

City Council Chamber, City Hall, Tuesday, November 28, 2006

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, November 14, 2006, Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Ada Edwards, Addie Wiseman, Pam Holm, Adrian Garcia, Carol Alvarado, Peter Brown, Sue Lovell, Ronald C. Green and Michael Berry; Mr. Don Cheatham, Division Chief, Legal Department; Ms. Claudia Vasquez, Director Citizens Assistance; Ms. Marty Stein, Agenda Director and Ms. Marta Crinejo, Assistant Agenda, present. Council Member M. J. Khan, P. E. absent on personal business.

Note: Council Member At Large Position 3 vacant.

At 2:05 p.m. Mayor White called the meeting to order and called on Council Member Green to begin Council presentations. Council Members Johnson, Clutterbuck, Wiseman, Garcia, Alvarado, Lovell and Berry absent. (NO QUORUM PRESENT)

Council Member Green stated that today they wanted to pay special tribute to Judge Gordon Marcum who received the Municipal Courts Judge of the Year Award and invited Judge Marcum and Judge Berta Mejia to the podium and stated that Judge Gordon Marcum now served as presiding judge of Municipal Court No. 13, that he had served as a volunteer counsel for the State Bar of Texas Juvenile Counsel Program and had given countless hours to charitable organizations such as the Coalition of the Homeless, the Neamiah Center and the Sheppard Center, that the award recognized Judge Marcum for his outstanding contributions to the fair and impartial administration of justice in the Houston area, the City of Houston saluted and commented Judge Marcum and Mayor White proclaimed Tuesday, November 28, 2006 as Judge Gordon Marcum Day in Houston, Texas, and Judge Mejia presented Judge Marcum an award and stated that Judge Marcum was selected to be the Judge of the Year for the State of Texas for the Municipal Courts and was presented the award by the Texas Municipal Courts Association in recognition of his excellence and distinguished contribution to the judicial system. Council Members Johnson, Clutterbuck, Wiseman, Garcia, Alvarado, Lovell and Berry absent. (NO QUORUM PRESENT)

Council Member Lovell stated that she wanted to introduce the City of Houston EMS Physician Director, Dr. David E. Persse who was going to make a presentation today, and Dr. Persse stated that they were very fortunate to have Trish and Chuck Maley who were with Courtney's Crusade and they were going to make a very generous gift to the City, that Ms. Maley's daughter Courtney was one of twins and suffered sudden cardiac death a number of years ago and the particular heart problem she had, had there been an automated defibrillator available, potentially her life could have been saved and since then Ms. Maley and her husband Chuck and the whole family had developed Courtney's Crusade which raises awareness about sudden death and raises money for automated defibrillators and pushes public access defibrillation, that as they knew the City of Houston was one of the first cities in the Nation to really have wide spread public access to defibrillation in the City buildings, that the media highlighted New York and Chicago when they put them in the airports but Houston had them in multiple City buildings long before they did, so they did not really get the bang for the buck in the media but in this community they had been pushing public access defibrillation very vigorously and in concert with that Courtney's Crusade Foundation was donating to the City of Houston 20 brand new automated defibrillators and they were going to be using them in City buildings and the airports to further protect the citizens and visitors to the City of Houston and they wanted to thank Trish and Chuck for their generosity, foresight and dedication, that it was an expression of love for their daughter and the City of Houston was very happy to receive it. Council Members Garcia and Alvarado absent.

Ms. Maley stated that on behalf of Courtney's Crusade they were very happy to be able to donate the AEDs to the City in her memory and honor with the hope that they never had to be used but they were very happy to have them there in case they were needed. Council Members Garcia and Alvarado absent.

Dr. Persse stated that Mr. Issa Dadoush and the Building Services Department were instrumental in getting them into the buildings and were the people to actually make sure that the rubber met the road and were there when folks needed them so they wanted to thank Building Services as well. Council Members Garcia and Alvarado absent.

Council Member Edwards stated that they were present to celebrate a very exciting occasion for the University of Houston Cougars as well as the City at large, that Cougar football had regained its swagger and was now in the national football spotlight, that for the first time since 1990 the football team had won nine regular season games and with that the Conference USA Division Title and invited Athletic Director Dave Maggard and the Assistant to the Chancellor Mr. Jim Anderson and members of the University of Houston Staff to the podium and presented them with a proclamation that stated that the University of Houston Football Team had an outstanding season and would host the CUSA Championship Game against the University of Southern Mississippi at Robertson Stadium on Friday, December 1, 2006 and Mayor White proclaimed it the University of Houston Cougars Week in Houston, Texas. Council Member Garcia absent.

Council Member Alvarado stated that she was pleased to honor one of her constituents Mr. Manuel Gaitan, that in the hood they called him Munger and was also known as the Mayor of Magnolia Park in the East End, that she had known Munger for a very long time, that most of Mungers' volunteer work had been with the American Legion Post 472 in Magnolia Park, that a lot of the work that Munger did was for families of veterans, that once a year they also did a scholarship, a golf tournament named after Senator Gallegos' father, Mario Gallegos Senior Golf Tournament and all of the money that was raised went to young men and women going to college from the East End, most of the students going from Austin High School, Milby and Chavez, that Munger had always been in the forefront on the scholarship issue, the golf tournament and food baskets during Christmas time for the Gold Star mothers and families of veterans, that Munger was one of the individuals they honored for Hispanic Heritage Month and Mayor White proclaimed Tuesday, November 28, 2006 as Manuel Gaitan Day in Houston, Texas. Council Member Garcia absent.

Mr. Gaitan stated that he was proud to be a Texan, a Houstonian and he also had 65 hours at the University of Houston. Council Member Garcia absent.

At 2:21 p.m. Mayor White called on Council Member Lovell for the prayer and pledge of allegiance, and Council Member Lovell invited Reverend Helen Havens, former Rector of Saint Stevens Episcopal Church to lead all in prayer and Council Member Lovell led all in the pledge. Council Members Garcia and Berry absent.

Mayor White requested the City Secretary to call the roll. Council Member Khan absent on personal business. Council Member Garcia absent.

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

Council Member Green moved to suspend the rules to hear Mr. Larry Payne at the top of the 3 minute non agenda speakers list, seconded by Council Member Alvarado. All voting aye.

Nays none. Council Member Khan absent on personal business. Council Members Garcia and Lovell absent. MOTION 2006-1052 ADOPTED.

Mayor White requested the City Secretary to call the public speakers. Council Members Garcia, Lovell and Berry absent.

Ms. Lorraine Cherry, 6046 Woodbrook Ln., Houston, Texas 77008 (713-869-4445) appeared and stated that she had passed out a brochure from the West 11th Street Park to each Council Member, that she first stood before City Council in April 1999 when she came to ask the help of the City Council to save a beautiful area in her neighborhood, that she had ten of her neighbors with her and they went forth from there with the assurance that the City of Houston was on their side on it, that a lot had happened in the last 7 1/2 years culminating in the signing of a purchase option agreement just a little over a year ago between the City of Houston and HISD to purchase the property as a permanent park, that the 21 acre pocket wilderness in the heart of Houston was truly unusual, that she had to ask them to go out there sometime and see how beautiful it was, that it absolutely stunned people when they walked in there and realized it was in the middle of the City of Houston, that a lot of people worked very hard to save it and the reason they did it was because it was quite simply not replaceable, it was the last large native Texas forest inside the 610 Loop that was not already protected in a park, that they had broad welcoming trails that they had built so that they could walk out of their car and take fifty paces and be in the middle of an east Texas forest the likes of which they may not have seen since they were a child, that there was also an education aspect of it, when she was a child growing up in the fifties this was an opportunity they had that children now frequently did not have, the opportunity to interact and experience unreconstructed nature in an easy, safe and accessible place, they had hundreds of volunteers helping them with it and were profoundly grateful for the support of Mayor White and for the support of Council Member Lawrence who had actually been working with them on it since 1999, before she became a Council Member, that she was also grateful to Roksan Okenvick at the Houston Parks Board who had been working with them. Council Members Garcia, Lovell and Berry absent.

Council Member Lawrence stated that she wanted to urge her colleagues to go and see the piece of land, that Council Member Brown had been to a fund raiser, the neighborhoods raised around \$16,000 or \$17,000 a couple of weeks ago and the last couple of months a number of them had raised over \$100,000 so she urged them if they knew someone who wanted to make a donation to a 501C3 they could make it to the Parks Board, they still needed to raise about \$3 million on it, it was ongoing. Council Members Garcia, Lovell and Berry absent.

Council Member Brown stated that it was a wonderful park and they needed to keep it, it was a wonderful place and a great urban park. Council Members Garcia, Lovell and Berry absent.

Mayor White stated that he wanted to thank Ms. Cherry, that he had been out there a couple of times, that he wanted to thank Council Members Lawrence and Brown and the Members of the Parks Board who had been raising money diligently. Council Members Garcia, Lovell and Berry absent.

Mr. Kenneth Roberson, 918 Royal George, Houston, Texas 77047 (713-434-2561) appeared and stated that his parents were killed by a wrecker driver on October 18, 2006, that it had been 40 days and there has not been anything done about it, that he had spoken with everyone who he could and still there were no answers, the DA, lawyers and he was still not coming up with any answers, that there was a program by the name of SafeClear and he could not say that it was good or bad, but he had done a little research and found a few problems and

he had a hand out that he passed out to each Council Member and as well had come up with a few solutions, that he had been in the transportation industry for 30 years and if they could take a few seconds to look at his hand out he would answer any questions they had. Council Members Garcia and Berry absent.

Council Member Edwards asked Mr. Roberson what was he asking City Council to do, that she was not sure if the policies had been reviewed or the status of Mr. Gonzales, and Mr. Roberson stated that first of all the process of the investigation was taking so long and a lot of things had been misplaced or forgotten, that 40 days was a long time and his family did not have any answers, as well as the SafeClear Program, there were a lot of loopholes in the program, that Mr. Gonzales was issued a wrecker license and he was a felon and that should not have happened, that one question was why was it taking so long and the next was how did Mr. Gonzales become a wrecker driver, that there was something that needed to be changed, his parents lost their lives because of this and he would really like to see the way the wrecker industry was operating, that he would like to see a change in the City of Houston, that they drive 60 to 70 miles an hour to a wreck, five or six at a time, and that only spelled disaster to him, that most of the wrecker drivers were felons, not just in the SafeClear Program, there were 300 to 500 other wrecker drivers who were felons, and Council Member Edwards stated that she would join with him in requesting a review of how a person who had allegedly a felon record got into the SafeClear Program, that she thought that ex felons should be able to have meaningful employment but thought there were certain boundaries that the City was bound to protect. Council Members Garcia, Alvarado, Lovell and Berry absent.

Council Member Johnson stated that he knew Mr. Roberson was present seeking some closure, that he too had the opportunity of speaking with him and wanting to make sure that they, from a City standpoint, had taken all the steps necessary to insure that it did not happen again, that he thanked him for offering some solutions and he believed it was their responsibility to take that into consideration, that he had asked the Police Department to look into it because he did not know the entire details as to what took place or what was the next process but for closure sake he believed they owed it to the family to quicken the pace to find out, at least give them an update or detailed information about where they were now. Council Members Clutterbuck, Garcia and Berry absent.

Mayor White stated that he wanted to thank Mr. Roberson for being present, that about every other day he got some report or asked a question whether certain results were received back from DPS, that he did not know and would have Mr. Trahan and Mr. Michael Moore work with the police to see what family members could be told about the status of the investigation, that he wanted Mr. Roberson to know as a Houstonian that everything from the analysis of the speed, based on the tire marks on the scene, to whatever they had that was used to reconstruct he had asked for and had gotten some reports on the status of the investigation but sometimes there was a lot of impatience until investigations were closed and it was terrible if somebody misspoke because they were dealing with the lives of the families victims and others whose lives may be affected, but he wanted Mr. Roberson to know that several times every week there was some discussion about what had been done so far and what had been done since the last time he asked so they could bring it to closure, that he greatly respected Mr. Roberson's list of observations and solutions and would personally, with the assistance of some others, would go back and tell him what they would do, would not do and what they could not do on the tows outside the SafeClear Program, that they could do some things on the SafeClear Program, that he would tell him that he was not satisfied and had not been since the day he walked in the door with the regulation they had of the towing industry, it was a very important business and they dealt with people's lives and they had to have the incentives for quality people to be in that business and everybody makes mistakes but they had to much wild wild west out there and

everybody around the Council table wanted to make sure that the public interest served and not just the special interest. Council Member Berry absent.

Council Member Holm stated that she really respected and commended Mr. Roberson for channeling his grief in a positive and constructive manner, that the SafeClear Program was a good program and the intent of it was in the right frame and right mind but she thought that they all continued to know that there were some things that they needed to address in order to make sure that their citizens were really the people they were serving in addressing the issue. Council Member Berry absent.

