwards stated that most would agree if trash was not picked up there was a problem and there was an economic value to the people called janitors and sanitation workers to the overall good of downtown. Council Members Lawrence, Johnson, Wiseman, Holm, Sekula-Gibbs and Green absent.

Upon questions by Council Member Brown, Mr. Atwood stated that everything which happened in a large city or community was interconnected and reflecting on his experience if he found garbage on the floor and bathrooms not in order you could not be productive as a worker and if people were paid properly they could contribute properly to the community and it would be short sighted to not protect them. Council Members Lawrence, Clutterbuck, Wiseman, Holm, Sekula-Gibbs and Green absent.

Council Member Garcia thanked Mr. Atwood for coming and speaking out; that his comments he found interesting as they were barely surviving making \$5.15 an hour with four hours a day and no medical benefits; that as things moved forward he wanted to understand why business were so resistant and why it was so important to janitors and he wrote a company asking to work a shift free and would waive liability and they wrote him saying he was too much

of a liability, but folks needed to come to the table and move forward. Council Members Lawrence, Clutterbuck, Wiseman, Holm, Sekula-Gibbs and Green absent.

Mr. Dale Wortham, 2506 Sutherland, Houston, Texas 77023 (713-923-9473) appeared and stated that elected officials could impress upon building owners how important it was to get this settled; that proactive measures needed to be taken to ensure the burden of healthcare did not continue falling on taxpayers of Harris County; that he saw on the Agenda a janitorial contract at the George R. Brown. Council Members Lawrence, Clutterbuck, Wiseman, Holm, Garcia, Sekula-Gibbs and Green absent.

Upon questions by Council Member Edwards, Mr. Wortham stated that not to long ago employees were walking off jobs for better conditions and now here was this issue and what they were seeing was a groundswell of the lowest social economic class of people rising to the top because when you were beat down so far there was no place to go but up; and Council Member Edwards stated that she had seen similarities. Council Members Clutterbuck, Wiseman, Holm, Garcia, Sekula-Gibbs and Green absent.

Council Member Alvarado stated that he made a good point and brought it back full circle that they did have responsibilities and it may not be convenient to get involved in but all at the Council table had responsibility and she felt it was time someone at the table went to sit with the owners and contractors; and the contract on the Agenda at the George R. Brown they should be setting an example with; and Mayor White stated that many speakers made good points and some time ago he got building owners and union representatives together and requested certain information and a concrete measure of whether a contractor was negotiating in good faith with the union was the amount of dialogue they had with their tenants, if they had none accurately portraying choices of the tenants then he would draw his conclusion whether they were dealing in good faith as he felt a number of tenants would bear the burden in their cost clauses. Council Members Clutterbuck, Wiseman, Holm, Garcia, Sekula-Gibbs and Green absent.

Council Member Lovell stated that if janitors received a fair wage it translated into more tax money for the city because they could spend more and why should people bear responsibility for healthcare, the more people could get off the Harris County Hospital District's rolls the better off taxpayers were and owners should take responsibility for their workers. Council Members Clutterbuck, Wiseman, Holm, Garcia, Sekula-Gibbs, Green and Berry absent.

Mr. Mateo Portillo, 4519 Otterbury, Houston, Texas 77039 (708-307-6012) appeared and stated that he worked as a janitor for Center Point Energy and made \$5.15 an hour; that he worked hard and needed help to support his family; and thanked all for their assistance and support. Council Members Clutterbuck, Wiseman, Khan, Holm, Garcia, Sekula-Gibbs and Green absent.

Ms. Delena Chevis, 9418 Coffee, Houston, Texas (713-264-6842) appeared and stated that she was present on behalf of Sunnyside Gardens Bayou Estates regarding flooding, drainage and illegal dumping; that many elders and youth were in the community and it was hard to get the community to pick up due to age, but would like any assistance which could be provided; and regarding flooding it was worse this year and they may not be able to get out; that they just needed assistance. Council Members Clutterbuck, Wiseman, Khan, Holm, Garcia, Lovell, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Council Member Edwards stated that their civic club president presented a lot of the items on September 13th and a team went out to look at the dumping and ditches and a number of work orders were issued; and upon questions, Ms. Chevis stated that on Sunbeam, Peterson and Reed were being dumped on; and Council Member Edwards stated to write a license plate

number would be helpful and she lived in the area and knew what she was speaking of and fines now were \$2,000.00 or so and it was not a game anymore it was being taken seriously. Council Members Clutterbuck, Wiseman, Khan, Holm, Garcia, Lovell, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Olevia Randle, 6023 Beldart, Houston, Texas 77023 (713-733-2348) had reserved time to speak but was not present when her name was called. Council Members Clutterbuck, Wiseman, Khan, Holm, Garcia, Lovell, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Charles X. White, 8607 M.L.K., Houston, Texas 77033 (713-292-3436) had reserved time to speak but was not present when his name was called. Council Members Clutterbuck, Wiseman, Khan, Holm, Garcia, Lovell, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Carolyn Webster, 6823 Reed Road, Houston, Texas 77087 (832-563-6155) had reserved time to speak but was not present when her name was called. Council Members Clutterbuck, Wiseman, Holm, Garcia, Lovell, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Trent Winters, 7960 W. Bellfort, Houston, Texas 77071 (832-882-7761) appeared and stated that his organization, The Foundation, was back up and running and to find out what they were doing go to allpowertothepoplefoundation.com as they gave air conditioners to seniors and had basketball programs for youth, etc., and today was present regarding air quality, it effected everyone and he wondered what was being done. Mayor White, Council Members Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that a committee chaired by Council Member Alvarado was looking at air quality and ordinances dealing with it and with the state legislature they were trying to get ordinances strengthened; that people in the community needed to make the city aware of pollution in their area and now with the committee they could begin doing more than before so there was a lot of interest. Mayor White, Council Members Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. Joseph Omo Omari, 2820 Palm #2B, Houston, Texas 713-440-8000 appeared and stated that he would call this the new capitalist, the ballot, the dollar or the bullet and continued expressing his personal opinions until his time appeared. Mayor White, Council Members Johnson, Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. William Barker, 9966 Kirkdale, Houston, Texas 77087 (281-481-8730) appeared and stated that he wanted to apologize for calling Houston a sanctuary city, it was not; that he did want to know if voting on the ballot to hire more police, etc., would raise taxes. Mayor White, Council Members Johnson, Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Khan, Mr. Barker stated that he owned four properties around Houston; and Council Member Khan thanked him for making a commitment to Houston and stated that for the past three years Council had reduced the property taxes and they would not raise them this year, they again reduced it, but the county had not reduced taxes at all and he hoped they would speak before them also. Mayor White, Council Members Johnson,

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

Council Member Edwards thanked Mr. Barker for coming and asking the question many were confused over, but the propositions would not raise taxes, taxes were raised through the appraisal rating which was set by the county and HISD just raised their rates; that the City had reduced city taxes three times in six years, but she did understand the confusion taxpayers had. Mayor White, Council Members Johnson, Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Ms. Pam Fain, 10139 Meadow Vine, Houston, Texas 77044 (281-458-3917) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Johnson, Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr/Coach R. J. (Bobby) Taylor, 3107 Sumpter, Houston, Texas 77026 (202-FA3-4511) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Johnson, Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Dr. Eldrey Stern, 7414 Jensen, Houston, Texas 77093 (713-697-4600) appeared and stated that he came before Council 41 years ago when he was a student at Texas Southern University; that he took his German boss home and two police followed and stopped them; that he liked White women and his best friend liked Black women; and continued expressing his personal opinions until his time expired. Mayor White, Council Members Johnson, Clutterbuck, Wiseman, Holm, Garcia, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Ms. Ennie Tidwell, 11618 Stroud, Houston, Texas 77072 (281-236-6618) appeared and stated that the Texas Penal Code Title 5, Chapter 21.15, Improper Photography or Visual Recording, a person committed the offense if the person photographed, video taped or by other electronic means visually recorded another person without their consent and with the intent to arouse or gratify the sexual desire of any person; and she had reasonable cause to believe she had been such a victim, October 16th discovering a hidden surveillance camera inside the shower wall and wires led directly into a male roommates bedroom; that she called HPD and an officer was dispatched to her home and witnessed the hidden camera and made a phone call to the District Attorney's Office and she was informed it was a civil matter and no police report was filed, but given the evidence how could it be construed as a civil matter, the law clearly stated it was a felony and being insistent she called HPD again and another officer was dispatched and he filed an investigative report with the sex crimes department and four days later she was informed charges were declined and no investigation was done with the DA citing lack of proof of ownership of the camera, proof of ownership was not the issue, proof of intentional misuse of such a device was; that it had now been two weeks and her roommate was gone and almost all evidence was gone and she felt she was brushed under the carpet despite laws put in place to protect her and others. Mayor White, Council Members Johnson, Clutterbuck, Edwards, Wiseman, Holm, Garcia, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Lovell allowed Ms. Tidwell to complete her statement; and Ms. Tidwell stated lack of action by law enforcement condoned the crime and made her a victim of a sexual predator and doubly victimized by an apathetic justice system; that something needed to be done to ensure such people as herself received a fair and timely investigation to prove or

