

City Council Chamber, City Hall, Wednesday, November 8, 2006

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, November 8, 2006, with Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Ada Edwards, Addie Wiseman, M. J. Khan, P. E., Pam Holm, Adrian Garcia, Carol Alvarado, Peter Brown, Sue Lovell, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Mr. Arturo Michel, City Attorney; Mr. Harlan Heilman, Senior Assistant City Attorney, Division Chief; Ms. Claudia Vasquez, Director Citizens Assistance Office; Ms. Marty Stein, Agenda Director and Ms. Marta Crinejo, Assistant Agenda Director, present.

At 8:29 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:22 a.m. Mayor White called the meeting to order and called on Council Member Edwards for prayer and pledge of allegiance. Council Members Wiseman, Holm, Garcia, Alvarado, Lovell, Sekula-Gibbs and Green absent.

Mayor White requested City Secretary to call the roll. Council Members Wiseman, Holm, Garcia, Alvarado, Lovell, Sekula-Gibbs and Green absent.

Council Members Khan and Berry moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Members Wiseman, Holm, Garcia, Alvarado, Lovell, Sekula-Gibbs and Green absent. MOTION ADOPTED.

Mayor White stated that they would start with the public hearing. Council Members Wiseman, Holm, Garcia, Alvarado, Lovell, Sekula-Gibbs and Green absent.

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

1. **PUBLIC HEARING** on the amendment of the Project Plan and Reinvestment Zone Financing Plan ("Plan") for Reinvestment Zone Number Seven, City of Houston, Texas (Old Spanish Trail / Almeda Corridors Zone) - **DISTRICT D – EDWARDS** – was called. Council Members Wiseman, Holm, Garcia, Alvarado, Lovell, Sekula-Gibbs and Green absent.

The City Secretary stated that no one had reserved time to appear at the public hearing and Mr. Robert Fiederlein would make comments on the hearing. Council Members Wiseman, Holm, Garcia, Alvarado, Lovell, Sekula-Gibbs and Green absent.

Mr. Fiederlein stated that on October 16, 2006 the Board of Director of the TIRZ No. 7 OST Almeda Corridor Redevelopment Authority proposed a third amended project plan to the City of Houston for their TRIZ and the proposed project plan included an increase in overall project costs that triggered a statutory requirement for a public hearing and in furtherance of that the City advertised for the public hearing in a newspaper in general circulation and they were obviously had convened that hearing this morning, that he had distributed a written statement and would not go over all of that in detailed and would just summarize for brevity, the proposal would add a new category of projects for the particular TIRZ and that was Parks and Parks Improvements, their present project plan did not have provisions for the TIRZ to do Parks and Parks Improvements and they had identified three different potential projects in their zone, one at the northern end of Almeda, one at the central part of the zone and one in the eastern part of the zone in Griggs Road, they were going to be receiving a budget later in the Council session which would have funds to do those parks and those parks improvements, it was necessary to amend the project plan to add those to their current project plan to make it legally possible for

them to do those. Council Members Wiseman, Holm, Garcia, Alvarado, Lovell, Sekula-Gibbs and Green absent.

Council Member Khan moved to close the public hearing, seconded by Council Member Brown. All voting aye. Nays none. Council Members Wiseman, Holm, Garcia, Alvarado, Lovell, Sekula-Gibbs and Green absent. MOTION 2006-1002 ADOPTED.

- 1a. ORDINANCE approving a third amended Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number Seven, City of Houston, Texas (Old Spanish Trail / Alameda Corridors); authorizing the City Secretary to distribute such plans - **DISTRICT D – EDWARDS** - was presented. All voting aye. Nays none. Council Members Wiseman, Holm, Garcia, Alvarado, Lovell, Sekula-Gibbs and Green absent. ORDINANCE 2006-1110 ADOPTED.
- 1b. ORDINANCE relating to the fiscal affairs of the Old Spanish Trail/Alameda Corridors Redevelopment Authority on behalf of Reinvestment Zone Number Seven, City of Houston, Texas (Old Spanish Trail/Alameda Corridors Zone); approving the Fiscal Year 2007 Operating Budget for the Authority - **DISTRICT D - EDWARDS** - was presented. All voting aye. Nays none. Council Members Wiseman, Holm, Garcia, Alvarado, Lovell, Sekula-Gibbs and Green absent. ORDINANCE 2006-1111 ADOPTED.

Council Member Khan moved to take the Consent Agenda before the Mayor's Report, seconded by Council Member Clutterbuck. All voting aye. Nays none. Council Members Wiseman, Holm, Garcia, Lovell, Sekula-Gibbs and Green absent. MOTION 2006-1003 ADOPTED.

### **CONSENT AGENDA NUMBERS 2 through 28**

#### **MISCELLANEOUS** - NUMBERS 2 through 4

2. RECOMMENDATION from Director Department of Convention & Entertainment Facilities for the designation of three residential parking permit areas and related parking regulations in the Super Neighborhoods of MacGregor and University Place - **DISTRICTS C - CLUTTERBUCK and D – EDWARDS** – was presented, moved by Council Member Khan, seconded by Council Member Lawrence. Council Members Wiseman, Holm, Garcia, Lovell, Sekula-Gibbs and Green absent.

Council Member Edwards stated that on Item No. 2 she would like to know what the progress had been on solving the issue of parking in the density areas especially in the urban city, was there any plan being dissembled by the Parking Commission, she knew that the Commission was in place and she would just like to know what they were doing because the decal parking was something that they could not use as the end all solution to a problem that they find in areas in the urban City, that she would request that they bring it to the Rules and Regulation Committee for discussion. Council Members Holm, Garcia, Sekula-Gibbs and Green absent.

Mayor White stated to Ms. Rambo that they would need to get a report and schedule it before the Regulation Committee, they had an inquiry of what progress had been made on decal parking and they should get a report to the City Council on that. Council Members Holm, Garcia, Sekula-Gibbs and Green absent.

A vote was called on Item No. 2. All voting aye. Nays none. Council Members Holm, Garcia, Sekula-Gibbs and Green absent. MOTION 2006-1004 ADOPTED.

4. RECOMMENDATION from Director Finance & Administration Department to authorize and grant a waiver of certain requirements under the City of Houston Ordinance No. 97-416 with respect to the terms and conditions of certain refunding bonds to be issued by **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 50** - was presented, moved by Council Member Khan, seconded by Council Member Lawrence. All voting aye. Nays none. Council Members Holm, Garcia, Sekula-Gibbs and Green absent. MOTION 2006-1005 ADOPTED.

**PROPERTY** - NUMBERS 5 and 6

5. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from John H. English, Rekha Engineering, Inc., on behalf of Ali Reza Rastegar, for abandonment and sale of a 10-foot-wide utility easement, in exchange for conveyance to the City of a 25-foot-wide storm sewer easement, both located at 2148 Troon Road, within the west half of Lot 13 and all of Lot 14, Block 53, within the River Oaks Addition Section 3, J. Austin Survey, A-1, Parcels SY7-024 and LY7-025 - **STAFF APPRAISERS DISTRICT G - HOLM** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Holm, Garcia, Sekula-Gibbs and Green absent. MOTION 2006-1006 ADOPTED.
6. RECOMMENDATION from City Attorney to deposit award of Special Commissioners, into the Registry of the Court, pay all costs of Court and withdraw objections to the award in connection with eminent domain proceeding styled City of Houston v. Zenith Capital Group, L.C., et al., Cause No. 860,992; for acquisition of Parcel A98-15; for the **ROGERDALE PAVING PROJECT from Westpark Drive - Westheimer Road**, CIP N-000644-0009-2 - Street & Bridge Consolidated Fund - **DISTRICT G - HOLM** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Holm, Garcia, Sekula-Gibbs and Green absent. MOTION 2006-1007 ADOPTED.

**PURCHASING AND TABULATION OF BIDS** - NUMBER 7

7. **FRONTRANGE SOLUTIONS USA, INC** for Software Maintenance and Support Services Agreement for Department of Public Works & Engineering - \$66,747.15 - Enterprise Fund - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Holm, Garcia, Sekula-Gibbs and Green absent. MOTION 2006-1008 ADOPTED.

**ORDINANCES** - NUMBERS 14 through 28

14. ORDINANCE consenting to the addition of 23.12 acres of land to **NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 19**, for inclusion in its district - was presented. All voting aye. Nays none. Council Members Holm, Garcia, Sekula-Gibbs and Green absent. ORDINANCE 2006-1112 ADOPTED.
20. ORDINANCE approving and authorizing an amendment to an Untreated Water Supply Contract between the City of Houston and **JINDAL UNITED STEEL CORPORATION** - Revenue - was presented. All voting aye. Nays none. Council Members Holm, Garcia, Sekula-Gibbs and Green absent. ORDINANCE 2006-1113 ADOPTED.

