

City Council Chamber, City Hall, Tuesday, December 5, 2006

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

Note: Council Member At Large Position 3 vacant.

At 2:07 p.m. Mayor White called the meeting to order and called on Council Member Wiseman who led all in prayer and pledge. Council Members Johnson, Garcia, Brown, Lovell and Berry absent.

At 2:08 p.m. the City Secretary called the roll. Council Members Johnson, Garcia, Lovell and Berry absent.

Council Members Khan and Alvarado moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Members Johnson, Garcia, Lovell and Berry absent. MOTION ADOPTED.

Council Member Khan moved that the rules be suspended for the purpose of hearing Mr. G. M. Nanjee at the top of the three minute Non-Agenda speakers, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Johnson, Garcia, Lovell and Berry absent. MOTION 2006-1083 ADOPTED

Council Member Lawrence moved that the rules be suspended for the purpose of allowing Ms. Rhonda Lore to remain at the top of the Non-Agenda speakers, seconded by Council Member Khan. All voting aye. Nays none. Council Members Johnson, Garcia, Lovell and Berry absent. MOTION 2006-1084 ADOPTED

At 2:10 p.m. the City Secretary began calling the public speakers. Council Members Johnson, Garcia, Lovell and Berry absent.

Ms. Margaret Jenkins, 10751 Dulcimer, Houston, Texas 77051 (713-734-8434) appeared and stated that she was present to speak about manhole covers being stolen in Sugar Valley and to praise Public Works for the efficiency in their replacement and to praise 311 which was very efficient; and suggested a less expensive material for the manholes or anchoring them where only Public Works could lift them. Council Members Johnson, Garcia, Lovell and Berry absent.

Mayor White thanked Ms. Jenkins for coming and stated that he made note of her suggestions. Council Members Johnson, Garcia and Berry absent.

Council Member Edwards thanked Ms. Jenkins for coming and stated that the inlet covers were stolen three times in two months and she did not know if there was a new market, but maybe locks were needed as they had spent close to \$65,000.00 in the last year replacing manhole and inlet covers. Council Members Holm, Garcia and Berry absent.

Council Member Brown stated that it sounded like something was going on with the manhole covers and it was something they needed to find the answer on; and Ms. Jenkins stated that if there was no where to sell them they would stop stealing them and maybe

something needed to be done about visiting scrap metal yards. Council Members Holm, Garcia and Berry absent.

Mayor White stated that between last Saturday and last Wednesday they arrested over 50 people and those arrests were continuing; and Council would be considering rules and regulations which would allow them to better enforce and identify those who sold the inlet covers. Council Members Holm and Berry absent.

Council Member Lawrence thanked Ms. Jenkins for coming and showing appreciation to 311, not many came to compliment. Council Members Holm and Berry absent.

Ms. Rhonda Lore, did not wish her address and phone number given, appeared, presented information and stated that she was present suggesting a massage establishment ordinance addressing proliferation of illegal parlors; that all were held hostage by the 24/7 spas since 2002 with one 388 feet from Wolf Elementary, statistics show they brought crime, prostitution, drugs and graffiti and all could be avoided; that some spas were raided and shutdown and more opened; and again urged an ordinance restricting hours, prohibiting sleeping quarters, requiring employees to be state certified, etc., with permits being issued through the City of Houston to avoid additional burdens on police and she believed it would handicap the supply and demand for the sex trade industry in Houston. Council Members Holm, Lovell and Berry absent.

Council Member Garcia thanked Ms. Lore for all her research and stated that he thought it was an issue worth investigation; that with the information she showed him previously it seemed Houston was one of the major cities in Houston without regulation on massage spas or parlors; and he would be investigating through the Public Safety Committee and would ask she help provide additional testimony. Council Members Holm, Lovell and Berry absent.

Council Member Lawrence thanked Ms. Lore for visiting a number of Council Members and stated that this week Legal was in court looking at results of the appellant court regarding putting back into the district courts the distance for sexually oriented businesses; that even Pasadena had an ordinance and licensing was needed as it was apparent what was going on; that Mr. Cheatham was aware of this and they had conversation on bringing an ordinance forward and it was needed. Council Members Holm and Berry absent.

Council Member Brown stated that he realized Ms. Lore came before Council four years ago and he apologized no action was taken; and upon questions, Ms. Lore stated that she called Pasadena and spoke with the permitting office legal secretary and was told the ordinance was effective and had been in place since 1964. Council Members Holm and Berry absent.

Council Member Edwards stated that the Brown Administration had a lot of work done regarding SOB's and she was not familiar with the end results and maybe through the committee they could get an analysis of where they were and would like an assessment; and Mayor White stated that he knew all at the table were committed to Neighborhood Protection and he was lucky to have Council Members Garcia and Lawrence trying to do all they could do and he would ask Legal to help him understand at some point certification and licensing requirements for people who offered massage therapy because he knew people could license activities health related and if someone said they offered massage and were not licensed he did not think they should and he wanted to work with them to get this done. Council Members Holm and Alvarado absent.

Council Member Lawrence stated they were in court now on work which had been done and she thought by the end of the week they would know more; and to answer Council Member

Brown that was why nothing had been done, they were waiting for this to come forward in court; and Mayor White stated that with the assistance of Legal they needed to look at license requirements and he bet this was not the only municipality in the US taking a look at it; that massage and spa had health connotations and there were professionals in the fields. Council Members Holm and Alvarado absent.

Mr. G. M. Nanjee, 1638 Birkoff, Sugarland, Texas (713-885-7870) appeared with two others at the podium and stated that he was a twelfth grader at Hightower High School and founder of a non profit organization called Be the Light Foundation and introduced his sister who was also a cofounder of the foundation; that their mission statement was to bring the light of hope into the darkness of the world and they had an annual event every year and in August had one, it was a musical competition and today they were present to thank Council Member Khan who was a part of their advisory council and presented him with a plaque for his support. Council Members Holm, Alvarado and Berry absent.

Ms. Tammy Roberts, did not wish to leave her address, (713-816-2781) had reserved time to speak but was not present when her name was called. Council Members Holm, Alvarado and Berry absent.

Mr. Hunter, Guidry, 1725 Chantilly Lane, Houston, Texas 77018 (713-688-1137) appeared and stated that he attended Pin Oak Middle School and requested his group members be allowed to join him at the podium. Council Members Holm, Alvarado and Berry absent.

Council Member Khan moved that the rules be suspended for the purpose of allowing other speakers at the podium with Mr. Hunter Guidry, seconded by Council Member Garcia. All voting aye. Nays none. Council Members Holm, Alvarado and Berry absent. MOTION 2006-1085 ADOPTED

Mr. David Mauzy, 1338 Bethlehem, Houston, Texas 77018 (713-957-0519) appeared and stated that he was from Pin Oak Middle School and he, Hunter Guidry and Gessenia Dela Cruz worked on a community service project and observed no dog parks in the Garden Oaks/Oak Forest Area; that they surveyed the area and found a location and drew plans and his colleagues would explain the rest of the project. Council Members Holm, Alvarado and Green absent.

Mr. Hunter, Guidry, 1725 Chantilly Lane, Houston, Texas 77018 (713-688-1137) appeared and stated that their drawing was scale to what the park would be and within a 10 mile area there was no dog park; that their proposed location for the dog parks was within an existing park and shown was an extension of the parking lot and was copied from a dog park at Westpark and 59. Council Members Holm, Alvarado and Green absent.

Miss Gessenia Dela Cruz, 1208 Charnwood, Houston, Texas 77022 (713-697-0968) appeared, displayed a drawing and stated that a survey showed the majority of the community would like a dog park in the area and they were asking for Council's support and would like to see it in the near future. Council Members Holm, Alvarado and Green absent.

Council Member Lawrence thanked them for looking at the park at T. C. Jester and stated that they would be considering the park with CIP dollars and she would like to sit with them and discuss their research and she and Council Members Garcia, Lovell and Brown thanked Mr. Hunter Guidry, Mr. David Mauzy and Miss Gessenia Dela Cruz for all their efforts. Council Member Green absent.

Mr. Robert Gallant, 643 Regal, Houston, Texas 77034 (713-944-8227) appeared and stated that he had been before Council previously and was present as a follow-up; that last time he was given Council Member Sekula-Gibbs to help and it did not work out, she said since he was indigent to not pay the bill he was to receive, but she misunderstood there was a difference between a disabled decorated veteran and a welfare case; that his complaint was the insults, robbery and service received from Houston EMS when they took him to the wrong hospital and for stating he would be murdered if he went to the VA Hospital and for taking him to Southeast Memorial Hospital which was an atrocity; that he asked for an investigation and was told he could not speak on certain items; that the Houston EMS was found guilty and the operators were suspended, but he was still sent another bill and he was asking for an investigation and help.

Council Member Wiseman thanked Mr. Gallant for coming and stated that she was sorry he had to come because of an inability to have his situation properly addressed; that he contacted her office in July and she sent a memo to Chief Boriskie detailing the situation as it was relayed to her by him and in reviewing they had yet received any response from the Chief and she would ask the Mayor's assistance in helping the constituent receive a response from HFD to the allegations; that in addition to that members of her staff tried to contact him and the phone number they had was not working and she wanted to be sure they did get the correct information today; that they also submitted his issues and complaints to the hospital and she understood he was still not satisfied with how that was resolved and a staff member would have contact numbers for his legal assistance since that was outside the purview of Council; and Mr. Gallant stated that he went through all that and the investigator said he was not allowed to speak on hospital incidents. Council Members Johnson, Khan, Garcia and Berry absent.

Mr. Dewey Paris, 501 Sulross, Houston, Texas 77006 (832-452-8792) appeared and stated that he was present to lend support to Ms. Lore and her concerns with SOB's in the Houston area and because of his concerns with the problem of human trafficking in the area; that human trafficking and illegal arm sales were the second largest form of illegal organized crime and the fastest growing with an estimated 27,000,000 people being exploited today in modern day slavery, more than twice the number of slaves taken out of Africa during the transatlantic slave trade and the CIA estimated 50,000 women and children being transported throughout the US each year and being sexually exploited within our own communities; and urged the community leaders and population learn more about this sinister form of crime and guide their efforts to better regulate and monitor . Council Members Johnson, Khan, Holm and Garcia absent.

Council Member Lawrence stated that the previous legislature passed Bills and right now the district attorney and HPD were looking at this, working on cases and coming up with solutions; and upon questions, Mr. Paris stated that his information came from the State Department's Trafficking and Person's Report which was published annually and on line; and Council Member Lawrence stated that was what she wanted established he was not just making up numbers it was really happening and it had been realized and a number of arrests were being made. Council Members Johnson, Khan and Holm absent.

Ms. Tran Nguyen, 8205 Park Place Blvd. #511, Houston, Texas 77017 (713-703-6038) appeared and stated that as a member of the Coalition Against Human Trafficking she wanted to reiterate the importance of human trafficking in the Houston area; that smuggling was coming into the country illegally and a crime against the country, but human trafficking was a crime against a human person and it included citizens of the US; that there was usually a bait and switch process which occurred when the victim was lured to come into a specific area and then forced into slave bondage or prostitution; that she also received information from the 2006 State

Trafficking and Persons Report and no human should be bought or sold. Council Members Johnson, Khan and Holm absent.

Ms. Jessica Donohue, 6300 W. Park #600, Houston, Texas 77057 (713-339-9065) appeared and stated that she was the program director at the YMCA International for the Trafficking Persons Assistance Program and was present to help clarify the misconception there were no victims in the crime of human trafficking which directly was related to the 24 hour spas Ms. Lore spoke of; that the YMCA had federal funds to help serve those victims of human trafficking and had over 115 individuals identified by local and federal law enforcement as victims of human trafficking and were from Houston; that anyone could look on the US Attorney's website to see where exactly the crimes took place, the current investigations going on and the type of crime it was and it was important to recognize numbers so you could relate to what was going on in your community; and the general parties were backing human trafficking with all they could right now and the Sheriff's Department and Harris County Sherriff's Office was involved heavily and they had the Vice Squad but Council also needed to be backing this and get the businesses taken down. Council Members Johnson, Khan and Holm absent.

Council Member Garcia stated that some of the literature did talk about how massage parlors were used as slavery, for a lack of better words, for victims smuggled into the US; and upon questions, Ms. Donohue stated that in her opinion an ordinance would provide a lot of support, part of the issue was law enforcement agents investigating had no grounds to either enter the facility or nothing to fall back on and they saw that with investigations of the cantinas, but the FBI and ICE units had the Texas Alcohol and Beverage Commission as an authority to go in and if they had something similar with the 24 hour spa industry where an investigative body had the right to go in and see what was happening it would help investigations and spread like wildfire through the industry it was harder to have such operations under the radar of law enforcement; and Council Member Garcia stated that there were licensed massage therapists, truly professionals and he felt they would support this from the illegal activity; and he would like her to be a part of the group working on this; and Ms. Donohue stated that she would be honored. Council Members Johnson, Khan and Holm absent.

Upon questions by Council Member Edwards, Ms. Donohue stated that they were present offering aspects and angles of the issue and were supporting Ms. Lore requesting an ordinance to provide legislation or a regulatory body for the spa industry. Council Members Johnson, Wiseman, Khan, Holm and Lovell absent.

Mr. Randall Kallinen, 1406 Castle Court, Houston, Texas 77006 (713-320-3785) appeared and stated that he was president of the Houston Chapter of the American Civil Liberties Union which had over 4,000 dues paying members in the Houston area; that lightning killed 70 or more people yearly in the US, electrocution was the fifth leading cause of occupational hazard and killed hundreds yearly and taser created an electrical rifle not tested and sold to the City of Houston among other law enforcement agencies and it did not make sense; that three ME's had determined the taser was primary cause of death in individuals and recently the US Navy released facts that tasing pigs caused heart damage and now there were new warnings on web sites and it included the possibility taser could kill and could cause serious injury and Taser International warned against sudden in custody death syndrome associated with the taser and listed a wide range of symptoms; and when the taser was deployed in 2004 there were 10 incidences of shootings by firearms from Houston HPD and after a year of full deployment it doubled to 12 killed and 11 wounded and this year HPD had killed 8 people and 14 wounded. Council Members Wiseman, Khan, Holm and Lovell absent.

Upon questions by Council Member Garcia, Mr. Kallinen stated that medical testing done after people were tased in Houston did not include EKG or anything to show heart damage

which studies showed could happen and there should be a medical study of all those tasered, a moratorium on the taser and discipline of officers to report once they have tasered someone; that there was at least one incident where an individual was tased many times, it was in the police report and yet policy to call a supervisor and download taser information did not occur so there should be discipline of officers to report tasing; and Council Member Garcia stated that much information had been brought forth regarding medical implications of the impact when a taser was used, but it was relatively a new science, new technology and they did need to remember as this was worked through the taser came to the forefront because they wanted an alternative in the hands of police officers in lieu of their firearms, they were concerned with beatings from nightsticks and shootings occurring and they asked Chief Hurt to evaluate the taser policy and make recommendation because in 2003 there were two very controversial shootings and it was believed there were 39 incidents where the taser was used which would have otherwise justified deadly force and 60% of the time officers used taser it was because they were called to a scene which was chaotic to begin with; and he would be happy to listen to medical experts and did keep an open mind, but by the same token he thought the general public appreciated an officer having something other than a firearm; and the number of officers hurt had dropped dramatically. Council Members Edwards, Wiseman, Khan and Holm absent.