Mr. Larry Payne, 2505 Fannin, Houston, Texas 77002 (713-276-3031) appeared and stated that he was present to be the voice for those who could not speak for themselves and to support the Blue Ribbon Commission's report on homelessness in Houston, that the reality of the public discourse, its character and content was critical to the success of ending homelessness in Houston and Harris County, that citizenship was one of the oldest institutions in western political thought and practice, making it mean something valuable and important was the issue at hand, that they in Houston had done it so well for so many others, the 200,000 plus homeless and hungry human beings from Louisiana, that it was time for them to do it for their own 14,000 homeless, that most recently they the people of Houston and Harris County had raised \$80 million for a downtown park in the name of civic pride and civic image, should not human beings, homeless hungry women and children in their City be at least on an equal footing as a large green space, that a few years ago they figured out how to better take care of the animals at the zoo, the City committed \$7 million of its funds towards a \$20 million budget which the community then raised and continue to raise, through donations, for the balance, should not human beings be at least on that same equal footing as animals, that by the actions they take as individuals now, how they define and fulfill the concept of citizenship of taxpayers, how they answer the questions of citizenship today, what were their own common duties, obligations and responsibilities to each other, becomes the soul of this great City and defines who they were as a people, they had a duty to their City and to their Country, they had a duty to themselves to end homelessness in their time, that it was keeping with the purpose of life, to love, to serve and to add value to someone or something, that embodied in the nature of their great City and the name of their great City, Houston, was the word "us", the question of homelessness, the great out of sight out of mind issue was getting to us, the political will and the community will which must come together so that they the people of Houston and Harris County could do that for those who could not do it for themselves, that Mayor White on October 23, 2006 during the opening of the WorkSource office in the SEARCH building said he would like to see Houston be the city that got the homeless issue right so that every other city in America would come to learn from us how we did it, that he said to them today that the clients they served, the board, the board and staff of SEARCH, believed it could be done, and they asked them to join them on January 15, 2007 at 12:00 noon at South Main Baptist Church with Judge Eckels, Rabbi Karff, Reverend Lawson and Archbishop Fiorenza and Archbishop DiNardo in announcing the Year 2007 as the year of ending homelessness in Houston and Harris County, that what would it take to do this, it would take three things, the will's, political and community, the money and remodeled and new housing, three things that they had an abundance of in Houston and Harris County, that in an appropriate closing he paraphrased the great words of a great Houstonian, Barbara Jordan, about "getting to us", that what people wanted and deserved in Houston was a Houston as good as its promise, that they had done it for some many others and it was time that they did it for their own, 14,000 in comparison to LA County that had between 60,000 and 80,000 of the streets of LA County every single night, their 14,000 by the report and probably another 20,000 that were not counted in the report, that was a number they could handle and they had proven it by what they had done with the wonderful people from Louisiana that they served last year. Council Member Berry absent.

Upon questions by Council Members, Mr. Payne stated that in the packet, that they had handed out to each Council Member, there was a thing inside that talked about the cost benefit ratio factor of what they did in SEARCH and other people who dealt with the homeless and what they saved the general factor, that cost factor was really something that they had to take into consideration when they looked at how they were going to solve homelessness.

Ms. Deborah Elaine Allen, Post Office Box 26325, Houston, Texas 77207-3252 (no phone) had reserved time to speak, but was not present when her name was called.

Mr. Jerry Guarino, 7910 Windswept, Houston, Texas 77063 (713-781-0760) had reserved time to speak, but was not present when his name was called.

Ms. Debbie Richards, 10103 Fondren #435, Houston, Texas 77053 (713-779-8877) appeared and stated that she was present because she had a passion for adoption and this was National Adoption Month and she just wanted the City to know that there was a need out there for parents to adopt children, there was a great need to recruit families to adopt children in Texas, presently there were 3,436 children waiting for adoption in Texas, of those 1,277 were Hispanic, 1,035 were African American and 959 were Anglo or other, that she wanted the City to do whatever it took to recruit families to adopt the children that were waiting for adoption. Council Members Edwards, Green and Berry absent.

Council Member Lovell stated that she had a passion to, all three of her children were adopted and she had many friends who had adopted children also so she commended Ms. Richards for being present and promoting adoption, that she was right, there was such a need out there and there were so many children waiting for families, if anybody was thinking about adopting she urged them to do it, it had brought great joy to her life. Council Members Edwards, Green and Berry absent.

Mr. James Price, 4718 High Point Ln., Houston, Texas 77053 (713-433-5476) appeared and stated that he was present because he received a citation for blocking the sidewalk, parking on the sidewalk was what the citation stated, that he lived in Hiram Clarke and West Fugua area and parking on the driveways had been a way of life in Harris County and many other cities, they were not notified or given any communication as to the fact that the law was going to be reenacted and normally when these kind of things happen, for instance when the Department of Public Safety was going to ticket for the license plate if they could not see the Texas what they did was communicate it so the masses could receive the message, when the cameras were enacted the media gave communication to the citizens that it was going to take place, now that they were writing these citations for parking on the sidewalks they did not get any communications and it affects masses of people and now the question became if it was motivated by safety or was it motivated monetarily, that he would like for the Council to resolve it with them, that they give them some concession because when they have family gatherings they had five or six vehicles and what were they to do. Mayor White and Council Member Green absent. Acting Mayor Pro Tem Berry presiding.

Council Member Edwards stated that she knew what Mr. Price was talking about because it had been happening in their community as well and all throughout District D, that he was talking about if their car was parked in their driveway and the end of it was overhanging the sidewalk and Mr. Price stated that was correct, that she was not sure what had caused the ticket writing throughout the City and did not know if it was driven by complaints from civic clubs or what, and she asked how much was the ticket and Mr. Price stated \$35.00 and after 60 days it becomes \$60.00, that he had appealed the ticket and they dismissed it, and Council Member Edwards stated that she was not sure what they could do because it was an ordinance in the City and she did not know why they were enforcing it now, that they could try to find out from

HPD if it was driven from complaints, and Mr. Price stated that the ticket was written by somebody from Parking Management, and Council Member Edwards asked if maybe in the Public Safety Committee they could look at the issue because they had gotten several complaints from people throughout the district, that they would be more than happy to look at it and let Mr. Price know. Mayor White and Council Members Wiseman and Green absent. Acting Mayor Pro Tem Berry presiding.

Acting Mayor Pro Tem Berry stated that the administration said that in the past it had been complaint driven, if there was a complaint HPD would respond and enforce the law as it was written, whether it was fair or not, that there was a policy issue and thought his District Council Member was on it and then there was his specific issue and the representative from Parking in the back of the Council Chamber could meet with him on a personal level, that he did not know if the representative could solve it but that was their area. Mayor White and Council Members Wiseman and Green absent. Acting Mayor Pro Tem Berry presiding.

Mr. Brian Cwren, One Greenway Plaza #325, Houston, Texas 77046 (713-622-2211) had reserved time to speak, but was not present when his name was called. Mayor White and Council Members Wiseman and Green absent. Acting Mayor Pro Tem Berry presiding.

Mr. Haden Abercrombie, Post Office Box 57066, Houston, Texas 77257 (713-781-5740) had reserved time to speak, but was not present when his name was called. Mayor White and Council Members Wiseman and Green absent. Acting Mayor Pro Tem Berry presiding.

Mr. Chris Carr, 10250 Briar Forest, Houston, Texas 77042 (832-524-4545) (713-526-6263) had reserved time to speak, but was not present when his name was called. Mayor White and Council Members Wiseman and Green absent. Acting Mayor Pro Tem Berry presiding.

Ms. Estella Jimenez, 1307 Brooks, Houston, Texas 77009 (832-309-7022) had reserved time to speak, but was no present when her name was called. Mayor White and Council Members Wiseman and Green absent. Acting Mayor Pro Tem Berry presiding.

Mr. James Harrison, 2500 South Shore Blvd, League City, Texas 77573 (281-334-3873) appeared and stated that he owned Clear Lake Shuttle Bus and had two permits for the City of Houston, one was a Charter Sightseeing and the other was the SGT, that he was present to professionally and respectfully disagree with the Yellow Cab new contract, that they felt it was very unfair and not fair competition, that six years ago he came to get his SGT and they had to abide by the rules of the SGT where they had to establish a route and hold up the time frames, they had to spend a lot of money on gas, that this type of a service was a service that builds, they had spent a lot of money and it was not a money maker but they had stuck with it even after the planes quit flying in 2001 they stuck with it and now the City had given Yellow Cab an unfair business advantage to knock all of them out of business, all they wanted was fair competition, they would do fine with fair competition, he was not sure what Yellow Cab was afraid of but they were just trying to do a good service for the community, that he was in Clear Lake and the service provider Yellow Cab was now staging six to seven vehicles at the curb and were soliciting his passengers coming to his curb, that he was at curb zone twelve which was way down the line, it was like being in Mexico around shops and their asking where were they going and they were taking his passengers and his passengers did not want to ride with Yellow Cab they wanted to ride with him, that he thought it was very un American and all they wanted to do was compete fairly and it had been a lot of ambiguity on how it was supposed to work, that first of all they were supposed to stay inside the beltway and now they were soliciting people to go anywhere in town and they were acting like a cab in a 15 passenger van which was kind of suspicious because they did not let him keep his 15 passenger van for his Charter Sightseeing

Permit because Yellow Cab complained because they saw him make an impact, that he had been in business for 19 years and had been harassed by City officials, they were in cahoots with Yellow Cab to discourage him from picking up at the airports, they had gone to court against Yellow Cab where they had tickets dismissed because the judge could not hear it and for 19 years he had to fight against Yellow Cabs' power in the City and all they wanted to do was operate under fair guidelines for all transportation providers, it was what the American way was all about, it was going to give the customer better service and a better price and better equipment and he had expended a lot of money on his SGT to build the service, it was finally starting to work and now he was getting the carpet pulled out from underneath him, that he did not have kids he had businesses and he took it very seriously, he was not going to go down without a fight, that he knew there was still some negotiating going on with the transportation and what they were going to do with the SGTs that were existing, he was one of them, and he just wanted it to be a fair situation and that was why he was present today. Mayor White and Council Members Wiseman and Green absent.

Acting Mayor Pro Tem Berry asked Mr. Harrison if he was dealing with Mr. Blanton Daniels at all, and Mr. Harrison stated that he had dealt with Mr. Daniels over the years over many issues, and Acting Mayor Pro Tem Berry stated that he generally found him to be very fair and Mr. Harrison stated that he agreed with him 100% and Acting Mayor Pro Tem Berry stated that it was probably inappropriate to talk personnel in public but he had never had a taxi company say that Mr. Daniels was not fair and asked if Mr. Harrison had addressed his concerns with Mr. Daniels, and Mr. Harrison stated yes, that over the years he had been involved in several situations where they had an Aviation person actually come to the hotel where he was located, walk right past his office and go down to the general managers' office and tell the general manager of the hotel where he was located that he was an illegal operator, so he called Mr. Daniels and got him on a conference call and they said that he was exactly right and that he was operating legally, but he was in cahoots with Yellow Cab to discourage him from running, that City Aviation inspectors and City people would raid his buses when he had them full and pull his people off and tell his passengers that he was operating illegally, they got a citation and went to court and it was dismissed, it had just been a 19 year history of having to battle against Yellow Cabs' power, that he did not know how else to say it but they spent thousands and thousands of dollars on a deal they made with the City of Houston on how to operate an SGT, they thought of it first, they said why make them run when there was nobody in the vehicle, why make them pollute the environment, why make them burn more gas, why make them have all the wear and tear and liability and that was what they mandated and they went with it and did it and they had a business agreement and now they had built this business to just be stepped on again by Yellow Cab and they were not going to go down without a fight and he did not think it was really fair for them to have to seek a legal remedy and to sue the City and the taxpayers in order to get some justification, all they wanted was fair competition, that he was not made aware, that they would think a letter would go out to all the SGT people telling them what was going on, he found out through the grapevine, and then he was told by the City that they were going to stay inside the beltway and he was fine with that because he was in Clear Lake and serviced Seabrook, Kemah and League City, that he did not think it was fair or legal or correct for Yellow Cab to have the unfair business advantage in his community, and Acting Mayor Pro Tem Berry stated that he would advice Mr. Harrison to talk to Mr. Daniels because he was the person they hired to do these things, if he did not take his call or provide him a remedy or did not do what he was supposed to do he would be surprised, but from a policy making perspective he would argue that this was probably not the place for that, and would say that he had sent people with concerns, SGT, taxi or whatever to Blanton Daniels and he was always fair. Mayor White and Council Members Johnson, Wiseman, Alvarado and Green absent.

Mr. George Hernandez, 1003 Rebel St., Houston, Texas 77016 (713-633-3040) had reserved time to speak, but was not present when his name was called. Mayor White and Council Members Johnson, Wiseman, Alvarado and Green absent.

Mr. Cristobal Hinojosa, 810 McDaniel, Houston, Texas 77022 (832-887-6256) had reserved time to speak, but was not present when his name was called. Mayor White and Council Members Johnson, Wiseman, Alvarado and Green absent.