21. ORDINANCE approving and authorizing an Indemnity and Maintenance Agreement between the City of Houston and **UNIVERSITY OF ST. THOMAS** for right-of-way improvements - **DISTRICT D - EDWARDS** - was presented. All voting aye. Nays none. Council Members Holm, Garcia, Sekula-Gibbs and Green absent. ORDINANCE 2006-1114 ADOPTED.
23. ORDINANCE amending Ordinance No. 2002-473 to increase the maximum contract amount to Contract C53919 between the City of Houston and **HAHN EQUIPMENT, INC** for Submersible Pump Repair Services for the Public Works & Engineering Department - \$180,156.75 - Enterprise Fund - was presented. All voting aye. Nays none. Council Members Holm, Garcia, Sekula-Gibbs and Green absent. ORDINANCE 2006-1115 ADOPTED.
24. ORDINANCE finding and declaring public convenience and necessity for the acquisition of real property interests for rights-of-way in connection with the public improvement project known as the Breton Ridge Waterline Easement Project; authorizing the acquisition of certain real property interests and easements within the right-of-way alignment and payment of the costs of such purchases and/or condemnations of such real property interests and associated costs for Appraisal Fees, Title Policies/Services, Recording Fees, Court costs, and Expert Witness Fees in connection with the acquisition of real property interests and easements in, over, upon, across, and under four parcels of land situated in the G. W. Childress Survey, A-217, in Harris County, Texas, and being more specifically situated and being out of Unrestricted Reserve "A", Block 1 of Willowbrook Mall and/or Restricted Reserve "A" of Commons at Willowbrook of Harris County, Texas - **DISTRICT A - LAWRENCE** - was presented. All voting aye. Nays none. Council Members Holm, Garcia, Sekula-Gibbs and Green absent. ORDINANCE 2006-1116 ADOPTED.
25. ORDINANCE finding and declaring public convenience and necessity for the acquisition of fee simple title to real property in connection with the public improvement project known as the Monroe Road Paving Improvements Project from Fuqua Street to Beltway 8; authorizing the acquisition of certain real property interests and easements within the right-of-way alignment and payment of the costs of such purchases and/or condemnations of such real property and associated costs for Appraisal Fees, Title Policies/Services, Recording Fees, Court costs, and Expert Witness Fees for and in connection with the acquisition of three parcels of land containing a total of 2.8074 acres more or less and situated in the John Hagerland Survey, A-354, the R. Cameron Survey A-211, the J. Decodova Survey, A-237 and the W. F. Bissonett Survey, A-150, and being more specifically located out of the tracts of land described as property numbers A-2, A-3 and A-4 in deed recorded under File No. K032765 in the Real Property Records of Harris County, Texas and Reserve "B" in Block Two of Alexis Commons, an addition in Harris County, Texas - **DISTRICT E - WISEMAN** - was presented. All voting aye. Nays none. Council Members Holm, Garcia, Sekula-Gibbs and Green absent. ORDINANCE 2006-1117 ADOPTED.
26. ORDINANCE finding and declaring public convenience and necessity for the acquisition of fee simple title to real property in connection with the public improvement project known as the Monroe Road Paving Improvements Project from Almeda-Genoa to Fuqua Street; authorizing the acquisition of certain real property interests within the right-of-way alignment and payment of the costs of such purchases and/or condemnations of such real property and associated costs for Appraisal Fees, Title Policies/Services, Recording Fees, Court costs, and Expert Witness Fees for and in connection with the acquisition of three parcels of land containing a total of 11.3939 acres more or less and situated in the John Robinson Survey, A-680, and being more specifically located within Lots 3 and 4 of Block

14 of South Houston Gardens, No. Eight, a subdivision in Harris County, Texas - **DISTRICT E - WISEMAN** - was presented. All voting aye. Nays none. Council Members Holm, Garcia, Sekula-Gibbs and Green absent. ORDINANCE 2006-1118 ADOPTED.

28. ORDINANCE granting to **SPRINT WASTE SERVICES, LP a Texas limited partnership**, the right, privilege and franchise to collect, haul and transport Solid Waste and Industrial Waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **FIRST READING** - was presented. All voting aye. Nays none. Council Members Holm, Garcia, Sekula-Gibbs and Green absent. ORDINANCE 2006-1119 PAST FIRST READING IN FULL.

At 9:30 a.m. Mayor White stated that they would move to the public session and requested the City Secretary to call the public speakers.

At 9:30 a.m. the City Secretary began calling the public speakers. Council Members Lawrence, Wiseman, Holm, Garcia, Lovell, Sekula-Gibbs and Berry absent.

Council Member Brown moved that the rules be suspended for the purpose of hearing Mr. Ian Uriarte and Mr. Jose Rios at the top of the three minute Non-Agenda list of speakers, seconded by Council Member Khan. All voting aye. Nays none. Council Members Lawrence, Wiseman, Holm, Garcia, Lovell, Sekula-Gibbs and Berry absent. MOTION 2006-1009 ADOPTED

Council Member Berry moved that the rules be suspended for the purpose of hearing Mr. Zeke Moore at the top of the three minute Non-Agenda list of speakers, seconded by Council Member Khan. All voting aye. Nays none. Council Members Lawrence, Wiseman, Holm, Garcia, Lovell and Sekula-Gibbs absent. MOTION 2006-1010 ADOPTED

Ms. Suzanne Suarez, 2450 Holcombe Blvd. #1, Houston, Texas 77021 (713-791-6122) appeared and stated that she was the director of community relations at the Texas Medical Center and they strongly supported Central City's request to designate Lockett Street as a residential parking permit area; that the medical center had been a part of Central City Neighborhood since July 2000 and they had purchased property on Lockett and built a garage and they had been working with the neighborhood to resolve the problem of employees parking on Lockett and tried to discourage them and wanted to be good neighbors. Council Members Lawrence, Wiseman, Holm, Garcia, Lovell and Sekula-Gibbs absent.

Ms. Phyllis Snow, 2812 Lockett, Houston, Texas 77021 (713-747-7852) appeared and stated that she was a resident of Lockett Street and more and more commuters were parking on their street and while they sympathized it had become a hazardous and it was difficult for garbage trucks also; that residents could not get out of their drives and they would appreciate it becoming decal parking. Council Members Lawrence, Wiseman, Garcia, Lovell, Sekula-Gibbs and Green absent.

Council Member Edwards stated that Council just approved their agenda item a few minutes ago; and not only did they have the huge garage now they had protested but also had all the street parking and that was one issue she would like the Parking Commission to look at. Council Members Lawrence, Wiseman, Garcia, Lovell, Sekula-Gibbs and Green absent.

Mr. Alfonso Pico, 2905 Lockett, Houston, Texas 77021 (713-747-2259) appeared and stated that he lived in Central City and was present asking for Council's help in making parking

on their street decal; that often people were parked in front of their homes and their garbage was not able to be picked up. Council Members Wiseman, Garcia, Lovell and Green absent.

Council Member Edwards thanked Mr. Pico for always being their for the community, but the item was just passed and hopefully their parking situation would get squared away. Council Members Wiseman, Garcia, Lovell and Green absent.

Mr. Jerry Winograd, 3120 SW Freeway #614, Houston, Texas 77098 (713-297-4400) appeared and stated that he was president of the Houston Apartment Association and they appreciated the Mayor's efforts on the anticrime ordinance and the Police Department and City Attorney's Office had worked hard to make the ordinance fair and effective and he wanted to thank Chairman Lawrence and Garcia for being important partners in the effort; that they strongly supported the city's effort to address the problem of crime on all properties not just apartments requiring owners of high crime properties to meet with the city and take reasonable steps, but they still had concerns of the unintended consequences, any attempt by the government to make property owners responsible for criminal acts of others was a step down a dangerous road and they hoped the ordinance did not discourage good owners from investing in tough neighborhoods; that they looked forward to working with the Mayor and the Police Department and hoped the city would provide the proper resources to implement the new ordinance and make adjustments as needed. Council Members Holm and Lovell absent.

Council Member Lawrence stated that she appreciated his working with them and they did want everyone at the table allowing them to reach something. Council Members Holm and Lovell absent.

Council Member Garcia thanked Mr. Winograd and stated they heard his concerns, but the Administration created a process so this could be looked at with open eyes and it was always difficult to anticipate consequences or benefits, but the ultimate goal here was to find benefits for the industry, citizens and a way to accomplish better public safety. Council Members Holm and Lovell absent.

Mayor White stated that Council Members were aware of separate elements for the plan in increasing apartment security and protecting values of those who provided affordable housing and first was increased police presence, second was recommended by the apartment association and others which was enhanced enforcement by the F.A.S.T. Team, third was monitoring the ordinance and take feedback to see that it accomplished its purpose and fourth was the Mayor's Report on December 6th and at a meeting later that day they would unveil a new apartment policy ensuring they did not grab excess of surplus apartments and drive people out of business, but that they could rehabilitate the apartments out there to provide housing with dignity and it would be an extensive program with grant assistance. Council Members Holm and Lovell absent.

Mr. Howard Bookstaff, 5847 San Felipe #2200, Houston, Texas 77057 (713-977-8686) appeared and stated that he was the General Counsel of the Houston Apartment Association and wanted to express his appreciation to the city for the opportunity to work with them; that they came a long way but there were still concerns, as they went through implementation and enforcement of the ordinance he would ask they keep in mind concerns which was that the ordinance failed to effectively address crime issues, second that the ordinance may be held punitive against good owners and third the ordinance may jeopardize economic development in the city; that it also did not apply to anything but apartment properties and attempted to shift the burden of police protection to the private sector and made owners responsible for reducing crime. Council Members Edwards, Holm, Garcia, Alvarado and Lovell absent.

Upon questions by Council Member Sekula-Gibbs, Mr. Bookstaff stated that owners did not believe they could be on the forefront of preventing crime in the city, only to do their part and HPD needed to cooperate and he understood the proposal to review the ordinance was five years; and Council Member Sekula-Gibbs stated that when they reviewed the impact of the smoking ordinance it was to be 18 month and she felt that was more reasonable for this ordinance; and upon questions, Mr. Bookstaff stated that he felt 18 months was more reasonable and police were working hard with them for a way to prioritize apartment properties. Council Members Alvarado and Lovell absent.

Mr. John Ridgway, 151 Split Rock, the Woodlands, Texas 77381 (281-363-1525) appeared and stated that Mr. Winograd and Mr. Bookstaff had covered all he intended to cover. Council Members Alvarado and Lovell absent.

Mr. Larry Hill, 3838 N. Sam Houston Parkway #290, Houston, Texas 77032 (281-449-0909) appeared and stated that as an apartment owner and operator he wished to thank HPD, the City Attorney and the Mayor's staff for all their hard work; that there was no way to know what would happen but felt there was a potential for some negative impact from insurance companies, once you were on the list you would have a hard time selling your property as you would have to disclose you were on the list to your lenders and property value could go down and you may have just been in a bad area, about 8 of his 14 properties were in rougher areas and believed a shorter time period for review may help. Council Members Alvarado and Lovell absent.

Council Member Berry stated that Mr. Hill was a good case study because he had properties in bad areas; and upon questions, Mr. Hill stated that addressing crime in the area as compared to the city, the way the formula was set now you took zero crime properties and multi crime properties and put them into a mathematical curve and then took the standard deviation and you would eliminate those with no crime and pick up good owners in rough areas and they suggested to take into account how much crime was in an area; and MCB stated that in speaking with others that was the concern he was struggling with the most, one factor in the formula of how much crime was in your complex was neighborhood crime and what he was struggling with was how to deal with bad operators and good operators so there was a difference because he felt some did invest in high crime areas. Council Members Garcia, Alvarado and Lovell absent.