Council Member Berry stated that he appreciated his perspective but relating to taser there were two issues raised on concerns with the first being the disproportionate use of tasers on Blacks as opposed to Anglos, Hispanics and Asians and secondly was the use of tasers as a device without regard to the persons upon who they were used; and upon questions, Mr. Kallinen stated that tasers were proven to be unsafe by the US Navy, 3 medical examiners, and the picture being displayed was of an individual who was tased at least 10 to 12 times by an HPD officer and who never reported it and medical examinations done were basically a questionnaire with no EKGs, etc., and to look for heart damage you have to look for certain chemicals in the blood and it did not necessarily show damage the same day, it was cumulative and a study needed to be done on those tased and see if there was a problem with their hearts; and Council Member Berry stated that if he had a case where HPD officers were not filling out the report and following procedure it was a significant problem and Chief McCullen and the Mayor and Council needed to know of it and something needed to be done as there was a policy and it needed to work; and upon further questions, Mr. Kallinen stated that he did not think tasers should be used at all, they were proven unsafe, but if they were only used in lieu of deadly force it was better than shooting with a gun, but since the introduction of the taser there had been more shootings by firearms and not less; and Council Member Berry stated that there was also a dramatic increase in crime, but if an officer was not following procedure they could both agree it was inappropriate and needed discipline, it was his position if an officer was going to have to grapple with an individual and certainly if he would have to use deadly force he thought a taser would be better advised but he was not opposed to studying this. Council Members Wiseman, Khan, Holm and Lovell absent.

Mr. Gregory Jackson, 3233 Windchase Blvd. #408, Houston, Texas 77082 (832-216-1549) had reserved time to speak but was not present when his name was called. Council Members Wiseman, Khan, Holm and Lovell absent.

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

Mr. Tom Bazan, P. O. Box 2786, Houston, Texas 77252 (713-466-4477) appeared and stated that he was present to ask the Administration to consider asking METRO to test the Holcombe bridge for corrosion, they just received approval from the Texas Department of Transportation to set up testing sites on expressway overpasses and the Holcombe Bridge was

susceptible to damage now; that the Medical Center had also hired consultants to study the damage from the current generated by the train as it impacted the buildings, but no one had asked they check the Holcombe Overpass. Council Members Wiseman, Khan, Holm, Garcia and Lovell absent.

Council Member Clutterbuck stated that he E-mailed Council Members and this was an issue which gave her great concern and she would be happy to send a letter to METRO and urge them to test the safety of that particular bridge; that certain newspaper articles reported METRO admitted it may be an issue and certainly the stray electrical current was and whether it affected the structural integrity of one of the bridges was essential to look into; and upon questions, Mr. Bazan stated that Mr. Frank Wilson refused to suggest or recommend a safety stand-down until they could cure the problems and short of that they had repaired 118 locations where stray current corrosion damage was found and everyday the system was electrified the current could be damaging the steel reinforcing rebar of the bridge. Council Members Wiseman, Khan, Holm, Alvarado, Garcia, Lovell and Green absent. (NO QUORUM PRESENT)

Mayor White stated to Mr. Norman he would like him to get with METRO and be sure they had the right answers on the impact of stray current and to pass this particular request on. Council Members Wiseman, Khan, Holm, Alvarado, Garcia, Lovell and Green absent. (NO QUORUM PRESENT)

Council Member Edwards stated that her question was to clarify something previously and Mayor White had initiated an independent study of tasers; and Mayor White stated that initiated may be strong, but HPD would undertake to have an independent review of the uses of tasers, the impact and in time the health impact; and Council Member Edwards stated that she wanted to be clear so people would know what was done and being done; that she understood Council Member Garcia to say the taskforce came back with recommendations and she would like to see that; and she was not trying to be disrespectful to Mr. Bazan but she knew she would receive calls and the Administration and Police Department were trying to deal with the perception in the community and that was if you were a large Black man stopped by police you would probably be tasered and they had to mitigate that perception; and Mayor White stated that he respected that and what they needed to do in light of her discussion would be to almost have a question and answer format from the Chief Command Staff, operating procedures on case by case review, the operational reviews on training deployment and procedures and the independent study concerning impacts so they could clearly communicate with the public and he stated to Ms. Stein that he would request of the Police Department for questions and answers on those three topics. Council Members Wiseman, Khan, Holm, Alvarado, Garcia, Lovell and Green absent. (NO QUORUM PRESENT)

Council Member Berry stated that he received Mr. Bazan's E-mail and some things concerned him, if half of what he was concerned about was true then there was serious problems with the Holcombe Bridge and the building; that he did not claim to understand why the stray current was such a problem, but he saw enough reports to suggest there was; and upon questions, Mr. Bazan stated that he would be happy to E-mail him information so he could look at the websites, but the bridge was in Council Member Edwards's district and it was being tasered daily and (NACE) the National Association of Corrosion Engineers published a 450 page book regarding stray current corrosion problems with electrified systems such as the tram METRO operated. Council Members Wiseman, Khan, Holm, Alvarado, Garcia and Green absent.

Ms. Margaret Gondo, 209 Vincent, Houston, Texas 77009 (713-743-1924) appeared, presented information and stated that she was present speaking in response to an E-mail sent out by Steven Williams last Friday regarding the cancellation of the two for one adoption policies

involving animals from the Bureau of Animal Regulation and care; that those handling the adoption did attempt to screen potential adopters and declined a small number of people and she submitted for Council's review the preliminary application which came out of a single meeting which he held last year to review the adoption process at BARC; that she was told many times by various city personnel including Mr. Williams the city could not refuse an adoption because it would get sued for discrimination and that mentality continued to permeate at BARC where it was impossible to decline anyone interested in adopting an animal and not having a process in place to fairly assess potential adopters was counter intuitive to a successful animal control program and it would behoove Mr. Williams to initiate a screening process as was suggested in his reasoning for the reason of canceling the event and the City of Houston could not provide an effective animal control program funded at \$1.85 a citizen; that she had been before Council several times on issues with BARC and it amazed her no one ever listened to them and then they wanted to ban Pit Bulls and the problem was a lot more serious. Council Members Wiseman, Khan, Holm, Garcia and Green absent.

Council Member Berry stated that he had several conversations with BARC volunteers over the last few days and he understood her frustration and on the issue of dedicated funds he agreed, funds from adoption should stay in BARC, for instance collecting fees within the Library went into the General Fund and got sucked off to public safety because that was highest priority, but they should have a dedicated policy as it would encourage departments to generate more funds and be more self sufficient and despite what some thought Kent Robertson was their friend and he thought he had some great ideas and his office had only recently gotten involved in this but he had quite a few conversations with Kent Robertson and they were seeing changes and for the two for one there was a split opinion and the ordinance would need to be changed, but it was his opinion the cost to adopt a dog should be the cost to destroy a dog minus one dollar because most did not want to see dogs destroyed and they should find a way to adopt them and he was hopeful they could do it. Council Members Wiseman, Khan, Holm, Garcia and Green absent.

Mr. Ray Gutierrez, 18703 White Candle, Spring, Texas 77388 (281-651-8700) appeared, presented information and stated that he was with Houston WiFi, a consortium group for the wireless connectivity and there were things needing to be looked at, as a matching partner of Houston WiFi Consortium they had the largest minority participation and the largest infrastructure in place to mobilize immediately with 9,000 miles of fiber and the criteria based on the RFP process was value to community and government, financial capacity, experience and MWBE participation; that keys to the WiFi Network were infrastructure in place which meant rapid deployment, fast technology, etc., that they were looking at a Layer 2 product now and it would be obsolete in the next two years max and they should be looking at a Layer 3 product and what they did with the network would be very important, technology which was around the last 100 years was surface based and the next level was satellite and this was the midlevel mesh blanket. Council Members Wiseman, Khan, Holm, Garcia, Green and Berry absent.

Mayor White stated that each had a balance and because of the importance of the procurement he had been deeply involved, on one hand people did not want to spin their wheels, if there were too many bidders because soft cost were entailed, but on the other hand you wanted to be sure people were competing actively until the last possible moment; that he respected him greatly as a citizen; and upon questions, Mr. Gutierrez stated that he was reading from the wrong thing, he sent the wrong paper to him, but the current assets of \$15,000,000 was in-kind from Phonoscope. Council Members Wiseman, Khan, Holm, Garcia, Green and Berry absent.

Council Member Lawrence stated that there were a lot of comments and all were looking forward to WiFi; and upon questions, Mayor White stated that there was a special meeting next

Thursday and he wanted to make sure they did get the best possible solution and if there was a reasonable requirement and someone did not agree to it and someone else did then up until all t's were crossed and all i's dotted there was not a recommendation and he was trying to make sure they did get the best; and Council Member Lawrence stated that she would like information shared with Council so they would know the process was fair; and Mayor White stated that he believed public servants who were responsible for procurement were good people doing a good job for the right reasons and when it came to aspects of commercial negotiations or making sure the adequate financing was in place and based on experience in at least one other case he decided to use his own expertise and he thought this was a way they could assure the best process to hear it from his own mouth. Council Members Wiseman, Khan, Holm, Garcia and Green absent.

Mr. Carl Jordan, 1423 Hawthorne, Houston, Texas 77006 (832-623-6361) appeared and stated that one block from him was a bar, the Social Room, and he called TABC and was told the establishment had no liquor license or permit and he assumed they were operating as a BYOB; that on Friday and Saturday nights all you heard was the booming from music and bar room brawls outside and he did all he could by talking to the managers and calling police on several occasions, but when police left they were back to square one; and asked if Council would send someone in authority on a weekend night to see and hear what was going on. Council Members Wiseman, Khan, Holm, Garcia and Green absent.

Council Member Edwards stated that her office talked to Mr. Foster at the TABC and he acknowledged there was no liquor license at the location and she was not clear why they were operating and she would ask to have it checked and see that they were legally operating; that 13 calls for service in a two month time regarding noise, drugs, alcohol consumption on the streets, etc., and she did apologize to Mr. Jordan and would try and get action to see what was going on; and Mayor White stated that he would like someone in Legal to give him a note for his continuing education about what the state legal requirements were for something known as BYOB. Council Members Wiseman, Khan, Holm, Garcia and Green absent.

Council Member Johnson stated that there was a number of BYOB's in his district and they circumvented the law because they could not afford the liquor license or were unable to get one because of their close proximity to schools, churches or residence or because of criminal record and he hoped they could look at a stronger ordinance dealing with BYOB's because all they were doing was circumventing the law and they were popping up everywhere. Council Members Wiseman, Khan, Holm, Garcia, Alvarado, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Gina Wiley, 1110 Winbern, Houston, Texas 77005 (713-528-6971) had reserved time to speak but was not present when her name was called. Council Members Wiseman, Khan, Holm, Garcia, Alvarado, Green and Berry 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. Council Members Wiseman, Clutterbuck, Khan, Holm, Garcia, Alvarado, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Justina Chen, 2626 Folage Green, Houston, Texas 77339 (281-358-6468) appeared and stated that she wanted to compliment Mayor White for being the best boss in the world; that in March of 2005 the Mayor of Shanghai led a delegation and a gala dinner was held in Houston and people paid thousands to attend; that some in the Mayor's Office received checks for thousands from that dinner; and after she brought it to the attention of the Houston Police Department she was poisoned with radio active substances; and continued expressing her

personal opinions until her time expired. Council Members Wiseman, Clutterbuck, Khan, Holm, Garcia, Green and Berry absent. (NO QUORUM PRESENT)

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (832-453-6376) appeared and stated that he was filing charges on the City Secretary and the Mafia was attacking him; and continuing expressing his personal opinions until his time expired. Council Members Wiseman, Clutterbuck, Khan, Holm, Garcia, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Susan Stein, 30322 Hazy Point Dr., Houston, Texas 77082 (713-907-1101) appeared, presented information and stated that suburban sprawl continued with more vehicles on the road and in driveways and made impressions of neighborhoods in terms of desirability and marketability; and urged help for aging neighborhoods with modest homes to attract willing buyers by strengthening codes and ordinances for vehicles and trailers. Council Members Wiseman, Clutterbuck, Khan, Holm, Garcia, Green and Berry absent. (NO QUORUM PRESENT)

At 3:55 p.m. City Council recessed until 9:00 a.m., Wednesday, December 6, 2006. Council Members Wiseman, Clutterbuck, Khan, Holm, Garcia, Green and Berry absent. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, December 6, 2006

The Houston City Council reconvened at 9:00 a.m. Wednesday, December 6, 2006, with Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Ada Edwards, Addie Wiseman, M. J. Khan, P. E., Pam Holm, Adrian Garcia, Carol Alvarado, Peter Brown, Sue Lovell, Ronald C. Green and Michael Berry; Mr. Arturo Michel, City Attorney; Ms. Marty Stein, Agenda Director and Ms. Marta Crinejo, Assistant Agenda Director, present.

Note: Council Member At Large Position 3 vacant.

At 8:18 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:19 a.m. Mayor White called the meeting to order. Council Members Wiseman, Garcia, Alvarado, Lovell, Green and Berry absent.

Council Member Clutterbuck moved to suspend the rules to consider the Monthly Financial Report out of order, seconded by Council Member Khan. All voting aye. Nays none. Council Members Wiseman, Garcia, Alvarado, Lovell, Green and Berry absent. MOTION 2006-1086 ADOPTED.

**9:00 A.M. - REPORT FROM CITY CONTROLLER AND THE CITY ADMINISTRATION**

**REGARDING THE CURRENT FINANCIAL STATUS OF THE CITY** including but not limited to, a revenue, expenditure and encumbrance report for the General Fund, all special revenue funds and all enterprise funds, and a report on the status of bond funds

Mayor White recognized Ms. Annise Parker, City Controller, for the Monthly Financial Report. Council Members Wiseman, Garcia, Alvarado, Lovell, Green and Berry absent.