disprove allegations. Mayor White, Council Members Johnson, Clutterbuck, Wiseman, Holm, Garcia, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Acting Mayor Pro Tem Berry stated that Lt. Jennings was present and could speak with her; that he appreciated her bringing the matter to Council's attention and he would like her to make sure Lt. Jennings had her correct phone number as he had a note someone tried to contact her and couldn't. Mayor White, Council Members Johnson, Clutterbuck, Wiseman, Holm, Garcia, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. Ron Hanley, 3119 Maysel, Houston, Texas 77080 (713-467-9790) appeared and stated that there was a tree down on city property and he would like the job to cut it and haul it off; that he called the city over the past two weeks, Neighborhood Protection and Parks and Forestry and City Secretary and Vender List but no one had called him so he came today asking to bid the job. Mayor White, Council Members Johnson, Clutterbuck, Wiseman, Holm, Garcia, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Ms. Wanda Adams, 11510 South Post Oak, Houston, Texas 77085 (713-591-2556) appeared, presented information and stated that she wanted to thank South Operations and Council Members for jumping on board the "Go Green" initiative and also the Mayor's Office for the "Go Green Rally" to be held November 15th which was why she was present; that the City of Houston celebrated America's Recycle Day with the Go Green Houston Rally and the Solid Waste Department and HEB were sponsoring the rally at the Reflection Pool Area in front of City Hall in Hermann Square, it was a free event open to the public and Houstonians were being asked to wear green and bring eye glasses, clothing and baby items as well as non perishable food items and it would be fun and festive and opportunities to win prizes including a MoPed, hammock, gift certificates, a cruise for two to Alaska, etc., and HEB and Keep Texas Beautiful recently awarded Keep Houston Beautiful a grant to be used to help create promotional materials for the Go Green Rally and thanked all others concerned with the rally. Mayor White, Council Members Johnson, Clutterbuck, Wiseman, Holm, Garcia, Lovell, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that Worthing High School would be marching, they were awesome and from District D; and thanked Ms. Adams for all her work. Mayor White, Council Members Johnson, Clutterbuck, Wiseman, Holm, Garcia, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Ms. Samara Leonard, 10555 Spice Lane, Houston, Texas 77072 (281-568-8324) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Johnson, Clutterbuck, Wiseman, Holm, Garcia, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. Travis McGee, 4800 Pederson, Houston, Texas 77077 (832-488-7709) appeared and stated that August 1, 2006, he stood before Council addressing many concerns of his community and met with ten managers and supervisors concerning drainage and dumping issues and just heard from them yesterday; that they survived two major hurricanes in 1961 and 1983 with both being a Category 4 or better and since August 2001 they had over 20,000 calls at the 311 system concerning draining and flooding and no legitimate work in his area yet; that the Sunnyside Garden Bayou Estates were requesting their capital improvements be considered and made a priority as it was neglected so long; that Sims Bayou was a \$40,000,000.00 project with a \$5.00 drainage system; that illegal dumping attributed to the

existing drainage and infrastructure issues and adding street lights would deter illegal dumping and that was just a few of their issues and again they were asking to be made a priority. Mayor White, Council Members Johnson, Clutterbuck, Wiseman, Holm, Garcia, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that they received their CIP about two weeks ago and they were priority; and if they would give dates for clean up the city would participate, they did partnerships all the time and regarding illegal dumping if there was a spot they could set a camera up then they could be targeted as well; and Mr. McGee stated that they scheduled a cleanup for November 11th; and Council Member Edwards stated it was Veteran's Day and only two weeks and might be hard to get volunteers, but if he would give it to her office in writing they would see what they could do. Mayor White, Council Members Johnson, Clutterbuck, Wiseman, Khan, Holm, Garcia, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Ms. Priscilla Williams, 4905 Pederson, Houston, Texas (713-733-9181) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Johnson, Clutterbuck, Wiseman, Khan, Holm, Garcia, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Ms. Estela Jimenez, 1307 Brooks, Houston, Texas 77009 (832-309-7022) appeared and stated through her interpreter that she was present regarding changes for taco stands; that for more than 10 years no one was concerned with what was happening with the stands and now it was like everyone wanted to take away the business; that firefighters really did not care what was going on and only went to see how the cable was for the gas and it would be better to be organized as investigative sections were confused, first Health Department, then Police Department, then firefighters and maybe one day the city would regulate the stands. Mayor White, Council Members Johnson, Clutterbuck, Wiseman, Khan, Holm, Garcia, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. Cristobal Hinojosa, 810 McDaniel, Houston, Texas 77022 (713-742-5458) appeared and stated that his issue was the same; that for 12 years no one cared about investigating the gas cable, but there were times when some Council Members wanted the tank inside the mobile taco stands, some wanted it outside the taco stands, but in the years none had suffered an accident because of a gas tank and now someone decided it was dangerous and they wanted features made to the units and it would be expensive, from \$400.00 to almost \$2,050.00, there was much confusion over it and it looked like someone wanted the businesses out of Houston, even saying it made the city look like a third world country, new regulations were not for safety of the people, if there was so many regulations something was wrong because there was real crime in Houston and this was a big discrimination. Mayor White, Council Members Johnson, Clutterbuck, Edwards, Wiseman, Khan, Holm, Garcia, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Alvarado stated that when the new things relating to taco stands came up she advocated strongly there be an education process for vendors and was assured it would happen; that she did not know where that process was but hoped someone would answer his questions, Captain Dupont was present, and anytime such changes were made it was hard to reach the whole community of vendors and it was unfair to impose such things if the city had not done their part on educating them of the changes; and yielded to Council Member Lawrence who stated that she thought as they came forward with the handheld devices, promised to them three months ago, there would be education and material at all commissaries and the Health Department would handle it; that the only requirement as for as propane tank now was that they be off the ground and onto their trailer, some vendors had them so far away there was a chance

for a car to hit them and there was no accidents, but they did not want to wait for one; that this was a small step, but Houston was trying to meet requirements promised. Mayor White, Council Members Johnson, Clutterbuck, Edwards, Wiseman, Khan, Holm, Garcia, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Brown, Mr. Hinojosa stated that one person tried four times to get an okay from the Fire Department and it ranged from \$400.00 to \$2,000.00 and it was a big expense. Mayor White, Council Members Johnson, Clutterbuck, Edwards, Wiseman, Khan, Holm, Garcia, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Acting Mayor Pro Tem Berry stated that a person was present from the Fire Department, Capt, Dupont, and she could speak with them at this time. Mayor White, Council Members Johnson, Clutterbuck, Edwards, Wiseman, Khan, Holm, Garcia, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Ms. Jeanette Rash, 2104 Lyons, Houston, Texas 77020 (713-228-8872) appeared, presented information and stated that she wanted to first send her condolences to the Roberson family including their church family for the loss of such a wonderful couple; that as an owner her worst fear was that her company could be involved in an accident in which lives were lost and she knew that the other owners felt the same; that much of her life was spent trying to professionalize the industry and deter accidents from happening and her focus was on challenges of the role they played in incident management, whether it was on freeway or roadway as first responders; that safety was their main concern and responsible towing operators all felt the same as she and all agreed certification and training was key to more professional qualified drivers and looking at the drivers criminal records were very important and had to be done, but to have an impact the training and certification of drivers was the next important step; that they surpassed the 112,000th tow in the SafeClear Program and scheduled drivers to take "Techniques of Towing and Recovery" course at the Houston Community College and were getting them certified under the "National Driver Certification Program" and were focused on the 350 SafeClear drivers, but there were 600 plus tow truck drivers that responded to police scenes and also needed training and certification; and they hoped the tragedy before them would shed light on the industry in a way they could make improvements and perform to the highest level. Mayor White, Council Members Johnson, Clutterbuck, Edwards, Wiseman, Khan, Holm, Garcia, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Acting Mayor Pro Tem Berry stated that Ms. Rash continued to work hard to professionalize the towing industry and her work did not go unnoticed; and he wanted to say on behalf of his colleagues, the Johnson family and HPD officers that on the day of the funeral for Officer Rodney Johnson there must have been hundreds of tow drivers showing their support and he thought it to be one of the classiest things that could ever be done and he drove back to downtown with tears to see all the citizens showing up to respect him and other officers and he thanked them all and would like her and others to thank their drivers as it was appreciated. Mayor White, Council Members Johnson, Clutterbuck, Edwards, Wiseman, Khan, Holm, Garcia, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Lawrence thanked Ms. Rash for all her work on this; and upon questions, Ms. Rash stated that Nacogdoches, Texas, just implemented and required certification and training for their tow truck drivers, anyone who did police authorized towing so it could be done; that Houston had no such training in place and none was required. Mayor White, Council

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

Mr. John Juanopulos, 2207 Eastex Freeway, Houston, Texas 77026 (713-227-5207) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Johnson, Clutterbuck, Wiseman, Khan, Holm, Garcia, Brown, Lovell, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Ms. Suzanne Poole, P. O. Box 1035, Missouri City, Texas 77459 (281-438-5427) appeared and stated that their members were looking forward to the new policy and making their industry and the public safer; that they did want to be assured the ordinance in its new review standard would be applied to all wrecker drivers licensed to tow in the city and not just SafeClear drivers; that another issue which could be handled at the same time was they would like to be guaranteed anyone with a license was actually here legally and entitled to work as they understood there was a problem here with that and not just with the wreckers but also in the paint and body shops; that they had no desire to flood the freeways, but to bring technology and professionalism and continue to improve the program; that she asked Council Member Berry to meet with them and would appreciate Mayor White also meeting with them as they wanted to be a part of the program and helping to make it better. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Khan, Holm, Garcia, Brown, Lovell, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Ms. Robbie Woods, 5315 Hollowview Drive, Houston, Texas 77091 (713-680-8406) appeared, presented information and stated that on about June 28, 2006, Underground Technologies, Inc., started rehabilitating the sanitary sewer lines through a City of Houston contract and in their efforts to perform work in her yard there was a water leak and she called 311 on July 3, 2006, and a utility maintenance person was sent to her home and the leak was not repaired so she called Underground Technologies, Inc., and asked for the CEO and spoke with Mr. Mike Gallagher who later came to her home, checked out the problem and sent a crew to repair the leak, but they did not repair it and instead planted grass so Mr. Gallagher was called again and sent another crew out and it was repaired and grass again was planted so she turned on her sprinkler system to water the grass but the system was broken and she called 311, Houston Legal, the Mayor's Office, Acres Homes Multi-Purpose Center and the City Secretary Office, and Council Member Johnson's office and got a certificate of liability insurance for Underground Technologies, Inc., and mailed photos to their insurance carrier along with an estimate for damages and her claim denied; and now she wanted to know who was responsible for repairs. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Khan, Holm, Garcia, Brown, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Mayor White stated that he was reading a statement which said when they repaired it the sprinklers were not attached to the system; and upon questions, Ms. Woods stated that the insurance company denied the claim but the area where the repair work was done was about an inch from her sprinkler system; and she had hers checked before the work was done, before going on vacation and when she came back the grass was replanted, but she had told them if they disturbed her landscaping they would have trouble and they paid her no mind and denied her claim and she thought when they were digging they cut and broke the line; that she talked with Mr. Gallagher and made two appoints and he did not come and she did not want him in her yard any more, but she wanted her yard restored, she wanted her sprinkler system fixed and landscaping replaced; and Mayor White stated that Mr. Norman was present and could take the details, but replacing the gardens they may not be able to do, the city had to have one single policy for the entire city, but he would communicate to Mr. Norman that there had to be some policies and procedures which applied to all citizens and which could be understandable and