Upon questions by Council Member Sekula-Gibbs, Mr. Hill stated that they were not sure of what they were looking at yet and he felt an 18 month period was more reasonable for review. Council Members Edwards, Garcia, Alvarado and Lovell absent.

Council Member Lawrence thanked Mr. Hill for his concerns and she and Council Member Garcia would be open to any problems he and others had; that they did want to hear from them and felt they could bring things forward sooner and some would be addressed with amendments. Council Members Edwards, Alvarado and Lovell absent.

Ms. Beth Van Winkle, 2925 Briar Park #820, Houston, Texas 77042 (713-785-1773) appeared and stated that she was secretary of the Houston Apartment Association and regional vice president of Milestone Management and had a responsibility of 11,915 units with 5,808 being in Houston; that she wanted to address Section 28-282 of the proposed ordinance as there was concern domestic violence was being excluded from the indexing and she wanted to share a personal story which was her 27 year old daughter and son in law worked for her company and apartment residents; that there were never any noise complaints or fighting observed by their neighbors or apartment manager and seven years ago when her daughter was living with her Shawn knocked on her door, pushed his way in and shot and killed her

daughter in front of her grandmother and as she struggled to pull him away he shot and killed himself; that as an apartment owner and homeowner there was never indication of violence and she could not have known this would have happened, tried to prevent it or be held accountable and to punish her as an apartment owner for a crime over which she had no control could not be the intent of the ordinance and encouraged Council to support the exclusion of domestic violence. Council Member Lovell absent.

Council Member Clutterbuck thanked Ms. VanWinkle for coming; that it was extremely compelling testimony and she applauded her courage for coming to give her unique perspective; that on face it looked repugnant for one to exclude crimes such as rape or murder committed in a domestic violence context, but her example pointed out the difficulty of administering this and the importance of good apartment owners to separate out the types of crimes and that was something she supported, review of the types of crimes being counted against apartment owners, however, one thing they could deal with in the ordinance was saying certain communities would not be separated out for being tolerant of higher levels of crime.

Council Member Garcia stated that when talking in committee he struggled with that because it made sense to count it, but his gut was kicking in and he decided to seek expert advise and he served on the board of AVDA Aid to Victims of Domestic Abuse and his executive director shared some of the same concerns and she just did and it made sense to exclude it; that they needed to make sure victims were protected and supported and resources were directed to them.

Council Member Holm stated that she applauded the intent of this and her story brought a perspective and what she wanted to reaffirm with her was the target was not for anyone working to be good owners or managers in the community, but the target was to not make exceptions or condone actions for a point basis; and she felt she had assurances there should be no penalization for anyone who was working with them continually for an improved condition.

Ms. Stephanie Ricardo, 8801 Gusting Lane, Houston, Texas 77031 (713-377-8765) appeared and stated that she was a concerned apartment manager, managing 810 apartments in Houston and was in the business 22 years and her questions had already been answered, but they came from concerned residents and were whether the Mayor thought his policy would cause such a horrible crime wave when he invited far too many Katrina victims to Houston without providing citizens with an adequate well funded police protection plan; whether he felt bad that he offered apartment owners to take in Katrina victims without criminal histories and was unable to pay for some months and damages caused and if he did feel bad why would he now be inflicting further possible fatal damage to the same owners by proposing something which apartment owners felt may destroy the majority of properties in Houston which served the poor and minorities.

Mayor White stated that if those were from residents if she would give the questions and residents names to them they would be in touch with them.

Council Member Garcia stated that he could not believe she was asking such questions and was curious if they were her words; and Ms. Ricardo stated that they were from residents and she had two with her today.

Ms. Jeanette Marie Degollado, 4711 Clay #3, Houston, Texas 77023 (832-433-5375) appeared, presented information and stated that she was present with Houston Community College, the Government Class of Mark Goldberg, and to request an ordinance for non-consent towing in the case of stolen vehicles to not exceed the amount of \$30.00 for towing and other incurred fees; that on November 18th she reported her vehicle stolen and due to slow and lax

bureaucracy she was not notified until five days after recovery by Harris County Prct. 6 and her charges were \$286.84; that she requested a hearing but no help was extended due to lack of legislation on the issue and she proposed an examination of privatized towing in such cases as stolen vehicles.

Mr. Lyndon Smith, 8300 Canyon #1111, Houston, Texas 77051 (713-731-7774) appeared and stated that he wondered if there was any proactive program for pot holes other than calling 311 for repair; and another issue was increase in property taxes in lower income areas, namely District D and wondered if there was any recourse for elderly homeowners on fixed income.

Mayor White stated that Council Member Goldberg was his teacher and also for Ms. Degallado and for the next speaker Mr. Maclaria; and upon questions, Mr. Smith stated that he was a good teacher; that he had not encountered any difficulties with 311 and the pot holes he just wondered if that was the only way they were fixed, by someone reporting them; and Mayor White stated that it worked pretty well, but if he had additional suggestions he would appreciate them.

Council Member Edwards stated that he could also call the District Council Member's office and they looked to see if they had missed his concern, but the number was 713-247-2001 and they would be more than happy to assist him.

Mr. Julius Maclaria, 2101 Hayes Road #1208 Houston, Texas 77077 (832-628-2785) appeared and stated that he was from the Houston Community College and his question was on immigration; that the city had a new law allowing police to check the legal status of people who were stopped and he wondered if the law was in place or in the pipeline and also he would like to know what happened to those who were present illegally.

Mayor White stated that they would get with him by E-mail.

Mr. Michael Kubosh, 1701 Lubbock, Houston, Texas 77007 (281-850-0172) appeared, presented information and stated that he had before them a copy of the Government Code Chapter 6 on Jurors, Subsection A, General Provisions, said summons for juror service on General Election Day was prohibited, prospective jurors may not be summoned to appear for jury service on the date of a General Election for state and county officers; that he had run for state senate and did not win, but he would say when he was at the Municipal Courts he found jurors were summoned and he called the Secretary of States Office and he was stunned; that this was another failure by the presiding judge and he would ask again that the Mayor consider what Judge Mejia was doing at the Court House, they were having an \$8,000,000.00 projected shortfall and she was an absentee judge, he was there daily and only saw her two to three times a year.

Mayor White thanked Mr. Kubosh for being present and stated that he would look into the matter.

Council Member Garcia moved that the rules be suspended for the purpose of a taking Items 3, 34, 35, 36 and 37 out of order, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2006- ADOPTED

3. RECOMMENDATION from Director Convention & Entertainment Facilities Department for approval of supplemental budget submitted by the **HOUSTON ARTS ALLIANCE (formerly the CULTURAL ARTS COUNCIL OF HOUSTON/HARRIS COUNTY and referred to as CACHH)** \$1,340,057.00 - Enterprise Fund - - was presented, moved by

Council Member Khan, seconded by Council Member Alvarado; and was tagged by Council Members Wiseman and Khan. Council Members Clutterbuck and Berry absent.

34. 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 – **(This was Item 18 on Agenda of November 1, 2006, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. Council Members Wiseman and Sekula-Gibbs voting no. Balance voting aye. Council Members Clutterbuck and Berry absent. ORDINANCE 2006- ADOPTED.
35. 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 – **(This was Item 19 on Agenda of November 1, 2006, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. Council Member Wiseman voting no. Balance voting aye. Council Members Clutterbuck and Berry absent. ORDINANCE 2006- ADOPTED.
36. 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 – **(This was Item 20 on Agenda of November 1, 2006, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. Council Member Wiseman voting no. Balance voting aye. Council Members Clutterbuck and Berry absent. ORDINANCE 2006- ADOPTED.

Council Member Sekula-Gibbs stated that on Item 34 she was mixed up and wanted it in the record she did not realize it was Item 34 when she voted no; and Mayor White stated that the record would reflect the Council Member clarified she did not intend to vote no on that item although the vote would stand in the record as cast. Council Members Clutterbuck and Berry absent.

37. 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 – **(This was Item 21 on Agenda of November 1, 2006, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. Council Member Wiseman voting no. Balance voting aye. Council Members Clutterbuck and Berry absent. ORDINANCE 2006- ADOPTED.

Mr. Robert Woods, 13005 Cullen, Houston, Texas 77047 (713-738-3443) had reserved time to speak but was not present when his name was called. Council Member Berry absent.

Mr. Larry Kessler, 1733 Longacre, Houston, Texas 77055 (713-858-8886) appeared and stated that he wanted to congratulate the Mayor of the success of Propositions A through G and thank him for calling him and encouraging him to participate in the curb recycling program; that his family were typical consumers but could be poster children for recycling, but all they had was the 20 gallon green bin to put their recycles in and if they had a 90 gallon bin that would also be filled up. Council Members Lovell and Brown absent.

Mayor White stated that he knew he had a number of suggestions and if he would send them to him he would appreciate it; and Mr. Kessler stated that he would get it this morning. Council Members Johnson, Garcia, Lovell and Brown absent.

Mr. Zeke Moore, 3422 Prudence, Houston, Texas 77045 (713—530-2523) appeared, presented information and stated that he was president of the civic club off Almeda and West Orem and their problems were sidewalks and speed bumps; that they did not ask for much but would like help with sidewalks and handicap ramps, they had many in wheelchairs and they had problems with gang members and drugs and anything the city could do would be appreciated. Council Members Johnson, Garcia, Lovell, Brown and Sekula-Gibbs absent.

Council Member Edwards stated that her office spoke with him; and upon questions, Mr. Moore stated that he appreciated them working with him, but many senior citizens were calling and could not get through; and Council Member Edwards stated that they met with him in October and her understanding was it was being worked on; that they could not do it right a way, but she would make sure it was not going to be delayed; and Mr. Moore stated that he would like her to send someone out to look at the sidewalks; and Council Member Edwards stated that she would suggest they go out with him and it could be done with no problem, maybe this Friday and if he would wait her assistant would be present to speak with him. Mayor White, Council Members Johnson, Clutterbuck, Garcia, Lovell and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding.