Ms. Parker stated that it was the Monthly Financial Report for the period ending October 31, 2006, they were currently projecting a revenue shortfall of \$21.8 million, it was \$6.4 million

more than the shortfall reported last month, the changes were attributed to several factors in both anticipated revenues and projected expenditures, due to better than expected year to date performance their sales tax projection was up by \$3 million and Charges for Services were up about \$2 million over their prediction at budget time, these increases were offset by a \$1 million decrease in their projection of revenues for Direct Interfund Services, the decrease reflected a switch from HPD officers to private firms for security at City water plants, on the expenditure side there were several changes including a \$3 million increase in General Government due to the anticipated Special Election to fill the vacancy created when former Council Member Sekula-Gibbs won election to Congress, that would cover both a general election and a runoff election so they were funds for two elections and they were estimates they did not know exactly what the number would be, the budgets for Fire and Police were expected to be over budget by \$1.6 million and \$7.8 million respectively due to increased overtime costs, there were also some projected personnel savings in some of the administrative departments and those were subject to change as those departments may make changes to their budgets, if they looked at the MOFAR they would see that the primary difference to the Controller's number and F&A was in Sales Tax, they were slightly more conservative on Sales Tax although they would admit that Sales Tax had continued to come in higher than expected, they spent some time in yesterday's meeting talking about their compliance with Proposition 2, the Charter required that it be certified by their independent auditor, Deloitte and Touche and they were in now working on the CAFR and aside to that they were also reviewing their work on Proposition 2, the way it would go was that they did not actually do the calculations they audit the calculations of the Controller's office, they were in the midst of some rather intense discussions right now with F&A on how to classify Katrina and Rita expenses and she thought that may be an issue that they were going to agree to disagree on, but they had gone back and drilled down more in both the base year FY01 and in the FY06 calculations since it was the first time they had to do it for purposes of adjusting the budget, they had gone down to smaller funds and tried to hit the target a little more closely and to be sure that they aligned differences in the CAFRs from FY01 and FY06 so that they were doing apples to apples all the way through, they had exceeded the cap, they were not sure exactly the number they were clearly under the \$10 million limit so they had not triggered any repayment provision as yet, the area of contention was how they treated disaster expenditures for which they were un-reimbursed, that finally they had also distributed their monthly Katrina update and as they would see they still had money on hand, there were still expenditures being made, they were generally utility costs, they were out of the housing business and in response to questions asked yesterday the City of Houston was no longer being reimbursed for any direct new Katrina or Rita expenses, and that concluded her report. Council Members Edwards, Holm, Garcia, Lovell and Berry absent.

Ms. Judy Gray Johnson, Director, Finance and Administration, stated that overall their report was not significantly different from last month, they did increase their sales tax estimate based on the check that they received last month being quite a bit higher than what was budgeted, that they would know today what the next number was for October sales taxes, but as of 10 minutes ago it was still not available from the State Comptroller's office, they had adjusted their figures only based on the extent to which year to date revenues were higher than budgeted for that period of time which basically meant a 3% increase over last year's numbers for the rest of the year, which was a little bit more than what the Controller's number was but they felt both were really very conservative considering how much increase in sales tax they had been seeing, they had made some adjustments on the expenditure side and would like to remind everyone that these were not crystal ball and saying that any particular department would over spend or under spend their budget it was simply showing what the trends would be based on the spending patterns to date and estimates of what may happen depending on decisions not yet made for the rest of the year, those that were spending more in overtime it would be a decision to review as to whether there were other cost cuts that could be made within the department to bring them within budget or whether in order to maintain services that

they would need to have their budgets adjusted, it was to early in the year to make a final decision on that, there were a few cases where they had made adjustments to the budgets and were shown in the difference between the adopted budget and the current budget line, that outside the General Fund there was really no news, there were some changes in Airport and Water and Sewer that were mentioned in the letter but they were not unusual for this time of year, and that concluded her report.

Council Member Holm stated that she had a couple of questions that she had asked and they may or may not have the answers today but she really wanted to go on record to get the answers, one was that she knew there was some discussion about their having a special bill before the Legislature to deal with the open seat but should they have a special election in May and it was estimated to cost \$3 million where the funds come from, had it been designated, earmarked or identified at this point; that two, she received an email that expenses from the Council office of Council Member Sekula-Gibbs was going to be distributed between the budgets of the rest of them, if that was the case did the allocated budget remaining also get distributed between the rest of them, she was confused, she thought that the seat existed as a seat, and would like some explanation to affirm what was going to happen to that budget and if they were going to be responsible for the expenses incurred were they also going to be able to have some of the remaining budget allocated evenly between them; that three, there was an item on the agenda today about the recovery of HOT taxes, hiring a law firm, that as she read it said that the recovery would go to the Convention and Entertainment Bureau, because it was HOT taxes in the Enterprise Fund, but it also said that any expenses for legal fees, for hiring law firms or any related expenses would have to be paid out of the General Fund, how had they identified, she did not know if it was \$10, \$100,000 or \$5 million because there was not cap on it, but how would they designate and from what line item would that amount of money be, that it was taxpayer resources, where would they get that money to reimburse it; that the fourth item had to do that in the coming weeks there would be a Parade Ordinance, which she welcomed and Susan Christian had done a great job on that, but one of the things that continued to concern her was when people used their public streets for something other than mobility it required, in addition to a lot of services, their police officers and she was wondering where did they get the money to pay for the police officers, they just passed a referendum raising up to \$90 million of the REV Cap in order for public safety, where do they get the revenue and out of what budget did it come to pay for police to do traffic control for their sporting events downtown and to also monitor parades and demonstrations on the public streets and through their neighborhoods. Council Members Garcia, Alvarado and Berry absent.

Mayor White stated that on points 2, 3 and 4 they would get a written explanation and would make sure that each Council Member get a copy of the report, that on the issue of \$2 million, \$3 million or \$4 million for a special election there would be obviously further opportunity to discuss it but just as sort of a factual matter he thought the most likely outcome that they would decide on, so everybody knew what the consequences of actions were, was most likely rather at that time in a fiscal rather than curtailing the department's budget, which would be severe for that, they would most likely decrease their anticipated cash reserves and then decrease the services that they could give to the public in Fiscal Year 2008, that would be the most likely consequence and they would decide in the budget, if they spent the money then it would not be there to take out, but since two thirds of their expenditures after Debt Service in the General Fund was public safety, people could sort of draw their own conclusions, that if it was done pro rata two thirds would be that and the rest would be other departments. Council Member Berry absent.

Council Member Lawrence asked if there was in the Sekula-Gibbs district office \$10,000 left did it require a Council vote to spread it between the offices or put it back in the General

Fund, and Mayor White stated that he believed the answer was no, not if it was within the percentage threshold limit as established in the budget. Council Member Berry absent.

Council Member Green moved to accept the Monthly Financial Report, seconded by Council Member Khan. All voting aye. Nays none. Council Member Berry absent. MOTION 2006-1087 ADOPTED.

**MAYOR'S REPORT** - Multifamily Housing Redevelopment Initiative

Mayor White stated that they had Mr. Mincberg, Mr. Jeff Smith and Mr. Donald Sampley present for a Mayor's Report on one of the most important things that would be happening in the City of Houston in the next 12 to 24 months, that they had a team that also encompassed Ernie Etuk, Redic Edwards with Houston Housing Finance Authority and many others working on the important project, that in Houston affordable multi family, the biggest source of that, were apartments that were not built for "affordable" housing they were just old, that was how most of the affordable apartments were created in the City of Houston, there was a big slug of them that were in the 20 to 30 year old age and were concentrated in certain areas and he, with Mr. Mincberg's leadership when he joined them as an informal advisor and was drafted into service recently on something, as HCD, the Houston Housing Authority, Houston Housing Finance Authority, Housing and Community Development Department, they had a multi family working group with people who had actually built, owned and operated multi family units, who were public employees, participating to design a regional strategy of how do they rehabilitate quite a number of those units, rehabilitation was most cost effective than new build, like four to five times more cost effective than new build, and they had concentrated resources, decided to concentrate resources in particular areas so that they would have a critical mass of redevelopment that would provide an additional incentive for the private sector investment that they needed in order to bring other apartments up, that it was big and would involve a commitment of tens of millions of dollars of their home dollars as well as tax credits. Council Members Lovell and Berry absent.

Mr. Mincberg stated that he was pleased to report to them on a new initiative that the City was going to undertake through the auspicious of the Department of Housing and Community Development, working closely in conjunction with their two other agencies, Housing Authority and HHFC, the inception for the idea took place several months ago when he, Tim Seckinger, Houston Housing Authority and Redic Edwards, Chair of the Houston Housing Finance Corporation joined Mayor White in New York City on a tour of the Bronx and Brooklyn areas of New York City, that they saw areas of New York that had been burned out and were derelict that had been neglected, where nobody wanted to walk much less live and they saw an areas, through the courtesy of the New York Housing officials, that had been brought back on a systematic basis and Mayor White communicated to him his visions and goals and made clear to Mr. Seckinger and Mr. Edwards what he wanted to accomplish throughout the City of Houston, that his three points that day were, the passage of a Crime Ordinance, which the Council passed to deal with exterior conditions, the passage of Habitability Ordinance, which they intended to bring forth in the first quarter of next year to deal with interior conditions in multi family units which would provide for registration and inspection of apartments once every three years, and then the program that they would speak of today, a targeted multi family renovation and rehab program to promote better neighborhoods, that they had many projects that were built between 1975 and 1985 and were built to the then standards of the area and City Code but built with a 30 year useful life, that Houston went into an economic downturn and tailspin and took place when all those projects had been completed, that in 1982 and 1983 many of those apartments were foreclosed on by lenders and SNLs in what was then known as the SNL debacle, they were taken over by savings and loans and then subsequently taken over by the RTC and led to years of neglect, those projects were frequently run down, no money was

invested in their capital and no capital was invested in their upkeep, that they went through a cycle that lasted into the early 1990's where the many projects were allowed to deteriorate and run down, they had many good people living in those projects and were struggling to live in the aging properties while the conditions in the properties were deteriorating, good owners simultaneously were being squeezed, utility and insurance costs were rising and it was very difficult for owners to keep their projects up to good standards and affordable, that in the City they had tried in the past a scattershot approach to fixing up the units and had done good work but had not attempted to do it in a systematic and systemic approach and they had not had a critical mass to provide the incentive to the private sector to help out in certain markets and then the City of course did not have unlimited funds, something that they all knew very well but they had to work very carefully now and in the future to make sure that their City funds were spent well and wisely and administered wisely, taking all of that into account the Housing Community Development, the Housing Authority of the City of Houston and HHFC had worked together to analyze several neighborhoods with the highest density of apartment dwellers, a need for redevelopment in an effort to stop and reverse the downward spiral and trend in those neighborhoods, they looked at concentration of low cost housing units and found five areas in particular that within a mile and a half radius had in excessive 8,000 to 9,000 multi family units, a fifth area had 17,000 units in that same radius, to determine which areas were the most promising for initial rehab so that they could concentrate their efforts they looked at areas with active non profit organizations, transportation, schools and other indicators of neighborhood support of the Better Neighborhoods Program, it was their hope and expectation that they would experience measurable success in the first two target areas allowing them to expand from there and allow other neighborhoods as well, they selected two areas for the first targeted investments, the Hobby Airport area, around Broadway and on Broadway leading in and out of Hobby and second the Fondren southwest area, that in order to maximize the City's investments and goals they would work in partnership with their sister organization, HHFC, additionally they would be working closely with HUD, HUD had stated nationally that they wanted their funds targeted in such a way that a visible measurable impact was made with the money, they believed they would enhance the likelihood of working well together by complying with HUD's targeted vision on go forward investment decisions, they would support substantial rehab of units that were between 10 and 30 years old, they wished to extend the useful and safe life of these properties and believed that this was the most cost effective way to get better units to deserving families quickly, by substantial rehab they were not interested in providing funding on a very limited basis of just painting and dressing it up on the street, they were not going to be providing money that was just going to do a surface rehab and put a Band Aid on the problem for six months to three years, they anticipated that they were going to be funding between as little to \$10,000 to \$12,000 per apartment to as much as \$25,000 per apartment, they would have established criteria for assessing projects as they came forward and were still working on those final criteria and those would be published in January but would include assessments for the two targeted areas that would include consideration for community services, community facilities and community involvement, they would also have credit for area beautification, school support, infrastructure and even a set aside for support for the arts, what did they want to see in return and what would they get for providing funds for rehab, they would get area revitalization, better neighborhoods and better neighbors, that better neighborhoods would result in a better City for all of and reduce crime, it would increase employment opportunities and would raise values for all citizens and ultimately increase the tax base and tax revenue for the City of Houston, that it was a win win situation for the City of Houston, the citizens and the administration. Council Members Holm and Berry absent.

Mr. Jeff Smith, Chairman and Director of HHFC, stated that the Houston Housing Finance role primarily in this program was involved with helping facilitate the use of tax credits for the rehab work that Mr. Mincberg had described, they had worked closely with the State agency that administered the tax credits, the TDHCA and they were trying to make sure they clearly

communicated to them the goals they were trying to achieve with the program and changes, modifications and emphasis with the Tax Credit Program so that it would be more acquisition rehab friendly, another major component that they were trying to help encourage was using the tax credits for dealing with some of the worst properties that may be in some of the areas, if they picked the very toughest project in the worst condition and they could use the State's program for acquisition and demolition and then rebuilding it at a lower density it could yield good results, that it was a program that had been used in other parts of the State and they were trying to help enhance it's use in Houston, that one of things that was also important in the effort was trying to be proactive about dealing with concentration, that those outside the City looked at Houston as highly concentrated in multi family and they would like to be more proactive and head of the game relative to dealing with concentration at it's root source, if they looked at some of the areas in the City that had been highly concentrated they actually had not been concentrated because of the Tax Credit Program but there was that perception so they would like to change that perception and effectively deal at helping de-concentrate some of the areas, the other area that HHFC got involved in was providing loans, predevelopment loans and other type of financing that help assist the Tax Credit Program so they would be involved in that to. Council Members Lovell, Garcia and Berry absent.

Mr. Donald Sampley, HCD, stated that the Housing and Community Development had spent it's money over the last 12 to 18 months primarily in support of new construction and in support of tax cut transactions, they would continue that support no matter where those tax credits were located but they would like to concentrate their additional efforts in the support of developers, both for profit and not for profit, and the acquisition and rehabilitation of existing units, from 10 to 30 years old, they were also willing to provide funds to exiting owners so that they may improve their properties if they wished to continue to own them, that they would probably, as a Council, not see those transactions until sometime near the end of the first quarter as they would open up their request for proposals no later than the first of February and they should hopefully see them within 60 days into the Housing Committee and within 30 days after that into the Council, their standard deal would be a 15 year zero percent performance based loan, they were going to cause no economic drag on the property from interest, the loan would be secured by a genuine Deed of Trust and they would have full recourse to the borrower and to the sponsor during the rehabilitation period, they would have the standard carve outs for fraud and misuse of funds, the entire loan would be forgiven at maturity, in 15 years, if during the life of the loan the borrower wished to sell their property subject to the debt then they would charge a 1% fee and then all of the property would have to have passed all the inspections and be current in all matters related to HUD restrictions before it could be transferred, that another area that he thought was very important was that they would not fund any soft costs, they were only going to fund hard costs, soft costs would have to be funded from the existing mortgage loan or from the existing cash flow of the project, they were going to fund sticks and bricks, not developers fees, their restrictions would last for 15 years and those restrictions in the form of the Land Use Restriction Agreement must be senior to the first mortgage of the property, that protected them at their future dealings with HUD and that would be a requirement, a deal killer for the City, that was probably the only deal killer for the City that they must have their restrictions first. Council Members Lovell and Berry absent.

Mayor White stated that the bottom line was rehabilitation in concentrated areas, certain types of apartment complexes targeted, very large potential commitment of their home funds that had been designated for multi family use and to please remember that because of rising energy and insurance costs right now there was a squeeze on in the multi family business, he also wanted to say when they had acted to make sure there were standards for the operation of multi family units the standards for security of residents that they had talked about, which was carefully tailored and passed through the Council, the habitability standards, which they would be talking about, that they understood and recognized that there ought to be financing

alternatives for those people in targeted communities to assist in bringing their apartments up to standard, so the Apartments to Standard Program was done to a greater scale in Houston than anywhere else in the United States according to former HUD Secretary Cisneros in Houston, Texas in the 1990s, so they were not doing something that had not been done before, but they were doing it on a massive scale and doing it with some targeting. Council Members Lovell, Green and Berry absent.