Ms. Fanethia Cox, 518 1/2 Hawthorne, Houston, Texas 77006 (832-338-3176) appeared and stated that she was present concerning graffiti, that presently she was living in the neighborhood of Audoban and they had people when they moved in the area mark all type of graffiti which was ethnic, about Jews and Giggas, which she gathered as Niggers and they had been coming by their house and seen them living there so they knew what type of people lived there, that it was really surrounding where they stayed and when they first moved there they did not have that type of graffiti, that a bomb was drawn on the side of the house, and was displaying pictures of the graffiti for the City Council, that they had a series of break ins, that she went into the alley on October 16 and cleaned the alley out to see what was there and she found knives and also a syringe for drug use and different beer bottles, that she noticed that the persons were taking nails out of their back gate trying to break into their house and make it very difficult for them to live in the vicinity, that she called City Hall requesting help from 311 to see if they could erase the graffiti and no one was able to come out they told them it was their responsibility and so what she did was that she remained around the house to try to determine who was trying to break into the house but she could not get anyone to come out to try to investigate it but she did go to the Police Department and complain because someone actually came into their house, that they expressed to her that they would investigate the situation that they were being followed because when she went to Fort Bend she noticed that a person by the name of Guillermo Vago was following her. Mayor White and Council Members Lawrence, Johnson, Wiseman, Alvarado and Green absent. (NO QUORUM PRESENT)

Upon questions by Council Members, Council Member Garcia stated that he would ask if they could have Ms. Cox visit with the Lieutenant so they could get it fast tracked over to both Neighborhood Protection and the Gang Division so they could get an investigation started as soon as possible, and Acting Mayor Pro Tem Berry stated that Lieutenant Jennings was present and would be able to meet with her. Mayor White and Council Members Lawrence, Johnson, Wiseman, Alvarado and Green absent. (NO QUORUM PRESENT)

Ms. Susan Stein, 30322 Hazy Point Dr., Houston, Texas 77082 (713-907-1101) appeared and stated that she had some visuals also and did not know if the Council could see them, that they were welcome to look at them, that she was a Special Education teacher, that she went to the Fifth Ward for a job interview and it gave her an opportunity to see the progressive thinking that was going on and that she had been doing on the west side of Houston, that it was brand new revitalization in the Fifth Ward, that they still had all of the remnants of Old Houston colliding with new money and new thinking, it was exactly the kind of thinking they needed as they went into those areas, that the reality was that they were a vehicle City and were going to be for a long time. Mayor White and Council Members Johnson, Wiseman, Holm, Alvarado and Green absent. (NO QUORUM PRESENT)

Mr. Richard Freeman, 121 Riggs Rd., Houston, Texas 77022 (no phone) appeared and stated that he had twenty years service with a company in Houston and appreciated the job, that he had back surgery and a lot of other kind of surgeries, that he was not crying on anybody's shoulder, that he had a bad farm injury and the Agriculture Department had not been very kind. Mayor White and Council Members Johnson, Wiseman, Holm, Alvarado and Green absent. (NO QUORUM PRESENT)

Acting Mayor Pro Tem Berry asked Mr. Freeman if they were able to help him solve his problem what would he have them do and Mr. Freeman said he would have them help him try to get a pension that had been long over due or some workman's compensation. Mayor White and Council Members Johnson, Wiseman, Holm, Alvarado and Green absent. (NO QUORUM PRESENT)

Mr. Steven Williams, no address (no phone) had reserved time to speak, but was not present when his name was called. Mayor White and Council Members Johnson, Wiseman, Holm, Alvarado and Green absent. (NO QUORUM PRESENT)

Ms. Theresa Sagovia, 3306 Lakehaven Dr., Kingwood, Texas 77339 (713-478-9481) had reserved time to speak, but was no present when her name was called. Mayor White and Council Members Johnson, Wiseman, Holm, Alvarado and Green absent. (NO QUORUM PRESENT)

Ms. Mary Pruitt, (no address), (no phone) had reserved time to speak, but was no present when her name was called. Mayor White and Council Members Johnson, Wiseman, Holm, Alvarado and Green absent. (NO QUORUM PRESENT)

Ms. Joy Wilson, (no address) (no phone) appeared and stated that her stage name was Justice Peace, that on her father's side of the family they were the Wilson's, that her mother's side of the family were the Washington's, that she had her own beliefs and successes and would like to continue forward, that she was an entertainer and was looking for support, that she had been out in the world and knew how it went and was kind of tired of the run around and thought they would be the professional individuals to speak with about how to further success for not only her but for the Council as well, that she just got out of the hospital and needed some clothes and Council Member Edwards hooked her up and she appreciated that and hopefully one day they would respond to her. Mayor White and Council Members Johnson, Wiseman, Holm, Alvarado and Green absent. (NO QUORUM PRESENT)

Ms. Jeana Wiley, 1110 Winbern, Houston, Texas 77004 (713-528-6971) had reserved time to speak, but was no present when her name was called. Mayor White and Council Members Johnson, Wiseman, Holm, Alvarado and Green absent. (NO QUORUM PRESENT)

President Joseph Charles, Post Office Box 524373, Houston, Texas 77052-4373 (832-453-6376) appeared and stated that he was present again in regard to his crime victim case that was still pending and the emergency protection that was granted him by Council Member Gordan Quan that was still official and they as City Council Members were obligated to fulfill the process providing the emergency protection and continued expressing his personal opinions until his time expired. Mayor White and Council Members Johnson, Wiseman, Holm, Alvarado and Green absent. (NO QUORUM PRESENT)

At 3:35 p.m. City Council recessed until 9:00 a.m., Wednesday, November 29, 2006. Council Member Khan absent on personal business. Mayor White and Council Members Johnson, Wiseman, Holm, Alvarado and Green absent. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, November 29, 2006

The Houston City Council reconvened at 9:00 a.m. Wednesday, November 29, 2006, with Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Ada Edwards, Addie Wiseman, Pam Holm, Adrian Garcia, Carol Alvarado,

Peter Brown, Sue Lovell, Ronald C. Green and Michael Berry; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Mr. Arturo Michel, City Attorney; Ms. Marty Stein, Agenda Director and Ms. Marta Crinejo, Assistant Agenda Director, present. Council Member M. J. Khan, P. E. absent on personal business.

Note: Council Member At Large Position 3 vacant.

At 8:25 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:23 a.m. Mayor White called the meeting to order. Council Members Johnson, Edwards, Brown and Berry absent.

Council Member Green moved to consider the Mayor's Report before Item No. 1, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Khan absent on personal business. Council Members Johnson, Edwards, Brown and Berry absent. MOTION 2006-1053 ADOPTED.

MAYOR'S REPORT - Plan to End Chronic Homelessness

Mayor White stated that they were very pleased to have some of their greatest civic leaders in town before them including former Council Member Gordon Quan, that he knew that Mr. Quan, Mr. Anthony Love and Mr. Bob Eury had a coordinated presentation and for those who had not read the full report he encouraged them to do so, and Mayor White recognized Mr. Quan.

Mr. Quan stated that he wanted to thank Mayor White and the City Council for allowing them to appear before them, that they were present to talk about a problem that had plagued their City for many years and they had been working diligently for the last two and a half years on a plan to end homelessness in Houston and would like to present an updated report to them on their strategic plan, that each Council Member was given a copy of the plan previously and they were going to give them a brief synopsis, that he wanted to thank all who had served on the Blue Ribbon Commission in the past two and a half to three years, especially his two colleagues, Anthony Love, Coalition for the Homeless and Bob Eury with Central Houston, that as they knew from their research they found approximately 12,000 to 14,000 persons who were homeless in Houston every night, annualized about 30,000, that they may also know that through that research they found that there were really three significant groupings of people, 35% required extensive care, life long supervision, these people were physically or mentally incapable of living independently, that 55% required ongoing care, these folks were the ones that had drug problems, had traumas that really had made it very difficult for them to go back into society, that they needed ongoing care in a structured environment and 10% required temporary care, short term and one time care where they lose their job, get sick or out of work and were on the street homeless, that what they had been doing as a City was spending most of their time on the 10% not really addressing the bigger problem which was the 90%, that many people say what was the problem, why could they not solve it, maybe they should just build more shelters, but shelters were not the main problem, they needed to be looking at the 90% who really needed long term permanent care, that their chart showed basically their situation for housing right now, there were shelter beds, transitional beds and permanent units, but the permanent units were the lowest group they had, what they needed were permanent housing units on a long term basis, about 7,200 permanent housing units if they were really going to address the problem in a systematic approach, that they set six goals, and Mr. Quan reviewed the six goals, Housing/Re-housing, Prevention/Intervention, Information/Policy/Accountability, Outreach to Chronic Homelessness, System Management and Sustainability from the hand out,

a copy of which is in the City Secretary's Office for review. Council Members Holm, Garcia and Berry absent.

Mayor White stated that he wanted to thank all of the members of the panel and would add that the census that was done highlighted the issue of the high percentage of the chronic homeless who had mental or alcohol or drug related issues and for those the noble and charitable act of feeding and clothing did not solve the problem, that the good news was that they were not talking about a million people, they were talking about an identified population that they enumerated with a sound methodology and had identified, that based on work following the report that Mr. Eury and Ms. Travis and her staff dealt with it would not be true, far from it, to say that there was no money spent on the issue, that MHMR, Star of Hope, and he could go down a list, they had federal grants that were administered by Coalition for the Homeless, they were talking about tens of millions of dollars that were devoted in public funds by the community, public and private funds, that were devoted to the problem, not to say that they solved the problem with those funds but it was interesting for people to note all of the sources of funds and one of their jobs as public servants was to make sure that as best they could, if nothing else as civic leaders, they advocate having the most funds spent in the most cost effective manner, that the issue of the chronically homeless and the care that they needed and the services they needed where there was mental health issues, almost all of which had been previously diagnosed, or alcohol and drugs and getting people into a state of reasonable self sufficiency and independence, there was a large enough population that they had to be very cost effective in how they provided for the sheltering and permanent sheltering which meant that they could not be spending a hundred thousand dollars per new unit and reach as many people as they could if they were able to rehab units, and he wanted to say that Members of the City Council could play a useful and important role in feeding leads into the system that Mr. Eury, Don Semply, at HCD, and David Mincberg, had been participating very actively, that they were looking for nursing home facilities which had been closed, they were looking for some of the motel/hotels that were in reasonably good condition but were not in their prime, they were looking for modestly sized apartment units with fair amount of single units that could be acquired and rehabbed at a reasonable expense, that their tax collection firm had been eyes and ears and they had been in contact with people who may be knowledgeable about nursing home facilities, if they had leads on them then feed them into the system because the Council Members knew the neighborhoods in the City. Council Members Wiseman, Holm,, Garcia and Berry absent.

Upon questions by Council Members, Mr. Love stated that one of the things, if they noticed in the plan, was called Systems Management Function, and what it would do would enhance what they called their existing continuum of care, that more or less created the seamless system of service, that it involved veterans groups, groups that worked with women and children, emergency shelter, transitional housing and permanent supportive housing, that what the function would do was a more effective job of matching resources to need, making sure that those entities that were involved got more involved and also produce results, produce great outcomes, because at the end of the day they wanted to make sure that the funding produced the desirable outcome, that it would also engage those groups that were performing at a high level and again matching their need to the resources that were available to the community, that US Vets involved a private developer working with non profit service provider and it had worked very well nationally so there was a role for that for a willing developer to work with a non profit group in which that developer goes out and develops the property, maintains and manages the property, collects the rent and the service provider insures that the residents that were living in those places could sustain their ability to stay there by paying rent, following the rules, etc. Council Members Holm, Garcia and Berry absent.

Upon further discussion, Mr. Quan stated that SEARCH and Mr. Larry Payne, who was present at yesterday's City Council meeting, was planning to have a breakfast in January and looking into the issue of homelessness and to have a seminar as well to bring the people in the community together, they knew there were a lot of well intending people, but again they were doing it at an ad hoc manner and it was not always as productive as it could be so they were developing a website where people could go to provide food at clean kitchens where counseling would also be available as well as instructions on how people could really make meaningful changes as opposed to just dropping spare change. Council Member Lovell absent.

After further discussion by Council Members, Council Member Brown suggested that they have an annual progress report that comes back to City Council and say what they had accomplished in 2007, that they set clear benchmarks on an annualized basis and part of it would be whether they were achieving the adequate funding they needed to do the job, and the idea of additional research on the issue, and Mr. Eury stated that the Blue Ribbon Commission really deliberated over how to write the plan and they decided to make it strategic in nature, really make it for the first year, that they were changing the way they do things with this, that they would get things going and then go back and tune it up as they went along, that he went back and looked at it and the real plan was under Tab 1 and only about 30 pages, that the key was that the plan had progress measures in it and had outcomes for the first year so he thought it was written with Council Member Brown's concern and his thought in mind to set themselves up some benchmarks they could work towards, that the issue on the research they did look at other cities related to the cost of homelessness on their community, which was substantial, within the research means and times they had they were not really able to put that together for Houston and he thought they all knew, from what they had seen in other cities, that it was a big number, and Mr. Quan stated that he did have a chance to have lunch with Mr. Jim Granado, from the Center for Public Policy at the University of Houston, and they had discussed their working with them on the plan. Council Members Clutterbuck and Holm absent.

Upon questions by Council Member Garcia, Mr. Quan stated that he wanted to commend HPD for their work in the area, he had been out on their morning runs where they went to areas where people could not sleep on sidewalks to work with people, not in a threatening manner but in a supportive manner to help them find housing or go looking for services, that he was amazed because people invariably saying no thanks, they were okay on the street and that was why they had been looking at how do they stop living on the street as an option for those individuals, but the police were spending a lot of time and they were frustrated to, if they arrested those people it was just a revolving door, it was going to cost more to incarcerate them, but what were the options, that was why they were looking at the long term permanent housing as the solution to the issue, they were reviewing ordinances in various cities, the Police Department and the City Attorney had been very supportive in seeing how they could go about it in a humane manner, but yet show that they were serious that living on the street where there were options available to them was not necessarily acceptable in the long term for the City.