Council Member Lawrence stated that if Council Member Edwards said it would be taken care of then it would be; and upon questions, Mr. Moore stated that they needed speed bumps on Townwood as they came speeding through on weekends. Mayor White, Council Members Johnson, Clutterbuck, Lovell and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding.

Mr. Ian Uriarte, 1810 Chippendale Road, Houston, Texas 77018 (281-773-8683) appeared and stated that he was speaking on behalf of the Houston Interfaith Coalition for Justice regarding the janitor strike; that Chevron's name had been placed in the struggle to win fair wages and health insurance, it was a company which occupied the most office space in downtown and a leader in the energy industry and one of the largest corporations in the world and they had opportunity and a responsibility to show leadership in helping end the strike; that Chevron recently announced their third quarter profits of \$5 billion, the highest quarter profit in the company's history and they recently learned Chevron received tax abatements of approximately \$350,000 per year over a ten year period for a total of \$3.5 million for its building at 1500 Louisiana; that tax incentives were created with the intent to create good jobs for Houston and help the city grow and prosper, but his concern was the other workers, the janitors who worked hard after others left, they also deserved good jobs and in exchange for assistance from the City of Houston companies such as Chevron had an obligation to provide good jobs to Houston residents from top to bottom, from the CEO to the janitor; and the City of Houston had other incentives for businesses such as the TIRZ districts, etc., and he was asking today for city officials to call property managers and tenants who benefited from tax assistance and remind them in return they had an obligation to help build a better Houston. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Holm and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding.

Council Member Brown stated that last week the city had a contract at the George R. Brown and he felt they agreed with his point that janitors should be paid a living wage, it helped the whole economy and they should have proper health insurance; and upon questions, Mr. Uriarte stated that he thought the city, because of its influence with the business community, had the power to convene parties to end the strike. Mayor White, Council Members Lawrence, Clutterbuck, Holm and Green absent. Acting Mayor Pro Tem Berry presiding.

Mr. Jose Rios, 4299 San Felipe, Houston, Texas 77002 (713-907-0008) appeared and stated through his translator that he was a janitor and 70 years old; that he had diabetes and no

insurance; that companies made millions; and on behalf of all janitors he was asking Council Member to help end the strike. Mayor White, Council Members Clutterbuck, Khan, Holm and Garcia absent. Acting Mayor Pro Tem Berry presiding.

Ms. Olevia Randle, 6023 Beldart, Houston, Texas 77023 (713-733-2348) appeared and stated that she was president of Prct. 239 Neighborhood Civic Club in the South Park Area and was present today to speak on T-Mobile's tower which was to be built next to an elementary school on Crestmont on the property of the Mt. Carmel Baptist Church; that it would only be a few feet from the school and the building for the large trucks to be worked on would be right next to their playground; that they received no notice but her husband happened to see the sign and the preacher told her the school did not mind, but when she spoke to the school they were not aware. Mayor White, Council Members Lawrence, Clutterbuck, Khan, Holm, Garcia and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding.

Council Member Wiseman thanked Ms. Randle for coming and for contacting her with the concern; that she immediately sent a letter to the commission expressing her disapproval and position in siding with her constituents as she agreed entirely; that the cell tower ordinance did address restrictions to the towers in areas which were considered scenic and parks, but it was unfortunate it did not address schools as well and this was a beautiful school; that she commended Ms. Randle and all members of the community who worked so hard to create an outstanding life for the community and felt the city should be working in conjunction with them; that T-Mobile did plan to hold a town hall meeting on November 15th at 6:00 p.m. at the Sunnyside Multi-Service Center. Council Members Clutterbuck, Holm and Garcia absent.

Ms. Ann Givens, 1813 Wycliffe, Houston, Texas 77043 (713-465-5963) had reserved time to speak but was not present when her name was called. Council Members Clutterbuck, Holm and Garcia absent.

Ms. Ira Chappell, 4726 High Point Lane, Houston, Texas 77053 (713-433-7923) appeared and stated that she lived in the Westbrook Subdivision and was concerned with the Pitt Bulldogs running loose in the neighborhood; that they would like an ordinance prohibiting the Pitt Bulldog from being raised, sold and living within the City of Houston. Council Members Clutterbuck and Holm absent.

Council Member Edwards stated that there was an ordinance already prohibiting dogs running loose in the city and she felt Pitt Bulls personally should be prohibited from within the city limits because they were dangerous and when owners did not keep them under control they became an even bigger liability; and upon questions, Mr. Chappell stated that she understood from the post office the owners of the dogs had been cited twice or fined twice and they had reported it to the authorities; and Council Member Edwards stated that she agreed with her and would work hard to try and get the dog removed from the community. Council Members Clutterbuck and Garcia absent.

Upon questions by Council Member Lawrence, Ms. Chappell stated that she did not know of anyone who had been bitten; and Council Member Lawrence stated that an ordinance was passed and she felt her problem would be resolved as Council Member Edwards was going to handle it and the city did pass an ordinance. Council Members Clutterbuck, Holm and Sekula-Gibbs absent.

Ms. Rachelle Smith, 10214 Kirkwren, Houston, Texas 77089 (281-484-7184) had reserved time to speak but was not present when her name was called. Council Members Clutterbuck, Holm and Sekula-Gibbs absent.

Mr. Steve Hester, 6201 Bonhomme #150, Houston, Texas 77036 (713-974-4621) had reserved time to speak but was not present when his name was called. Council Members Clutterbuck, Holm and Sekula-Gibbs absent.

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

Mr. Bryan Cambrice, 4200 Lockfield, Houston, Texas 77092 (713-376-6201) appeared and stated that he was a resident of the Crossing at Willowbend Apartment Complex between Highway 290 and W. 43rd and they were having a problem with crime and drugs and would like a bigger police presence; that he spoke to someone in Council Member Lawrence's office but he had not got back with him yet; that the Madison Group said they could not do anything, just like the ones present earlier on apartments saying they could not do anything with security, but they could hire a guard or put up cameras or screen tenants better, but he would like assistance before things worsened. Council Member Holm absent.

Council Member Lawrence stated that they did appreciate him calling and had notified officers and they were doing a hot spot in the apartments and on his street and the Captain was sending people over all the time trying to catch them; that by passing the ordinance they did today she hoped he would be seeing things occurring which he would be very pleased with; and Mr. Cambrice stated that like the lady said before him, he called BARK and they said if it was private property they could not go on; and upon questions by Council Member Lawrence, Mr. Cambrice stated that the people at the apartments let the dogs run loose; and Council Member Lawrence stated that if there was a bite BARK would do something. Council Members Holm and Lovell absent.

Mr. Jerry Brady, 827 E. Rogers, Houston, Texas 77291 (713-775-6125) appeared and stated that he was president of the Liberty Cab Company and had been operating cabs in Houston 35 years; that he was present asking Council for a delay in the issuance of 58 taxicab permits, it would not be harmful to the proposed taxicab permit recipients as their ability to operate shared ride service would remain the same until March of 2007 and the delay would give the Administration and Council Members the opportunity to review the effect the supershuttle contract would have on the taxicab drivers and independent taxicab companies before making a decision to issue additional taxicab permits; that all in the taxicab industry were concerned about the issuance of taxicab permits to companies with no or little experience operating taxicabs in Houston and the proposal one time issuance would bypass all experience requirements in the taxicab ordinance which were originally placed there to protect the public from operators with no taxicab experience; that he understood an amendment was placed to eliminate the issuance of taxicab permits to the SPT companies in Galveston and College Station whose business would in no way be affected by the supershuttle contract and he supported the amendment; and he would ask that the Administration and Council not issue any new permits to anyone until they had at least a two months information track record of the effect the Yellow Cab supershuttle contract would have on taxicab airport pickups and income of drivers. Council Members Holm and Lovell absent.

Council Member Garcia stated that if he understood him he was not saying to not issue any permits but to let the market stabilize itself with the transition occurring and then if any new folks came into the business they would know it and not adversely affect it; and upon questions, Mr. Brady stated that he was correct; and Council Member Garcia stated he felt that was fair and he wondered if two months collection of information would be helpful to the Administration; and Mayor White stated that he believed they were doing a study and analysis and it was being

looked into carefully; that they were most concerned about individuals who had employment as opposed to vendors. Council Members Holm and Sekula-Gibbs absent.

Council Member Edwards stated that she supported his position; and upon questions, Mr. Brady stated that in the debate on the supershuttle contract there were two schools of thought one being the contract would not affect income of independent cab drivers and he disagreed thinking it would have an adverse affect on incomes of the independent drivers and he was asking the city to delay this a couple of months and compare airport pickups by taxicabs for the months of November, December and January compared to the same months previously and if it was going to have adverse affects it would be egregious for the city to further reduce their income by issuing more permits; and Council Member Edwards stated that once they had the information she would guess the struggle would be what would they do with that information, but would like to speak with him further. Council Member Sekula-Gibbs absent.

Upon questions by Council Member Green, Mr. Brady stated what he was proposing was that the Administration, Council and F & A have definite information which was easily gathered by looking at airport pickups documented by Aviation before any permits be issued. Council Member Sekula-Gibbs absent.

Mr. Mengistu Demessie, 7214 Hot Creek Tres, Humble, Texas 77346 (713-649-4145) had reserved time to speak but was not present when his name was called. Council Member Sekula-Gibbs absent.

Ms. Vanessa Davis, 8201 W. Bellfort, Houston, Texas 77019 (no phone) had reserved time to speak but was not present when her name was called. Council Member Sekula-Gibbs absent.

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

Mr. Joseph Omo Omari, 2820 Palm #2B, Houston, Texas 77004 (832-453-6376) had reserved time to speak but was not present when his name was called. Council Member Sekula-Gibbs absent.

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (832-453-6376) had reserved time to speak but was not present when his name was called. Council Member Sekula-Gibbs absent.

Mr. Trent Winters, 7960 W. Bellfort, Houston, Texas 77071 (832-882-7761) had reserved time to speak but when his name was called stated that he would not speak at this time. Council Member Sekula-Gibbs absent.

At 11:03 a.m. the City Secretary stated that the public session was completed. Council Member Sekula-Gibbs absent.