Upon questions by Council Members, Mr. Mincberg stated that as the project got fixed up they would draw a group of folks who wanted to live there and be better neighbors, that was their outright desire; that they would certainly take into account if they saw an owner who had essentially deliberately let a property run down, they would be very reluctant if what they saw were deliberate actions to fund somebody out of that situation, that they were looking for the good faith owners who had tried their hardest but were now just stuck in quagmire, that they would keep the Council informed on the ones they choose in the southwest and Hobby area, that with regard to whether they were going to select or if the department was going to select or let the industry, they were announcing the program today at an industry wide luncheon at noon today and several hundred people within the industry would be informed of it, they would not be targeting specific projects for application they would instead rely on owners, although it was certainly possible if any Council Members had a specific project they wanted to bring forward they would absolutely look at that, they would look at projects as they came forward and would have criteria which people would have to pass. Council Members Edwards and Lovell absent.

Mayor White stated that if there as some problem apartment but the owner of the apartment or somebody intending to purchase the apartments did not come forward there was nothing they could do about it, the people who invest in the projects, who put money in the projects to buy the projects and invest in properties were going to have to be their partners in this particular thing, and the other criteria, with guidance from Mr. Mincberg, it was certainly his intention to encourage them sooner rather than later, more rather than less, in a most cost effective manner so if somebody came in with a track record of having done rehabilitation and owned a property that was defined as eligible and got their paperwork in faster and had the money and the financing to provide what they needed to do as part of the program they would probably be at the top of the list, if somebody did it slower, went for the maximum amount of money, tried to stretch it thin and not make an investment of their own then they probably would not be as fast on top of the list and his goal was to run out of money. Council Members Edwards and Lovell absent.

Upon further questions by Council Members, Mayor White stated that so much depended on the confidence and track record of the people who they would deal with, there had to be some judgments on that, that they had observed that there was a large number of responsible apartment owners that dealt with a whole variety of properties and projects, that the whole goal was to bring their apartments up to a standard and to provide sufficient incentives in order to see it got done, that they needed to be satisfied that there was a plan for the apartment owner and responsible management to have that safe and secure, that at the same time as a matter of principle a lot of people could agree or disagree with what they did at City Hall and they would not hold it against anybody if they disagreed with them on a matter of some principle period, if they refused to sign an agreement with the City to do some things that would be in the manual, if they refused to sign anything to spend any of their money but wanted the City's money it probably would not be a plus, that the complex itself may be a problem and some of those they certainly could not coerce but they certainly would want to provide an incentive for there to be responsible ownership who was willing, there were some complexes that they hoped would change hands. Council Member Berry absent.

Upon further questions by Council Members, Mr. Mincberg stated that one of the reasons that they had designed the program and looked at the amount of rehab was to try specifically to avoid the lipstick on the pig approach, they recognized that \$3,000 or \$4,000 per door was just that so what they believed needed to be done was a very extensive rehab and revitalization of those projects, and that depending on their age, was going to run from as little as \$10,000 per unit to as much as \$25,000 per unit and that was what was going to be necessary in order to revitalize and carry the units forward, in regard to increased rents, an express part of their deal and transaction was the affordability and that was what the City was getting in return for providing the funds for 15 years, they were getting restrictions on affordability for 15 years to run coterminous with the grant money, so that would take care and alleviate concerns about that, that with regard to crime he thought it would be a twofold effort, they were going to have the Crime Ordinance, which owners were going to have to work with the City and with HPD on cleaning up crime and they were going to be improving the property and owners were going to be highly motivated once those additional funds were coming into their property the natural consequence they were going to be even more motivated to clean up the crime on their properties; that they would be looking closely at code enforcement issues as they looked at Habitability Ordinance and he saw the Crime Ordinance and the Habitability Ordinance working hand in hand with them as part and parcel of the new program.

After further discussion by Council Members, Mayor White stated that on non revenue foreclosures he would ask Ms. Stein to call Ms. Leah Stoller at the Lineburger Firm and have her call Council Member Lawrence and see if they could come up with a report that matched her criteria.

Mayor White thanked Mr. Mincberg, Ms. Sampley and Mr. Smith for their presentation, that it was important when they combined both the home multi family funding with very large amount of tax credits it was going to be a big program.

Council Member Alvarado moved to suspend the rules to consider Item Numbers 26, 37, 6, 67, 68, 62, 71, and Council Member Wiseman asked if Council Member Alvarado would accept a friendly amendment to add 7, 15, 40, 51 and 60, and Council Member Garcia requested that they consider Item No. 62 first, and Council Member Alvarado agreed, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2006-1088 ADOPTED.

62. 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 - **(This was Item 12 on Agenda of November 29, 2006, TAGGED BY COUNCIL MEMBERS WISEMAN, LAWRENCE and CLUTTERBUCK)** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado.

Council Member Holm stated that last week the discussions were not whether or not they wanted the employees to have an opportunity to have an organization to represent them, it was the process by which they were to have it and the tactics used in order to form it, that she remained with three concerns, that the Municipal employees had a union for many years and to date there were about 1,000 members of AFSME, that there had been an opportunity for their employees to have a voice if they had wanted it, that last Legislative session, partly because AFSME had not recruited the members they wanted, with the support of the administration they went to Austin, and while some of them were working to regain some rights for their employees they were passing legislation that was exclusive to Houston only that encouraged and promoted rather than addressing the issue at home, as always there were consequences to it so the minute the legislation was passed and AFSME felt very confident that they could be their recognized group SEIU, a huge national organization ran for Houston because they saw an

opportunity for revenue and she thought it was really important to know that they came in and starting gaining signatures of their employees, of which at this point the contributions to the organization, the H.O.P.E. organization 50% of the money their municipal employees contributed would go to the SEIU national organization, the H.O.P.E. policy director, her email address was CPHILLIPSSEIUTexas and she thought it was important for them to know that, that she believed that they had undermined the intelligence of their employees and showed their lack of confidence by intervening and forcing them to stand up to one union and form one union, the police had 10 unions and the firemen had many, that now the City Council was being asked to recognize on a petition to represent 13,000 employees of which there was not one single member of the organization, that the signatures, she believed were gained by misrepresentation, by misleading and by coercing the employees, they had people in their buildings with a breach of security, access to their buildings, that were wearing City of Houston temporary employee badges and soliciting the information, that she did not think it was an issue of whether this body gave credibility to an organization of H.O.P.E. it was a question of whether their employees really wanted to be joining an organization and wanting to have representation and what it was, and was offering the following written motion to amend Item No. 62:

“I move that Agenda Item #62 be amended to order a certification election under Section 146.005 of the Texas Local Government Code to determine whether the association represents a majority of the covered employees rather than grant recognition of HOPE.”, tagged by Council Members Alvarado and Garcia.

Council Member Edwards asked if based on her colleagues comments were they to assume that the people doing this really did not know what they were doing, and Mayor White stated that he did not know what Council Member Holm's intention was and Council Member Edwards asked if they thought an election would bring about a better awareness of what the facts were, that she thought these were the people that they assumed were rationale people, they worked for the City, they worked in the offices and took care of business that they thought was important and she would think they probably had a good appreciation of what they were signing.

Council Member Lawrence stated that she brought this up before and would bring it up again, that she thought the process was very important, she questioned the process of vendors for red light cameras even though she very much favored it, she very much favored the employees of Houston deciding what they wanted to represent them but at the same time when she was at a meeting and her office was intimidated by people saying sign this, that the badge meant something, it meant they were an employee of the City of Houston and when somebody, due to their office, gives one to somebody who was not an employee to come back and badger people she had a problem with that process and after this was over they needed to be sure that the process was fair, no matter which side they were on and the office that they represent did not entitle people to be behind without a badge, to be behind with an illegal badge, but the process remains fair for everybody and both of those had happened this year due to the power of certain people and they did have a person, back behind, with an illegal badge that said they were an employee when they were not, campaigning for the item to pass and again the process was what bothered her sometimes and how they got there.

Mayor White stated that during the process, and Mr. Arturo Michel and Mr. Anthony Hall were involved and he took a lot of heat because they did try to set some rules, if they had some rules and standards on the system on access they were to be enforced and the Chief Administrative Officer of the City and the City Attorney and others needed to help him make sure that those were enforced, that there was an ongoing review because of Council Member Lawrence's issue, that he wanted to make sure it did not cut so broad that they make it very difficult for every person who volunteered every day at the Library to get in.

Council Member Alvarado stated that she thought by saying no to the City employees they were basically discriminating against their unclassified municipal employees, how was it that they could say to their classified fire and police personnel that they had the right to meet and confer and they had the right to belong to a union, and in each of those there may be a couple of unions but they only recognized one as the agent for meet and confer, today the action was to simply recognize H.O.P.E. as the bargaining agent for all covered employees and the authority for the City to negotiate with H.O.P.E., that this administration and the past administration had supported the right for municipal employees to enter into meet and confer from either 1999 or 2001, they allowed the negotiation process to begin, but then the decision on a binding agreement lay on the City Council before there was any binding agreement, any increased benefits, any increased salaries, any changes would come back to the Council and they would vote on it, just like they voted on any agreement with fire and police, that Mayor White talked about the process and she would ask him about the choices that they could have made, the choice that ultimately came down to what maybe the Mayor felt was the best process in terms of getting something done in a less controversial and costly way and then where would they proceed from here.

Mayor White stated that there had been a process going on for 18 months where the administration's policy, neutrality between unions or whether somebody could join, observance of some law by analogy on fair labor standards concerning access to work place, and in consistence with historic executive orders, which had existed with respect to a union, AFSME, which they made available to both, and employee choice, they would go with what the employees wanted, they had been meeting periodically for two and a half years in a very constructive dialog with AFSME that covered a number of things including good communication, that he did not think it was called meet and confer but they did meet and did discuss issues of interest and AFSME was very constructive and very assertive, that they had the following signups, out of 12,744 covered employees, 7,347 petition signatures for SEIU validated by HR in April 2006, the numbers surprised him, in May 2006, 4,942 out of 12,774 for AFSME, that he wanted his colleagues to listen to him on something and he would pick his words carefully, he thought it best that the two unions come up cooperatively, they had some good working relationships with AFSME in the past but if they were to count the votes, so he encouraged them to get together and there was an incentive to get together that if a new organization was formed that did get a majority of people to sign up for that organization then he would support what those employees wanted, but not if they did not get the majority and if they did not get a majority and if they did not cooperate with each other or if they did winner take all with SEIU, which some people seemed to be advocating then they would use another alternative that was given to them by the statute, like a vote of the voters, that there were two reasons why they decided to go with this route, as an incentive to form a cooperative union rather than having competition and the second one, and they considered it overtly, it was on Council Member Holm's amendment, which had been tagged, they did not want an additional organizing drive for the next three months to get signatures in their workforce when they three times in the last 18 months had people sign petition, the employees had been through it multiple times already, that they thought it would be better, since they had three to keep their employees eye on the ball, that it had not been their policy to endorse.

Council Member Wiseman stated that with respect to Council Member Alvarado stating that they were discriminating if they took any option other than the one that the administration felt they should take, that the State did not give them the option to discriminate so exercising one of the two other options was discriminating against their employees, it was legally their right to take those actions, that she thought it was important that they take the questions to the employers of their employees and that was the public, that the argument that was made if they put it on the ballot that it would be an exorbitant cost, if they put it on the ballot it would be in

November and she received information from City Legal when she asked the question what kind of incremental increase would it be since they were having an election in November and it was so negligible that they could not even find the numbers, so to suggest that it was going to cost them money it was just a scare tactic, that she personally wanted to see the public vote on it, it was allowed by law, that she would support her colleagues motion and moved to override the tag, seconded by Council Member Holm.

Council Member Brown stated that he thought Mayor White had made a compelling case for moving the item forward and also to Council Member Alvarado, a lot of hard work for many months had been done on it, that he had attended the meetings of AFSME and SEIU and came to his decision to support it based on those discussions, that a lot of the people that seemed to be opposing it he did not see at those meetings, which was okay.

Council Member Berry stated that there was a considerable amount of public support for what they did at the Council table because under this administration they had worked to cooperate and whether votes were 13 to 2 or 8 to 7 and as they typically were, unanimously, there were a number of them that he thought almost on every issue worked in good faith to make sure that every voice was heard and that every Council Member had the opportunity to reflect the will of the people who elected them, but when they used little procedural games like tags to prevent a vote on an issue that was not in that spirit of good faith, they could act like a bunch of petulant children, and he could do it as well as the next person, but that was not what they committed to do, if people were against Council Member Holm's amendment, vote it down, if they wanted to tag the issue what they were really saying was that they would defeat by using their little thing, their little procedural measure, that he thought it was chicken and in bad faith and did not think they should be doing it, he did not want to start responding in kind because the real loser was the tax payer and this institution, it was petty and they knew and if they were against the item vote it down.

Council Member Garcia stated that since being on Council he had endured many maneuvers by colleagues at the table and never once did he ever call them petulant, that it was a tool that the Council table had to use and he would exercise to use it when he deemed necessary.

Council Member Lovell stated that she was going to support what Council Member Berry stated, she thought they ought to do away with the tag, and she hoped that every time somebody tagged, which happened a lot, that the same speech was given and those people were called petulant, just as people were called today, in fact make a recording of it and every time something was tagged just hit and play it so that it happened at every Council meeting on every issue, but to pick out this issue to make that speech, she thought was really unfair.

A roll call vote was called on Council Member Wiseman motion to override the tag on Council Member Holm's motion to amend Item No. 62.

ROLL CALL VOTE:

Mayor White voting no  
Council Member Lawrence voting no  
Council Member Johnson voting no  
Council Member Clutterbuck voting aye  
Council Member Edwards voting no  
Council Member Wiseman voting aye  
Council Member Khan voting no  
Council Member Holm voting yes

Council Member Garcia voting no  
Council Member Alvarado voting no  
Council Member Brown voting aye  
Council Member Lovell voting no  
Council Member Green voting aye  
Council Member Berry voting aye  
MOTION 2006-1089 FAILED

Council Member Holm moved to postpone Item No. 62 for one week, seconded by Council Member Wiseman.

After further discussion a roll call vote was called.

ROLL CALL VOTE:

Mayor White voting no	Council Member Garcia voting no
Council Member Lawrence voting aye	Council Member Alvarado voting no
Council Member Johnson voting no	Council Member Brown voting no
Council Member Clutterbuck voting no	Council Member Lovell voting no
Council Member Edwards voting no	Council Member Green voting no
Council Member Wiseman voting aye	Council Member Berry voting aye
Council Member Khan voting no	MOTION 2006-1090 FAILED
Council Member Holm voting yes	

Council Member Berry moved to postpone Item No. 62 for two weeks, seconded by Council Member Wiseman.

Council Member Edwards stated that she would like for their colleagues to realize that the City employees were also taxpayers, which meant they were also their bosses and moved to call the question on Council Member Berry's motion to postpone Item No. 62 for two weeks. All voting aye. Nays none. MOTION 2006-1091 ADOPTED.