Mr. Love stated that in terms of employment if they would notice in the plan there were variable systems of care, they had the 35%, 55% and 10% groups, and generally the employment strategy was going to be targeted towards that 10% and a large portion of that 55% and the way they made it happen was include at the group level in terms of the different levels of involvement, those service providers that were successfully training and employing individuals and make sure that they had adequate resources that they could increase that number and they did talk about making sure that those agencies got the resources necessary to deliver those services and get those outcomes. Council Members Clutterbuck, Holm and Alvarado absent.

After further discussion by Council Members, Mr. Quan stated that in working with a project with Catholic Charities they were looking at a certain neighborhood and the first thing they did was sent people into the neighborhood to see how they felt about that facility being redone for homeless to make sure it was congruous with the wished of the neighbors and that they would be a good neighbor to that facility.

After further discussion, Council Member Edwards stated that this was awesome work and was a large problem and asked where was it going to be housed within City government, was it Housing or the Mayor's Office, who was going to be responsible on a City level, and Mayor White stated that there was a group that included some within the City and outside the City working on it, that Richard Lapin had been attending all those meetings and monitoring them and Mr. Eury and Mr. Love had a multi disciplinary taskforce that had been meeting on regularly scheduled meetings, that second, on the City's contribution they were not operating a vacuum, they knew the work at Saint John's, that Christ's Church Cathedral Episcopal was spending a lot of money, that MHMR, Mental Health, there was a level of government in the State who had a principle mission and function that they were supposed to be fulfilling on MHMR, there was drug and alcohol rehabilitation programs that had federal grants, that Mr. Love's organization was a grant administrator that looked to the City, by the budget standard, for large amounts of money, so it was important to have everybody at the table but what he picked up by the report was a need for some more SRO units and now they were very fortunate to have people who had actually had experience in building, operating and developing and rehabilitating multi family units, that his goal was to meet their goal for the new units to provide permanent housing with some City assistance through some combination of bond funds and federal funds. Council Members Johnson, Clutterbuck, Garcia and Berry absent.

Upon further questions, Mr. Love stated that the causes of homelessness were varied and very complicated, the foundational cause was situation with generational poverty, for the most part everyone who was homeless was poor so that was first and foremost and also the inability of people to afford housing was another cause, but they would continue, especially around the Systems Management Function, to begin to look and evaluate, to look at who was homeless, why they were homeless and look at trends, they were going to do another enumeration and needs assessment in January so that they would have some comparative data to see if there had been any changes since the last time they did the survey, and Council Member Edwards suggested that there be a component that dealt with the school system because they had a lot of children who were basically homeless and still enrolled in schools and Mr. Love stated that one of the things they operated out of their office was the Homeless Management Information System, which was a database that agencies or providers used to input information about people who were accessing services and they were talking to different school districts to try to get them involved in putting that information in, by law they had to report homeless children that were attending their schools so if they made that connection then it gave them better insight in the terms of the number of children that were homeless.

Mayor White stated that he wanted to thank Mr. Quan, Mr. Love and Mr. Eury for their participation today and for all of the work they had done.

At 10:10 a.m. Mayor White requested the City Secretary to call the next item. Council Members Johnson and Garcia absent.

HEARING - 9:00 A.M.

1. **PUBLIC HEARING** regarding the proposed permanent use of approximately 1.8931 acres of land out of Selena Quintanilla Perez-Denver Harbor Park by the City's Health and Human Services Department - **DISTRICT I – ALVARADO** – was called.

The City Secretary stated that Mr. Dennis Alexander of the Real Estate Department would make the opening remarks. Council Members Johnson and Garcia absent.

Mayor White recognized Council Member Holm for a moment of personal privilege. Council Members Johnson and Garcia absent.

Council Member Holm stated that she wanted to take a moment to celebrate the life of Ms. Katie Farley, a Senior Attorney in the Legal Department, who died last week as a result of a massive stroke, she was 52 years old, a brilliant attorney, passionately committed to public safety and public service, that she was a model to all of them as a giving spirit, a caring soul and a warm heart, she had a great sense of humor and a conviction to protect the citizens of Houston and the City and particularly in it's development of parks and environmental matters and asked for a moment of silence and prayer as they celebrated her life and also as they shared with her husband, daughter, sisters, brother, parents and extended family as they grieved her loss. Council Members Johnson and Garcia absent.

Mr. Alexander stated that the public hearing today was called pursuant to Chapter 26 001 of the Texas Parks and Wildlife Code, under Chapter 26, before an agency of the State or a municipality could approve a program that required the use of any existing parkland there must be a determination by it's governing body, that one, there was not feasible and prudent alternative to the use of such land, and two, the program included all reasonable planning to minimize harm to the land as a result of the taking, findings must be made after notice and hearing and would be at a later time by the City Council, the subject of the hearing was a planned conversion of an existing community center located at Selena Quintanilla Perez - Denver Harbor Park, into a multi service center to be administered by the Health and Human Services Department, the park was a little over 17 acres but the structure and parking area in question contained a little under 2 acres, the exterior of the building would not change, although there would be interior remodeling to accommodate the new Health, Nutrition, Education and Employment Programs, that Director Steven Williams of the Health Department would describe the changes and Director Joe Turner of the Parks Department would discuss the impact on the park, that lastly, there was a reverter clause in the deed to the City from the original grantor in 1945 which provided that if the property were ever used for any other purpose than for general park purposes the title of the property would automatically revert to and vest in the grantor or it's successors, the successor to the original grantor was the Houston Endowment and they had consented in writing to all of the proposed non park uses. Council Members Johnson, Holm, Garcia and Lovell absent.

Mr. Steven Williams, Director, Health and Human Services Department, stated that there were about four reasons that he thought the use of the facility as a multi service center was both feasible and prudent, first, the facility was initially built as a multi service center, they currently had WIC Services as well as Area Agency on Aging services located in the facility, that they as the Health and Human Services Department planned to provide preventive health services, education services, life skill classes as well as fitness activities within the facility, there was a relationship between wellness, nutrition and physical activity so therefore they wanted to take advantage of the opportunity to partner with the Parks and Recreation Department, that this action was also cost effective, the action would avoid the need to purchase land, it would avoid the need to displace residents and to build an additional facility. Council Members Lawrence, Johnson, Garcia, Lovell and Green absent.

Mr. Joe Turner, Director, Parks and Recreation, stated that it was no coincidence that they recognized the proposed multi service project as a compatible use, in fact this past year they changed the name of their Recreation Division to Recreation and Wellness, more than ever the

Houston Parks and Recreation Department had overlapping interests with the Houston Department of Health and Human Services in the prevention of disease by encouraging Houston citizens to lead active and healthy lifestyles, the proposed Denver Park Multi Service Center served to promote those types of activities and community involvement, they believed those goals were an enhancement for the Denver Harbor Park with the addition of the proposed multi service center therefore the Parks and Recreation Department would not object to the location, construction and operation of the project in Denver Harbor Park which would be in the community center building. Council Members Lawrence, Johnson and Garcia absent.

Council Member Alvarado moved to close the public hearing, seconded by Council Member Green. All voting aye. Nays none. Council Member Khan absent on personal business. Council Members Lawrence, Johnson and Garcia absent. MOTION 2006-1054 ADOPTED.

Council Member Lovell moved to suspend the rules to consider Item Numbers 12 and 11 out of order, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Khan absent on personal business. Council Member Garcia absent. MOTION 2006-1055 ADOPTED.

Council Member Edwards moved to suspend the rules to consider Item No. 51 out of order, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Khan absent on personal business. Council Member Garcia absent. MOTION 2006-1056 ADOPTED.

12. RECOMMENDATION from the Acting Director Human Resources Department to recognize the Houston Organization of Public Employees (H.O.P.E.) as the exclusive bargaining agent for all covered City municipal employees and authorize the parties to negotiate a meet and confer agreement – was presented, and tagged by Council Member Wiseman. Council Member Garcia absent.

After discussion by Council Members, Council Member Holm stated that her questions were how could they vote to tell municipal employees they needed a union because they would not provide the workplace or benefits they deserved, how could they tell taxpayers they were going to possibly have to cut services to pay increased salaries, how could they tell taxpayers it was good use of their dollars to spend time, energy and resources on meet and confer agreements that could only be applied to certain items, how could they encourage employees to spend \$420 per year to join a union that could not affect pension changes, to spend \$420 for better health care benefits when already the taxpayers were spending upwards of 78% of the cost, to spend \$420 per year for higher salaries when all salaries increases must be balanced with providing core services, to spend \$420 per year for a union that had no agenda, and Mayor White stated that there were four questions that Council Member Holm posted at the beginning and he would make sure that she did get responses to the questions, that in the fourth question in particular they needed to make sure that they did provide some factual information because nobody at the City was either telling the employees they should join or encouraging employees to join a particular union, so if there was information contrary to that they needed to be made aware of it so they could abide by it, that they would get a written response to each of those questions. Council Member Garcia absent.

After further discussion by Council Members, Council Member Edwards asked Mr. Hall or Mr. Michel if this was what they had to do legally, what was the legal responsibility for the City Council on the issue, and Mr. Michel stated that with a valid petition it had to take one of three actions, the one being proposed at Council was that the City Council vote to recognize H.O.P.E. as the sole and exclusive bargaining agent for purposes of negotiations, the other two, one was

a employee election and the other was an election that went to the voters, that if the City Council did not support the item he thought ultimately they could go to the court and ask the court to require the City to take one of the three actions, and Mayor White stated that there was no coincidence that the two organizations got together, that it was in the interest of not having organizations exercising their legal right to fight for allegiance, but it did create distraction and turmoil in the workplace, that he personally committed that if people got together so that they were dealing with one entity that represented the vast majority of employees that had signed, both AFSCME and SEIU, that he would present and argue for City Council approval and if they did not then there would be one of the three other alternatives that would be considered. Council Member Berry absent.

After further discussion by Council Members, Council Member Lawrence stated that she would feel more assured if in their paychecks there was an official ballot or something they could sign and turn in that people did it properly and they had the correct numbers of instead of peer pressure to sign, that was her only hold up on the item, a petition that was open and everybody could see who signed it, that was why they had voting booths and things that were private, and Mayor White stated that if the issue was whether somebody had joined and was aware of what the labor law was concerning that, he thought that Council Member Lawrence made a legitimate point about making sure if there were certain activities that could or could not be engaged in by an organization, that they did not need to discuss but if they could make sure that the employees were aware of what rights they did or did not have and what the consequences of that was, there was nothing wrong with informing people what the law said, that he was not current on NLB law and others about the conduct, but there were laws that were similar to fraud and other things about knowing consent and what people's rights were, that they would take a look at what they could do there before they did any withholding, that employees were familiar with what their rights were, and Council Member Lawrence stated that she would tag the item and if in the next week if someone could get back with her as far as procedure in the future or any bearing on this particular issue. Council Member Berry absent.

After further discussion by Council Members, Council Member Clutterbuck stated that she would like to add her tag to the item also and receive some of the comments to Council Member Holm and Council Member Lawrence's concerns because they were her concerns as well.

After further discussion by Council Members, Council Member Wiseman stated that she would like to know from the City Attorney's office what additional cost they had to bear to put on the November 2006 ballot the propositions that were placed on that ballot, that she would also like to know what it had cost them in the past to place a proposition or anything of that nature on the ballot for an election that they were already having for municipal officers, in other words their November elections that they already had to call, if they added anything to that whether it be a proposition, a bond referendum like they had in 2001, what was the additional incremental cost to have an additional item placed on there, and she wanted to know what their costs were to call for an election on off years. Council Member Berry absent.

Council Member Wiseman called for the orders of the day, and Mayor White stated that the item had been tagged.

After further discussion Council Member Holm stated that she would ask that her colleagues lift their tags and would like to see if next week at the table could consider all three options available to them, a vote of the employees, a vote of the citizens or a vote of the Council, and that way they could all gather the information they needed and gather the representation and figure out what their role was objectively, that would be her recommendation at this point, that she was willing to lift her tag, and no response was made to releasing the tag of Item No. 12. Council Members Lovell and Berry absent.

Council Member Lawrence moved to suspend the rules to consider Item No. 3 out of order, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Khan absent on personal business. Council Member Lovell absent. MOTION 2006-1057 ADOPTED.

3. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **BUILDING AND STANDARDS COMMISSION**:

Panel 1:

- Position 1 - **MR. CHRISTOPHER WATSON**, appointment, for a term to expire 2/31/2008
- Position 1a - **MS. MABLE T. CARTER**, appointment, for a term to expire 12/31/2008
- Position 2 - **MR. WARD W. ARENDT**, reappointment, for a term to expire 12/31/2007
- Position 2a - **MS. MARY L. RAMOS**, appointment, for a term to expire 12/31/2007
- Position 3 - **MS. LISA NICOLE HELFMAN**, reappointment, for a term to expire 12/31/2008
- Position 3a - **MR. JAMES G. RODRIGUEZ**, appointment, for a term to expire 12/31/2008
- Position 4 - **MS. MARY K. VARGO**, reappointment, for a term to expire 12/31/2007
- Position 4a - **MR. SANJAY RAMABHADRAN**, appointment, for a term to expire 12/31/2007
- Position 5 - **MR. KEITH L. JORDAN**, reappointment, for a term to expire 12/31/2008
- Position 6 - **MR. EDGARDO E. COLON**, appointment, for a term to expire 12/31/2007

Panel 2:

- Position 1 - **MR. JACKSON CHANG**, reappointment, for a term to expire 12/31/2008
- Position 2 - **MR. EDWARD M. GONZALES**, reappointment, for a term to expire 12/31/2007
- Position 2a - **MR. RONNIE SAMMS**, appointment, for a term to expire 12/31/2007
- Position 3 - **MR. LARRY LEE**, reappointment, for a term to expire 12/31/2008
- Position 3a - **MR. MARK ALAN PARTHIE**, appointment, for a term to expire 12/31/2008
- Position 4 - **MR. SHAHEM BARAZI**, appointment, for a term to expire 12/31/2007
- Position 4a - **MR. WATTS T. MCKEE, JR.**, appointment, for a term to expire 12/31/2007
- Position 5 - **MR. STEVEN E. WHITFIELD**, reappointment, for a term to expire 12/31/2008
- Position 6 - **MS. DEBRA BALTHAZAR**, appointment, for a term to expire 12/31/2007

Panel 3:

- Position 1 - **MS. EILEEN SUBINSKY**, reappointment, for a term to expire 12/31/2008
- Position 1a - **MS. ROBIN GERMAN CURTIS**, appointment, for a term to expire 12/31/2008
- Position 2 - **MS. RUBY MOSLEY**, reappointment, for a term to expire 12/31/2007
- Position 2a - **MR. MARK O. MOLER**, appointment, for a term to expire 12/31/2007
- Position 3 - **MR. ALPHONSO DELANEY**, reappointment, for a term to expire 12/31/2008
- Position 3a - **MR. DONALD G. SELF**, appointment, for a term to expire 12/31/2008
- Position 4 - **MR. MICHAEL E. CRAMER**, reappointment, for a term to expire 12/31/2007
- Position 4a - **MR. CHARLES R. GARZA**, appointment, for a term to expire 12/31/2007
- Position 5 - **MS. VIRGINIA L. DUKE**, reappointment, for a term to expire 12/31/2008
- Position 6 - **MR. ARMANDO S. CHIU**, appointment, for a term to expire 12/31/2007

Panel 4:

- Position 1 - **MR. TALMADGE SHARP, SR.**, reappointment, for a term to expire 12/31/2008
- Position 2 - **MR. JAMES C. MYERS**, reappointment, for a term to expire 12/31/2007
- Position 3 - **MS. MARCIA A. PERRY**, reappointment, for a term to expire 12/31/2008
- Position 3a - **MR. VICTOR LUIS CARDENAS, JR.**, appointment, for a term to expire 12/31/2008
- Position 4 - **MS. RUTH R. HURST**, reappointment, for a term to expire 12/31/2007
- Position 5 - **MR. MOISES MONTEZ**, appointment, for a term to expire 12/31/2008
- Position 6 - **MR. ROBERT L. GRAY**, reappointment, for a term to expire 12/31/2007

- was presented, moved by Council Member Green, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Khan absent on personal business. Council Member Lovell absent. MOTION 2006-1058 ADOPTED.

Mayor White stated that he wanted to recognize the new appointees to the Building and Standards Commission and asked that they stand and be recognized. Council Member Lovell absent.

Council Member Edwards stated that they were proud that two of their distinguished citizens of District D were on the commission, Mr. Chris Watson and Ms. Mabel Carter, that it was awesome to see people in the community step forward and take the responsibility of helping them to do what they had to do in the City, that she wanted to thank them for their service. Council Member Lovell absent.

11. RECOMMENDATION from Director Convention & Entertainment Facilities Department for approval of supplemental budget submitted by the **GREATER HOUSTON CONVENTION AND VISITORS BUREAU** - \$1,622,174.00 - Enterprise Fund – was presented, moved by Council Member Wiseman, seconded by Council Member Alvarado.

Council Member Holm moved to amend Item No. 11 “to reallocate merit pay increases to line items for purposes of marketing”, seconded by Council Member Clutterbuck.

Council Member Berry stated that he did not hear what the motion was, and Council Member Holm stated that basically the motion was, on the heels of a recent election and all of them supporting the Enterprise Funds in order to soar and what had happened was that there were excess funds because they were soaring, it was exactly what they wanted it to do, the CDB had come forward with appropriation of the excess funds and she had talked with them and what they had agreed to was to reallocate a line item for merit pay raises to be used on excess funds, to reallocate that to line items that would be for the purpose of marketing the City.

After discussion by Council Members, a vote was called on Council Member Holms’ motion to amend Item No. 11. All voting aye. Nays none. Council Member Khan absent on personal business. MOTION TO AMEND CARRIED.

A vote was called on Item No. 11 as amended. All voting aye. Nays none. Council Member Khan absent on personal business. MOTION 2006-1059 ADOPTED.

Mayor White stated that he wanted to thank the Chairman of the Board and the President for being present during a long Council meeting.

51. ORDINANCE approving and authorizing agreement between the City of Houston and **ROW HOUSE COMMUNITY DEVELOPMENT CORPORATION** to provide \$974,169.00 in Home Investment Partnerships (Home) Funds for eligible costs in connection with the Construction of Eight Two Story Duplexes (16 Affordable Housing Units) to be located at 2411 - 2417 Division Street, Houston, Texas to house low income families - **DISTRICT I – ALVARADO** – was presented, and tagged by Council Member Wiseman.

At 11:16 Mayor White stated they would proceed with the consent agenda.

CONSENT AGENDA NUMBERS 2 through 59

MISCELLANEOUS - NUMBERS 2 through 13

2. CONFIRMATION of the appointment of **MS. MICHELE BOWER ALVARADO** 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 - **DISTRICT C – CLUTTERBUCK** – was presented, moved by Council Member Alvarado, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Khan absent on personal business. MOTION 2006-1060 ADOPTED.
4. REQUEST from Mayor for confirmation of the appointment of **MR. S. SHAH GILANI** to Position Five of the **BOARD OF HOUSTON ARTS ALLIANCE**, for an unexpired term ending June 30, 2007 – was presented, moved by Council Member Alvarado, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Khan absent on personal business. MOTION 2006-1061 ADOPTED.
5. REQUEST from Mayor for confirmation of the reappointment of **MR. DAN NIP (HISD Representative)**, to Position 6 of the **EAST DOWNTOWN REDEVELOPMENT AUTHORITY BOARD OF DIRECTORS**, for a term to expire July 6, 2008 – was presented, moved by Council Member Alvarado, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Khan absent on personal business. MOTION 2006-1062 ADOPTED.
6. REQUEST from Mayor for confirmation of the reappointment of **MS. CAROLYN WRIGHT (HISD Representative)**, to Position 6 of the **BOARD OF DIRECTORS OF THE FIFTH WARD REDEVELOPMENT AUTHORITY**, for a term to expire July 20, 2008 – was presented, moved by Council Member Alvarado, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Khan absent on personal business. MOTION 2006-1063 ADOPTED.
7. REQUEST from Mayor for confirmation of the reappointment of **MS. GALIA M. VARGAS (HISD Representative)**, to Position 6 of the **MEMORIAL HEIGHTS REDEVELOPMENT AUTHORITY BOARD OF DIRECTORS**, for a term to expire December 31, 2007 – was presented, moved by Council Member Alvarado, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Khan absent on personal business. MOTION 2006-1064 ADOPTED.
8. REQUEST from Mayor for confirmation of the reappointment of **MS. SYLVIA K. BROOKS (HISD Representative)**, to Position 6 of the **BOARD OF DIRECTORS OF THE OLD SPANISH TRAIL/ALMEDA CORRIDORS REDEVELOPMENT AUTHORITY**, for a term to expire May 6, 2008 – was presented, moved by Council Member Alvarado, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Khan absent on personal business. MOTION 2006-1065 ADOPTED.
9. REQUEST from Mayor for confirmation of the reappointment of **DR. RUSSELL JACKSON (HISD Representative)**, to Position 6 of the **UPPER KIRBY REDEVELOPMENT AUTHORITY BOARD OF DIRECTORS**, for a term to expire July 20, 2008 – was presented, moved by Council Member Alvarado, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Khan absent on personal business. MOTION 2006-1066 ADOPTED.
10. REQUEST from Mayor for confirmation of the reappointment of **MR. LOUIS S. SKLAR (HISD Representative)**, to Position 8 of the **UPTOWN DEVELOPMENT AUTHORITY BOARD OF DIRECTORS**, for a term to expire July 6, 2008 – was presented, moved by Council Member Alvarado, seconded by Council Member Garcia. All voting aye. Nays

none. Council Member Khan absent on personal business. MOTION 2006-1067 ADOPTED.

13. RECOMMENDATION from Chief of Police for approval to revise the supplemental equipment schedule for the Unisys Master Agreement for the Police Department - 3 Years - \$254,298.00 Grant Fund – was presented, moved by Council Member Alvarado, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Khan absent on personal business. MOTION 2006-1068 ADOPTED.

DAMAGES - NUMBER 14

14. RECOMMENDATION from City Attorney for settlement of lawsuit styled **STEVE BRACKMANN** v. City of Houston, et al; in the 55th Judicial District Court of Harris County, Texas, Cause No. 2004-15129 - \$51,834.23 - Property and Casualty Fund – was presented, moved by Council Member Alvarado, seconded by Council Member Green. All voting aye. Nays none. Council Member Khan absent on personal business. MOTION 2006-1069 ADOPTED.

ACCEPT WORK - NUMBERS 15 through 17

15. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$1,059,849.58 and acceptance of work on contract with **MID-CONTINENTAL RESTORATION COMPANY, INC** for Sealing and Repair of Exterior Walls at City Hall, WBS No. D-000113-000-4 - 02.10% under the original contract amount - **DISTRICT I - ALVARADO** – was presented, moved by Council Member Alvarado, seconded by Council Member Green. All voting aye. Nays none. Council Member Khan absent on personal business. MOTION 2006-1070 ADOPTED.
16. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$3,421,029.12 and acceptance of work on contract with **THE TREVINO GROUP, INC** for Stella Link Branch Library, WBS No. E-000022-0001-4 - 04.97% over the original contract amount - **DISTRICT C - CLUTTERBUCK** – was presented, moved by Council Member Alvarado, seconded by Council Member Green. All voting aye. Nays none. Council Member Khan absent on personal business. MOTION 2006-1071 ADOPTED.
17. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,199,439.34 and acceptance of work on contract with **SOUTH COAST CONSTRUCTION, INC** for Construction of High Star Paving and Drainage Improvements from Dairy Ashford to Cook Rd., WBS No. N-000694-0001-4 - 03.01% under the original contract amount - **DISTRICT F - KHAN** – was presented, moved by Council Member Alvarado, seconded by Council Member Green. All voting aye. Nays none. Council Member Khan absent on personal business. MOTION 2006-1072 ADOPTED.

PROPERTY - NUMBERS 18 through 21

18. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Darrin Straughan, President, James Coney Island, Inc., for abandonment and sale of ±3,141 square-feet of excess fee-owned street right-of-way, located at 4200 North Freeway, in the Pine Grove Addition, Parcel SY7-031 **INDEPENDENT APPRAISERS - DISTRICT H - GARCIA** – was presented, moved by Council Member Alvarado, seconded by Council Member Green. All

voting aye. Nays none. Council Member Khan absent on personal business. MOTION 2006-1073 ADOPTED.

19. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcels CY5-023 and CY5-024, located on the west line of Sorter's Road and South of River Ridge, owned by North Harris Community College, for the **KINGWOOD WEST (formerly MUD #48) WASTEWATER TREATMENT PLANT**, WBS R-000019-00RE-2-01-01 - **DISTRICT E - WISEMAN** – was presented, moved by Council Member Alvarado, seconded by Council Member Green. All voting aye. Nays none. Council Member Khan absent on personal business. MOTION 2006-1074 ADOPTED.
20. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel CY5-025, located on the south line of River Ridge Drive and 600 feet west of Sorter's Road, owned by John G. Guhlin, Jr., for the **KINGWOOD WEST (formerly MUD #48) WASTEWATER TREATMENT PLANT**, WBS R-000019-00RE-2-01-01 - **DISTRICT E - WISEMAN** – was presented, moved by Council Member Alvarado, seconded by Council Member Green. All voting aye. Nays none. Council Member Khan absent on personal business. MOTION 2006-1075 ADOPTED.
21. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel CY5-027, located on the south line of River Ridge Drive and 300 feet west of Sorter's Road, owned by Sue Henderson, for the **KINGWOOD WEST (formerly MUD #48) WASTEWATER TREATMENT PLANT**, WBS R-000019-00RE-2-01-01 **DISTRICT E - WISEMAN** – was presented, moved by Council Member Alvarado, seconded by Council Member Green. All voting aye. Nays none. Council Member Khan absent on personal business. MOTION 2006-1076 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 22 through 26

22. **ALASKA STRUCTURES, INC d/b/a BLU-MED RESPONSE SYSTEMS** for Disaster Response Systems for the Fire Department - \$598,107.00 - Grant Fund – was presented, moved by Council Member Green, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Khan absent on personal business. MOTION 2006-1077 ADOPTED.
23. **WESTMOR INDUSTRIES, LLC** for Fuel Tank Truck from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for the Fire Department - \$143,875.00 - Grant Fund – was presented, moved by Council Member Green, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Khan absent on personal business. MOTION 2006-1078 ADOPTED.
24. **THE UNIVERSITY OF IOWA d/b/a HYGIENIC LABORATORY** for Laboratory Testing Services for Department of Public Works & Engineering - \$30,699.00 - Enterprise Fund – was presented, moved by Council Member Green, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Khan absent on personal business. MOTION 2006-1079 ADOPTED.
25. **CALABRIAN CORPORATION** for payment of Emergency Purchase of Sodium Bisulfite for Department of Public Works & Engineering - \$152,503.78 - Enterprise Fund – was presented, moved by Council Member Green, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Khan absent on personal business. MOTION 2006-1080 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 28 through 59