Council Member Garcia moved to suspend the rules to consider Item No. 31 out of order following the Mayor's Report, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2006-1012 ADOPTED.

Council Member Alvarado moved to suspend the rules to consider Item Numbers 32, 32a, 32b and 11 out of order, seconded by Council Member Garcia. All voting aye. Nays none. MOTION 2006-1013 ADOPTED.

**MAYOR'S REPORT** - FY2007 Budget Issues

Mayor White stated that he would like to review the FY2007 Budget process and make a comment to all Council Members as they were looking to the next year, that the process of budgeting was ongoing and much of what they did as public servants was make sure they were good stewards of the taxpayers money, that they made decisions on how to allocate that money that was wise, that he read a comment by a citizen in a letter to the editor and it dealt with a particular item but it said that they seemed to have something like a very common sense and intelligent City Council, he agreed with that citizen, at a time when a lot of people had a lot of questions about public service and whether public servants were more concerned about getting their name in the paper, and the speech rather than the consequence, that he thought a lot of people had confidence in a lot of the people around the Council table, that they approach their jobs seriously, one of the principles that most of them tried to abide by, and frankly they served as a peer group in enforcing this norm of rule of ethics, it was not in the Charter or their oath, was that they should vote on things based on what they wanted the outcome to be, there were words that people could use to describe folks where people vote one way and hope that their opposition did not win and that was what breeds cynicism in politics, they adopted a budget in June making public safety again the top priority, they increased the public safety spending over the last several fiscal years, police spending alone, by over \$114 million, much of that out of the General Funds, that he met with Council Members at the beginning of this year and the year before and would this next year concerning people's specific points they wanted to have in the budget, he would say people, frankly, wanted more things in their district, rarely were there cuts suggested although when there were, for example, cell phone and pager utilization by Council Member Berry, pension reform by Council Member Sekula-Gibbs and others, health care cost containment a lot of people raised those issues, boy did they work on those and he really applauded the input of various Council Members but he would say in fairness if they listened to popoffs and the meetings that he had with Council Members there were people who wanted, for good reason, new facilities in their district and new services in their district, more police in districts and a new library in Kingwood and he could go on and on of things that were not in the budget that they had to account for and pay for and where he agreed with the Council Member's advocacy of increased spending on the merits, they adopted a budget with a tax rate, the tax rate was deliberate and discussed, that Council Member Green made a motion to lower the tax rate and yesterday by an overwhelming majority the citizens of Dallas based a bond issue twice Houston's that entailed increasing their property taxes over a number of years by well over 10% the property tax rate, that this year Houston's tax rate was designed to collect 3.5% more property taxes than the prior year, that number was half the population and inflation growth of the City, if they adopted the effective rate then they would need to cut \$16 million from the budget in the remainder of that fiscal year, that because of the nature of the General Fund funding in the fire contract and the obligation concerning the number of individuals per apparatus, and based on the fact that nobody had ever suggested to him that they decrease their collection of Solid Waste, that those cuts would come from closing and canceling the remaining academy classes, cutting back police overtime and discontinuing the operations in certain parks and libraries, that was the math, if somebody wanted to propose they do that to please do so at the budget so they could vote overwhelmingly against it as he believed this body would, that State law says that they should levy a tax rate consistent with the budget, that was State law, they did have the power and flexibility if they were to have a revenue shortfall, per prior interpretations by the City office, to go and start cutting things out of the budget and they would if there was a revenue shortfall for whatever reason, that he took the spirit of the State law very seriously, the State law was designed that way so that people made their decisions on taxes that were consistent with a particular budget in an open and deliberate discussion at the time the budget was formed, it was basic ethics and transparency in government, that was why they did not go to a checkout line with two bottles of ketchup and say

they only wanted to pay for one, that today they would discuss the tax rate and for those Members of Council, which would include at least 14 Members of Council who would be considering the budget the next year and for the majority of Council who would be considering budgets in future year, the fact that another body wanted to advertise and call something truth in taxation that was not, should not influence the decisions of how they go about their jobs, they should be based on the priorities they set and the revenues that they should collect, that he was fiscally conservative which meant he did not believe in borrowing from their future to subsidize their present and for those who were fiscally conservative with him he would say that they ought to pay for what they spend and they ought to say what they thing should be cut if they believed that their revenues should be cut, they had a record that was exemplary in the State for good stewardship of taxpayer dollars, they were proud of that record and would always be vigilant, that he was confident in the common sense of their community, he was confident that they could make eye contact and explain to their citizens their actions where they would make sense to those who may not know the facts at the beginning, the fact that the truth was more difficult then a falsehood should not deter them from acting on the basis of truth in undertaking the responsibility as public servants to explain the realities in a way that people could understand, that he found from his experience that people respected that.

31. **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 – **(This was Item 10 on Agenda of November 1, 2006, TAGGED BY COUNCIL MEMBERS WISEMAN and SEKULA-GIBBS)** – was presented.

Council Member Lovell stated that she had passed out a motion to amend Item No. 31, that when she first read through the ordinance she felt extremely uncomfortable with talking about excluding certain criminal activity specifically domestic violence and violence against family and children and when it was explained to her why they were doing that then it made sense but she thought that it was good for the ordinance and for the public to explain why they were putting those exclusions in there and this really just clarifies to everyone why there were those exclusions and they pertained to State law and if they read the amendment that would explain it but she thought it was a good thing for the ordinance and for them, and Mayor White stated that the administration supported the amendment.

“I move to amend Item 31 as follows:

1. Amend the definition of “criminal activity” in section 28-282 to delete both parenthetical phrases in the listing of Part 1 crimes.
2. Amend the last paragraph of the definition of “criminal activity” in section 28-282 as follows:
  - Insert after the colon in the second line the word “suicide,” and
  - Add the following sentence at the end “State law relieves an owner from responsibility for offenses involving domestic violence and such offenses shall not be deemed criminal activity under this article.”

Council Member Sekula-Gibbs offered the following written motion to amend Item No. 31,

"I hereby move to add Article IX, Section 28-295, Review, City Council will review the economic impact and effectiveness of this ordinance in eighteen months.", tagged by Council Member Garcia.

Council Member Sekula-Gibbs stated that it was her understanding, after talking to the two authors of the ordinance that they intended to exercise it but she submitted it basically to put in the record that it was something that Council took seriously and that would be addressed because speakers had brought to their attention that there was a concern in the owners minds that there could be some untoward impact on the business practice of owning apartments and they needed to respect that and to recognize that some times there were unintended consequences to legislation and those consequences may not all be fully recognized today at the time the ordinance was passed but the owners should have an opportunity to bring it back to them in a timely fashion and it just puts it out on the table.

Mayor White stated that they certainly supported the intent of the particular item and they would consider the matter after they took action on Council Member Lovell's amendment and certainly he would say, based on the advise of Council Member Sekula-Gibbs point and Council Members Garcia and Lawrence, he would commit publicly to bring to the agenda any results of that review that the members of the Public Safety and Regulatory Affairs committees bring to this body in eighteen months, calendar it, it would be done because they had revisited a lot of different things to refine and then perfect them and they intended to do so here, that they would consider it.

Council Member Garcia stated that as the Chairman of the Public Safety committee he would commit to hearing that issue at committee to work through it as well, that he had also drafted some amendments that had been submitted in writing and they speak to a good long discussion that was held yesterday with a stakeholders group and the City Attorney as follows:

"I move to amend Item 31 as follows:

1. Insert the following in the preamble of the proposed Ordinance as the sixth finding (or "Whereas" clause):

**"WHEREAS**, the City Council recognizes that it is necessary for the City to apply its available police department resources in accordance with the law enforcement needs of the community at large, and to adjust the application of those resources as necessary to address changes in those needs; and"

2. Delete Subsection (c) of Section 28-287 in Section 2 of the proposed Ordinance and redesignating Subsection (d) as the new Subsection (c).

3. Amend Subsection (a) of Section 28-289 in Section 2 of the proposed Ordinance by deleting the phrase "or entered into an agreement pursuant to subsection (c) of section 28-287 of this Code."

4. Amend Subsection (b) of Section 28-289 in Section 2 of the proposed Ordinance to read as follows:

"(b) An apartment community that is designated a remedial action eligible apartment community twelve months following the implementation of a remedial action plan issued pursuant to section 28-287 of this Code shall again be subject to an inspection and may be issued a new or revised remedial action plan pursuant to that section, at the discretion of the police official. After the initial payment of the fee prescribed by section 28-290 of this Code, no further payment

of such fee shall be required of the owner of a remedial action eligible apartment community unless a reduction in the level of criminal activity at such property results in the removal of a designation under this article followed by a subsequent designation of the property as either remedial action eligible or F.A.S.T. eligible.”

5. Amend Item (4) of Subsection (a) of Section 28-291 in Section 2 of the proposed Ordinance to read as follows:

“(4) Fail or refuse to timely implement or maintain a measure specified in a remedial action plan issued under this article made pursuant to subsection (b) of section 28-287 of this Code; or”

6. Amend Section 28-292 in Section 2 of the proposed Ordinance by deleting the words "or an agreement" from Subsection (a) thereof and deleting "(i)" and "(ii) the terms of an agreement," from Subsection (b) thereof.

7. Add the following as a new Section 4 to the proposed Ordinance and renumber the subsequent sections:

“**Section 4.** That the program adopted in **Section 2** of this Ordinance shall be reviewed by the City Council not later than five years after the date of passage of this Ordinance for the purpose of ascertaining the program's effectiveness.”

Mayor White stated that the administration supported the amendments and wanted to thank Council Member Garcia for the tremendous effort, that many people were responsible for it including HPD and the City Attorney's office, but the way that Council Members Garcia and Lawrence had worked together, sometimes coming from different places, but always trying to accomplish the right end for the public interest was something that they all greatly respected.

Council Member Lawrence stated that she appreciated the amendments that were offered and the concerns that Council Member Sekula-Gibbs had and Mayor White's commitment to an 18 month hearing, that just showed the stakeholders that they were just trying to do what was best for Houston and they wanted to hear from them before 18 months and have a good agenda of things that they needed to discuss because they were really treading on ground that had not been established before by any other city and thought that Houston was going to see a big improvement in the crime by this and knew the police were very excited about bringing everybody to the table and doing what was right.