A roll call vote was called on Council Member Berry's motion to postpone Item No. 62 for two weeks.

ROLL CALL VOTE:

Mayor White voting no	Council Member Garcia voting no
Council Member Lawrence voting aye	Council Member Alvarado voting no
Council Member Johnson voting no	Council Member Brown voting no
Council Member Clutterbuck voting no	Council Member Lovell voting no
Council Member Edwards voting no	Council Member Green voting no
Council Member Wiseman voting aye	Council Member Berry voting aye
Council Member Khan voting no	MOTION 2006-1092 FAILED
Council Member Holm voting no	

Council Member Alvarado moved to call the question on the main item, seconded by Council Member Garcia. All voting aye. Nays none. MOTION 2006-1093 ADOPTED.

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

ROLL CALL VOTE:

Mayor White voting aye	Council Member Garcia voting aye
Council Member Lawrence voting no	Council Member Alvarado voting aye
Council Member Johnson voting aye	Council Member Brown voting aye
Council Member Clutterbuck voting no	Council Member Lovell voting aye
Council Member Edwards voting aye	Council Member Green voting aye
Council Member Wiseman voting no	Council Member Berry voting no
Council Member Khan voting aye	MOTION 2006-1094 ADOPTED.
Council Member Holm voting no	

26. ORDINANCE **AMENDING CHAPTER 18 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, to require the electronic filing of Campaign Finance Reports, providing an exception to such requirement; providing a penalty; containing other provisions relating to the foregoing subject; providing a repealer; providing for severability – was presented, and tagged by Council Members Alvarado and Wiseman.
37. ORDINANCE consenting to the assignment by Texas and Kansas City Cable Partners, L.P. to **HOUSTON TKCCP HOLDINGS, LLC** of the right, privilege and franchise to own, operate and maintain a cable television system within the City of Houston, pursuant to City of Houston Ordinance No. 98-1044 consenting to the assignment to Texas Cable Partners, L.P. of various cable television franchises – was presented. All voting aye. Nays none. ORDINANCE 2006-1180 ADOPTED.
6. RECOMMENDATION from Director of Department of Public Works & Engineering for approval of final contract amount of \$1,562,746.76 and acceptance of work on contract with **C & C SERVICES** for Water Line Replacement in Cloverland-3 Subdivision, WBS No. S-000035-00A4-4 09.59% under the original contract amount - **DISTRICT D – EDWARDS** – was presented, and tagged by Council Member Edwards.
67. ORDINANCE adopting second amended and restated Administrative Guidelines for the City's Good Neighbor Next Door Housing Assistance Program – **(This was Item 49 on Agenda of November 29, 2006, TAGGED BY COUNCIL MEMBERS WISEMAN and LAWRENCE)** – was presented.

Council Member Lawrence stated that on Item No. 67 she would like to ask for a delay, she had some questions the previous week and the Housing Department was not able to get some of them answered, the item was called Good Neighbor Next Door and she thought it was very imperative that it becomes a Good Neighbor Next Door as they loan or give somebody \$30,000 or \$40,000 and if they put a sex offender next door that needed to be in one of the stipulations and Housing has not gotten the answer from the local HUD representative yet.

Mayor White stated that they would support a one week delay.

Council Member Lawrence moved to postpone Item No. 67 for one week, seconded by Council Member Garcia. All voting aye. Nays none. MOTION 2006-1095 ADOPTED.

68. 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** – **(This was Item 51 on Agenda of November 29, 2006, TAGGED BY COUNCIL MEMBER WISEMAN)** - was presented. Council Member Wiseman voting no, balance voting aye. ORDINANCE 2006-1181 ADOPTED.
71. 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 60 on Agenda of November 29, 2006, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. Council Member Edwards absent.

Council Member Wiseman stated that she did not feel they should be approving an item that called for violating the law, that Council Member Alvarado expressed that concern earlier

but it spelled out that they had options on the other item that some of them were wanting to take so those were not violating any law, but here if they were taking General Fund money to pay for attorney's fees for the litigation, that option that was considered first was taking the HOT tax money and now that would be a violation of the law and now she was being told that HOT tax money would not be used to pay the attorney fees so what they were doing instead was using General Fund money, and anyone who had ever hired an attorney knew that even just paying their expenses could be pretty expensive, so in looking if they were using the taxpayer money wisely if they were taking this money directly out of public safety to fund attorney's fees and she did not support that at all, the litigation that was used as examples in the RCA, as far as other cities that had filed suit, Los Angeles, it had been two years and they were still not even in the discovery point of their litigation, Philadelphia, that case was thrown out, Orange, Texas had a class action law suit, they could choose at one time or another to opt out of it but if a class action suit was in the process they stood to benefit from that, if there was any benefit, without putting any of their taxpayer General Fund money on the line, that there were still some questions that had not been answered thoroughly and to her satisfaction and she certainly supported her colleagues request to do so with the previous item, that she still need a lot of information that she had not received, inquires into City Legal as far as how they had moved forward on the item, and moved to postpone Item No. 71 for one week. Council Member Edwards absent.

The City Secretary asked if there was a second, and Ms. Stein stated that there was no second. Council Member Edwards absent.

Mayor White stated that there were no further speakers and a vote was called on Item No. 71. Council Members Wiseman, Holm and Clutterbuck voting no, balance voting aye. Council Member Edwards absent. ORDINANCE 2006-1182 ADOPTED.

7. RECOMMENDATION from Director Department of Public Works & Engineering that City Council declare surplus and authorize the sealed bid sale of the following properties:

Parcel SY7-010 - 2303 Briarbrook Drive - **DISTRICT G - HOLM**

Parcel SY7-030 - 14000 block of Alameda Road

and authorize the City Secretary to advertise the properties for sealed bid sale to the highest bidder at the minimum appraised bid amount - **INDEPENDENT APPRAISERS** – was presented, and tagged by Council Member Wiseman. Council Member Edwards absent.

Council Member Holm stated that she was wondering if they could divide Item No. 7 but would do it next week when they address it. Council Member Edwards absent.

15. **ALLSTEEL, INC** for Modular Office Furniture from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for Health & Human Services Department - \$571,657.17 – General, Grant and Equipment Acquisition Funds – was presented, and tagged by Council Member Wiseman. Council Member Edwards absent.
40. ORDINANCE amending Ordinance No. 2003-0927 to increase the maximum contract amount and approving and authorizing first amendment to contract #C55367 between the City of Houston and **PERFICIENT, INC (as successor in interest to DIGITAL CONSULTING & SOFTWARE SERVICES, INC)** for the Support and Maintenance of the 3-1-1 Houston Helpline Services Call Center for the Information Technology Department - 2 Years - \$2,410,000.00 - Central Service Revolving Fund – was presented, and tagged by Council Member Wiseman. Council Member Edwards absent.

51. ORDINANCE approving and authorizing Professional Services Contract by and between the City of Houston and **CONWAY CONSULTING, INC** for Airport Consulting Services - 1 Year \$100,000.00 - Enterprise Fund - **DISTRICTS B - JOHNSON and I - ALVARADO** – was presented, and tagged by Council Member Wiseman. Council Member Edwards absent.
60. ORDINANCE appropriating \$21,672,979.00 out of Equipment Acquisition Consolidated Fund for the purchase of FY 2007 Rolling Stock and other equipment – was presented, and tagged by Council Member Wiseman. Council Member Edwards absent.

At 11:13 Mayor White stated they would move to the consent agenda. Council Members Edwards and Wiseman absent.

### **CONSENT AGENDA NUMBERS 1 through 60**

#### **DAMAGES** - NUMBER 2

2. RECOMMENDATION from City Attorney for settlement of claim of **STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY as subrogee of ZESTY CORPORATION** - \$41,060.76 Property and Casualty Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Edwards and Wiseman absent. MOTION 2006-1096 ADOPTED.

#### **ACCEPT WORK** - NUMBERS 3 and 4

3. RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$323,681.00 and acceptance of work on contract with **NORTHEAST NOISE ABATEMENT CORP.** for Greenbriar Townhomes Residential Sound Insulation at George Bush Intercontinental Airport/Houston, Project No. 617B, CIP A-0476 and WBS #A-000476-0002-2-01 - 08.31% under the original contract amount - **DISTRICT B - JOHNSON** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Edwards and Wiseman absent. MOTION 2006-1097 ADOPTED.
4. RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$17,916,563.46 and acceptance of work on contract with **W. W. WEBBER, LLC (formerly known as W. W. WEBBER INC)** for Rehabilitation of Runway 15L-33R at George Bush Intercontinental Airport/Houston, Project 603, WBS #A-000451-0001-4-01 - 01.42% under the original contract amount - **DISTRICT B - JOHNSON** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Edwards and Wiseman absent. MOTION 2006-1098 ADOPTED.

#### **PROPERTY** – NUMBER 11

11. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Dale Cox of DMJM Management, on behalf of Houston Independent School District, for abandonment and sale of a water line easement, between 65th Street and 66th Street, within Blocks 36 and 46, Magnolia Park and Central Park Subdivisions, Parcel SY7-028 - **STAFF APPRAISERS - DISTRICT H - GARCIA** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Edwards and Wiseman absent. MOTION 2006-1099 ADOPTED.

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 12 through 25

12. **AIGIS BLAST PROTECTION LTD.** for Mobile Threat Containment Vessels for Houston Airport System - \$239,425.00 - Enterprise Fund – was presented, moved by Council Member Garcia, seconded by Council Member Khan. All voting aye. Nays none. Council Members Edwards and Wiseman absent. MOTION 2006-1100 ADOPTED.
13. **ICX NEW HEIGHTS CORPORATION** for Trailer-Mounted Surveillance Tower for Houston Airport System - \$46,530.00 - Enterprise Fund – was presented, moved by Council Member Garcia, seconded by Council Member Khan. All voting aye. Nays none. Council Members Edwards and Wiseman absent. MOTION 2006-1101 ADOPTED.
14. **BIO-RAD LABORATORIES, INC** for Protein Array Detection System for Health & Human Services Department - \$57,090.00 - Grant Fund – was presented, moved by Council Member Garcia, seconded by Council Member Khan. All voting aye. Nays none. Council Members Edwards and Wiseman absent. MOTION 2006-1102 ADOPTED.
16. **ACUSHNET COMPANY** - \$80,600.00 and **A. M. PLAYER d/b/a MONTEREY CLUB** - \$32,500.00 for Resale Items for Golf Course Pro Shops for Parks and Recreation Department - Park Special Revenue Fund – was presented, moved by Council Member Garcia, seconded by Council Member Khan. All voting aye. Nays none. Council Members Edwards and Wiseman absent. MOTION 2006-1103 ADOPTED.
17. **C. A. RICHARDS & ASSOCIATES, INC** for Diver-held Sonar for the Police Department \$92,585.00 - Grant Fund – was presented, moved by Council Member Garcia, seconded by Council Member Khan. All voting aye. Nays none. Council Members Edwards and Wiseman absent. MOTION 2006-1104 ADOPTED.
18. **SENSOR TECHNOLOGY ENGINEERING, INC** for Hand-held Radiation Monitors for Police Department - \$40,000.00 - Grant Fund – was presented, moved by Council Member Garcia, seconded by Council Member Khan. All voting aye. Nays none. Council Members Edwards and Wiseman absent. MOTION 2006-1105 ADOPTED.
20. **WOLSTENHOLME AEROMED, INC** for Haz-Probe 2002C for Police Department - \$29,902.50 Grant Fund – was presented, moved by Council Member Garcia, seconded by Council Member Khan. All voting aye. Nays none. Council Members Edwards and Wiseman absent. MOTION 2006-1106 ADOPTED.
21. **MEYER INSTRUMENTS, INC** for Comparison Microscope for the Police Department - \$50,737.00 Grant Fund – was presented, moved by Council Member Garcia, seconded by Council Member Khan. All voting aye. Nays none. Council Members Edwards and Wiseman absent. MOTION 2006-1107 ADOPTED.
22. **BABY JACK II AUTOMOTIVE LTD. d.b.a. CALDWELL COUNTRY** for Passenger Van and a Utility Vehicle through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for Police Department - \$73,194.00 - Grant Fund – was presented, moved by Council Member Garcia, seconded by Council Member Khan. All voting aye. Nays none. Council Members Edwards and Wiseman absent. MOTION 2006-1108 ADOPTED.
24. **SHI, GOVERNMENT SOLUTIONS, INC** for Microsoft Office Software Upgrade through the City's Master Agreement with the Texas Department of Information Resources (DIR)

for Texas CISV Master Catalog Purchases under Chapter 2157 of the Government Code for Department of Public Works & Engineering - \$180,104.00 - Enterprise Fund – was presented, moved by Council Member Garcia, seconded by Council Member Khan. All voting aye. Nays none. Council Members Edwards and Wiseman absent. MOTION 2006-1109 ADOPTED.

25. **ENVIRONMENTAL SYSTEMS RESEARCH INSTITUTE, INC** for Geographic Information Systems Software Maintenance and Support Services for Various Departments - 1 Year \$176,200.00 - General and Enterprise Funds – was presented, moved by Council Member Garcia, seconded by Council Member Khan. All voting aye. Nays none. Council Members Edwards and Wiseman absent. MOTION 2006-1110 ADOPTED.

**ORDINANCES** - NUMBERS 28 through 59

28. ORDINANCE consenting to the creation of **FORT BEND COUNTY EMERGENCY SERVICES DISTRICT NO. 5** to include certain territory within the extraterritorial jurisdiction of the City of Houston – was presented. All voting aye. Nays none. Council Members Edwards and Wiseman absent. ORDINANCE 2006-1183 ADOPTED.
30. ORDINANCE consenting to the addition of 33.005 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 368**, for inclusion in its district – was presented. All voting aye. Nays none. Council Members Edwards and Wiseman absent. ORDINANCE 2006-1184 ADOPTED.
31. ORDINANCE consenting to the addition of 49.3460 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 401**, for inclusion in its district – was presented. All voting aye. Nays none. Council Members Edwards and Wiseman absent. ORDINANCE 2006-1185 ADOPTED.
32. ORDINANCE consenting to the addition of 301.9837 acres of land to **NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 5**, for inclusion in its district – was presented. All voting aye. Nays none. Council Members Edwards and Wiseman absent. ORDINANCE 2006-1186 ADOPTED.
33. ORDINANCE consenting to the addition of 80.7843 acres of land to **WEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 11**, for inclusion in its district – was presented. All voting aye. Nays none. Council Members Edwards and Wiseman absent. ORDINANCE 2006-1187 ADOPTED.
34. ORDINANCE providing for an ad valorem tax exemption on a historical site located at 232 Emerson Street in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemption and the recapture of taxes upon the occurrence of stated events; providing for severability - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Members Edwards and Wiseman absent. ORDINANCE 2006-1188 ADOPTED.
35. ORDINANCE providing for an ad valorem tax exemption on a historical site known as the Roy and Margaret Farrar House located at 511 Lovett Boulevard in Houston, Texas; containing findings and other provisions relating to the foregoing subject; providing for the revocation of such tax exemption and the recapture of taxes upon the occurrence of stated events; providing for severability - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Members Edwards and Wiseman absent. ORDINANCE 2006-1189 ADOPTED.