uniform and the issue he had with damages of gardens it may not be coverable as consequential damages, but it did seem as a public entity they did have some responsibilities if they believed there was a bad faith denial of an insurance claim and that was what he wanted to focus on. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Khan, Holm, Garcia, Brown, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Council Member Lovell stated that she was also a gardner and during the past weeks work was done in her neighborhood and though she needed storm sewers she was hoping the work would not be done because she saw how yards were destroyed; that there should be a way to let people know ahead of time the work would be done so that maybe flowers could be moved and they could be ready for it; and Ms. Woods stated that they did give a note on the door but she was on vacation and when she came back she saw what was going on and nearly had a stroke. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Khan, Holm, Garcia, Alvarado, Brown, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Deacon Sam Dunning, 2403 Holcombe Blvd., Houston, Texas 77021 (713-741-8731) appeared and stated that he directed the Office of Justice and Peace for the Arch Dioceses of Galveston and Houston and on behalf of Arch Bishops Daniel Denardo and Joseph Fiorenza he thanked them for allowing him to be present; that recently a number of janitors witnessed and were suffering through a breakdown in contract negotiations between the Service Employees International Union and representatives from custodial contractors and the Arch Dioceses encouraged the contractors to return to the bargaining table for the best interest of all parties concerned; and would ask the Mayor and Council Members to employ their offices to persuade in whatever manner they deemed reasonable and fit to encourage business leaders of Houston to in turn encourage contracting companies they employed to return to negotiations as they believed all parties should discuss issues raised by janitors with openness and good will so a fair resolution could be reached to provide sufficient wages and health care for janitors and their families; and again they renewed their commitment to the justice for immigrants campaign and acknowledged the hardworking men and women who everyday and night cleaned their work facilities and joined them in asking for fair and just treatment in the workplace. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Khan, Holm, Garcia, Alvarado, Brown, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Council Member Edwards thanked Deacon Dunning for his remarks and stated that she would appreciate a copy of his statement. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Khan, Holm, Garcia, Brown, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Mr. Lionel Alexander, 7931 Booker, Houston, Texas 77028 (713-673-4765) appeared and stated that he had a sick wife and he was present to complain about a weeded lot next to him; that they could not hardly go outside with the mosquitoes and he wished they could do something; that he did not know who the lot belonged to; and Mayor White stated that he would like that put high on the list; and upon questions, Mr. Alexander stated that the lot was not occupied by anyone and he had lived in his house since 1948, the lot was vacant for a while; and Mayor White stated that he also wanted the tax status for the lot examined; and stated to Ms. Stein that someone needed to brief him as he had a lot of mosquito complaints over the last couple of days and he knew Harris County had a Mosquito Control District and he needed to know how to handle some of these; that they would at least get the lot cleared and then someone would tell him and Citizens Assistance what their liaison with the Harris County Control District so when they received complaints they could forward them there and would understand their work procedures; that if this was tax delinquent it could get into responsible hands; and Mr. Alexander stated there was the same situations with lots behind him; and Mayor White stated that they would get those lots also; that Chief Lumpkin would take a look at those

lots also. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Khan, Holm, Garcia, Brown, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Khan, Holm, Garcia, Brown, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (832-453-6376) appeared and stated that he was demanding a letter be written regarding the City's top security and police officer security imposing direct threats on his life; and continued expressing his personal opinions until his time expired. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Khan, Holm, Garcia, Alvarado, Brown, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

At 4:56 p.m. City Council recessed until 9:00 a.m., Wednesday, November 1, 2006. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Khan, Holm, Garcia, Alvarado, Brown, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, November 1, 2006

The Houston City Council reconvened at 9:00 a.m. Wednesday, November 1, 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., Adrian Garcia, Carol Alvarado, Peter Brown, Sue Lovell, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Mr. Arturo Michel, City Attorney; Ms. Marty Stein, Agenda Director and Ms. Marta Crinejo, Assistant Agenda Director, present. Council Member Pam Holm absent on personal business.

At 8:30 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:26 a.m. Mayor White called the meeting to order. Council Members Johnson and Garcia absent.

MAYOR'S REPORT

Mayor White stated that he had a brief Mayor's Report on an issue that some of the Council Members spoke about yesterday which were the policies of the City of Houston concerning people who contracted with the City of Houston and their provision of health services to the workers, that during the last time they considered a janitorial services contract with the Building Services Department they ascertained that some of their full time workers had full benefits but a number of their part time employees did not, that Ms. Elena Marks and people with the Health Department and the Greater Houston Partnership for some two years had been exploring ways where a more competitive product could be offered to the small businesses or other employers who had service employees for whom health benefits were not offered, that they had been trying to explore how to create an innovative product that would be unique within a country where the workers could afford to contribute more and the employers could remain competitive while making the worker contribution, they had not gotten there yet, there were commitments that were made with the Department of Health and Human Services and the organization that head Medicare and Medicaid during the time of the Katrina evacuation to work with them to make Houston a model of providing an innovative health plan like had not been seen, that he and Ms. Travis and Ms. Marks had pursued those discussions since that time and they had not been able to ascertain the source of federal funding which was committed to them

at that time, but there was progress in coming up with a plan where both employees would be required a contribution, one third of the premium paid by the employees, one third by the employer and one third from some other source, that would be far more affordable and accessible than many of the group health insurance plans that currently were in existence, they had considered and would begin analyzing a market oriented plan that many public policy analysts had advocated was free of mandates but was sort of called pay or play, those employers who contract with public entities, who did not pay for public health insurance, simply had to pay something in recognition of the fact that they were simply shifting the burden of that health insurance to the Harris County Hospital District, to a public entity, so they were shifting the product cost to the taxpayers, that he did not think there had yet been a community consensus and all stake holders had been consulted about what the possible consequences of that would be but that was in the process of doing so, they certainly did survey to get a sense of the contractors with the City of Houston and the way they had provided health insurance, that he hoped and expected that by the end of January they would have some recommendations that were based on that discussion with the medical community, Harris County Hospital District, employers and private sector entities concerning both the status of a three shared plan that gave good service, maybe not all the access to specialized health care, but some basic primary care and services at a lower premium that was currently unavailable in the market and a program that would provide the appropriate market oriented incentives for those people to sort of level the playing field between those people or make some strides and level the playing field between those people who offer health insurance and those people who do not and shift their costs to the public taxpayer, that the City of Houston with whatever they decide at that time they could abide by those rules in their contracts, but it seemed to him like there ought to be uniformed rules that were known in advance by all contractors for them and that the way that they had contracts as written additional costs that they imposed on contractors were born by the City of Houston and reimbursed by the City of Houston so that they had the flexibility to change those contracts if they decided to do so, for those reasons they had examined and frankly he had asked a lot of probing questions concerning one of the contracts for janitorial services that was up here, he did feel strongly that they ought to be a national leader in creating a system of transparency and responsibility and accountability so they did not just pretend that the lack of health insurance meant there was no cost, those costs were shifted to property taxpayers, which already bore too much of the burden of financing all City and public services in this region, that he thought the City of Houston would be prepared to do so but it would take a lot of dialog with people and a lot of work had been put into it and it would be done next year, it could not be done before they had to make a decision on this particular contract, and that was his Mayor's Report on some questions that people had asked him about the Aramark contract and what they intended to do with health benefits for those contractors who worked for the City, they wanted to make progress and had some specific thoughts of how they would go about making progress but a number of people needed to be briefed and they needed to make sure it was debugged and he thought there would be widespread stakeholder input and support of any program the City proposes, one thing they wanted to do for example was make sure that they dealt with other public entities and large employers to get their input because if they really wanted to make a difference in the community then they needed to get buy in from a large number of the private employers, and that concluded the Mayor's Report.

Council Member Brown stated that if the dollar value of that burden that was shifted to the taxpayers, the actual dollar value per person were known by the general public they would see a lot more action on the issue than they saw now and asked if it had been calculated, and Mayor White stated that they heard Mr. Dale Wortham yesterday the budget of the Harris County Hospital District was far more than the Police Department, that it was indigent health care, it was uninsured health care, that was what they did and in addition to that it drove everybody else's hospital rates up, that they would get that information and would disseminate it and he would, in that connection, say to Ms. Marks or whoever, they did quantify that in an

actual PowerPoint presentation that Ms. Marks and Rob Mossbacher and others used that did quantify the cost of uninsured health care in this community and she ought to try to get that PowerPoint presentation to everybody at Council. Council Member Garcia absent.

Council Member Lawrence asked if Mayor White could clarify, that she believed his report was concerning employees working less than 30 hours or janitorial services working less than 30 hours, and Mayor White stated that he was really reporting on the fact that they had been examining for about 18 months, certainly before they took up the janitorial services contract last August and continued through today, the practices of the City of Houston and its subcontractors on health benefits and the janitorial services of the contractors who the City of Houston did business with, certainly the one that was pending, conforms to the industry norm which was no health benefits, and he did not like that and they were trying to figure out what to do where they could make some difference within the City of Houston, it was just shifting cost from one set of taxpayers to the other, really it was the same people it was property taxpayers who paid for the Harris County Hospital District or they pay through the City of Houston and some of the HOT tax for convention facilities, but he was also saying that they were not ignoring it and they had some very concrete ideas that they should be able to present to Council by the end of January of next year, and Council Member Lawrence stated that they ought to look at if they wanted to take on a force, instead of hiring somebody else's employees, and hire them for 40 hours a week,, and Mayor White stated that was an excellent idea, that it tended to be evening hours but he wanted Ms. Ullrich and Mr. Dadoush and Ms. Marks to take a look at that what were their requirements because the more full time they had then the more economical the health insurance was. Council Members Wiseman and Berry absent.

Council Member Alvarado stated that she wanted to thank Mayor White for trying to move the challenge forward, that they required a lot of things from people who did business with the City, they required MWBE goals and she thought that health coverage, health benefits, ought to be something that was treated in that same spirit and if they were saying, whether to Hines or Crescent, that they wanted them to do business with contractors that were going to provide health benefits to their employees then they needed to lead by example and do the same thing, that she was looking forward to seeing what the end result the end product was, that she had a lot of confidence in Mayor White's administration that they could find something that was workable. Council Members Wiseman and Berry absent.