Council Member Edwards stated that she would request that somebody explain to her how this was different from the request that the bar owners asked for an economic study on their issue and they said no and she did not understand what the difference was and if somebody could come and share that with her.

Council Member Holm stated that she would really like to thank Council Members Lawrence and Garcia, the stakeholders, the HAA, the Mayor's office and everyone who had truly worked with the intent of enhancing the safety for all the apartments and the communities that neighbored each other, that she supported the amendments that came forward because she thought it made it better in order to equip them to help everyone become more positive in the effect.

A vote was called on Council Member Lovell's motion to amend Item No. 31. All voting aye. Nays none. MOTION 2006-1014 ADOPTED.

Council Members Garcia and Edwards stated that they would tag Council Member Sekula-Gibbs motion to amend Item No. 31, and Mayor White stated that the amendment had been tagged but the commitment had been made on the record by the administration and Members of the Council to undertake a review within that period of time, if there was something that they find out before then that they needed to change then they would change it before then.

Council Member Berry stated that he thought it was a bad precedent at the Council table when they used tags to prevent individual's items from making it onto the table for consideration, that he would not want it done to him and hated to see it done to anyone else, that if an item was presented before this body for consideration on a matter they knew that by tagging it they were preventing a discussion of it, whether it was this item or anything else.

Mayor White stated that they agreed with the thrust, that there had been a lot of work done in the last two weeks and there was also a desire to deal with stakeholders in good faith.

Council Member Edwards stated that this was the first time she had seen the amendment and the reason she tagged it was because she wanted her question answered as to why she saw as an inconsistency.

A vote was called on Council Member Garcia's motion to amend Item No. 31. All voting aye. Nays none. MOTION 2006-1015 ADOPTED.

A vote was called on Item No. 31 as amended. Council Members Wiseman, Sekula-Gibbs and Berry voting no, balance voting aye. ORDINANCE 2006-1124 ADOPTED AS AMENDED.

Mayor White recognized Council Member Khan for a point of personal privilege.

Council Member Khan stated that they wished Council Member Sekula-Gibbs all the best and on behalf of all the Council Members presented Council Member Sekula-Gibbs with a bouquet of flowers.

Council Member Sekula-Gibbs stated that she wanted to thank Mayor White and all of the Council Members for the wonderful presentation, that she appreciated it very much, that she looked forward to working with them from a different office.

32. MOTION by Council Member Wiseman/Seconded by Council Member Sekula-Gibbs to amend Item 32A below to adopt a tax rate equal to the assessed value of the Effective Tax Rate for Tax Year 2006 (\$.62955/\$100 of assessed value) – **TAGGED BY COUNCIL MEMBER GREEN** – was presented.

After discussion by Council Members, Council Member Wiseman moved to call the question on the discussion of Item No. 32, seconded by Council Member Berry and a roll call vote was called on the motion to call the question.

ROLL CALL VOTE:

Mayor White voting no	Council Member Garcia voting no
Council Member Lawrence voting no	Council Member Alvarado voting no
Council Member Johnson voting no	Council Member Brown voting no
Council Member Clutterbuck voting aye	Council Member Lovell voting no
Council Member Edwards voting no	Council Member Sekula-Gibbs voting no
Council Member Wiseman voting aye	Council Member Green voting no
Council Member Khan voting no	Council Member Berry voting no
Council Member Holm voting no	MOTION 2006-1016 FAILED

After further discussion by Council Members, a roll call vote was called on Item No. 32.

ROLL CALL VOTE:

Mayor White voting no	Council Member Garcia voting no
Council Member Lawrence voting no	Council Member Alvarado voting no
Council Member Johnson voting no	Council Member Brown voting no
Council Member Clutterbuck voting aye	Council Member Lovell voting no
Council Member Edwards voting no	Council Member Sekula-Gibbs voting aye
Council Member Wiseman voting aye	Council Member Green voting no
Council Member Khan voting no	Council Member Berry voting aye
Council Member Holm voting aye	MOTION 2006-1017 FAILED

- 32a. ORDINANCE providing for the assessment, levying and collection of ad valorem taxes for the City of Houston, Texas for the Year 2006 – **(TAGGED BY COUNCIL MEMBERS SEKULA-GIBBS, WISEMAN and CLUTTERBUCK)** – was presented.

ROLL CALL VOTE:

Mayor White voting aye	Council Member Garcia voting aye
Council Member Lawrence voting aye	Council Member Alvarado voting aye
Council Member Johnson voting aye	Council Member Brown voting aye
Council Member Clutterbuck voting aye	Council Member Lovell voting aye
Council Member Edwards voting aye	Council Member Sekula-Gibbs voting no
Council Member Wiseman voting no	Council Member Green voting aye
Council Member Khan voting aye	Council Member Berry voting no
Council Member Holm voting aye	ORDINANCE 2006-1125 ADOPTED.

- 32b. MOTION by Council Member Edwards/Seconded by Council Member Alvarado to adopt 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 – **(These were Items 11 and 11A on Agenda of November 1, 2006, TAGGED BY COUNCIL MEMBER SEKULA-GIBBS)** – was presented.

Upon questions by Council Members, Mr. Michel stated that on this item they would cast their vote aye or nay as they would on any other motion, that they had to pass a motion according to that form but it was their vote on the substance of the motion, that he was not sure he could not answer the question definitively if the City Council did not adopt what the State required them to adopt because it was a relatively new statute and did not believe there was any case law on what the consequence of that was, it could be a range of things including that someone could force them to go back and pass it according to that form.

After further discussion by Council Members, a vote was called on Item No. 32b. Council Members Wiseman and Sekula-Gibbs voting no, balance voting aye. MOTION 2006-1018 ADOPTED.

11. CONCURRENT Ordinance creating a Freight Rail District pursuant to Chapter 171, Texas Transportation Code - was presented, and tagged by Council Member Wiseman.

## **CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA**

### **PURCHASING AND TABULATION OF BIDS**

8. **RUSH EQUIPMENT CENTERS OF TEXAS, INC** for Equipment Trailers through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for Various Departments - \$244,899.00 - Enterprise and Equipment Acquisition Consolidated Funds – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. Council Member Holm absent. MOTION 2006-1019 ADOPTED.
9. **PROWEAR, INC** for Apparel Uniforms for Various Departments - \$3,201,171.03 - General, Enterprise, Fleet Management and Storm Water Utility Funds – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. Council Member Holm absent. MOTION 2006-1020 ADOPTED.

### **ORDINANCES**

10. ORDINANCE **AMENDING ARTICLE VII OF CHAPTER 28 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Hazardous Enterprises – was presented. All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2006-1126 ADOPTED.
12. ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 488** – was presented. All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2006-1127 ADOPTED.
13. ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 489** – was presented. All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2006-1128 ADOPTED.
15. ORDINANCE relating to the fiscal affairs of the Upper Kirby Redevelopment Authority on behalf of Reinvestment Zone Number Nineteen, City of Houston, Texas (Upper Kirby Zone); approving the Fiscal Year 2007 Operating Budget for the Authority and the Fiscal Year 2007-2011 Capital Improvement Budget for the Zone - **DISTRICTS C - CLUTTERBUCK and G - HOLM** – was presented. All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2006-1129 ADOPTED.
16. ORDINANCE approving and authorizing contract between the City and the **METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY, TEXAS** for Purchase of Employee Transit Passes; providing a maximum contract amount - \$800,000.00 - General and Other Funds – was presented. All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2006-1130 ADOPTED.
17. ORDINANCE approving and authorizing first amendment to contract between the City and the **UNIVERSITY OF TEXAS AT HOUSTON HEALTH SCIENCE CENTER (#C62154)** for Behavioral Surveillance Services – was presented. All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2006-1131 ADOPTED.

18. ORDINANCE approving and authorizing the City of Houston to enter into contracts with one (1) **INDEPENDENT SCHOOL DISTRICT [HOUSTON ISD]** and with each of two (2) non-profit organizations [**CHANCELLORS FAMILY CENTER AND COMMUNITY FAMILY CENTERS**] to administer an After School Achievement Program ("ASAP") - \$970,000.00 - General and CDBG Funds - **DISTRICTS A - LAWRENCE; B - JOHNSON; C - CLUTTERBUCK; D - EDWARDS; F - KHAN; G - HOLM; H - GARCIA and I - ALVARADO** – was presented.

Council Member Lawrence stated that as they looked at these 28 schools she noticed that only six of them were junior high schools and she thought they really needed to be concerned with programs in their junior high schools so the next time something like this came up she hoped they could consider more than a third of junior high schools.

Mayor White stated that he wanted to make sure that people got the substance of Council Member Lawrence comment.

A vote was called on Item No. 18. All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2006-1132 ADOPTED.

19. ORDINANCE appropriating \$66,030.00 out of Building Inspection Fund and \$791,843.27 out of Equipment Acquisition Consolidated Fund; approving and authorizing Sole Source Contract between the City of Houston and **INFORMATION BUILDERS, INC** for Webfocus Software for the Public Works and Engineering Department - Enterprise, Building Inspection and Equipment Acquisition Consolidated Funds – was presented. All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2006-1133 ADOPTED.
22. ORDINANCE appropriating \$4,485.00 out of Water & Sewer Consolidated Construction Fund and approving and authorizing an Interlocal Agreement between the City of Houston and **HARRIS COUNTY** for the Reconstruction of Greens Road from Old Greens Road to Aldine-Westfield Road (WBS No. S-000521-0028-4) - **DISTRICT B - JOHNSON** All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2006-1134 ADOPTED.
27. ORDINANCE granting to **EZ WASTE, a Texas sole proprietorship**, the right, privilege and franchise to collect, haul and transport Solid Waste and Industrial Waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **FIRST READING** All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2006-1135 PASSED FIRST READING IN FULL.

**NON CONSENT AGENDA** - NUMBERS 29 and 30

**MISCELLANEOUS**

29. 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 Edwards stated that she wanted to nominate Mr. Discarlos Davis for Position 2 of the Houston Business Development, Inc. and distributed his resume.