36. ORDINANCE approving and authorizing first amendment to the lease agreement between **NORTH PARK OFFICE TOWER, L.P.**, a Texas Limited Partnership, as landlord (“Landlord”), and the City of Houston, Texas, as tenant (the “City”), for 2,602 net rentable square feet of office space at 1415 North Loop West, Houston, Harris County, Texas 77008, for sixty (60) months at a tiered monthly rental for use by the Houston Police Department - General Fund - **DISTRICT A - LAWRENCE** – was presented. All voting aye. Nays none. Council Members Edwards and Wiseman absent. ORDINANCE 2006-1190 ADOPTED.
38. ORDINANCE relating to the Fiscal Affairs of the Southwest Houston Redevelopment Authority on behalf of Reinvestment Zone Number Twenty, City of Houston, Texas (Southwest Houston Zone); approving the Fiscal Year 2007 Operating Budget for the Authority - **DISTRICT F - KHAN** – was presented. All voting aye. Nays none. Council Members Edwards and Wiseman absent. ORDINANCE 2006-1191 ADOPTED.
39. ORDINANCE approving and authorizing the submission of an application for grant assistance to the Bureau of Justice Assistance for the 2006 Bulletproof Vest Partnership Grant Program; declaring the City’s eligibility for such grant; authorizing the Mayor to act as the City’s representative in the application process; authorizing the Chief of the Houston Police Department to accept grant funds and to apply for and accept all subsequent awards, if any, pertaining to the program – was presented. All voting aye. Nays none. Council Members Edwards and Wiseman absent. ORDINANCE 2006-1192 ADOPTED.
41. ORDINANCE approving and authorizing first amendment to contract #C53353 between the City of Houston and **BAKER & TAYLOR, INC** for the provision of acquisition, cataloging and processing services for the Houston Public Library – was presented. All voting aye. Nays none. Council Members Edwards and Wiseman absent. ORDINANCE 2006-1193 ADOPTED.
42. ORDINANCE approving and authorizing Resolution and an Advance Funding Agreement between the City of Houston and the **TEXAS DEPARTMENT OF TRANSPORTATION** for Trail Improvements at Scottcrest Park (WBS No. F-000630-0001-3) - had been pulled from the Agenda by the Administration, and was not considered. Council Members Edwards and Wiseman absent.
43. ORDINANCE approving and authorizing third amendment to the Communication Equipment License #C37033 between the City of Houston and **HOUSTON CELLULAR TELEPHONE COMPANY, L.P., through its general partner, NEW CINGULAR WIRELESS, P.C.S., L.L.C.** for lease space in the Houston Police Department's Police Administration Building Parking Garage at 1200 Travis Street - Revenue - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Members Edwards and Wiseman absent. ORDINANCE 2006-1194 ADOPTED.
45. ORDINANCE awarding contract to **INDUSTRIAL AUDIO/VIDEO, INC** for Municipal Channel Technology Upgrade - \$407,195.80 - Cable Television Fund – was presented. All voting aye. Nays none. Council Members Edwards and Wiseman absent. ORDINANCE 2006-1195 ADOPTED.
46. ORDINANCE awarding contract to **RIGHT NOW TERMITE AND PEST CONTROL, INC** for Pest Control Services for Various Departments; providing a maximum contract amount - 3 Years with two one-year options - \$657,305.00 - General, Enterprise, Fleet

Management and Storm Water Utility Funds – was presented. All voting aye. Nays none. Council Members Edwards and Wiseman absent. ORDINANCE 2006-1196 ADOPTED.

47. ORDINANCE amending Ordinance No. 2001-0848 to increase maximum contract amount to contract between the City of Houston and **JLH COASTAL FUMIGATORS, INC d/b/a END-O-PEST** for Pest Control Services for Various Departments - \$41,123.00 - General and Enterprise Funds – was presented. All voting aye. Nays none. Council Members Edwards and Wiseman absent. ORDINANCE 2006-1197 ADOPTED.
48. ORDINANCE approving and authorizing second amendment to contract between the City of Houston and **AIR PRODUCTS AND CHEMICALS, INC (#C53147)** for Operation and Maintenance of the Oxygen Plant at the City of Houston 69th Street Wastewater Treatment Facility for the Public Works & Engineering Department – was presented. All voting aye. Nays none. Council Members Edwards and Wiseman absent. ORDINANCE 2006-1198 ADOPTED.
49. ORDINANCE appropriating \$46,440.11 out of Water & Sewer Consolidated Construction Fund as an additional appropriation for construction of the City’s Water & Sanitary Sewer Lines in Metro Downtown/Midtown Transit Street Program - McKinney Street from Bagby Street to La Branch Street (WBS No. R-000537-0008-4) under Transportation Improvement Agreement with the Metropolitan Transit Authority (approved by Ordinance No. 93-274); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer Consolidated Construction Fund - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Members Edwards and Wiseman absent. ORDINANCE 2006-1199 ADOPTED.
53. ORDINANCE appropriating \$1,375,000.00 out of Airports Improvement Fund and approving and authorizing contract between the City of Houston and **CIVILTECH ENGINEERING, INC**, for Professional Consulting Services at William P. Hobby Airport (WBS No. A-000529-0001-3-01) **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Members Edwards and Wiseman absent. ORDINANCE 2006-1200 ADOPTED.
59. ORDINANCE appropriating \$2,199,700.00 out of Water & Sewer Consolidated Construction Fund, awarding contract to **R. K. WHEATON, INC** for Water Line Replacement in the Parkhurst Area, WBS #S-000035-00D2-4; 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, and contingencies relating to construction of facilities financed by the Water & Sewer Consolidated Construction Fund - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Members Edwards and Wiseman absent. ORDINANCE 2006-1201 ADOPTED.

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

**MISCELLANEOUS**

1. ORDINANCE appropriating \$47,085.40 out of Street & Bridge Consolidated Fund as additional funding for contract with **TOTAL CONTRACTING LIMITED** for Construction of Safe Sidewalk Program C4 Project, WBS No. N-00610A-00C4-4 (approved by Ordinance No. 05-597) **DISTRICTS C - CLUTTERBUCK; F - KHAN and G - HOLM** - was presented. Council Members Edwards and Wiseman absent.

Council Member Clutterbuck stated that the item was appropriating additional money out of the Street and Bridge Consolidation Fund for some Safe Sidewalk projects that were going on in her and Council Members Khan and Holm's districts and she was definitely in support of the item but wanted to bring to their attention that some of the work that was currently underway in District C, replacing sidewalks that were improperly put in in the first place, the contractors and the City had decided that they would not restore the property of the adjacent property owner because some of their landscaping and irrigation system was in the City easement and she would urge the City to take a different approach to it and if they were replacing sidewalks that were improperly put in in the first and neighbors had landscaping or irrigation systems that had been in place for 40 some odd years that it should be their policy to restore the property to as close to the original condition as possible, much like they did when they replaced sidewalks that ran through people's driveways and the driveways were considered in the City easement. Council Members Edwards and Wiseman absent.

A vote was called on Item No. 1. All voting aye. Nays none. Council Members Edwards and Wiseman absent. ORDINANCE 2006-1202 ADOPTED.

- 1a. RECOMMENDATION from Director Department of Public Works & Engineering for approval of Change Order No. 1 in the amount of \$70,832.00 on contract with **TOTAL CONTRACTING LIMITED** for Construction of Safe Sidewalk Program C4 Projects, WBS No. N-00610A-00C4-4 (SB9049-4) - **DISTRICTS C - CLUTTERBUCK; F - KHAN and G - HOLM** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Mayor White and Council Members Edwards and Wiseman absent. MOTION 2006-1111 ADOPTED. Acting Mayor Pro Tem Berry presiding.

#### **ACCEPT WORK**

5. RECOMMENDATION from Director Building Services Department for approval of final contract amount and final payment of \$2,726,254.68 to the Surety, **X/L SPECIALTIES INSURANCE COMPANY** and acceptance of work on contract awarded to **STEPHENS CONSTRUCTION SERVICES, INC** for Construction of Fire Station 94, WBS No. C-000127-0001-4 - 03.09% over the original contract amount - **DISTRICT E - WISEMAN** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Mayor White and Council Members Edwards and Wiseman absent. MOTION 2006-1112 ADOPTED. Acting Mayor Pro Tem Berry presiding.

#### **PROPERTY**

8. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from David A. Sommermeyer of the Lutheran Education Association of Houston, for sale of a 38,807-square-foot tract of land, located at 12047 Ryewater Drive, and the adjacent 15- to 30-foot-wide access easement extending south to Ryewater Drive, out of the August Whitlock Survey, A-795, Parcels S95-050A and S95-050B **DISTRICT E - WISEMAN** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Mayor White and Council Members Edwards and Wiseman absent. MOTION 2006-1113 ADOPTED. Acting Mayor Pro Tem Berry presiding.
9. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Al Valencia of Brown & Gay Engineers, Inc., on behalf of Obra Homes, Inc., (Rodney Bray, Vice President), for

abandonment and sale of a 60-foot-wide utility and roadway easement and two 15-foot-wide sanitary sewer easements in exchange for the conveyance to the City of two 60-foot-wide right of way easements and two 20-foot-wide sanitary sewer easements, all located in the John A. Dunn Survey, A-236, Parcels SY6-124A, SY6-124B, SY6-124C, AY7-258A, AY7-258B, DY7-026A and DY7-026B **STAFF APPRAISERS - DISTRICT B - JOHNSON** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Mayor White and Council Members Edwards and Wiseman absent. MOTION 2006-1114 ADOPTED. Acting Mayor Pro Tem Berry presiding.

10. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Tom Fore, President, Coppage, Inc., for abandonment and sale of ±3,494 square feet of excess Westcott Street right of way in exchange for the conveyance to the City of the entire area as a utility easement, located in portions of Lots 14, 15, and 16, Block 2, Camp Logan First Addition, out of the John Reinerman Survey, A-642, Parcels SY7-023A, SY7-023B, VY7-028A and VY7-028B - **INDEPENDENT APPRAISERS DISTRICT H - GARCIA** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Mayor White and Council Members Edwards and Wiseman absent. MOTION 2006-1115 ADOPTED. Acting Mayor Pro Tem Berry presiding.

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

19. **CHERRY DEMOLITION** for Swimming Pool Demolition Services for Police Department \$40,000.00 and contingencies for a total amount not to exceed \$42,000.00 - General Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Mayor White and Council Members Edwards and Wiseman absent. MOTION 2006-1116 ADOPTED. Acting Mayor Pro Tem Berry presiding.
23. **CHEMICAL LIME COMPANY** for Chemicals, Fine Quicklime and Calcium Hydroxide Slurry in an amount not to exceed \$5,142,220.00 and payment in an amount not to exceed \$125,000.00 for Emergency purchase of Calcium Hydroxide Slurry for Department of Public Works & Engineering Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Mayor White and Council Members Edwards and Wiseman absent. MOTION 2006-1117 ADOPTED. Acting Mayor Pro Tem Berry presiding.

#### **ORDINANCES**

27. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a 10-foot-wide sanitary sewer easement (Parcel SY6-085) from Greenbriar Drive east to its terminus, out of Restricted Reserve “A”, Block 1, Woman’s Hospital of Texas Estates, located in the P. W. Rose Survey, A-645, Houston, Harris County, Texas; vacating and abandoning said easement to CHCA Woman’s Hospital, L.P., the abutting owner, in consideration of its payment of \$85,680.00 and other consideration to the City - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Mayor White and Council Members Edwards and Wiseman absent. ORDINANCE 2006-1203 ADOPTED. Acting Mayor Pro Tem Berry presiding.
29. ORDINANCE consenting to the addition of 156.9 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 290**, for inclusion in its district – was presented. All

voting aye. Nays none. Mayor White and Council Members Edwards and Wiseman absent. ORDINANCE 2006-1204 ADOPTED. Acting Mayor Pro Tem Berry presiding.

44. ORDINANCE approving and authorizing an amended and restated Joint Sewage Conveyance and Treatment Facilities purchase and Water Supply Agreement between the City of Houston and **AQUA UTILITIES, INC. DBA AQUA TEXAS - DISTRICT A - LAWRENCE** – was presented. Council Members Edwards and Wiseman absent.

Council Member Lawrence stated that she wanted to tag Item No. 44, that they had Aqua Utilities, d/b/a Aqua Texas, that it used to be Aqua Tex, there was a lot of history there and she would like to be briefed on it since a lot of it went through District A, they had problems with the rates set by the very same company going from the norm of what Houston charged, about \$220, and wanting to charge \$640 per month, that the Council about a year ago opposed that and they were able to mediate that down so she thought there was a lot of research that needed to be done with the agreement that was being looked at to be made. Council Members Edwards and Wiseman absent.

Mayor White stated that Item No. 44 had been tagged by Council Member Lawrence. Council Members Edwards and Wiseman absent.

50. ORDINANCE approving and authorizing an interlocal agreement between the City of Houston and **TEXAS MEDICAL CENTER** for the Widening of Dryden Road from Main Street to Fannin Street (WBS No. N-000396-0009-3) - **DISTRICTS C - CLUTTERBUCK and D - EDWARDS** – was presented, and tagged by Council Member Clutterbuck. Council Members Edwards and Wiseman absent.
52. ORDINANCE appropriating \$1,350,000.00 out of Airport System Subordinate Lien Revenue Bonds, Series 1998B (AMT) Construction Fund and approving and authorizing contract between the City of Houston and **S&B INFRASTRUCTURE, LTD.**, for Professional Consulting Services at George Bush Intercontinental Airport/Houston (WBS No. A-000522-0001-3-01) - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Members Edwards and Wiseman absent. ORDINANCE 2006-1205 ADOPTED.
54. ORDINANCE appropriating \$56,100.00 out of Street & Bridge Consolidated Fund as an additional appropriation for Professional Engineering Services contract between the City of Houston and **CHARLES D. GOODEN CONSULTING ENGINEERS, INC** for Design of Buffalo Speedway Paving Extension from West Orem Drive to West Airport Boulevard (approved by Ordinance No. 04-0399) (WBS No. N-000619-0001-3); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Fund - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Members Edwards and Wiseman absent. ORDINANCE 2006-1206 ADOPTED.
55. ORDINANCE appropriating \$1,147,305.00 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-000266-00F6-4; 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 Members Edwards and Wiseman absent. ORDINANCE 2006-1207 ADOPTED.

56. ORDINANCE appropriating \$3,943,205.00 out of Water & Sewer Consolidated Construction Fund, awarding contract to **PM CONSTRUCTION & REHAB, L.P.** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Method, WBS #R-000294-0011-4; 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 Members Edwards and Wiseman absent. ORDINANCE 2006-1208 ADOPTED.
57. ORDINANCE appropriating \$3,855,791.00 out of Water & Sewer Consolidated Construction Fund, awarding contract to **NORTH HOUSTON POLE LINE, L.P.**, for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Method, WBS #R-000295-0010-4; 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 Members Edwards and Wiseman absent. ORDINANCE 2006-1209 ADOPTED.
58. ORDINANCE appropriating \$3,904,194.00 out of Water & Sewer Consolidated Construction Fund, awarding contract to **INSITUFORM TECHNOLOGIES, INC** for Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method, WBS #R-000295-0012-4; 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 Members Edwards and Wiseman absent. ORDINANCE 2006-1210 ADOPTED.