Council Member Edwards stated that she agreed with Council Members Alvarado and Lawrence and thought there were ways that they could develop it, she thought it was disingenuous of them to have the long debate about smoking and employees that did not have health insurance and then they in a different shading or coloring were basically doing to the same types of activities, that she appreciated what Ms. Marks and Ms. Ullrich and Mr. Lewis had been doing on this, that it was a hard thing for them to do because they ran up against a wall that was beyond their scope, the health insurance industry, and she thought that was an industry that needed to be looked at by the federal government because it affected a whole lot of people, that she would like for somebody to explain to her, they lived in Houston, Texas that had the medical center, which was the premier medical center of the world and she agreed with that but she did not understand why they could not have a relationship, at least with the City employees, with some kind of health insurance, that she did not know, she would like for somebody to explain that to her, even the insurance that they had in the City they still had employees who were not janitors who had problems in getting service, that she would for someone to explain to her why they could not have a relationship with the medical center that was more advantageous for the employees regarding their health issues. Council Members Wiseman and Berry absent.

Mayor White stated that he wanted to say to Ms. Ullrich and the Texas Medical Center institutions, at his request and with their embrace in 2004 explored some of that and he would ask Ms. Ullrich to explain what the outcome of some of those discussions were. Council Members Wiseman and Berry absent.

Council Member Garcia stated that he had an opportunity to visit with the stakeholders on the Aramark contract in particular and one, he appreciated Ms. Ullrich's due diligence in trying to address the issue and really working hard for over a period of several months that they really worked on trying to address the issue, there were particular challenges in it because they had not thought of the issue in the way they were talking about it now and in years past, but he thought there was a silver lining out there because there was a commitment both on the vendors side, and he wanted to thank Darrell King for his willingness to sit in on those discussions and express his commitment, that in talking with folks he liked their creative approaches, it was an issue not just for the part time employees or low skilled employees but their employees in general, that these folks were talking about implementing a first level health clinic for employees on site, productivity should go up and folks should not miss work and folks would not be feeling as much pinch in their pockets as they were, they were paying for it any way as a City so there were some creative thoughts out there and he had asked Ms. Urrich to bring Elena and the other departments like Public Works and Building Services that did similar contracts with employees in this particular circumstance to bring them all together so they could look at it collectively instead of trying to put the entire burden on Ms. Ullrich to figure it out for them. Council Member Green absent.

Council Member Garcia moved to suspend the rules to consider Item No. 43 out of order at this time, seconded by Council Member Khan. All voting aye. Nays none. Council Member Holm absent on personal business. Council Member Green absent. MOTION 2006-0983 ADOPTED.

Council Member Lovell stated that they really had to decide if they wanted to tell the larger businesses in the City that they thought it was time that they start sharing the responsibility or sharing the burden of health care, that they now join in because they were really taking on their responsibility and in all fairness that was not right because they made far more money, that in fact they had taken the lead when they passed the smoking ordinance in which they said to the cigar bars if they wanted to stay in business they would permit them but in order to get their permit they had to offer health insurance and pay a substantial amount of the health insurance to stay in business and be permitted, so they had already taken a step in leadership in that position and she thought they should continue on with the businesses and be a leader in saying they thought the taxpayers now in all fairness had the right to ask them to share in the burden of responsibility, to kick in their share and most of all offer the health insurance.

Mayor White stated that they had discussed quite a bit priorities wither they should consider it a State or national issue, what the alternatives were and he had to say that not only Ms. Marks but the people she worked for and the people in the medical center institutions, the people in the Greater Houston Partnership, he thought they would see that the City was one of the two or three places in the Country that had some of the most innovative thinking on what might be done to make a significant difference without waiting for somebody else to come to the rescue, they could not do so today mainly because there was almost 30% of the employees within the County who did not have group health insurance and if they were going to address the issue they might as well do it with substance.

43. ORDINANCE awarding contract to **ARAMARK SPORTS AND ENTERTAINMENT SERVICES, INC** for Cleaning and Janitorial Services for Special Events for the Convention & Entertainment Department; providing a maximum contract amount - 3 Years

with two one-year options \$14,069,293.75 - Enterprise Fund - **DISTRICTS D - EDWARDS and I – ALVARADO – (This was Item 50 on Agenda of October 24, 2006, POSTPONED BY MOTION #2006-979)** - was presented. Council Member Edwards voting no, balance voting aye. Council Member Holm absent on personal business. ORDINANCE 2006-1094 ADOPTED.

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

Mayor White stated that the next order of business was the Monthly Financial Report and Quarterly Investment Report and called on Mr. Rudy Garcia, Deputy Controller and Ms. Sue Bailey and Ms. Judy Gray Johnson, Director, Finance and Administration for the report.

Mr. Garcia stated that it was the Monthly Financial Report for the period ending September 30 2006, they were projecting a revenue shortfall of \$15.4 million, it was \$7.4 million less than the shortfall that was reported last month, the main reason for the change was that they had increased their property tax projection back to the budgeted amount of \$730.52 million and it was based on the proposed tax rate of 64.5 cents per \$100 of assessed valuation, in a memo received by the administration last week the Census Bureau agreed to accept the City's population estimate and therefore they had revised their projection accordingly, that they had distributed out two handouts one of them related to the Katrina revenues and expenditures and the other was in response to a question from Council Member Khan, a schedule of various property tax rates in the Houston area for other taxing entities and it included Harris County, some colleges and school districts, and that concluded his portion of the report and he would turn it over to Ms. Sue Bailey to report on the Quarterly Investment Report. Council Member Lovell absent.

Ms. Bailey stated that she had two quarterly reports, in the Quarterly Investment Report for September 30, 2006, as of September 30, 2006 the City had approximately \$1.9 billion invested in the General Pool, the pool was like a short term bond fund that held investments of high credit quality and had been rated Triple A by Standard and Poors, that as of September 30, 2006 the pool was yielding 4.65% which was up from 4.33% at the end of the last quarter, they also had two smaller investment pools that held approximately \$27 million, that a detailed listing of all the securities held by the City was at the back of the report which they had received; that she also would like to mention that the Quarterly SWAP Report was included in the Monthly Report with the Controller's transmittal letter, that this past quarter they added one more SWAP for the Combined Utility System, the written SWAP Report had a lot of information and quite a bit of detail and if they needed any information she would recommend they contact Ms. Parker's staff and they would be happy to talk about it some more. Council Members Clutterbuck and Lovell absent.

Ms. Johnson stated that in addition to the property tax news that Mr. Garcia talked about the only real changes were in sales tax again, that for the month of August they again had a stellar sales tax revenue 19% above last year, every month so far had been double digits in the fiscal year, the very next check would really be one to start watching and seeing how much of that trend can continue, the next one would be the first one that would be a full year after Katrina, so it would be a full year after they had the additional number of residents in Houston so they would not expect to continue double digit increases, but it would be very interesting to see how much it was, their estimate was based on the checks they had received so far plus an estimate of about 4.5% increase for the rest of the fiscal year, one note of caution that they mentioned yesterday was in the Municipal Courts fines, they had not changed their estimate because there was a very good chance that the delinquent collections that had been behind could catch up well before the end of the fiscal year but if

they did not they could be as much as \$8 million below budget on that line item, they were not changing that estimate they were just letting people know that they were going to be paying a lot of attention to that number in the next couple of months, and that concluded her report.

Council Member Edwards stated that she had one question on Katrina and asked if they were involved in the Road Home Program and Mayor White stated that the evacuees sure wanted the City of Houston to be, that he had some specific recommendations which he would make to the political authorities in Louisiana about, there were great concerns expressed at meetings that he had with evacuees, that \$6 billion apparently had been set aside but 13 families had been assisted, that he did not think the dollars should be tied up, they should be available to the people and not the place, and they had some mechanisms to suggest how people could accomplish that, but it was not their program the federal government gave, in December 2005, \$11 billion CDBG to Katrina Relief, most of the evacuees that were outside the metropolitan area were here and Houston got \$750,000 out of the \$11 billion so they really did not have much to say about how the taxpayers money was spent, and Council Member Edwards stated that she had been approached by a number of people still here from Louisiana about the program and she did not know anything about it other than it was at the Third Ward Multi Service Center in the proximity of District D so she was just curious because they had some concerns about it, and Mayor White stated that there were some individuals and he would ask Mr. Moore, they did have representatives, people from New Orleans and Louisiana, both the City government and State, attend their periodic meetings and maybe they could fill her in.

Council Member Khan stated that he wanted to ask a question on the Quarterly SWAP Report, that it should that it was a positive value of \$3.497 million which increased their credit risk and asked if there was a point where it became a concern that it may affect their rating in any way or would require them to take certain steps to mitigate the positive value on the SWAPs, and Mayor White stated that the intent and affect of the SWAPs that had been approved in this administration was to mitigate or reduce the risk that could be associated with some interest rate volatility over a particular range, and Ms. Bailey stated that Standard and Poors had rated their General Obligation SWAP with it's highest rating, they had not been rated on the Combined Utility System specifically on the SWAP but they had received several ratings generally for the Combined Utility System that had not changed and she would point out that while sometimes the fair market value of the SWAP varied, it went up and down, they had achieved cash savings because of the SWAPs and at this point she would say they had achieved about \$12 million of savings on the Combined Utility System SWAPs over the regular fixed rate debt, that the General Obligation SWAP had been down and now it was up, the Combined Utility SWAPs had generally been negative because they entered into the SWAPs at a time when interest rates were higher than they had been, they knew that interest rates had increased on the short term end but on the long term end they had actually gone down a little bit over the last few years; and Council Member Khan stated that yesterday they had a very detailed discussion about the Maximus contract and what was happening in the Municipal Court System and the Chair was very eloquent in his selling the sentiments of the Council, but they were all extremely concerned about what was going on and he did recognize the need for working with Maximus to make sure the system starts performing and come to a point where they can accept it, but on the other hand the system, the way it had been going on and maybe not as bad as Mr. Moriarity explained yesterday but they had so many complaints and it was coming from the public and the people who were working the system, including the judges, it was one thing to have complaints about inefficiency in the system and having the frustration of working so many things at the same time but the biggest concern they had was if they had people who were exposed to having warrants issued or in the worst case being arrested because of the glitches in the system and he brought it out so that they do emphasize to everybody that it was a matter of grave concern and they really wanted some specific schedules as to when would there be a point that they would say yes it was definitely going forward or at what point would they say they take a step back and see what other options they had.