Council Member Johnson stated that he wanted to nominate Mr. Harold W. Price for Position 4 of the Houston Business Development, Inc., and had distributed his resume.

Council Member Garcia stated that he wanted to nominate Ms. Norma Velazquez Harris for reappointment to Position 6 of the Houston Business Development, Inc., and had distributed her resume.

Council Member Green stated that he wanted to nominate Mr. Ramon Manning for Position 8 of the Houston Business Development, Inc., and had distributed his resume.

Council Member Green moved to suspend the rules to extend the meeting beyond the scheduled noon recess to complete the agenda, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2006-1021 ADOPTED.

Council Member Khan stated that he wanted to nominate Mr. Haroon R. Shaikh for Position 10 of the Houston Business Development, Inc., and had distributed his resume.

Council Member Sekula-Gibbs stated that she wanted to nominate Ms. Sudarshana (Mona) Parikh for Position 12 of the Houston Business Development, Inc., and had distributed her resume.

Council Member Khan moved to close the nominations 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. MOTION 2006-1022 ADOPTED.

Council Member Wiseman moved to suspend the rules to consider Item No. 47 out of order, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2006-1023 ADOPTED.

47. 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 42 on Agenda of November 1, 2006, POSTPONED BY MOTION #2006-988) –** was presented.

Council Member Wiseman stated that she was able to receive information that certainly showed justification for such an investment and she appreciated the justification and the economic impact of \$26 million that could be derived potentially with this contract, and she also appreciated that this contract, like others, could be terminated with cause should this body chose so, so there was every opportunity for them to perform and every option for the Council should they not, one thing she would request of the department was that in looking at the various ways in which the contractor would exercise their responsibilities it would be great if somehow the services of the Houston Livestock Show and Rodeo could be incorporated into their efforts, that it was an organization that had, she believed, a \$4 billion impact on their local economy and was something they should be very proud of and something she thought they could tap in their efforts.

Mayor White stated that he did look at the details of the item, that everything that had public relations had a red flag when it came across his desk but then he looked at the last 17 years of what they had done and the innovative concept of surveying customers, that he wanted to see those and wanted it reported back to him, that he wanted to make sure they got professional level service.

A vote was called on Item No. 47. All voting aye. Nays none. ORDINANCE 2006-1136 ADOPTED.

30. MOTION to set a date not less than seven (7) days from November 8, 2006, to receive nominations for appointment to Position 7 of the **BOARD OF DIRECTORS OF REINVESTMENT ZONE NUMBER ONE (ST. GEORGE PLACE), CITY OF HOUSTON, TEXAS** for an unexpired term ending December 31, 2007 – was presented. Council Member Wiseman absent.

Council Member Alvarado moved to set November 15 to receive nominations for appointment to Position 7 of the Board of Directors of Reinvestment Zone Number One (St. George Place), City of Houston, Texas, seconded by Council Member Khan. All voting aye. Nays none. Council Member Wiseman absent. MOTION 2006-1024 ADOPTED.

**MATTERS HELD** - NUMBERS 31 through 47

33. 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”) – **(This was Item 16 on Agenda of November 1, 2006, TAGGED BY COUNCIL MEMBER SEKULA-GIBBS)** – was presented. All voting aye. Nays none. Council Member Wiseman absent. ORDINANCE 2006-1137 ADOPTED.
38. 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 – (This was Item 22 on Agenda of November 1, 2006, TAGGED BY COUNCIL MEMBER WISEMAN) – (This was Item 16 on Agenda of November 1, 2006, TAGGED BY COUNCIL MEMBER SEKULA-GIBBS)** – was presented. All voting aye. Nays none. Council Member Wiseman absent. ORDINANCE 2006-1138 ADOPTED.
39. 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 – **(This was Item 24 on Agenda of November 1, 2006, TAGGED BY COUNCIL MEMBERS WISEMAN and SEKULA-GIBBS)** – was presented. All voting aye. Nays none. Council Member Wiseman absent. ORDINANCE 2006-1139 ADOPTED.
40. 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 – (This was Item 27 on Agenda of November 1, 2006, TAGGED BY COUNCIL MEMBER JOHNSON)** – was presented.

After discussion by Council Members, a vote was called on Item No. 40. All voting aye. Nays none. Council Member Wiseman absent. ORDINANCE 2006-1140 ADOPTED.

41. 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 – (This was Item 28 on Agenda of November 1, 2006, TAGGED BY COUNCIL MEMBER EDWARDS)** – was presented. All voting aye. Nays none. Council Member Wiseman absent. ORDINANCE 2006-1141 ADOPTED.
42. 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 – (This was Item 29 on Agenda of November 1, 2006, TAGGED BY COUNCIL MEMBER EDWARDS)** – was presented. All voting aye. Nays none. Council Member Wiseman absent. ORDINANCE 2006-1142 ADOPTED.
43. 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 – (This was Item 32 on Agenda of November 1, 2006, TAGGED BY COUNCIL MEMBER EDWARDS)** – was presented. All voting aye. Nays none. Council Member Wiseman absent. ORDINANCE 2006-1143 ADOPTED.
44. 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 – (This was Item 33 on Agenda of November 1, 2006, TAGGED BY COUNCIL MEMBER EDWARDS)** – was presented. All voting aye. Nays none. Council Member Wiseman absent. ORDINANCE 2006-1144 ADOPTED.
45. MOTION by Council Member Khan/Seconded by Council Member Alvarado to adopt 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 – **(This was Item 35 on Agenda of November 1, 2006, TAGGED BY COUNCIL MEMBERS WISEMAN, KHAN and SEKULA-GIBBS)** – was presented. All voting aye. Nays none. Council Member Wiseman absent. MOTION 2006-1025 ADOPTED.
46. 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 – **(This was Item 36 on Agenda of November 1,**

**2006, TAGGED BY COUNCIL MEMBERS WISEMAN, KHAN and SEKULA-GIBBS** – was presented. All voting aye. Nays none. Council Member Wiseman absent. ORDINANCE 2006-1145 ADOPTED.

Mayor White stated that on Item No. 46 he wanted to thank Council Member Sekula-Gibbs and others, they would give a lot more choice to their retirees at a lower cost to the taxpayer and their retirees under this option. Council Member Wiseman absent.

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

Council Member Holm stated that she wanted to congratulate Congresswoman Elect Sekula-Gibbs for a good race. Council Member Wiseman absent.

Council Member Holm stated that she wanted to talk about the City's success in the passage of all of the propositions and wanted to thank Mayor White for his leadership and wanted to thank all of the Houstonians for investing in the City.

Council Member Holm stated that a couple of weeks ago the Greater Houston Partnership had a presentation and it was the State of Metro and it was an expensive and dazzling performance of the really good work that Metro was doing in building, maintaining and operating their transportation system, however the way it was handled and some of the things that were done had haunted her from that time, the opening was a huge divided screen and it was the scene of a Few Good Men, the courtroom scene with Jack Nicholson and Tom Cruise and Tom Cruise was shouting the importance of truth to which Jack Nicholson responded in rage, "you cannot handle the truth", and with a minimal drum roll the President of Metro, Mr. Frank Wilson, walked on the stage, that she was so disturbed by the message that sent to the people of Houston and no one but Metro could make the decisions that were best for them, that the presentation, some of the things they were doing, were really phenomenal, that at the end President Wilson said he wanted to introduce them to the Board Members of Metro and started rolling each picture of the board members and the background music was Frank Sinatra singing "I Did It My Way", that Metro was a public taxing authority and she was baffled how anybody could think they could do anything for the public sector "their way", that they as a body did everything for the best interest, support, understanding and the future of the City of Houston, that she did not understand through all of the conversations they had and everything that had gone on how they still had an organization that truly held the City's future in it's hand and they did not understand how to even get them there, that this afternoon Dr. Tim Lomax, head of the Texas Transportation Institute at the University of A&M taught, had invited her to come to an activity for his classroom, the communication and studying of engineers on how to handle transportation projects, that they were going to role play how Metro had handled the public on the University line particularly, that she was very interested because obviously throughout the community and Houston the lack of confidence in the way they were doing things was growing and they had some big issues in front of them, that Mayor White had said in his Mayor's report, that he would never borrow from their future in order to get something done today and she was appealing to him to apply that to Metro. Council Member Wiseman absent.

Council Member Alvarado stated that she wanted to congratulate Mr. Michael Moore, the Mayor's Chief of Staff, who ran in the New York Marathon and completed it. Council Members Wiseman, Garcia and Sekula-Gibbs absent.

Council Member Alvarado stated that when they had the last flood the underpass at I-45 and Tellespen two of her constituents drowned and shortly after that they held a townhall meeting with Congressman Green and Senator Gallegos and Representative Rick Noriega and the underpass was under the jurisdiction of TxDOT and what they learned was that on these

underpasses there was no minimal sets of standards or requirements such as flashing lights, a marker or any type of specific lighting and she thought if some of those things had been in place they would not have had those two tragic deaths, that she was hoping that in working with TxDOT they could implement a set of minimal standards, she knew their legislators were going to do what they could at the State level but she was hoping it did not necessarily have to go through the State bureaucracy and a bill to be authored to come up with a set of minimum standards so she hoped they could make it a priority and she appreciated the folks from Public Works and HPD that came out to participate in that meeting. Council Members Wiseman, Garcia and Sekula-Gibbs absent.

Council Member Khan stated that he also wanted to congratulate Mayor White and his colleagues for the passage of all of the propositions. Council Members Wiseman, Garcia and Sekula-Gibbs absent.

Council Member Khan stated that he again wanted to congratulate Council Member Sekula-Gibbs who would be going to Washington as the Congresswoman from District 22, and wanted to congratulate all the people who ran for public office. Council Members Wiseman, Garcia and Sekula-Gibbs absent.

Council Member Khan stated that he wanted to wish Happy Birthday to Maya Shea, Council Member Alvarado and Council Member Berry. Council Members Wiseman, Garcia and Sekula-Gibbs absent.

Council Member Khan stated that tomorrow evening at Klentzman Intermediate School on Stancliff Road for the public meeting with Parkland West Civic Organization and invited everyone in that neighborhood to come and discuss issues facing the community in that area. Council Members Wiseman, Garcia and Sekula-Gibbs absent.