**NON CONSENT AGENDA** - NUMBER 61

**MISCELLANEOUS**

61. MOTION to set a date not less than seven (7) days from December 6, 2006, to receive nominations for appointment or reappointment to Positions Four and Six of the Ethics Committee, with two-year staggered terms – was presented.

Council Member Khan moved to set December 13, 2006 to receive nominations for appointment or reappointment to Positions Four and Six of the Ethics Committee, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Edwards and Wiseman absent. MOTION 2006-1118 ADOPTED.

**MATTERS HELD** - NUMBERS 62 through 71

63. 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 – (This was Item 34 on Agenda of November 29, 2006, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. All voting aye. Nays none. Council Members Edwards and Wiseman absent. ORDINANCE 2006-1211 ADOPTED.

64. 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 – (This was Item 35 on Agenda of November 29, 2006, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. All voting aye. Nays none. Council Members Edwards and Wiseman absent. ORDINANCE 2006-1212 ADOPTED.
65. 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 – (This was Item 36 on Agenda of November 29, 2006, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. All voting aye. Nays none. Council Members Edwards and Wiseman absent. ORDINANCE 2006-1213 ADOPTED.
66. 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 – (This was Item 37 on Agenda of November 29, 2006, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. All voting aye. Nays none. Council Members Edwards and Wiseman absent. ORDINANCE 2006-1214 ADOPTED.
69. 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 – **(This was Item 52 on Agenda of November 29, 2006, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. All voting aye. Nays none. Council Members Edwards and Wiseman absent. ORDINANCE 2006-1215 ADOPTED.

70. 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 – **(This was Item 53 on Agenda of November 29, 2006, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. All voting aye. Nays none. Council Members Edwards and Wiseman absent. ORDINANCE 2006-1216 ADOPTED.

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

Mayor White stated that the Acting Mayor Pro Tem had done an incredible job of reminding them of what they were about and about the demeanor and conduct around the horseshoe, that he could think of twice within the last 14 months and he thanked him for that, that he was not including today, that he wanted to say to his colleagues that their predecessors who sat around the horseshoe, in designing the Council rules and doing a lot of things, they might find they actually had a certain logic in what they did, the rules of a democratic body, they wanted to be open and transparent and to say what they meant in the face of those rules, there were some, they heard it every day, who complained about the time it takes, from the time that somebody submits something to Legal and then Legal passes it to the City Secretary and there was a posting requirement that had to be voted on and then it was tagged, that whole process for anything over \$25,000 took a long time, that he respected the right of people to tag some things and have not thought it at all outside of someone who tried to follow the rules when, as had occurred in so many cases that he could not tell them, people just tag things because they were mad at the administration, but there was something to be said that each member should decide for themselves the time at which they wanted to consider it, now the drafters of the rules were not here, but when they thought about it if they would not have a procedure for tagging amendments, which by the choice of Council Members were offered on the last occasion on an item which had been tagged that were not offered at the same time as the original thing and that if they had automatically that extended the tag for one more week then a tag would be a two week tag whenever anybody wanted to offer, and they call an order under Roberts Rules of Order amendments in the second degree, that was that somebody had the right to amend an amendment, they could not amend an amendment to an amendment, so that if somebody on the last day possible offered that amendment to an item which had been tagged and extended and they wanted fair consideration and that was untaggable and that resulted in a further delay of the consideration then they would have another extension, that all he was saying on it was that he wanted them to help him to think about rules that they would apply and they would consider changes in the Council rules, but he did not want them, when they apply those Council rules, and when they apply and exercise the right, rules that were designed to protect the rights of Council Members against the administration, that they help him do so in a way that was generally applicable to all situations of a particular nature and not to the passions of the particular moment, that everybody around the Council table was a sincere public servant. Council Members Edwards and Wiseman absent.

Council Member Green stated that the next Budget and Fiscal Affairs Committee meeting would take place on January 2, 2007 at 10:00 a.m. in the Council Chamber. Council Members Edwards, Wiseman and Holm absent.

Council Member Green stated that the Housing Authority had opened up their Housing Choice Vouchers and his office had already started getting some calls about when was the list going to open back up, that it was going to be open starting Monday until December 24, 2006 and they could send people to [www.housingforhouston.com](http://www.housingforhouston.com), that it guaranteed them a spot on the waiting list for about another year or two. Council Members Johnson, Edwards, Wiseman and Garcia absent.

Council Member Khan stated that he wanted to wish everyone a happy holiday season, that from now through December 14, 2006 the Consulate Corp of Houston had provided miniature trees which were decorating the Visitor Center inside City Hall, that the display was an annual silent auction called Holidays Around the World which benefited Child Advocates of Houston, that the silent auction was open to the public during the Visitor Center business hours and the winners would be announced on December 14, 2006 during the open house in the Visitor Center. Council Members Johnson, Edwards, Wiseman and Garcia absent.

Council Member Khan stated that he was not present for the last two weeks, he had the opportunity to go to Pakistan and visit his family. Council Members Johnson, Edwards, Wiseman and Garcia absent.

Council Member Brown stated that he wanted to advance the idea of a mile of new sidewalks in each Council district, that as they knew they had a lot of places where they were missing sidewalks and knew that was an issue in the LARA rebuilding program, the idea of a mile of sidewalks in each district perhaps in the budget next year they could find the \$200,000 per district on an emergency basis to fill in the gaps of sidewalks so that they would have more livable neighborhoods and perhaps the district Council Members could nominate the candidates based on specific criteria. Council Members Johnson, Edwards, Wiseman, Garcia and Green absent.

Council Member Brown stated that he wanted to talk about the notion of green Houston and would like to see them move forward with a serious consideration of some real green building standards particularly how they affected utility costs, that he visited a green house last weekend where they had taken the utility bills down to something like \$40 a month from close to \$300 a month, that the City of Austin actually had a program for reimbursing builders \$12,000 a house, that the City of Austin owned their utility company so it was easier for them to do that, but Austin claimed that they had eliminated the need to build two power plants, they had so many green residences in the City of Austin and he thought that was something they could look at; that another was to move forward more aggressively as a bicycle City, he thought it was something they could do very simply, one of the problems was that there were no bike racks hardly anywhere and if they had bike racks on buses, transit stops, on the rail cars, libraries, office buildings, school, parks and in their traditional neighborhoods, where it was real safe to ride a bike, he thought they could start seeing Houston as a bicycling City; that he thought recycling was part of the green Houston movement and they were going forward on that, that he thought the opportunity was easily grasped by the home owners and building owners on the issue of recycling; that climate change was something that they all needed to think seriously about and his question was how could Houston move to the forefront of the green City movement in terms of climate change, that he just did not have the information on what they were doing on that. Council Members Edwards, Wiseman, Garcia, Alvarado and Green absent.

Mayor White stated that on his last issue Mr. Carl Pebble needed to talk to Council Member Brown about that particular issue, that because of the stance of resolutions they preferred to do things and not just encourage people, like the United States Government to do things so they were not on some list, they had actually done more and would be doing more, that Dr. Pebble would get him a briefing on it, that the two most critical things would be to reduce residential and commercial and office building efficiency and to go to the California standard of low emission on vehicles and those would have a significant impact on 2010 to 2020 and he thought now was the time for them to move on those two items. Council Members Edwards, Wiseman, Garcia, Alvarado and Green absent.

Council Member Brown stated that he wanted to mention the growing issue in Houston of Neighborhood Protection, that as they heard in the Fourth Ward meeting the other night

neighborhood was growing around the City and he thought the Sixth Ward and Independence and Sunset Heights and the Heights and just about every other traditional neighborhood the residents, particularly the homeowners, were feeling that their neighborhoods were not being protected, that he thought their best shot to move forward on it was to find the correct way to limit density or intensity of use in their neighborhoods where they did not have the infrastructure capacity to support a higher density and did not have the money in the future or it was not cost efficient to come in there and retool the entire infrastructure of a neighborhood to accommodate townhouses at 27 units per acre and he thought they had a responsibility to their citizens and homeowners and taxpayers to find a way to modify the rate of change in some of the neighborhoods because there were plenty of brown fields, vacant tracts and green fields where new development could and should occur, that they needed to encourage developers in the private sector to go to the brown fields and that was the way they were going to raise the density and protect their traditional neighborhoods, that he was hoping they could make some progress on that, including the historic preservation issue, that he was feeling more and more that they needed to answer the big question of what kind of City should Houston become in next 20 to 30 years and the decisions they made today were going to determine how that outcome was and what role should the City government play in shaping the future of the City, that he maintained that they could not just let the City happen, that was not their responsibility, they needed to be more proactive in terms of facilitating the outcomes that he thought their citizens wanted in terms of neighborhood protection, mobility, flood control, air quality and just the basic fundamental quality of a livable neighborhood and he thought they could move forward on that. Council Members Edwards, Wiseman, Garcia, Alvarado and Green absent.

Council Member Clutterbuck stated that she wanted to speak briefly about crime in their area, that on Monday night she attended a community crime meeting at Westbury High School, that it was a sad occasion because it was called on the account of the tragic death of Julian Ruiz, who was shot outside of Westbury High School, that what she thought should come from that meeting was more financial support for the Gang Task Force, the fine outstanding men and women both from HPD and the civilian employees that worked on gang issues in the City, they were doing a tremendous job and she thought the tragic shooting of young Mr. Ruiz really highlighted the need to have more attention on gang activity and thought it also highlighted the need, in her opinion, to have a candid discussion about exactly what happened at Westbury High School, that it was not on the school campus, Mr. Ruiz had been on the campus, she was told, and was asked by HISD patrol officers to return to class and he did not, he stepped into the public street and was tragically shot there, luckily the HPD officers had done some tremendous work and they knew who the shooters were, but she thought it was important that the public have a candid discussion about whether or not it was a gang shooting or a random act of violence, that property was adjacent to neighborhoods and the Westbury Little League, they were getting ready to have the Westbury Little League gear up again for little league activities and a number of people from all over the community would be going to the City of Houston owned property and enjoying what they enjoyed every spring, good old fashioned community baseball and they needed to know that the area was safe and that sometimes crime did happen and unfortunately and tragically it was committed directly at an individual, that made his death no less significant but she thought it was important that they send that message to the community. Council Members Edwards, Wiseman, Garcia and Green absent.

Council Member Clutterbuck stated that there was an interesting series of articles in the Houston Chronicle this week called the Butterfly and the Knife, that in her mind it was really an outstanding sociological depiction of the tragic, possibly gang related tragedy that happened at Ervin Chew Park, that it contained some, what she believed, were factual inaccuracies and thought it went into the importance of explaining and being candid with the public about what exactly was happening in Southwest Houston, the article stated that the intersection of West Bellfort and Bob White "was one of the deadliest in Houston, almost every month there is a

shooting, almost every month there was a death”, that she liked to look at statistics and it was very important that they be held accountable for what they say, especially at City Council, and what was printed, that the statistics showed that there had been four murders at the intersection of Bob White and West Belfort in four large apartment complexes from January 2004 to the present, that was hardly one a month, additionally the statistics for that particular crime beat showed that there had been in the last year a decrease of 18.77% in violent crimes, crimes of aggravated assault, auto theft, burglary, homicide, robbery, rape and theft, that was tremendous news that on that beat that was being focused on in the Chronicle article as being one of the deadliest intersections in the City actually had seen a tremendous decreases and was in large part thanks to the voting of the Council to authorize overtime, the Mayor’s insistence that police overtime be spent in their crime hot spots, the tactical units that had gone in under the Mayor’s and Chief Hurtt’s authority as well as the good people in that neighborhood, the new management district down there, people fighting to reclaim their beautiful neighborhood of the Fondren southwest area, that she pointed that out because a lot of people had been contacting her office about the deadliest intersection in Houston and she thought it was important to state for the record that it was indeed not accurate, it was not the deadliest and was coming back. Council Members Edwards, Wiseman, Garcia and Green absent.

Council Member Clutterbuck stated that the wonderful presentation by Mr. Mincberg would also contribute to improving the situation in Fondren southwest as well as the Hobby area and she looked forward to having that kind of disciplined and focused rehabilitation of some of their crime hot spot areas with large apartment complexes in them being available for participation in the program, that she thought they were going to see a tremendous improvement in the area and applauded the Mayor’s efforts to direct HUD funds to rehabilitate properties rather than building new ones; that she would also urge that there were some apartment complexes that were in flood zone areas that were delinquent on their taxes and were close to foreclosure and as they, both on the flood committee and the Regulatory Affairs Committee, that oversaw some of the apartments, look at issues of flood control and issues of crime that perhaps they should think about rather than rehabilitating some of the properties in the flood plain and rather than acquiring brand new detention areas possibly scrapping some of the apartments that were in the flood plain areas and using that area for flood detention and also possibly park space, that they would do a number of services, eliminate the blight and also provide desperately needed flood detention and park space, that there were a few properties in the Fondren southwest area that came to mind and was sure that her colleagues in other parts of down knew of similar properties, that it was certainly a more cost effective way of addressing the overall problem rather than just acquiring new property for flood detention. Council Members Edwards, Wiseman, Garcia and Green absent.

Mayor White asked Council Member Clutterbuck if she could get to him and Mr. Mincbeg on just an exemplary apartment that she thought would come to mind, if she had any candidates in mind, so they would work it as a case study, that they had to work step by step through issues involving displacement, a lot of people advocate apartment units being torn down but he need to make sure that people understood how they do that, that he saw where she was going but maybe they could use a case study; that on her first point he would really appreciate the assistance of the brain power of all Council Members, that first the funding in the next fiscal year’s budget, that number two, who does it report to, that he did not like symbolic reporting relationships, other Mayor’s could have different styles but if somebody reports to him then he was accountable for what they did, if they report to someone else then that person is accountable, that he probably did not have the life experience and the number of director reports was already excessive, was it at the right place and if it was with employees some people were afraid that it would be submerged by the classified functions, they needed to help him work through that, that Chief Lumpkin had managed that well in Neighborhood Protection

but they needed to help him do that. Council Members Edwards, Wiseman, Garcia and Green absent.

Council Member Johnson stated that he was excited about the dialog that took place with Mr. Mincberg, Mr. Sampling and Mr. Smith and thought it was an exciting time in which they were going to start to do some rehab of some multi family units that had been overlooked for a number of years and kind of give them a shot in the arm to bring back an otherwise distressed and depressed community, that he wanted to also bring out the fact that where they were dealing a lot with multi family residential leased property he wanted them to be mindful that there were a lot of single family leased residents that were out there as well that he certainly believed also had been a tremendous impact and impediment to the City, where half of the residents of the City of Houston did not live in single family leased property he would venture to say that probably more than half lived in the Fifth Ward and Kashmere Garden area, that it was a business, it was what people did to generate income was to lease single family residential property, that he had talked with Council Member Lawrence to discuss it and look at how they would begin to regulate single family residential property because when he went into his district and looked at some of the properties that were being leased he found it to be insulting and deplorable, horrible third world conditions, but they did not hold those land owners and landlords accountable for what they were leasing to those individuals and they were leasing entire communities, 20, 30 to 40 homes at one time on shotgun homes that had never been painted, no insulation and electric bills were out of the roof for 600 square foot homes, just living in very poor conditions, that he wanted them to be mindful that they needed to also look at some of the other landlords who he felt were doing a disservice to the City and to residents who were trying to simply have a place to stay with their families, that quite often, more times than not, they were taking advantage of illegal residents because they understood they had no other alternative to renting an apartment so they would rent these particular facilities to them, so he wanted them to be mindful of that and take a look at that and certainly wanted to thank Council Member Lawrence for looking at that with him and hoped they could get something done on the single family leased properties. Council Members Edwards, Wiseman, Garcia and Green absent.