Mayor White stated that on the options and taking a step forward, he had been at those meetings for about a year and there was no option that was taken off of the table, it was very frustrating to all of them and there were some lessons, the procurement was done in good faith and it was a train that had taken off before, but he was not real keen on doing business with vendors where it was the biggest project they had taken on, period, and the second thing was that he had talked to Mr. Lewis at length this morning concerning the allocation of judicial time, human resources in the system and some of the issues that were discussed at Fiscal Affairs, he wanted Council Members to know that he got a very detailed account of the Fiscal Affairs Committee, as he usually did of committee meetings and addressed some of those concerns and thoughts with Mr. Lewis this morning.

Council Member Green moved to accept the Monthly Financial Report and the Quarterly Investment Report, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Holm absent on personal business. MOTION 2006-0984 ADOPTED.

Council Member Sekula-Gibbs moved to suspend the rules to consider Item Numbers 10, 11, 11a, 35, 36 and 42 out of order, seconded by Council Member Khan. All voting aye. Nays none. Council Member Holm absent on personal business. MOTION 2006-0985 ADOPTED.

Council Member Edwards moved to suspend the rules to consider Item Numbers 28, 29, 32 and 33 out of order, seconded by Council Member Khan. All voting aye. Nays none. Council Member Holm absent on personal business. MOTION 2006-0986 ADOPTED.

10. **ORDINANCE AMENDING CHAPTER 28 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to establish a program to reduce or abate criminal activity in apartment communities in the City to promote the health, safety and welfare of residents of such apartment communities; requiring the owners of apartment communities in the City to register such ownership; requiring the implementation of remedial measures to reduce criminal activity at affected apartment communities; declaring certain conduct to be unlawful and providing penalties therefor; declaring certain conduct to constitute a nuisance and providing for the abatement thereof; containing findings and other provisions relating to the foregoing subject; providing an effective date; providing for severability – was presented, and tagged by Council Members Wiseman and Sekula-Gibbs.

After discussion by Council Members, Council Member Garcia stated that he had several written motions, which he distributed, to amend Item No. 10 and asked if the Council Members would release their tags so he could offer his amendments and no release was heard.

Mayor White stated that he was not aware that the Chairman of the Public Safety Committee had an issue with the ordinance otherwise he would not have posted it, and Council Member Garcia stated that when he visited with Chief Ottmyer there were things that he had agreed to that would have made him feel a lot better but come to find out yesterday the Legal Department opposed the spirit of what they were trying to accomplish and took it out so he just wanted to have one more week to hash it all out, that he had been trying to weigh it out from both perspectives and making sure they were moving in the right direction.

After further discussion by Council Members, Mayor White stated that Item No. 10 had been tagged. Council Member Green absent.

11. **ORDINANCE** providing for the assessment, levying and collection of ad valorem taxes for the City of Houston, Texas for the Year 2006 – was presented. Council Member Green absent.

Council Member Wiseman stated that she had circulated a written motion to amend Item No. 11 and wanted to make some corrections to the written motion that she was submitting in writing.

"I move to adopt a tax rate equal to assessed value equal to the effective tax rate for tax year 2006, .62955 per \$100 of assessed value, seconded by Council Member Sekula-Gibbs, and tagged by Council Member Green.

After further discussion by Council Members, Council Members Sekula-Gibbs, Wiseman and Clutterbuck stated that they would tag Item No. 11.

11a. RECOMMENDATION from City Attorney in conformance with the requirements of the State Tax Code that Council adopt a motion that property taxes be increased by the adoption of a tax rate of \$.6450/\$100 valuation – was presented.

Council Members Wiseman and Sekula-Gibbs stated that they would tag Item No. 11a, and Mayor White asked for a motion on the item and Council Member Edwards stated that she would make the statutorily required motion as set out in the RCA, seconded by Council Member Alvarado.

Council Member Wiseman stated that she would challenge the request for a motion and after discussion by Council Members, Council Member Sekula-Gibbs stated that she would tag Item No. 11a.

35. RECOMMENDATION from Acting Director Human Resources to exercise the second one-year renewal option for contracts with **SELECT CARE OF TEXAS, INC (TEXANPLUS)** and **TEXAS HEALTHSPRING I, LLC** for Medicare Advantage Health Plans - was presented, moved by Council Member Khan, seconded by Council Member Alvarado, and tagged by Council Members Wiseman, Khan and Sekula-Gibbs.

36. ORDINANCE relating to Health Care Benefits for city retirees, deferred retirees, survivors and certain dependents; approving and authorizing a Medicare Advantage Private Fee for service plan between the City of Houston and **AETNA LIFE INSURANCE COMPANY** for the aforementioned beneficiaries; approving a maximum contract amount - 5 years - \$6,215,000 - Health Benefits Fund – was presented, and tagged by Council Members Wiseman, Khan and Sekula-Gibbs.

42. ORDINANCE approving and authorizing contract for Advertising Support Services for the Houston Airport System by and between the City of Houston and **RIVES CARLBERG, L.P.**; providing a maximum contract amount - \$1,800,000.00 - Enterprise Fund – **(This was Item 35 on Agenda of October 24, 2006, TAGGED BY COUNCIL MEMBERS WISEMAN and HOLM)** – was presented.

Council Member Clutterbuck offered the following written motion to amend Item No. 42:
"Amendment to Item 42 on City Council Agenda of November 1, 2006

Section 3.1 (b)(1)(vii) shall be amended by adding the following language:
however, in no event shall Contractor or HAS place advertising of HAS on off-premise signs;"

A vote was called on Council Member Clutterbuck motion to amend Item No. 42. All voting aye. Nays none. Council Member Holm absent on personal business. MOTION 2006-0987 ADOPTED.

Upon discussion by Council Members, Council Member Wiseman stated that she had reviewed the information that was provided and had asked for additional information as well, that there was nothing that showed what kind of return they expected on the investment and the only comment that was made was that it would keep them competitive with other major airports; and Council Member Khan stated that he wanted to request some clarification on Council Member Clutterbuck's amendment, were these advertisements to be done for out of Houston promotion of HAS, and secondly the major international airports around the world and across the United States where they were in competition and were doing tremendous amount of promotion and advertisement for their airports because it was a highly competitive business; and Mayor White stated that one or two comments did sort of hit a cord around the Council table about sometimes public entities spent some money on self promotion and it did not have results and if somebody wanted to delay the item a week so he could get a detailed report on who the market was and how they measured productivity the administration would not oppose that motion.

After further discussion by Council Members, Council Member Wiseman moved to postpone Item No. 42 for one week, seconded by Council Member Sekula-Gibbs. Council Member Holm absent on personal business. Council Member Lawrence absent. MOTION 2006-0988 ADOPTED.

After further discussion by Council Members, Mayor White stated that one thing that had not been given to Council Members, that they probably needed in the category of facts, was what had come out from Standard and Poors and Fitches the day before, which pretty much laid out the way the world was watching Houston. Council Members Brown and Berry absent.

28. ORDINANCE appropriating \$294,021.72 out of Water & Sewer Consolidated Construction Fund and \$198,000.00 out of Tax Increment Reinvestment Zone Affordable Housing Fund; approving and authorizing Developer Participation Contract between the City of Houston and **PARKWAY MANOR, L.P.** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve Section One of the Parkway Manor Subdivision (WBS Nos. S-000800-00K1, R-000800-00K1 & M-000800-00K1) - **DISTRICT D - EDWARDS** – was presented, and tagged by Council Member Edwards. Council Member Berry absent.
29. ORDINANCE appropriating \$164,642.23 out of Water & Sewer Consolidated Construction Fund and \$231,957.97 out of Tax Increment Reinvestment Zone Affordable Housing Fund; approving and authorizing Developer Participation Contract between the City of Houston and **PARKWAY MANOR, L.P.** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve Section Two of the Parkway Manor Subdivision (WBS Nos. S-000800-00K2, R-000800-00K2 & M-000800-00K2) - **DISTRICT D - EDWARDS** – was presented, and tagged by Council Member Edwards.
32. ORDINANCE appropriating \$333,584.99 out of Water & Sewer Consolidated Construction Fund and \$279,000.00 out of Tax Increment Reinvestment Zone Affordable Housing Fund; approving and authorizing Developer Participation Contract between the City of Houston and **POST OAK VENTURES II, L.P.** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve Section Eight of the Post Oak Place Subdivision (WBS Nos. S-000800-00K9, R-000800-00K9 & M-000800-00K9) - **DISTRICT D - EDWARDS** – was presented, and tagged by Council Member Edwards.
33. ORDINANCE appropriating \$129,244.16 out of Water & Sewer Consolidated Construction Fund and appropriating \$85,815.12 out of Affordable Housing Uptown 2002B Fund; approving and authorizing Developer Participation Contract between the City of Houston and **POST OAK VENTURES II L L, L.P.** for Construction of Water, Sanitary Sewer and

Storm Sewer Lines to serve Section Nine of the Post Oak Place Subdivision (WBS Nos. S-000800-00L1, R-000800-00L1 & M-000800-00L1) - **DISTRICT D - EDWARDS** – was presented, and tagged by Council Member Edwards.

CONSENT AGENDA NUMBERS 1 through 36

MISCELLANEOUS - NUMBER 1

1. RECOMMENDATION from Chief of Police for Injury on duty leave extension for Officer **RUBEN CALDERON** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Holm absent on personal business. MOTION 2006-0989 ADOPTED.

ACCEPT WORK - NUMBER 3

3. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$748,372.52 and acceptance of work on contract with **NBG CONSTRUCTORS, INC** for Rehabilitation to Elysian Viaduct Bridge, GFS N-0445-05-3 03.19% over the original contract amount - **DISTRICT G - HOLM** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Holm absent on personal business. MOTION 2006-0990 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 7 through 9

7. **GOLDEN ENGINEERING, INC** for Portable X-ray Systems for Police Department - \$47,328.00 Grant Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Holm absent on personal business. MOTION 2006-0991 ADOPTED.
8. **TROY CONSTRUCTION, L.L.P.** for Emergency Repair of the Sewer Force Main at McCarty Drive and Portwall for Department of Public Works & Engineering - \$35,000.00 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Holm absent on personal business. MOTION 2006-0992 ADOPTED.
9. **EQUIPMENT DEPOT, LTD** for Forklifts for Various Departments - \$171,940.22 - Enterprise and Equipment Acquisition Consolidated Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Holm absent on personal business. MOTION 2006-0993 ADOPTED.