28. RESOLUTION approving the issuance and sale by **HOUSTON HOUSING FINANCE CORPORATION** of Multifamily Housing Revenue Bonds (Mansions at Turkey Creek Apartments Project) Series 2006 – was presented. All voting aye. Nays none. Council Member Khan absent on personal business. RESOLUTION 2006-0020 ADOPTED.
30. ORDINANCE approving and authorizing a special warranty deed conveying to Ricardo Del Valle, a married man, a parcel of land containing 7,650 square feet (0.176 acres), more or less, located in the Harrisburg Addition, Volume 1, Page 37, Harris County Map Records, Harris County, Texas, out of the J. R. Harris Survey, A-27, (former Fire Station No. 23 site, located at 824 San Antonio Street, Parcel SY5-040); in consideration of Ricardo Del Valle's payment of \$25,000.00 and other consideration to the City - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Khan absent on personal business. ORDINANCE 2006-1159 ADOPTED.
31. ORDINANCE approving and authorizing third amendment to lease agreement (C37047) between **PROLOGIS TRUST**, as landlord, and the City of Houston, Texas, as tenant, for space at 2015 White Street for use by the Municipal Courts Administration Department and the Office of the City Secretary, as approved by City Ordinance No. 1996-1142 - **DISTRICT A - LAWRENCE** – was presented. All voting aye. Nays none. Council Member Khan absent on personal business. ORDINANCE 2006-1160 ADOPTED.
32. ORDINANCE approving and authorizing lease agreement between **BRAESWOOD DEVELOPMENT, LLC, A Texas Limited Liability Company, as Landlord**, and the City of Houston, Texas, as tenant, for space at 8632 S. Braeswood, Houston, Texas for use by the Department of Health and Human Services - **DISTRICT C - CLUTTERBUCK** – was presented. All voting aye. Nays none. Council Member Khan absent on personal business. ORDINANCE 2006-1161 ADOPTED.
33. ORDINANCE approving and authorizing lease agreement between **RMC HP III, L.P., a Texas limited partnership, as landlord ("Landlord")**, and the City of Houston, Texas, as tenant (The "City"), for a total of 40,520 square feet of space located at 601 Sawyer, Houston, Harris County, Texas, at a monthly rental of \$54,026.67 during the first thirty-six (36) months and a monthly rental of \$57,403.33 during the thirty-seventh (37) through the seventy-second (72) months, for use by the Housing and Community Development Department - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. Council Member Khan absent on personal business. ORDINANCE 2006-1162 ADOPTED.
38. ORDINANCE relating to the rescheduling or postponement of certain City Council meetings – was presented. All voting aye. Nays none. Council Member Khan absent on personal business. ORDINANCE 2006-1163 ADOPTED.
39. ORDINANCE consenting to the addition of 5.9497 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 120**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Khan absent on personal business. ORDINANCE 2006-1164 ADOPTED.
44. ORDINANCE establishing the north side of the 2300 block of Goldsmith Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT C - CLUTTERBUCK** – was

presented. All voting aye. Nays none. Council Member Khan absent on personal business. ORDINANCE 2006-1165 ADOPTED.

45. ORDINANCE approving and adopting an Updated Ongoing Service and Assessment Plan for and on behalf of the Sharpstown Public Improvement District covering the period 2007 through 2011 pursuant to Chapter 372 of the Texas Local Government Code - **DISTRICT F - KHAN** – was presented. All voting aye. Nays none. Council Member Khan absent on personal business. ORDINANCE 2006-1166 ADOPTED.
- 45a. ORDINANCE approving the Fiscal Year 2007 Budget for the Sharpstown Economic Development Authority on behalf of the Sharpstown Public Improvement District pursuant to Ordinance No. 2002-1077; appropriating \$326,527.91 out of Fund 7509 (Sharpstown Public Improvement District Fund) for payment to the Sharpstown Economic Development Authority for expenditures consistent therewith - **DISTRICT F - KHAN** – was presented. All voting aye. Nays none. Council Member Khan absent on personal business. ORDINANCE 2006-1167 ADOPTED.
46. ORDINANCE approving and authorizing contract between the City of Houston and **GULF COAST WORKFORCE BOARD** for Certification of After School Achievement Program Expenditures to obtain further Federal funding for Child Care Services in the City – was presented. All voting aye. Nays none. Council Member Khan absent on personal business. ORDINANCE 2006-1168 ADOPTED.
47. ORDINANCE approving the first amendment to Interlocal Option Agreement for purchase of real property between the **HOUSTON INDEPENDENT SCHOOL DISTRICT, as seller**, and the City of Houston, as buyer, to provide for third party financing of a portion of the purchase price of approximately 20 acres of land in the 2600 block of West 11th Street; approving the Joint Development Agreement between the City of Houston and the **HOUSTON PARKS BOARD** for a 5 acre portion of the land to be acquired under the option agreement; amending Ordinance 2006-303 (April 5, 2006) to restate the land designated as park property; approving necessary documents related thereto - **DISTRICT A - LAWRENCE** – was presented. All voting aye. Nays none. Council Member Khan absent on personal business. ORDINANCE 2006-1169 ADOPTED.
48. ORDINANCE approving and authorizing contract between the City of Houston and **CONSERVATION AND RESTORATION OF SCULPTURE, L.L.C.**, for Professional Art Restoration and Replacement Services related to the sculpture "Light Spikes" at George Bush Intercontinental Airport/Houston; accepting the restored artwork into the City's permanent art collection - \$363,124.00 - Enterprise Fund - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Member Khan absent on personal business. ORDINANCE 2006-1170 ADOPTED.
50. ORDINANCE approving and authorizing contract between the City of Houston and the **MENTAL HEALTH AND MENTAL RETARDATION AUTHORITY OF HARRIS COUNTY** to provide partial funding for renovation work at the Northwest Service Center located at 3737 Dacoma Street \$500,000.00 - CDBG Fund - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. Council Member Khan absent on personal business. ORDINANCE 2006-1171 ADOPTED.
54. ORDINANCE appropriating \$407,000.00 out of Police Consolidated Fund and approving and authorizing Professional Architectural Services Contract between the City of Houston and **STV ARCHITECTS, INC** for Design of Qualification Pistol Range (WBS No. G-000088-0003-3); providing funding for the Civic Art Program and contingencies relating to

construction of facilities financed by the Police Consolidated Fund - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Member Khan absent on personal business. ORDINANCE 2006-1172 ADOPTED.

55. ORDINANCE appropriating \$26,250.00 out of Parks Consolidated Fund, awarding construction contract to **MOMENTUM CONTRACTORS, INC** for Construction of Haden Park, Scenic Woods Park, Freshmeadow Park and Agnes Moffit Park (WBS Nos. F-0504C4-0001-4, F-0504C6-0001-4, F-000620-0001-4, F-0504A1-0003-4); setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing services, construction management and contingencies relating to the construction of facilities financed by the Parks Consolidated Fund - \$1,024,043.25 CDBG Funds - **DISTRICTS A - LAWRENCE and B - JOHNSON** – was presented. All voting aye. Nays none. Council Member Khan absent on personal business. ORDINANCE 2006-1173 ADOPTED.
56. ORDINANCE appropriating \$7,351,966.00 out of Drainage Improvement Commercial Paper Series F Fund, \$971,034.00 from Water & Sewer Consolidated Construction Fund, awarding contract to **SER CONSTRUCTION PARTNERS, LTD.** for Storm Drainage Improvements in Willchester, Memorial Way, and Memorial Trails Subdivisions, WBS No. M-000248-0001-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management, construction management, and contingencies relating to construction of facilities financed by the Drainage Improvement Commercial Paper Series F Fund, Water & Sewer Consolidated Construction Fund **DISTRICT G - HOLM** – was presented. All voting aye. Nays none. Council Member Khan absent on personal business. ORDINANCE 2006-1174 ADOPTED.
57. ORDINANCE appropriating \$1,135,312.00 out of Water & Sewer Consolidated Construction Fund, awarding contract to **CHIEF SOLUTIONS, INC** for Sanitary Sewer Cleaning and Television Inspection in support of Rehabilitation, WBS #R-000266-00F7-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, project management, and contingencies relating to construction of facilities financed by the Water & Sewer Consolidated Construction Fund – was presented. All voting aye. Nays none. Council Member Khan absent on personal business. ORDINANCE 2006-1175 ADOPTED.
58. ORDINANCE No. 2006-1135, passed second reading November 15, 2006
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 - **THIRD AND FINAL READING** – was presented. All voting aye. Nays none. Council Member Khan absent on personal business. ORDINANCE 2006-1135 ADOPTED THIRD AND FINAL READING.
59. ORDINANCE No. 2006-1119, passed second reading November 15, 2006
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 - **THIRD AND FINAL READING** – was presented. All voting aye. Nays none. Council Member Khan absent on personal business. ORDINANCE 2006-1119 ADOPTED THIRD AND FINAL READING.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

PURCHASING AND TABULATION OF BIDS

26. **AMEND MOTION #2004-1029, 9/29/04, TO INCREASE** spending authority from \$84,824.75 to \$118,754.65, for Two-Way Radios, Parts and Accessories Contract for Various Departments, for use by the Airport System, awarded to **HOUSTON COMMUNICATIONS, INC** - \$33,929.90 Enterprise Fund – was presented, moved by Council Member Alvarado, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Khan absent on personal business. MOTION 2006-1081 ADOPTED.

RESOLUTIONS AND ORDINANCES

27. RESOLUTION adopting the 2006 City of Houston Hazard Mitigation Action Plan and making various findings relating to the matter – was presented.

Council Member Brown suggested that they could include possibly in this plan areas that would be suitable for municipal settings designation, that it would reduce the cost of environmental cleanup substantially and did not cost the City a dime, and would move to amend Item No. 27, “to include an evaluation of areas that were suitable for a municipal settings designation”.

After discussion by Council Members, Mayor White asked Mr. Hall if there was a particular amendment or substantive matter that they wanted to do that made sense he would like some of the professionals involved, that he would commit that they could bring up during the course of the year or the month or the quarter an amendment to the plan, and Mr. Hall stated that he would encourage that because this plan, this draft, had been pre cleared with FEMA to satisfy the FEMA requirements for future grants, clearly the plan would not be altered by the amendment and he would suggest that they could talk to Chief Storemski for the next one, that he had his word and commitment, and Chief Storemski did, if there was no problem and it did not compromise what they had to do procedurally to get it clear with FEMA that they would bring up on amendment on the agenda.

After further discussion Council Member Brown stated that he would withdraw his motion to amend Item No. 27.

After further discussion a vote was called on Item No. 27. All voting aye. Nays none. Council Member Khan absent on personal business. RESOLUTION 2006-0021 ADOPTED.

29. RESOLUTION designating certain properties within the City of Houston as landmarks and protected landmarks - **DISTRICTS D - EDWARDS; G - HOLM; H - GARCIA and I - ALVARADO**
Houston Light Guard Armory - 3820 Caroline Street
Ella Kennedy-Helen O. Bissonnet House - 2009 Kane Street
Samuel J. and Mary Ann Saragusa House -1801 Southmore Boulevard
John E. and Isabenda Edmundson House -108 Stratford Street

Dr. and Mrs. Thomas Burke House - 3402 Wickersham Lane
Tom and Ingeborg Tellepsen House - 4518 Park Drive

- was presented. All voting aye. Nays none. Council Member Khan absent on personal business. Mayor White absent. Acting Mayor Pro Tem Berry presiding. RESOLUTION 2006-0022 ADOPTED.