Council Member Johnson stated that on Friday, December 8, 2006, he would hosting a business symposium at the Port, that he was encouraged and had gotten a lot of calls and wanted to thank everybody for being engaged in it, that it was a way for residents and business owners to understand how to do business with the Port and what the Port meant to the City. Council Members Edwards, Wiseman, Garcia and Green absent.

Council Member Johnson stated that last night they had a meeting with all of the Super Neighborhood Councils and at the meeting with the residents of District B they were able to start coming to a consensus of what they wanted District B to look like, what were some of the standards that they wanted for building, commercialism and greenspace, that they also tied it into the CIP to look at where their money was going to be spent for the next several years and how they might be able to attract development around those areas, that he wanted to thank Kevin Calfey, Mathew Dees, James Till and Greg Shaw for coming out last night, they brought good information so the Super Neighborhoods could take back to the residents to inform them of what the CIP process was and how they might be able to do a better job of communicating what the needs were for their particular district moving forward. Council Members Edwards, Wiseman, Garcia and Green absent.

Council Member Johnson stated that last week he talked about METRO and how they needed to move on the Parker Road, Jensen Corridor, to make sure they got some infrastructure in place to put a bus stop back so the residents of that particular area did not have to walk in the street to and from bus stops, that he had an opportunity of meeting with METRO, they did come out and he met with Mr. Marcotte, Mr. Krueger and Mr. Norman and he thought

they came to a real good consensus and though they were moving in the right direction so he wanted to thank them for making sure they got all the good information to pass back but thought they were going to move very quickly to get the bus stop put back in before January. Council Members Edwards, Wiseman, Khan, Garcia and Green absent.

Council Member Johnson stated that his son played in a superbowl and that game was probably one of the most entertaining games in the City of Houston, that unfortunately the Inwood Dad's Club Eagles did not come out victorious, that he wanted to say congratulations to the Eagles and to Coach Hordon and his son, Jarvis Johnson II, who played a good defensive game. Council Members Edwards, Wiseman, Khan, Garcia, Green and Berry absent.

Council Member Lovell stated that she had brought up before that they had a sidewalk that had been taken out on Woodhead, in the 3900 block, between Bernard and Sul Ross, it continued to be a problem and the kids continued on a daily basis to have to go out into the street or walk across the street to be able to get to the bus stop to get to Lanier or Saint Stephens or go in the other direction to Poe, that Public Works and everyone had been wonderful in monitoring it and she had been advised that the new builders had pulled a permit and they might build in three months, but in three months what could happen, were they going to allow three months to go by and still allow the kids to walk in the streets, that they did not have to put in the whole sidewalk but there had to be some way for the kids to be able to get out of the street, that it pointed out again how arcane some of the ordinances were and that they did not make much sense, so they were either going to be a City that was driven by what the developers were going to do or they were going to be a City that just decides they were going to fix it on their own and not be driven by old codes because some kid is going to be hurt. Council Members Edwards, Wiseman, Khan, Garcia, Green and Berry absent.

Council Member Lovell stated that on the Chronicle article that Council Member Clutterbuck was talking about it happened in their neighborhoods, that she agreed with her that some of the facts had been wrong, that what happened at Westbury happened at Ervin Chew, that there seemed to be a recurring sort of theme in the City that was becoming very clear about their youth, in some ways HISD, which Westbury was a very good school as was Lamar and as their schools were but it could not just be where the schools were an island and their responsibility sort of stops at the end of the sidewalk and then who picks up the responsibility for what went on in those neighborhoods, there had to be some coordination, there had to be some way and whether they as a City or Council Member took the lead in bringing together those leaders and saying to HISD that they needed to reach out and insist that HPD and the Constables or Sheriff's or METRO, at certain hours of the day when the kids were walking to school, those patrols through the neighborhoods ought to be going ongoing during those times and in the late afternoon hours when they were out of school, where they went to catch the bus, those patrols ought to be coordinated and they really ought to be insisting that those patrols take place because the violence did not usually take place on the campus, it takes place in the activities off of campus, of which their officers were really very well trained to spot it and could disperse it, that what happened to that young man if there had been a patrol coming down the street that day that officer probably would have spotted that was something that was not supposed to be going on and driven up and saying they either needed to get to school or were delinquent and were going to write them up and that they needed to move on, but they were not around the streets during those times, so that was something they could do around all those schools, was ask all of the law enforcement to coordinate with HISD in patrolling those streets. Council Members Edwards, Wiseman, Khan, Garcia and Green absent.

Council Member Lovell stated that she was excited about the apartment project but thought that part of that ran with their children, if they were going to invest \$15,000 to \$20,000 that was a lot of money in a unit and in those units there were children, that those social

services programs, like after school programs, could take place in those apartments instead of at the school, they ought to insist if they had children, and it was not really the elementary school, they were taken care of, but there seemed to be a disconnect, that her son Robbie could not leave Poe Campus without somebody knowing who was picking him up, so he graduates from fifth grade in May and goes to Lanier in August and somewhere between there and there they think he was matured tremendously and the school allows all those students to walk off of the campus and not know where they were going, who was picking them up, who was taking care of them and who was in charge of them, so they act like they were incredibly mature between fifth and sixth grade and then they wonder why they were getting in trouble, they were getting in trouble because those older kids who had a lot of time and were far more appealing were doing a better job of recruiting their kids and if they in some way did not figure out some way to keep them supervised and the apartment project was a very good way of insisting if they were going to be money in then they were going to make sure the children in their apartment complex were supervised, they were going to insist upon it, especially those middle school children, that it was going on citywide, those people that were recruiting marginal kids into their gangs were really doing a lot better job because they had a lot more resources and time and the truth was they were far more appealing, if they had a place for all those kids to go and be supervised then they would cut off that recruitment of those gangs that were out there, and if HISD or the schools did not do then she really thought the City needed to do their resources as a city and the apartment project was very good, in fact Neighborhood Centers in the Gulfton area was doing a very good job of connecting all of those social services together and making sure that those kids were off of the street and if they did not they were going to end up with more kids like they were reading about in the Chronicle, more kids were being recruited, they just had to figure out how they could do a better job than they could of capturing their kids and keeping them out of trouble. Council Members Edwards, Wiseman, Khan, Garcia and Green absent.

Council Member Brown moved that they extend the Council meeting beyond the scheduled recess and inasmuch as no second was heard no motion was recorded. Council Members Edwards, Wiseman, Khan, Garcia and Green absent.

Council Member Lawrence stated that to piggy back on what Council Member Lovell just said, she thought the last item on the agenda as far as after school programs only 24% were middle school and she thought that was where their emphasis needed to be and she made that point there because that was the group where something needed to happen, the kids that came forward with the Dog Park did not live in her district they lived in Bellaire right on the edge and because she had a skate park for kids they came over and saw the area and did their term project on it, but again that skate park appealed to the middle school kids and she wanted to get it in before last summer and they were able to do that and it was a huge success, kids came from all over Houston and that was where if they did not have them at after school programs then they needed to look at their parks and what were they putting in their parks and how was that affecting crime and maybe that was some area where they may want to go to and again she thought more emphasis, as they learned, and as their after school program had become accepted by everybody on Council that they look at their middle schools. Council Members Edwards, Wiseman, Khan, Garcia and Green absent.

Council Member Lawrence stated that on December 14, 2006 it would be snowing in Houston, that WalMart and Victor Alvaraez would be putting on another grand posada and she wanted to thank Susan Lux in Sign Administration who had really been very helpful to the group, that it would be a huge celebration on Long Point and she invited her colleagues to attend. Council Members Edwards, Wiseman, Khan, Garcia and Green absent.

Council Member Lawrence stated that on the 11<sup>th</sup> Street Park they were still hanging in there and wanted to thank Council Members Green and Brown, who both sent out letters and she talked to Parks and they were continuing to get money in and it was looking very good, that she wanted to thank the Chronicle for running a wonderful story on the 11<sup>th</sup> Street Park. Council Members Edwards, Wiseman, Khan, Garcia and Green absent.

Council Member Lawrence stated on Council Member Clutterbuck's comments on sidewalks maybe that was something they really needed to look at because Building Services could not go around to every neighborhood in the City and mow the area from sidewalk to the curb, they could not mow, water or edge, they could not even edge all of the major thoroughfares, so they asked homeowners, as far as their neighborhoods, to take care of that area, so if a homeowner had put a sprinkler out there to improve his or her neighborhood then certainly there should be some consideration when they were putting in sidewalks because they were doing a service by keeping City land mowed and edged, so they should not penalize them. Council Members Johnson, Edwards, Wiseman, Khan, Garcia and Green absent.

Council Member Holm stated that she wanted to comment on Item No. 62, she was a really disappointed and found it a little bit ironic that on an item, which they were wrestling with in order to find a right and appropriate way to allow someone to have a voice they used every tool they could find to smother the voice of representation, that she wanted to thank Council Member Berry, she did not like being called a petulant child but she did not want to focus on the names being called, she wanted to focus on his message and thought that what he was trying to do was say that they ought to be a body that respects one another and cares about each other and celebrate those different opinions that she did not know how to do it without stirring a pot but she had a question, she was not sure, she made an amendment and it was tagged and would it come back up again next week, that she did not think they could tag an amendment that became moot, that rendered an item moot, that her point was that they were getting so bogged down in a lack of communication, she had worked so hard over the last few weeks because she could not figure out why she got so worked up over some of their items and she thought one of the reasons was because she felt that she had to change the world in order for the perspective of the voice that she represented to even be heard, and one of the things that Mayor White's overwhelming acceptance in the City by everyone had been the fact that he tried to build consensus and tried to bring people together and more and more the different perspectives that came forward she felt like the voice was just not heard or recognized, that she knew the makeup, personalities and different aspects and perspectives they represented, she knew that rarely, when they had really diverse issues, her perspective was not going to prevail, but it was really important, if that perspective is not important to be heard and considered then they really did not need a Council, they really just needed somebody who just made good decisions for the City and just roll with it, that she thought it was really important, that she thought with 14 different personalities, with as many diverse perspectives, 8 to 6 votes or 9 to 5 votes were good, that 14 to 0 meant there were not any other perspectives, that right now she really needed to know what happened, because last week she heard the Mayor say, under his breath, that her amendment was inappropriate and she tried to put it forward last week and he would not let her, that she wanted to follow the rules, she just wanted to know what they were. Council Members Edwards, Wiseman, Khan, Garcia and Green absent.

Mayor White stated that he thought it was important, under term limits, that whoever was the Mayor and sat at Council would know what the rules were and they played by the rules and that it had been something, that according to Mr. Hall, had been decades long, causing something to be moot, that there had been opinions about it a long time but it had to deal with things like through the acts of some external, for example when they missed a grant deadline or they missed an appropriation cycle, etc., not just this, on every amendment exactly, and that would result not because the action of the body in passing something would render something

moot but that there was some kind of external force or action, otherwise they would have a rule that any motion, if somebody made a written motion on the second week as he said it would be an automatic extension, at which they could change the rules to do, and Mr. Michel stated that was essentially when it had been applied, that he carried them with him but had sent them back but he always had three or four opinions on the very issue that he was raising and it was a timing issue at the time the amendment was made it was not moot at that time to tag it because it was uncertain what would happen to the main item, at least theoretically, so the analysis had always been that the amendment was not moot. Council Members Edwards, Wiseman, Khan, Garcia and Green absent.

Council Member Holm stated that when it had not been a lot of times what the Mayor had done, because they had some things come up where they needed to put amendments and he had always said to delay it for a week so they could consider everything on a level playing field and she did not expect to change anybody's opinion but she really thought it sent such a bad message when it looked like they were trying to manipulate votes rather than vote who they were. Council Members Edwards, Wiseman, Khan, Garcia and Green absent.

Mayor White stated that just so they were communicating, first of all, and he thought he communicating it once explicitly and another through staff, he understood that people may have a difference of opinions about a bunch of stuff here and he did not consider in the least bit, he had a certain sort of attitude about what he would consider to be showboating but he thought that what Council Member Holm did, and people voted against it, a legitimate viewpoint that was just different and that he respected, that he did not take it at all personally, and he thought it was just a different approach and on the one issue where they had tended to support a delay had been where they believed a consensus could emerge on the other side out of the delay and it was a judgment that they made about when to delay and finally they may agree or disagree with various amendments by Council Members, generally when they disagree they would apply the rules and he must admit that sometimes he did not assist Council Members in the form of their motion or soliciting votes for a second or putting it in writing or those other things when they were opposed to the substance, but it was not done as a result of any ill will, it was done on the basis that sometimes there was a difference of opinion and they had some rules that were written down and if they were opposed to what somebody was trying to do then they would not give them a roadmap even if there was a roadmap out there, but in any case it was not personal, and he would say, as they all observed various Council Members, he had opposed Council Member Wiseman on various matters more frequently than any other Council Member but he would commend her knowledge, and sometimes he disagreed, but she did have some knowledge of Roberts Rules or Order and the Rules of Council and he had tried to adhere to those things that were put in writing under his best understanding of the precedence that existed, and he would encourage Members to seek clarification from him in advance concerning those rules, he did not mind being a resource to Members on some of those things on occasion, if they were trying to do it when their position was contrary to the administration he might be a little less forthcoming but he would not mislead them. Council Members Edwards, Wiseman, Khan, Garcia and Green absent.

Council Member Alvarado stated that on the issue she thought the Mayor had really gone beyond, not so much apologizing but just explaining the process and she truly believed that he put forth the process that he thought was fair and something that was transparent and she appreciated the way he worked to build consensus and she thought that was what he was trying to do with the process. Council Members Edwards, Wiseman, Khan, Garcia and Green absent.

Council Member Alvarado stated that this weekend she and Council Member Edwards held a health expo at the George R. Brown Convention Center and she wanted to thank her staff and Gracie Garza and Council Member Edwards staff for putting it together, their main

sponsors were the American Heart Association and Community Health Choice, they also had various departments that were outstanding in the effort, Convention and Entertainment Facilities, the Health Department, Citizens Assistance Office, Council Member Khan's office, Aramark, Metro and Panda Express, they hoped to continue it next year, that their goal was to focus on women's health and she thought they were successful in doing that, and she wanted to thank all those who were involved. Council Members Edwards, Wiseman, Khan, Garcia and Green absent.

There being no further business before Council, the City Council adjourned at 12:18 p.m. Council Members Edwards, Wiseman, Khan, Garcia and Green absent.

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

MINUTES READ AND APPROVED

/S/Anna Russell

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Anna Russell, City Secretary