ORDINANCES – NUMBER 15

15. ORDINANCE consenting to the addition of 59.1763 acres of land to **NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 10**, for inclusion in its district - was presented. All voting aye. Nays none. Council Member Holm absent on personal business. ORDINANCE 2006-1095 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

2. RECOMMENDATION from Director Department of Public Works & Engineering for payment of \$1,191,585.20 to the **TEXAS COMMISSION ON ENVIRONMENTAL QUALITY** for annual Consolidated Water Quality Fee for FY07 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Holm absent on personal business. MOTION 2006-0994 ADOPTED.

PROPERTY

4. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Johnny G. Castillo, for encroachment agreement for a ±3.5-foot x 29.5-foot building encroachment into Delmar Street, adjacent to 5314 Canal Street, located in the Lenox Grove Addition, out of the S. M. Williams Survey, Parcel ENY7-002 - **DISTRICT H - GARCIA** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Holm absent on personal business. MOTION 2006-0995 ADOPTED.

PURCHASING AND TABULATION OF BIDS

5. **LION APPAREL, INC** for Uniforms from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for Fire Department - \$2,077,884.00 - General Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Holm absent on personal business. MOTION 2006-0996 ADOPTED.
6. **HEWLETT-PACKARD COMPANY** for Maintenance and Support Agreement for Hewlett Packard Hardware and Software through the City's Master Agreement with the Texas Department of Information Resources (DIR) for Texas CISV Master Catalog Purchases under Chapter 2157 of the Government Code for Houston Emergency Center (HEC) - \$342,582.73 - Houston Emergency Center – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Holm absent on personal business. MOTION 2006-0997 ADOPTED.

ORDINANCES

12. ORDINANCE relating to the fiscal affairs of the Midtown Redevelopment Authority on behalf of Reinvestment Zone Number Two, City of Houston, Texas (Midtown Zone); approving the Fiscal Year 2007 Operating Budget for the Authority - **DISTRICTS D - EDWARDS and I – ALVARADO** – was presented.

After discussion by Council Members, a vote was called on Item No. 12. All voting aye. Nays none. Council Member Holm absent on personal business. ORDINANCE 2006-1096 ADOPTED.

13. ORDINANCE relating to the fiscal affairs of the Main Street/Market Square Redevelopment Authority on behalf of Reinvestment Zone Number Three, City of Houston, Texas (Main Street/Market Square Zone); approving the Fiscal Year 2007 Operating Budget for the Authority **DISTRICT I – ALVARADO** – was presented. All voting aye. Nays none. Council Member Holm absent on personal business. ORDINANCE 2006-1097 ADOPTED.

14. ORDINANCE approving and authorizing an agreement for Grant Fund Disbursement between the City of Houston and **THE MAIN STREET COALITION** for acquiring Professional Services for Phase II and III Urban Corridor Plans - \$175,000.00 - Grant Fund - **DISTRICTS C - CLUTTERBUCK; D - EDWARDS; H - GARCIA and I - ALVARADO** – was presented.

After discussion by Council Member Brown a vote was called on Item No. 12. All voting aye. Nays none. Council Member Holm absent on personal business. ORDINANCE 2006-1098 ADOPTED.

16. ORDINANCE approving and authorizing contract between the City of Houston and **GULF COAST WORKFORCE BOARD** for Certification of qualified child care costs and transfer of funds under Title VI of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (“PRWORA”) – was presented, and tagged by Council Member Sekula-Gibbs.
17. 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 Holm absent on personal business. ORDINANCE 2006-1099 ADOPTED.
18. ORDINANCE approving and authorizing contract between the City of Houston and **HOUSTON ARTS ALLIANCE** for Civic Art and Conservation Administration Services on behalf of the Houston Airport System - \$68,712.54 previously appropriated Civic Art Funds – was presented, and tagged by Council Member Wiseman.
19. ORDINANCE approving and authorizing contract between the City of Houston and **HOUSTON ARTS ALLIANCE** for Civic Art and Conservation Administration Services on behalf of the Convention and Entertainment Facilities Department - \$607,775.04 previously appropriated Civic Art Funds – was presented, and tagged by Council Member Wiseman.
20. ORDINANCE approving and authorizing contract between the City of Houston and **HOUSTON ARTS ALLIANCE** for Civic Art and Conservation Administration Services on behalf of the Building Services Department - \$56,950.04 previously appropriated Civic Art Funds – was presented, and tagged by Council Member Wiseman.
21. ORDINANCE approving and authorizing contract between the City of Houston and **HOUSTON ARTS ALLIANCE** for City-Wide Art Consulting Services on behalf of the Building Services Department - \$80,000.00 - General Fund – was presented, and tagged by Council Member Wiseman.
22. ORDINANCE appropriating \$1,250,000.00 out of Airports Improvement Fund and approving and authorizing contract between the City and **VERIZON SELECT SERVICES, INC** for Telecommunication Equipment Maintenance for the Houston Airport System (WBS No. A-000348-0002-3-01-01); providing a maximum contract amount; providing funding for contingencies relating to the project - 3 Years with two one-year options - \$10,094,387.60 - Enterprise Fund **DISTRICTS B - JOHNSON; E - WISEMAN and I - ALVARADO** – was presented, and tagged by Council Member Wiseman.
23. ORDINANCE appropriating \$2,100,000.00 out of Street & Bridge Consolidated Construction Fund (Number N-000663-00RE-2-01-01), and approving and authorizing the

purchase of easements and other interests in real property and payment of the costs of such purchases and/or condemnations of such real property and associated costs for Appraisal Fees, Title Policies/Services, Recording Fees, Court Costs and Expert Witness Fees, for and in connection with, and finding a public necessity for, the capital improvement projects identified in the body of this ordinance – was presented. All voting aye. Nays none. Council Member Holm absent on personal business. ORDINANCE 2006-1100 ADOPTED.

24. ORDINANCE amending Ordinance Number 2005-637 to increase the maximum contract amount; approving and authorizing first amendment to contract between the City and **MILLER & VAN EATON, P.L.L.C.** for Expert Legal Services related to Telecommunications, Wireless Broadband Networks and Cable Television Law - \$110,000.00 for a total contract amount of \$150,000.00 General Fund – was presented, and tagged by Council Member Wiseman.
25. ORDINANCE awarding contract to **MCCARTY ROAD LANDFILL TEXAS, LP**, for Disposal of Waste Materials from Sewer Cleanouts for Public Works & Engineering Department; providing a maximum contract amount - 3 Years with two one-year options - \$574,188.75 - Enterprise Fund – was presented. All voting aye. Nays none. Council Member Holm absent on personal business. ORDINANCE 2006-1101 ADOPTED.
26. ORDINANCE awarding contract to **MERRELL BROS., INC** for Onsite Water Treatment Sludge Dewatering and Disposal Services for the Public Works and Engineering Department; providing a maximum contract amount - 3 Years with two one-year options - \$1,999,829.76 - Enterprise Fund – was presented. All voting aye. Nays none. Council Member Holm absent on personal business. ORDINANCE 2006-1102 ADOPTED.
27. ORDINANCE appropriating \$319,378.00 out of Water & Sewer Consolidated Construction Fund and \$387,000.00 out of Drainage Improvement Commercial Paper Series F Fund; approving and authorizing an interlocal cost sharing contract between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 410** for Construction of Water, Sanitary Sewer and Storm Sewer Lines for Oaks of the Lakewood Village Subdivision (WBS Nos. S-000800-00K7, R-000800-00K7 & M-000800-0012) - **DISTRICT B – JOHNSON** – was presented.

Council Member Johnson stated that before they went down this road one more time he would like to try and get some more information, he had not been able to obtain any information about this particular in city MUD that was going to be in the district, he did not want to get too far into this thing before they got moving on it so he would like to get the developer in to talk with them about what was going on, some of the criteria that was going to need to be in place for this particular development therefore he would tag the item.

30. ORDINANCE appropriating \$259,724.60 out of Water & Sewer Consolidated Construction Fund and \$231,000.00 out of Tax Increment Reinvestment Zone Affordable Housing Fund; approving and authorizing Developer Participation Contract between the City of Houston and **MEADOW CREST DEVELOPERS 226, L.P.** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve Section Three of the Meadow Crest Subdivision (WBS Nos. S-000800-00K5, R-000800-00K5 & M-000800-00K5) - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Holm absent on personal business. ORDINANCE 2006-1103 ADOPTED.
31. ORDINANCE appropriating \$291,713.15 out of Water & Sewer Consolidated Construction Fund and \$234,000.00 out of Tax Increment Reinvestment Zone Affordable Housing Fund;

approving and authorizing Developer Participation Contract between the City of Houston and **NEW CENTURY DEVELOPMENT, L.L.C.** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve Sections One, Two, Three, Four, Five and Six of the Southview Villas Subdivision (WBS Nos. S-000800-00K4, R-000800-00K4 & M-000800-00K4) - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Holm absent on personal business. ORDINANCE 2006-1104 ADOPTED.

34. ORDINANCE appropriating \$208,817.75 out of Water & Sewer Consolidated Construction Fund and approving and authorizing Developer Participation Contract between the City of Houston and **OREM PARTNERS I, LTD** for Construction of Water and Sanitary Sewer Lines to serve Sections One and Two of the Daybreak Subdivision (WBS No. S-000802-0046 & R-000802-0046) **DISTRICT E - WISEMAN** – was presented. All voting aye. Nays none. Council Member Holm absent on personal business. ORDINANCE 2006-1105 ADOPTED.

NON CONSENT AGENDA - NUMBER 37

MISCELLANEOUS

37. MOTION to set a date not less than seven (7) days from November 1, 2006 to receive nominations for Positions 2, 4, 6, 8, 10 and 12 on the Board of Directors for **HOUSTON BUSINESS DEVELOPMENT, INC** for three year terms – was presented.

Council Member Khan moved to set Wednesday, November 8, 2006 to receive nominations for Positions 2, 4, 6, 8, 10 and 12 on the Board of Directors for Houston Business Development, Inc., seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Holm absent on personal business. MOTION 2006- ADOPTED.