34. ORDINANCE approving and authorizing a five (5) year Telecommunications License Agreement, with two (2) renewals of five (5) years each, between the City of Houston, Texas, as licensor, and **T-MOBILE TEXAS, L.P.**, as licensee, for Ground Space at Fire Station 15, 5306 North Main Street, Houston, Texas, in consideration of a license fee of \$1,000.00 per month to be paid to the City, and a similar fee in the event of sub-licensing, both fees to increase by 2.5% each year, for the purpose of licensee's constructing a new communications tower and installing antennas and radio equipment, such tower to become the property of the city at the expiration of the agreement **DISTRICT H – GARCIA** - was presented, and tagged by Council Member Wiseman. Mayor White absent. Acting Mayor Pro Tem Berry presiding.
35. ORDINANCE approving and authorizing a five (5) year Telecommunications License Agreement, with two (2) renewals of five (5) years each, between the City of Houston, Texas, as licensor, and **T-MOBILE TEXAS, L.P.**, as licensee, for Ground Space at Fire Station 19, 1811 Gregg Street, Houston, Texas, in consideration of a license fee of \$1,000.00 per month to be paid to the City, and a similar fee in the event of sub-licensing, both fees to increase by 2.5% each year, for the purpose of licensee's constructing a new communications tower and installing antennas and radio equipment, such tower to become the property of the city at the expiration of the agreement **DISTRICT B – JOHNSON** – was presented, and tagged by Council Member Wiseman. Mayor White absent. Acting Mayor Pro Tem Berry presiding.
36. ORDINANCE approving and authorizing a five (5) year Telecommunications License Agreement, with two (2) renewals of five (5) years each, between the City of Houston, Texas, as licensor, and **T-MOBILE TEXAS, L.P.**, as licensee, for Ground Space at Fire Station 64, 3000 Greens Road, Houston, Texas, in consideration of a license fee of \$1,000.00 per month to be paid to the City, and a similar fee in the event of sub-licensing, both fees to increase by 2.5% each year, for the purpose of licensee's constructing a new communications tower and installing antennas and radio equipment, such tower to become the property of the city at the expiration of the agreement **DISTRICT B - JOHNSON** – was presented, and tagged by Council Member Wiseman. Mayor White absent. Acting Mayor Pro Tem Berry presiding.
37. ORDINANCE approving and authorizing a five (5) year Telecommunications License Agreement, with two (2) renewals of five (5) years each, between the City of Houston, Texas, as licensor, and **T-MOBILE TEXAS, L.P.**, as licensee, for Ground Space at Fire Station 103, 2907 High Valley Drive, Houston, Texas, in consideration of a license fee of \$1,000.00 per month to be paid to the City, and a similar fee in the event of sub-licensing, both fees to increase by 2.5% each year, for the purpose of licensee's constructing a new communications tower and installing antennas and radio equipment, such tower to become the property of the city at the expiration of the agreement **DISTRICT E - WISEMAN** – was presented, and tagged by Council Member Wiseman. Mayor White absent. Acting Mayor Pro Tem Berry presiding.
40. ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 490** – was presented. All voting aye. Nays none. Council Member Khan

absent on personal business. Mayor White absent. Acting Mayor Pro Tem Berry presiding. ORDINANCE 2006-1176 ADOPTED.

41. ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 491** – was presented. All voting aye. Nays none. Council Member Khan absent on personal business. Mayor White absent. Acting Mayor Pro Tem Berry presiding. ORDINANCE 2006-1177 ADOPTED.
42. ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 492** – was presented.

Council Member Brown stated that he wanted to point out that Item Numbers 40, 41, 42 and 43 were all municipal utility districts which formed part of a master planned community and he really supported that and wished it were in the City of Houston and not in the ETJ, that this was what they needed more of, municipal utility districts that were part of a master planned community or a master planned section of their City.

A vote was called on Item no. 42. All voting aye. Nays none. Council Member Khan absent on personal business. Mayor White absent. Acting Mayor Pro Tem Berry presiding. ORDINANCE 2006-1178 ADOPTED.

43. ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 493** All voting aye. Nays none. Council Member Khan absent on personal business. Mayor White absent. Acting Mayor Pro Tem Berry presiding. ORDINANCE 2006-1179 ADOPTED.
49. ORDINANCE adopting second amended and restated Administrative Guidelines for the City's Good Neighbor Next Door Housing Assistance Program – was presented, and tagged by Council Member Wiseman. Mayor White absent. Acting Mayor Pro Tem Berry presiding.

Council Member Lawrence stated that she would add her tag to the item, that her concerns were the requirements, that she would like to see some of the requirements to be considered and would like to know why not, criminal records, as they put these people in neighborhoods the last thing they wanted to do was something to happen that really impacted neighborhoods or the wonderful program they were trying to bring along to have a negative reaction in a neighborhood, that she thought even credit rating should be checked, there should be a certain amount of responsibility, like Habitat Houston, the occupancy limit, citizenship, that she would like for somebody to talk to her about. Mayor White absent. Acting Mayor Pro Tem Berry presiding.

Council Member Edwards stated that she was not sure about the concerns they were hearing but would be willing to discuss it again, that it would lift up a lot of neighborhoods on a conscience level because a lot of people did not move into those neighborhoods until it was already being built, that they were asking that those groups of people be a part of the rebuilding of those communities, that she thought overall it would be a big help for them to try to help communities that were trying to redevelop their communities with groups of people that could help develop not only the bricks and mortar infrastructure but the social infrastructure of a community which was very vital for that development to happen. Mayor White absent. Acting Mayor Pro Tem Berry presiding.

Acting Mayor Pro Tem Berry stated that Item No. 49 had been tagged. Mayor White absent. Acting Mayor Pro Tem Berry presiding.

52. ORDINANCE approving and authorizing submission of an application for grant assistance to the Texas Attorney General's Office for funding for a Hispanic Victims Outreach Project; declaring the City's eligibility for such grants; authorizing the director of the Mayor's Office of Public Safety and Homeland Security to act as the authorized signator to accept such grant funds and to apply for and accept all subsequent awards, if any, pertaining to the program – was presented, and tagged by Council Member Wiseman. Mayor White absent. Acting Mayor Pro Tem Berry presiding.
53. ORDINANCE approving and authorizing contract between the City and **CRAIG T. MASON** for Consulting Services related to the City's three pension systems; providing a maximum contract amount - 1 Year - \$98,400.00 - General Fund – was presented, and tagged by Council Member Wiseman. Mayor White absent. Acting Mayor Pro Tem Berry presiding.

MATTERS HELD - NUMBER 60

60. ORDINANCE approving and authorizing contract between the City of Houston and **NICKENS KEETON LAWLESS FARRELL & FLACK LLP** for Legal Services in connection with the Collection of Hotel Occupancy Taxes from Internet-based Hotel Room Reseller – (**This was Item 32 on Agenda of November 15, 2006, TAGGED BY COUNCIL MEMBER HOLM**) – was presented, and tagged by Council Member Wiseman. Mayor White absent. Acting Mayor Pro Tem Berry presiding.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Green stated that the next Budget and Fiscal Affairs Committee meeting would take place on Tuesday, December 5, 2006 in the Council Chamber. Mayor White absent. Acting Mayor Pro Tem Berry presiding.

Council Member Green stated that on Friday was the University of Houston Day, that the U of H football team had won nine games for the first time since 1990 and were hosting the Conference USA Championship on Friday, that in addition Rice was doing very well. Mayor White absent. Acting Mayor Pro Tem Berry presiding.

Council Member Brown stated that he wanted to share a few thoughts about the forthcoming Houston General Plan, that the Council instructed the Planning Commission to come back before the end of the year with a report on how they were going to proceed with the Houston General Plan, and Council Member Brown displayed a map on the urbanized area in 2005 and the urbanized area in 2035, and stated that it was when they added 3 million new people to the Houston area and was done on the basis of projecting existing trends, that they could see the difference in the greenspace that the forest and green cover was disappearing and in his view they did not want to be the center of a region that would be described as the specter of uncontrolled growth, they wanted to be the center of a region which was developing in a more orderly environmentally sensitive and prosperous fashion and it was certainly not that and they could play a major role in helping that happen, that they were going to receive from the Planning Commission an outline of how to proceed with the Houston General Plan, it would be the first comprehensive oriented plan that they had since 1929, that if they did not do the planning someone else was going to do the planning for them, it was going to be TXDOT or HGAC or some other organization that did not have the interests of the citizens and taxpayers of Houston at heart, so they needed to start planning for their future and it should be based on a shared vision which they all had for what they wanted their City to be in the next 15 or 30 years. Mayor White and Council Members Lawrence, Garcia, Alvarado and Green absent. Acting Mayor Pro Tem Berry presiding.

Council Member Wiseman stated that she wanted to bring up three items that she hoped the committee chairs that were in attendance would be able to assist them with, that one of them related to the most recent Apartment Ordinance that they passed, that she would like to urge the Mayor, Administration and HPD to work with the apartment owners, the good owners who were interested in getting timely police records and timely easy access crime statistics, there were a number of good apartment owners who would like to be able to have access to that quickly and almost a real time fashion, but currently it was extremely cumbersome and difficult to obtain crime stats for a particular property, there was a long time delay as well as the inconvenience of having to go downtown to HPD and having to wait for those reports to be processed so she would like to urge HPD as they approach the new budget season and as they were preparing their new budget to consider having real time on line access to crime stats for the apartment owners and it could be in any number of fashions if they were considered about security of the data, those types of things, that she looked forward to working with them on that so they could enable the good apartment owners to deal with crime on their properties. Mayor White and Council Members Lawrence, Holm, Garcia, Alvarado and Green absent. Acting Mayor Pro Tem Berry presiding.

Council Member Clutterbuck stated that the second item she wanted to talk about related to dangerous dogs and wanted to applaud Council Member Lawrence for her leadership on passing the Dangerous Dog Ordinance that they recently passed, that as many of them knew they were limited by State law in that they could not ban a particular kind of dog and she thought in large part was based on very reliable research that showed that one breed of dog was not necessarily more dangerous than another, it tended to be the owners of the dog that were the problem, that in light of the tragic death of the little boy over the weekend due to the two loose pit bulls she would like to urge the administration to increase funding for BARC and to reevaluate the way they dealt with loose and dangerous dogs in a prompt quick fashion, that she had spoken to the Mayor in the past and the difficulty that HPD had in dealing with dangerous dogs, they get the calls when BARC does not respond and wait around with the dangerous dog, that she was told it was merely a problem of resources and certainly the death of the little boy showed the necessity of making sure that if they were not able to regulate a certain breed of dog that they do in a prompt and timely fashion pick up the stray dogs, it may end up that they may unfortunately see some euthanized loose dogs but she thought it would certainly send a quick message to owners that they must be responsible and must comply with the leash laws and in the case of a dangerous dog they must comply with the Dangerous Dog Ordinance. Council Members Lawrence, Garcia and Green absent.

Council Member Clutterbuck stated that the third item that she had urged her colleagues to deal with related to the Cell Tower Ordinance and she would urge a change in the ordinance that would prohibit the erection of a cell tower within certain distance from a school, that she would urge that school properties were added to the distance requirements that currently applied to cell towers and residences. Council Members Lawrence, Garcia and Green absent.

Mayor White stated that Council Member Clutterbuck and other Council Members help him help Mr. Williams have the right balance within a limited budget in the care for humans and protecting the public from dangerous animals and humane treatment of animals who have been abandoned, that once they made the human versus animal distinction in the budget and resource allocation and finding that right balance between the resources for animal control and the resources for humane treatment for animals who had been neglected was something that he guaranteed that Director Williams and Ms. Marks and others would appreciate help on, and he did not know the right answer, and Council Member Clutterbuck stated that at a minimum there should be a review of the policy relating to loose dogs, and Mayor White stated that they would do that. Council Members Lawrence, Garcia and Green absent.

Council Member Berry stated that he also wanted to make a comment on the pit bull case, because the high profile cases he thought brought to light a problem that short of a child being killed may not make it into the news but did affect many neighborhoods throughout the City and he had heard about it in Council Members Edwards, Clutterbuck, Holm and Wiseman's districts, and he did not know that they lacked the regulatory authority, he thought that BARC needed to be informed of their clear intention to enforce their law and if there was someone over there that did not understand that it should be made clear, that was not to criticize someone but they needed to understand that they had laws on the books and they had to enforce them, that if that staff member did not understand that then what they passed at Council had no meaning and they had truly cheated the taxpayer. Council Members Lawrence, Garcia and Green absent.

Council Member Berry stated that he wanted to congratulate his fellow alumnae and colleagues, Council Members Green, Wiseman, Alvarado and Brown, that Council Member Edwards had the coach and some of the Cougars at Council and hopefully they would be celebrating their victory this Friday, December 1, 2006 at 7:00 p.m. at Robertson Stadium. Council Members Lawrence, Garcia and Green absent.

Council Member Berry stated that last night they were at an event where they graduated 54 new Houston police officers and there were two particular officers that he wanted to make reference to, that Officer Rogelio Roger Rodriguez's father, Rogelio Rodriguez Senior had 22 years of service and was a current HPD officer, his mother Gloria Rodriguez was retired after 21 years of service to the City in the Houston Police Department and his brother Adrian Rodriguez had 3 years of service at HPD, that he thought it was pretty special, an entire family of public servants, that one of their own Special Ops Officers, Will Ray Fontenot Jr. got to pin his nephew, Ronald Fontenot who joined the Houston Police Department. Council Members Lawrence, Garcia and Green absent.

Council Member Berry stated that he had a very disturbing lunch yesterday with a group of people in all forms real estate and the problem with copper theft potentially could have a chilling affect of growth and development of new and renovated properties in the City of Houston, that he heard some stories that really disturbed him, one in particular, an industrial property where an individual had stolen copper that was only worth a couple of thousand dollars but had done a quarter million dollars worth of damage in removing all of the copper out of the air conditioning units and the property owner called a fellow property owner who responded and arrived on the scene in twenty minutes and an officer did not arrive for more than an hour, by which time the cooper thief had left, that he thought they were going to have to be very aggressive in not just in writing regulations and enforcing against the people who accept the stuff in much the same way they did pawn shops that were accepting fenced properties, that he thought HPD was going to have to get very serious about rooting out the people who were stealing the copper because the sad thing was that the \$250,000 worth of damage that was done was sold to a copper smelter for \$800.00, that he knew the Mayor would make it a priority. Council Members Lawrence, Garcia and Green absent.