Mayor White stated that the Houston Dynamo's rally would begin at 12:30 p.m. Council Members Wiseman, Garcia and Sekula-Gibbs absent.

Council Member Green stated that he wanted to congratulate the citizens of Houston on the passage of all of the propositions which would do so much for the betterment of the City. Council Members Wiseman, Garcia, Lovell and Sekula-Gibbs absent.

Council Member Green stated that the December Budget and Fiscal Affairs Committee meeting would take place on Tuesday December 5, 2006 in the Council Chamber. Council Members Wiseman, Garcia, Lovell and Sekula-Gibbs absent.

Council Member Berry stated that the Transportation, Infrastructure and Aviation Committee meeting would be tomorrow, Thursday, at 2:00 p.m. Council Members Wiseman, Garcia, Lovell and Sekula-Gibbs absent.

Council Member Brown stated that he wanted to congratulate the citizens of Houston and his colleagues on the elections. Council Members Wiseman, Garcia, Sekula-Gibbs and Green absent.

Council Member Brown stated that on the tax rate he thought they did a good job on their tax rate and thought they were giving the citizens a good deal. Council Members Wiseman, Khan, Garcia, Sekula-Gibbs and Green absent.

Council Member Brown stated that he wanted to comment briefly on the Metro situation, that it was very complicated, that Gerald Hines stated at the Greater Houston Partnership

luncheon that they had to have a first class 21<sup>st</sup> century rail system that went to a lot of places, that it was about the long term future, that a lot of folks were concerned about that in their neighborhoods but he thought the City Council, Metro and others had a civic responsibility to balance the short term interests with the long term big picture of their City and he was confident that they could do that and move forward. Council Members Wiseman, Khan, Garcia, Alvarado, Sekula-Gibbs and Green absent.

Mayor White stated that it was the first time in the City of Houston ever, through the Mayor of the City of Houston, individual routing decisions of transit lines were being dictated by City Council Members and the consensus they built against the advice of transit professionals and he was a conduit for that, he had been supportive of that, it had never happened before, whether it was wise or not that was another question, but it had never happened before and he was doing it because he was representing the people around the Council table, that he had to explain to a civic club meeting in Council Member Clutterbuck's district why they would not be able to get rail and had discussed it with two elected officials who he undertook because they were representatives of the public to change and to dictate and it was not somebody doing it their way it was the City doing it their way, so he wanted to come to defense if anybody thought decisions were made without input by the City for Metro that was not a fact or not without input from elected officials and he could name two Members of the City Council and another serving at another level of government who were helping them shape street by street where the Metro rail goes, period, that he wanted to say that because he was getting a lot of criticism for representing the decisions and the views of those of the City Council and he thanked Council Member Edwards for what she did in building a community consensus that would allow that line to be built first starting from the southeast part of the University line, it was not always easy or pretty, there were four different routes under consideration as he recalled, twenty different public meetings but Metro's policy was a policy based on what individual Members of the City Council had felt comfortable with and some people were not going to get service because of decisions made by Members of the City Council, which he agreed with them to implement. Council Members Wiseman, Khan, Garcia, Alvarado, Sekula-Gibbs and Green absent.

Council Member Berry stated that on Saturday would be the Veterans Day Parade, that he wanted to commend the work of Susan Christian of the Mayor's office in putting together an event that was befitting the honor they wanted to bestow on their veterans, that he wanted to thank Dawn Ullrich and her department for good work in helping them get some free parking for people coming down because that was one of the concerns. Council Members Wiseman, Khan, Garcia, Alvarado, Sekula-Gibbs and Green absent.

Council Member Clutterbuck stated that she to wanted to add her congratulations to their colleague Council Member Sekula-Gibbs. Council Members Wiseman, Khan, Garcia, Alvarado, Sekula-Gibbs and Green absent.

Council Member Clutterbuck stated that she wanted to congratulate the Houston Dynamo's, their outstanding soccer team. Council Members Wiseman, Khan, Garcia, Alvarado, Sekula-Gibbs and Green absent.

Council Member Clutterbuck stated that she wanted to wish a Happy Birthday to Council Member Berry. Council Members Wiseman, Khan, Garcia, Alvarado, Sekula-Gibbs and Green absent.

Council Member Johnson stated that a couple of weeks ago they had some constituents from the district, from the Bonita House, come down to talk about the major concerns they had been having with the Metro line being moved, that he wrote a letter to the Metro Board asking that they reconsider putting the line back in place because of the influx of new residents in that

area, particularly at the Bonita House and the apartment complex next door, that unfortunately just last week a young lady while walking to the bus stop had to walk in the street because of the heavy rain, they normally walk in the grassy area but unfortunately it was raining and she was hit by a car, to no avail have they been able to get any response from Metro and he thought it was imperative that they do, the young lady was hurt, not fatally, but why were they going to wait until there was a fatal accident before they move, that he was asking Mayor White to help him go before the Metro Board to make sure they were doing something, that their calls had been falling on deaf ears. Council Members Wiseman, Khan, Garcia, Alvarado, Sekula-Gibbs and Green absent.

Mayor White stated that he heard what Council Member Johnson was saying and would express to his colleagues who had expressed concern, he thought they may have gone overboard in that organization because of the philosophy from the top that was also frankly been some of his philosophy, they did not have a bunch of community relations, liaison's, etc., they just did bread and butter so they could keep the dollar fare, that was what he had been fighting for because it was by far lower than everything else, but they had lost something because they ought to have some people who were some community and Council and County Commissioner liaisons, that he thought Mr. Wolf and him, probably in their desire to protect that dollar fare for the low income and just to try to run it on a business like basis may have gone overboard in not having enough liaisons and that was something they were going to address next year. Council Members Wiseman, Khan, Garcia, Sekula-Gibbs and Green absent.

Council Member Lovell stated that she wanted to congratulate her new State Representative Ellen Cohen, that she wanted to congratulate the precinct in Montrose and the surrounding areas, it was a record turnout. Council Members Wiseman, Khan, Garcia, Sekula Gibbs and Green absent.

Council Member Lovell stated that Mr. Brent Fuller was leaving them to go and live in the Cayman Islands, that he had been great to work with. Mayor White and Council Members Wiseman, Khan, Garcia, Sekula Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding.

Council Member Lovell stated that she wanted to congratulate her son Robbie Lovell who was in the UCAL Soccer Championship, undefeated second year in row, they beat Saint Johns. Mayor White and Council Members Wiseman, Khan, Garcia, Alvarado, Sekula Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding.

Council Member Lovell stated that she wanted to day "Go Dynamos" and if they had a chance to go out and support them on Sunday. Mayor White and Council Members Wiseman, Khan, Garcia, Alvarado, Brown, Sekula Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that she wanted to say stop the genocide in Dafar, Sudan. Mayor White and Council Members Wiseman, Khan, Garcia, Alvarado, Sekula Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding.

Council Member Edwards stated that she wanted to have official information on the death of Mr. and Mrs. Robertson, who were struck by the wrecker driver, that it had been quite a while and she knew there were several urban myths going on and she was kind of disturbed that there had been nothing, if he was not guilty as she heard people say she did not agree with that, but she would like to know what the status of that case was. Mayor White and Council Members Clutterbuck, Wiseman, Khan, Garcia, Alvarado, Sekula Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that she wanted to thank the Public Works Department who gave a very in depth briefing on the flooding and drainage issues in the City of Houston tied to Congresswoman Lee's call for a martial plan for the area and they gave what they were doing in Houston and their plan and they handed out very informative information of projects that were currently going on in the City, that she would encourage listeners if they wanted to know what was happening in the City, especially with storm water management they could go to the website [www.swmp](http://www.swmp) and they put in the address and it would give them what was going on and so forth. Mayor White and Council Members Johnson, Clutterbuck, Wiseman, Khan, Holm, Garcia, Alvarado, Lovell, Sekula Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that they had filled the spot left by Caitlin Murphy, who was in Austin with Senator Ellis, with Ms. Sharon Moses, who was an attorney and had worked with Fulbright and Jaworski, that she would be working as their agenda director and policy research director and they welcomed her to the staff. Mayor White and Council Members Johnson, Clutterbuck, Wiseman, Khan, Holm, Garcia, Alvarado, Lovell, Sekula Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Lawrence stated that she wanted to say to all the Council Members and the City, that they were going to put on a wonderful Veterans Day Parade on Saturday, that she hoped everyone would come out and appreciate the veterans who many times they forget to say thank you to. Mayor White and Council Members Johnson, Clutterbuck, Wiseman, Khan, Holm, Garcia, Alvarado, Lovell, Sekula Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Lawrence stated that there was a lot of concern for junior high school children and the Parks Department put a skateboard in one of the parks in District A and they would have some professional skateboard people at that park on Saturday morning from 8:00 a.m. to 10:00 a.m. and they would be putting on a display and teaching kids different skills so anyone in the City who was interested in coming to Watonga Park, it was close to the intersection of T.C. Jester and West 43<sup>rd</sup>. Mayor White and Council Members Johnson, Clutterbuck, Wiseman, Khan, Holm, Garcia, Alvarado, Lovell, Sekula Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that she wanted to say to the veterans thank you for their service, and also wanted to make the City Council aware that 66% of the homeless in the Country were veterans and a good percentage of the homeless population in Houston were veterans, so she was really glad they were saluting the veterans on Saturday but wanted to put that little note in, that U.S. Vets were having a stand down in the next two days leading up to Veterans Day to have an aggressive outreach to homeless veterans in the City of Houston. Mayor White and Council Members Johnson, Clutterbuck, Wiseman, Khan, Holm, Garcia, Alvarado, Lovell, Sekula Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Brown stated that he wanted to say thank you for all the talk about the veterans, that he was a veteran and would be in the parade in uniform. Mayor White and Council Members Johnson, Clutterbuck, Wiseman, Khan, Holm, Garcia, Alvarado, Lovell, Sekula Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 12:52 p.m. Mayor White and Council Members Johnson, Clutterbuck, Wiseman, Khan, Holm, Garcia, Alvarado, Lovell, Sekula Gibbs and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

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

MINUTES READ AND APPROVED

/S/Anna Russell

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Anna Russell, City Secretary