MATTERS HELD - NUMBERS 38 through 44

38. ORDINANCE relating to the fiscal affairs of the **EAST DOWNTOWN REDEVELOPMENT AUTHORITY on behalf of REINVESTMENT ZONE NUMBER FIFTEEN, CITY OF HOUSTON, TEXAS (EAST DOWNTOWN ZONE)**; approving the Fiscal Year 2007 Operating Budget for the authority - **DISTRICT I – ALVARADO** – **(This was Item 48 on Agenda of October 11, 2006, POSTPONED BY MOTION #2006-899)** – was presented.

Council Member Alvarado offered the following written motion to amend Item No. 38:

“I move to amend Item 38 on the October 31 – November 1, 2006, Houston City Council Agenda by amending the Ordinance as follows:

1. Amend the third “WHEREAS” paragraph to delete numbered Item 1 and renumber the remaining numbered items in the paragraph.
2. Amend Exhibit “A” by substituting the Exhibit “A” attached hereto.

A vote was called on Council Member Alvarado’s motion to amend Item no. 38. All voting aye. Nays none. Council Member Holm absent on personal business. MOTION 2006-0999 ADOPTED.

A vote was called on Item No. 38 as amended. All voting aye. Nays none. Council Member Holm absent on personal business. ORDINANCE 2006-1106 ADOPTED AS AMENDED.

39. ORDINANCE relating to the fiscal affairs of **REINVESTMENT ZONE NUMBER EIGHTEEN, CITY OF HOUSTON, TEXAS (FIFTH WARD ZONE)**; approving the Fiscal Year 2007 Operating Budget for the Zone - **DISTRICT B – JOHNSON – (This was Item 49 on Agenda of October 11, 2006, POSTPONED BY MOTION #2006-900)** – was presented.

Council Member Johnson offered the following written motion to amend Item No. 39:
“I am submitting a written motion to amend Agenda Item 39 with the following:

1. On page 2 of the Ordinance, amend the “WHEREAS” paragraph to delete item number “1,” and then renumber the remaining numbered items in the subsection.
2. Amend Exhibit A by substituting the attached “Exhibit A.”

A vote was called on Council Member Johnson’s motion to amend Item no. 39. All voting aye. Nays none. Council Member Holm absent on personal business. MOTION 2006-1000 ADOPTED.

A vote was called on Item No. 39 as amended. All voting aye. Nays none. Council Member Holm absent on personal business. ORDINANCE 2006-1107 ADOPTED AS AMENDED.

40. ORDINANCE repealing Ordinance No. 2006-162; appropriating \$100,000.00 out of Housing Special Revenue Fund; and approving and authorizing grant agreement between the City of Houston and **THE JEWISH COMMUNITY CENTER OF HOUSTON, TEXAS**, to provide partial assistance for the renovation of a public facility located at 5601 S. Braeswood, Houston, Texas **DISTRICT C - CLUTTERBUCK – (This was Item 31 on Agenda of October 24, 2006, TAGGED BY COUNCIL MEMBER LAWRENCE)** - was presented. All voting aye. Nays none. Council Member Holm absent on personal business. ORDINANCE 2006-1108 ADOPTED
41. ORDINANCE approving and authorizing first amendment to agreement between the City of Houston and **KIPP, INC** to provide for a reduction in the term of the “Restricted Use Period” placed on the facility located at 10811 Collingham Street - **DISTRICT F – KHAN – (This was Item 32 on Agenda of October 24, 2006, TAGGED BY COUNCIL MEMBER GREEN)** - was presented. All voting aye. Nays none. Council Member Holm absent on personal business. ORDINANCE 2006-1109 ADOPTED
44. RECOMMENDATION from Director Planning & Development Department to approve amendments to the 2005 Major Thoroughfare and Freeway Plan (MTFP) and authorize publication of the 2006 MTFP in map form – **(This was Item 51 on Agenda of October 24, 2006, POSTPONED BY MOTION #2006-970)** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado.

After discussion by Council Members, Council Member Alvarado asked that Ms. Carol Lewis revisit putting John Ralston back on the Major Thoroughfare Plan, it was taken out back in 1996 without the consent of the community and their own Parks Department had pointed out some of the public safety concerns to Firr High School if Mercury was to be extended through the Songwood Community so she was not going to be supporting the item.

After further discussion by Council Members, a vote was called on Item No. 44. Council Members Alvarado, Clutterbuck and Brown voting no, balance voting aye. Council Member Holm absent on personal business. MOTION 2006-1001 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Garcia stated that this Friday at the Houston Police Officers Union Hall there would be a fund raiser for Paper Houses Inc., that Officer Decker, HPD, had been doing a very phenomenal ministry by working to travel to the colonias in Mexico and build homes, schools and clinics for the children in those areas that were in extreme poverty. Council Members Lawrence, Wiseman, Alvarado and Sekula-Gibbs absent.

Council Member Garcia stated that on Saturday, the Near Northside Healthy Community Partnership would be holding a Health for Life Walk, that the area health care agencies along with the City of Houston's Health Clinic, The Nueva Casa, would be coordinating a walking trail where residents of the neighborhood would be able to identify the respective health care agencies and services that exist in the neighborhood that people may not be necessarily aware of, that it would start at 10:00 a.m. and they would encourage folks to walk to the facilities, there would be eight stops that would culminate the Health for Life Walk and would encourage people to do that. Council Members Lawrence and Sekula-Gibbs absent.

Council Member Garcia stated that the Dynamo had advanced to the Western Conference Finals, they would be battling the Colorado Rapids and the game would be on Sunday at 6:00 p.m. and would encourage folks to come out and support the Houston Dynamo; that as to the Houston Texans, Coach Kubiak did what he had to do and had to pull David Carr out of the game, that he did not disagree with that decision, that it showed that the Texans had depth because they were still able to put some points on the board, that he wanted to continue to encourage folks to come out and support the Houston Texans. Council Members Lawrence and Sekula-Gibbs absent.

Council Member Alvarado stated that she wanted to thank Council Members Green and Holm for coming to the Texas Municipal Conference and participating in the Resolutions Committee, they were both members of that, as they had said all along they only get out what they put into it, that she was glad to see that there was a strong Houston presence at the TML Conference. Council Members Lawrence, Wiseman and Sekula-Gibbs absent.

Council Member Alvarado stated that she wanted to thank the various departments that came out on a tour of the community around Oak Farms in the Leeland and Scott area, that she was joined by some of her colleagues, Council Members Edward and Garcia and staff from Council Member Lawrence's office, they had some tough issues that they had to deal with there but she thought it went to one of the best examples when they did not have zoning and what happens to a community, that she thought they had to use their ordinances to make sure that they had safe neighborhoods with clean air to breathe and streets that were passable, that this was one community that they were certainly going to have some challenges, but she appreciated the various departments, Public Works, Health and Police for being there as well as some of her colleagues. Council Members Lawrence, Wiseman and Sekula-Gibbs absent.

Council Member Khan stated that a couple of weeks ago they talked about a utility line that was causing a lot of flooding and that had been resolved, the residents were trying for many years to get that line removed and when they brought it to the Mayor's attention it was done in a matter of a few days, that it was an Entex line. Council Members Johnson, Alvarado and Sekula-Gibbs absent.

Council Member Khan stated that the crime situation seemed to be staying as the top concern of his constituents, they received some information from one of his constituents whose house was burglarized when she was out for a few days and besides that all the reports they saw in the media it was just a situation which continued to create a lot of concern, that he wanted to ask if there was a good cooperation between the City and County, that a lot of people

were asking that if they paid a lot of taxes to Harris County were they spending the needed revenues on public safety within the City limits or were they concentrating only outside the City limits, that was something that he would request that they look at and if they could work with the County to address some of those issues. Council Members Johnson and Sekula-Gibbs absent.

Council Member Khan stated that yesterday he had requested from Ms. Johnson and the Controller to give them some of the comparative tax rates across the State and in the region and as it happens their being the largest City in the State they were only the fourth in terms of their tax rate, that Dallas, Fort Worth and El Paso all were above Houston in terms of the tax rate they charged for property taxes, secondly they had reduced the property tax rate for the City of Houston three years in a row and compared to that Harris County had increased their tax rate from 2003 to 2005, the Harris County Hospital District had increased their tax rate from 2003 to 2005, that Montgomery, San Jacinto and Houston Community College Districts had raised their tax rates and HISD, Cyfair, Alief and Aldine School Districts had raised their tax rates, that Spring Branch ISD had stayed flat, that the wanted to share with everybody that the City Council and the City were constantly working towards fiscal conservatism and responsibility and had reduced the tax rate all across the board for three years and he hoped it was noticed by the citizens and to keep the other entities accountable for increasing their tax rates. Mayor White and Council Members Johnson, Garcia, Brown and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding.

Council Member Green stated that the next Budget and Fiscal Affairs Committee meeting would take place on Tuesday, December 5, 2006 at 10:00 a.m. in the Council Chamber, that the November meeting was held yesterday, October 31, 2006. Mayor White and Council Members Johnson, Garcia and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding.

Council Member Green stated that the Linda Lorelle Scholarship Fund was accepting application for that scholarship fund and if they would like more information to go to www.lindalorelle.org; that the University of Houston Downtown Scholars Academy was offering scholarships and they invited high school seniors who were interested in science and technology fields to compete for 80 plus scholarships of up to \$5,000 per academic year, for more information they could go to www.uhd.edu/scholars. Mayor White and Council Members Garcia and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding.

Council Member Green stated that Mayor White had passed out some information regarding their public finance and their bond ratings, the bond ratings were good but the outlook may be a little negative if they did not do something with the current state of their Enterprise Funds, that he would encourage the Council Members to share that with their constituents, that in order for them to continue to grow they had to be mindful of what some of the caps would do for them. Mayor White and Council Members Garcia and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding.

Council Member Green stated that he wanted to recognize the Top Ladies of Distinction who were present in the audience and asked that they stand and be recognized, that this was the Houston Chapter and it was their Annual Government Day, that they did a lot of service in the organization and were comprised of women who were leaders in all facets of their society. Mayor White and Council Members Khan, Garcia and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding.