Mayor White stated that at 3:00 p.m. today, with members of the building industries, in the basement, they were going to be reviewing the whole situation, with HPD present, the second was early this year he and Chief Hurtt had a couple of conversations and they had the most aggressive and massive program that was instituted earlier this year on this issue which until two days ago they never discussed or talked publicly about because of the undercover nature of the operations and the people in Burglary and Theft who had done an incredible job on it would be present at that meeting so that they could inform constituents on it, that he would invite the Council offices to that meeting in the basement conference room, that it had been very difficult to have the discipline not to talk to the people other than to say they got the message and there

were things that were happening, that was about all he had been able to say, they would have representatives of federal law enforcement, it was a national problem and a critical problem, there were horror stories and he thought if they approached it like auto theft with going after the wholesalers, they would have an update on the arrests which had been made, that there had been massive number of arrests made between last weekend and this week using the whole southeast patrol in order to supplement their BNT operations so he invited them to that meeting. Council Members Lawrence, Garcia and Green absent.

Council Member Berry stated that he was getting a lot of questions from poor smokers and bar owners who wanted answers to the change in the regulatory environment, which of course did not go into affect until September 2007, but he knew that everyone wanted to make sure that people were informed of the law and how that was going to affect them and what was going to be legal and what was not, and asked if there was a person or a number whom they could direct those individuals and Mayor White stated that there needed to be a person and would ask Ms. Stein to deal with the Health Department on it and thought it was a very legitimate request, and Council Member Berry stated that he would ask whoever that person was that they be able to speak with some authority and that they be constituent service minded. Council Members Lawrence, Garcia and Green absent.

Council Member Wiseman stated that she was interested in finding out any of the information that Council Member Berry asked with respect to the Smoking Ordinance. Council Members Lawrence, Garcia and Green absent.

Council Member Wiseman stated that people had been inquiring as to the petition process to repeal ordinances that had been passed by Council so it did bring to mind the situation they would be facing if people were currently garnering petition signatures to require Council to take action to repeal the Smoking Ordinance then City Council would have two options, one would be when they were presented with the petition signatures to automatically repeal the ordinance or to put it before the voters to give them the opportunity to weigh in on it and based on the discussion that was had at the Council table on the unions she was assuming that the City Council would just immediately repeal that ordinance, so that would be interesting when that takes place. Council Members Lawrence, Garcia and Green absent.

Council Member Wiseman stated that Kingwood High School was in the playoffs this weekend and almost moved forward in the playoffs and she wanted to congratulate them for reaching that point, they did an excellent job; that the University of Houston had done very well and she wanted to congratulate them. Council Members Lawrence, Garcia and Green absent.

Council Member Johnson stated that he wanted to wish everyone happy holidays and hoped everyone had a happy Thanksgiving season. Council Members Lawrence, Garcia and Green absent.

Council Member Johnson stated that he had mentioned Metro reestablishing the lines on Parker Road for the citizens of that area and the Bonita House and the apartments that were there, that Metro had since written a letter to him, that they were willing to partner with the City of Houston to improve the conditions of the neighborhood that would allow passengers to have access to bus stops and then reestablish service in the neighborhood, that they were willing and ready to establish weekday services in that area which would cost Metro about \$300,000 when the City of Houston agreed to improve access to the bus stop, to expedite the improvements this year Metro would build the improvement for the City if the City approves program of the General Mobility Funds provided by Metro for infrastructure improvements for the use, that he agreed and thanked Metro for stepping forward and hoped they could do just that but he would also like to point out that prior to the stop being removed that there was no infrastructure there

at that particular time plus the residents of that area were living in the apartments that were now adjacent to the park and the Bonita House so he would still ask Metro to move to put the stop back all the while the City of Houston would do all that it could to make sure that they got the improvements necessary to bring in sidewalks for that particular area. Council Members Lawrence, Wiseman, Garcia and Green absent.

Council Member Johnson stated that he wanted to commend the young people of the Harris County Youth Advocate Program, over the holidays they were able to go to the Leo Daniels Tower, a senior citizens center located in northeast Houston and helped do some remodeling and painting of the fence, that they were going to be doing a lot more in helping a program called Full Circle to go and do a lot of senior citizen repair. Council Members Lawrence, Wiseman, Garcia and Green absent.

Council Member Johnson stated that on December 8, 2006 they would have a District B Business Symposium at the Port of Houston and would be inviting businesses as well as residents who want to learn more about the port to come out and be educated, that it would be from 12:00 p.m. to 2:00 p.m. Council Members Lawrence, Wiseman, Garcia and Green absent.

Council Member Johnson stated that some people might have seen a television interview that he did about a sexual predator that was combing the streets of the Kashmere Garden and Trinity Garden area, that he chased an eleven year old girl in the street and sexually assaulted her, that he had been getting several calls about the message that was sent but that message was quite clear that at no point would he or the City allow any young child, an eleven year old child, to be abducted and they not take a serious stance, that she was abducted in front of a park, that he says to the community that they needed their support and he was asking the churches to step up and be active participants in finding the individual, that he was asking the men of the church to join in with their program called Project Protector which gave the men of the community an opportunity of walking their streets and going door to door and store to store passing out flyers and being actively engaged and keeping people informed because that was how they were going to find the individual. Council Members Lawrence, Wiseman, Garcia and Green absent.

Council Member Johnson stated that his son Jarvis Johnson II was in the super bowl for his flag football team and was the quarterback, that they were going to be playing at Strait Jesuit, that he was part of the Inwood Dads Club, The Eagles, that they upset the number one team in the City, that he wanted to congratulate the team and good luck to them. Council Members Lawrence, Wiseman, Garcia and Green absent.

Council Member Brown moved to suspend the rules to extend the meeting beyond the scheduled noon recess to complete the matters to be presented by Council Members, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Khan absent on personal business. Council Members Lawrence, Wiseman, Garcia, Green and Berry absent. MOTION 2006-1082 ADOPTED.

Council Member Brown stated that the issue of sidewalks, particularly the one that went to Metro bus stops, there was one in Cottage Grove that there was a bus stop and no sidewalk, he thought an interesting suggestion would be to establish an emergency sidewalk fund in Building Services where they had their own staff, masons that could go out and put in sidewalks on an emergency basis, and Mayor White stated that there were two issues and on this issue he would ask Ms. Stein that in his regular meeting with Mr. Marcotte and the Public Works representatives to put this on, that they had to prioritize requests but they would have to have a process for setting the priorities and he would not necessary be adverse to having some process, that he had tried to squeeze things out that were driven by the politics of the moment,

but if they did something how would they set up and what criteria would they establish for doing it, that he liked the idea of should they have dedicated City employees who could do repetitive sidewalk work, that they would take a look at it. Council Members Lawrence, Wiseman, Garcia, Green and Berry absent.

Council Member Lovell stated that at the corner of Bernard and Woodhead they had somebody that demolished a duplex and in doing that they took out the sidewalk, not only the front sidewalk but on the side, on the Woodhead side it was the main thoroughfare for children that were walking either to Lanier Middle School, Poe or Saint Stevens, that she did inquire about it and was told that the responsibility was to the owner of the property and that the only way that the sidewalk would be put back in was when the owner pulled the permit and built out whatever they were going to build, but what if they decided to sit on the land for two or three years and not build anything they would then have children that would have to walk on the other side of the street or crossover on a main thoroughfare of which people were dropping their children off, if they walked through there they were walking through mud, that she was confused as to why they let property owners take out sidewalks and they do not make them put sidewalks back in, and Mayor White stated that they ought to get some kind of recommendation about what they were going to do about it. Council Members Lawrence, Wiseman, Garcia, Green and Berry absent.

Council Member Lovell stated that she wanted to congratulate Rice University, who was going to a bowl game also. Council Members Lawrence, Clutterbuck, Wiseman, Garcia, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Lovell stated that on the issue of dogs she would think that common sense would prevail, she knew that the law said they could not stop a certain breed of dog, but there were certain breeds of dogs that were more aggressive and if they did not have owners then they were not trained properly and became aggressive, that there were aggressive breeds roaming the streets and the neighbors ought to be able to call and say to please pick up the dogs, that it should be given special consideration and someone ought to be able to come out and pick them out and she did not think it would cost them more money to do that, that they ought to be able to do that to protect their neighborhoods. Council Members Lawrence, Clutterbuck, Wiseman, Garcia, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Lovell stated that there had been an increase of graffiti because of the holidays and she was asking everyone to call 3-1-1 and report it so they could get out there and do the abatement on it, that she was asking the retail owners who had cameras if they had been hit with graffiti to review the films, more likely they had the person on tape and a picture of them, if they call the Houston Police Department it would help them in catching some of the people that were doing it. Council Members Lawrence, Clutterbuck, Wiseman, Garcia, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she would like to ask that the genocide in Darfur cease and desist. Council Members Lawrence, Clutterbuck, Wiseman, Garcia, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she wanted to remind everyone that World AIDS Day was on Friday, December 1, 2006. Council Members Lawrence, Clutterbuck, Wiseman, Garcia, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she would like Mayor White to consider that a person be assigned to the homeless situation, the implementation of the plan, similar to the

position of Ms. Jewett and Ms. Marks. Council Members Lawrence, Clutterbuck, Wiseman, Garcia, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she would like to have further conversations with Council Member Alvarado regarding more hearings or ordinances on the health and environmental issues of cell towers that were becoming prolific in District areas and they were getting a lot of calls from people, as well as the crushed concrete issue, they had some conversations about possibly an ordinance regarding concentrations of those type of areas and she would like to move on that. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Garcia, Brown, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that there would be a special housing meeting on December 4, 2006 and knew a number of the Council Members had gotten an email regarding a certain project regarding HOPWA funding, they were going to be revisiting that so that the persons who were making the allegations could come to the City and talk to Mr. Minberg and they could have a full hearing and see what allegations were real and which were not real so they could move forward and get housing on the ground for people who were challenged with HIV or AIDS. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Garcia, Brown, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she was very concerned about the taser situation, that she had reports where they had one officer who had 13 episodes of tasing from 2004 through today, one that had 11 and one that had 7 and a number that had 5 and 6, that she did not know what that meant, that even though she did not support the tasers she thought the issue was that taser would eliminate a lot of people being shot with a gun, so were these figures telling her that it was 13 times the officer would have shot a person or was the 13 times when they would have used other restraints but a taser was easier, that she kept asking what the figures meant, that it seemed to be a pattern, something was wrong and that officer needed to be retained or something, that she understood that basically the taser had been put in a ring around their waist so were people now using the taser in places where they would have normally used a billy club and if that was so she did not think it was proper because once again they did not have the information that showed clearly what the medical or consequences of taser uses were, they still needed to address the issue of the high preponderancy of African Americans being tased, that she was told that was because they went to where the crime was reported so was it saying that if they called in and reported a crime that they might get tasered, she did not understand that correlation and if that was true did they see the same percentage for calls for service in other communities with the same amount of tasing going on if it was because they were responding to high incidences of crime, a lot of the high taser uses were in the southeast corridor, a lot of them were in District D and she did not have answers and all she was looking for were answers, that she would like to have an analysis of the taser uses where officers had 5 or more uses of tasers, if it was based on calls for service to victims when people called in then the percentage level should be the same throughout the City, that the other issue on tasers was that she did not think they needed to defend a policy that was trying to do a better job of servicing their community but she thought they needed to always be circumspect of whether that policy was meeting that goal of being of service. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Garcia, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Holm stated that on Monday she was thankful for being able to serve as a juror in the Municipal Court System so that she could have a better perspective to maybe make some positive and proactive recommendations, that today she was thankful to represent District G and serve on the City Council, and when they tease and share thoughts with each other she thought it built camaraderie but when they made snippy remarks she thought it was

disrespectful and hurtful and when they used tools that were given to Council, such as the tag, to manipulate votes or to change minds she thought it was an injustice to their citizens, that on Item No. 12 her intention was not to anger the Mayor but it was to help citizens, that she knew the Mayor had made commitments and had shared with colleagues some of his thoughts about that position but some of them did not have that information and had asked questions, her intent today was to make sure that everybody had an opportunity to evaluate fairly and objectively for all citizens and hoped that in the future they could work hard for trying to build consensus but they really needed to work a lot harder to reflect a positive working environment that used their diverse perspectives to build understanding rather than positions of condemnation. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Garcia, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that sometimes he tried to move the Council meeting more briskly, especially when they were behind on a topic, a couple of times he had lost his temper but not today and thanked them for being indulgent of his efforts of moving it briskly. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm, Garcia, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Alvarado stated that she wanted to congratulate Bonita Hilburn-Cade who had been a 13 year employee of Public Works and was retiring, that she wanted to thank her for her service to the City of Houston. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm, Garcia, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Alvarado stated that she had the pleasure of going to an event honoring Ms. Elena Marks who would become the National Chair of Planned Parenthood, that it was quite an honor and a huge responsibility, that she appreciated her work with the City of Houston. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm, Garcia, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Alvarado stated that she and Council Member Edwards had an event on Saturday called Sisterhood Health Expo at the George R. Brown Convention Center, that it was free and targeting women's health, they would have seminars on issues related to women's health, free health screenings, mammograms, flu shots, issues to be discussed such as domestic violence and just empowering women through health, that they would have an area for children so women could come and bring their children and not have to worry about getting a babysitter, that it was from 10:00 a.m. to 3:00 p.m., December 2, 2006, that there would be a free lunch for the women and they would have a Santa Claus and things to keep kids busy, that she wanted to thank Council Member Edwards and her staff for being a part of it and they hoped to continue this and have their second one next year. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm, Garcia, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 12:31 p.m. Council Member Khan absent on personal business. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm, Garcia, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

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

MINUTES READ AND APPROVED

/S/Anna Russell

Anna Russell, City Secretary