Mayor Pro Tem Berry stated that the Special Needs Class at Key Middle School were present with their teachers, Ms. Montre Johnson and Mr. Marlin Henry, that Key Middle School was in District B and asked that they stand and be recognized. Mayor White and Council

Members Khan, Garcia, Lovell and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding.

Council Member Brown stated that last week they had a citizens before the City Council complaining about large commercial trucks parked in her neighborhood and they were not sure what to do about that but clearly it was a nuisance that adversely impacted the neighborhoods, that in District B in the Calvary Woods area they were dismayed that a trucking company had purchased two residential properties in the neighborhood that was restricted against commercial vehicles and had set up a parking lot for tractor trailers and large trucks in that neighborhood, that they were unsure what to do about it but if they looked in the ordinance, Section 45-131 they would find out there was a prohibition against parking large commercial vehicles over 30 feet long in residential areas, but in the case of Calvary Woods it was not clear whether that was a residential neighborhoods according to the definitions in the ordinance so if they wanted to protect the neighborhoods from the nuisances they needed a definition from the Legal Department of a residential neighborhood so they could apply those restrictions. Mayor White and Council Members Johnson, Khan, Garcia, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding.

Council Member Brown stated that he wanted to talk about litter on a stick, the unsightly utility poles, wires and transformers that absolutely plagued visual environment in the City, if they could do something about graffiti they could certainly do something about litter on a stick in the form of the above ground utilities. Mayor White and Council Members Johnson, Khan, Garcia, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding.

Council Member Brown stated that he wanted to talk about green Houston and global warming, that he was worried about global warming, that the Mayor had taken some excellent steps in terms of making Houston a green city, Green Houston, that he had some ideas, allowing Hybrid vehicles to get a free EZ tag sticker so they would go automatically on the toll roads and HOV lanes, little things like that certainly could help promote Houston as a green city. Mayor White and Council Members Johnson, Garcia, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding.

Council Member Clutterbuck stated that she wanted to thank Mr. Arturo Michel and Ms. Carolyn Lacey from his office for their tremendous help in helping to facilitate a resolution of a very contentious neighborhood issue relating to deed restrictions and new building opportunities, that Mr. Michel went above and beyond in facilitating the meeting with the Braeswood Place homeowners and other parties involved. Mayor White and Council Members Johnson, Garcia, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding.

Council Member Clutterbuck stated that she wanted to thank Council Member Berry for spearheading and kicking off and leading the effort to return the Veterans Day Parade to downtown Houston and she was looking forward to be a part of that on Saturday, November 11, 2006 and asked Acting Mayor Pro Tem Berry if he could give them a few of the details about it. Mayor White and Council Members Johnson, Garcia, Sekula-Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding.

Council Member Berry stated that it was going to be wonderful and Ms. Susan Christian was deserving of a lot of credit, that a lot of the veterans were excited about what was going on. Council Members Johnson, Sekula-Gibbs and Green absent.

Council Member Wiseman stated that she had an issue that was brought forward by more than one constituent having to do with bandit signs, that Council Member Brown mentioned litter on a stick and this past weekend they had a tremendous amount of litter on a stick in Kingwood,

there were pro Proposition G signs in the hundreds being placed on the esplanades and right-of-ways, that she received complaints, they had done a good job of keeping down any kind of bandit sign in the community, whether political or for profit businesses, so it was quite shocking to see the hundreds of signs and more shocking to see employees from a major airline carrier who were out there in bright daylight putting the signs on the esplanades, that it was entirely inappropriate to have such blatant disregard for their sign laws and she wanted to let her constituents know that anytime there were bandit signs on the right-of-ways or esplanades they could themselves remove the litter, no one was prohibited from going around and picking up litter in public right-of-ways, but if they would like to call Sign Administration they could call 3-1-1 and ask that the request be put in or they could call the Sign Administration Department directly during business hours at 713-535-7900. Council Members Lawrence, Johnson, Clutterbuck, Garcia, Sekula-Gibbs and Green absent.

Council Member Wiseman stated that she had four separate situations involving Solid Waste, that one issue was in the Clear Brook area in Pine Brook, the constituents were issued a second can for their garbage collection, which they understood they had to pay for it and wanted to pay for it the only problem was that they did not provide them with water it was the Clear Lake City Water Authority that did so, so Solid Waste did not hand that over to the Water Department to include in their water bill the cost for the second can and eventually those cans were picked up, the constituents tried to get it addressed with the City and were told it was a billing issue with the Water Department to call the Water Department, well they do not receive a water bill and that was problem they were in, they received garbage services and had a right to the second can and wanted it, but the City had no way of billing them, that they had tried to get it resolved but had not been able to do so and she would appreciate the Mayor's assistance in that for the benefit of their common constituents who did not receive water bills from the City of Houston. Council Members Lawrence, Johnson, Clutterbuck, Garcia, Sekula-Gibbs and Green absent.

Mayor White stated that he did not condone anyone putting the signs on the medians, that there had also been complaints of criminal trespass on private property which ought to be investigated in some manner, that he agreed with Council Member Wiseman, they did not endorse bandit signs; that on the second issue he understood that the Water Department was billing for the second cans and they would get to the bottom of it. Council Members Lawrence, Johnson, Clutterbuck, Garcia, Brown, Sekula-Gibbs and Green absent.

Council Member Wiseman stated that on the right-of-way in Huffman, which was in the City of Houston, in Paradise Oaks and Magnolia Point they had gotten calls from constituents about the weeds being so tall that the deer could hide in the weeds and then they just jump out into the traffic, that people in the street had no opportunity to see that coming, that they sent in the request that the right-of-ways be mowed and they received a response that they would be mowed sometime in December, so any assistance that they could get to get it mowed quickly as opposed to December would be appreciated. Council Members Lawrence, Johnson, Clutterbuck, Garcia, Sekula-Gibbs and Green absent.

Council Member Wiseman stated that heavy trash was a continuing issue in Elm Grove were still having the issue with Republic and she understood that Republic was being pulled off of that but their contract was not up until the end of June 2007, that nothing was being done to make sure for the time being that their trash was collected, that the constituents would like to know what the administration planned to do to ensure that their heavy trash was picked up for the next few months, that she would appreciate that assistance; that another Republic issue that had been going on since July where their heavy trash day was on a Friday and if it was not picked up it sat all weekend long and people had dead grass, that they needed to address these issues, that the last time they attempted to contact Republic they were told by City

representatives that they were not to speak to any Council Member about the services that they provided to them and she would suspect that no one within the administration or at the Council table would condone that type of action. Council Members Lawrence, Johnson, Clutterbuck, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that they would get a report back on that, that if somebody told them that he wanted to know why. Council Members Lawrence, Johnson, Clutterbuck, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Lovell stated that she wanted to join in and say go Dynamos. Council Members Lawrence, Johnson, Clutterbuck, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Lovell stated that she had the pleasure of going to a graduating class of the Katrina Rita funded that HCC and Dr. Murdy were doing, that it was a pleasure to see people who wanted to stay in the City and ready to go to work and employers who wanted to hire them and just how excited and pleased that they were to be going to work in the City, that she wanted to congratulate them. Council Members Lawrence, Johnson, Clutterbuck, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Lovell stated that this weekend she went out to the new Sylvester Turner Park in Acres Homes and kudos to Mr. Turner and his crew and to Mr. Turner who went out and found the funding, that it is a great and beautiful park. Council Members Lawrence, Johnson, Clutterbuck, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Lovell stated that as to the Veterans Day Parade, that a person on her staff, Estelle Stewart, who was a veteran and served in Afghanistan was going to do the Pledge of Allegiance with the Medal of Honor recipients. Council Members Lawrence, Johnson, Clutterbuck, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Lovell stated that she was saying goodbye to another staff member, Ms. Lillie Segal Gardner, who had been her scheduler, that she was moving to Council Member Clutterbuck's office, that she wanted to thank her. Council Members Lawrence, Johnson, Clutterbuck, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Lovell stated that tomorrow, November 2, 2006, was her son Robie's 12th birthday and she wanted to wish him a happy birthday. Council Members Lawrence, Johnson, Clutterbuck, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that they had a lot of litter on a stick on Griggs and MLK and Scott and in people's yards, that whoever was putting out the anti propositions was putting them everywhere and anywhere and she would appreciate those being picked up as well. Council Members Lawrence, Johnson, Clutterbuck, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she wanted for the community to know about a publication that was available to them, that they could get an objective analysis of the City's taxes and where they were with the propositions and so forth, if they did not want to believe the politicians she would encourage them to get a copy or they would make copies available through their office. Council Members Lawrence, Johnson, Clutterbuck, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that on November 6, 2006 they were having a Flooding and Drainage Committee meeting, there had been a lot of talk about what was not happening in Houston regarding flooding and drainage and she wanted to once again let people know what the City had done and working in partnership with the County and State and what they were planning on doing, they were going to give a briefing on where the City was as far as flooding and drainage. Council Members Lawrence, Johnson, Clutterbuck, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that they needed to stop the genocide in Dafar. Council Members Lawrence, Johnson, Clutterbuck, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that they needed to keep the Houston Comets. Council Members Lawrence, Johnson, Clutterbuck, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that they handed out a handout titled Save the Date, their office along with some churches and schools and civic clubs and other groups were going to hold a march and rally on the Saturday, January 13, 2007, it was in addition to the parades they had in the City to commemorate Dr. Martin Luther King, that they had been thrown a challenge by the City of San Antonio, that they had a Martin Luther King march and year before last they had 100,000 people in the march, not a parade, a march, and last year because it rained they only had 80,000, that she had meetings with some of the groups that participate and they had been given a challenge, they were working with civic clubs and it would be a march on Martin Luther King Boulevard, there was no cost to be in it but they were asking that they register if they wanted a large group to participate, that it was not a Black or White thing but a human rights thing, a people thing, they were going to march on MLK and culminating at McGregor Park where the Black Heritage Society planted a tree when MLK was renamed from South Park Boulevard and renamed MLK Boulevard, they were putting up a website but it was not complete so they could call her office at 713-247-2001. Council Members Lawrence, Johnson, Clutterbuck, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 12:06 p.m. Council Member Holm absent on personal business. Council Members Lawrence, Johnson, Clutterbuck, Garcia, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

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

MINUTES READ AND APPROVED

/S/Anna Russell

Anna Russell, City Secretary