

City Council Chamber, City Hall, Tuesday, December 12, 2006

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, December 12, 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, Ronald C. Green and Michael Berry; Ms. Connie Acosta, Division Chief, Labor Division, Legal Department; Ms. Claudia Vasquez, Director Citizens Assistance Office; and Ms. Marty Stein, Agenda Director; present.

Note: Council Member At-Large Position 3 vacant.

At 2:00 p.m. Mayor White called on Council Member Berry to begin presentations; and Council Member Berry stated that Houston had the second largest amount of theater seats in America and invited Mr. James Black to the podium. Council Member Berry further stated that Mr. Black was celebrating his 20th season at the Alley Theater where he had been involved in over 100 productions and presented him a Proclamation proclaiming December 12, 2006, as "James Black Day" in Houston, Texas. Council Members Johnson, Wiseman, Holm and Alvarado absent.

Council Member Berry stated that a dear friend making her acting debut was Miss Briana Reynolds, who played the spoiled child, and invited her to the podium and presented her a Certificate of Recognition. Council Members Johnson, Wiseman, Holm, Alvarado and Lovell absent.

Mayor White stated that Council Member Edwards voice was giving out and he would help her to present the Bravo Awards and invited Ms. Gloria Bingham, Director of the 3-1-1 Service Helpline; Captain Nancy Kamman of the Houston Fire Department and Ms. Paulette Wagner of Housing and Community Development and presented each with a Bravo Award for going above and beyond their job description and for their extraordinary service to the city and their community. Council Members Wiseman and Garcia absent.

Council Member Johnson stated that in keeping with recognizing civil servants he wanted to invite Officer Jeb Rose and Officer Warren Jones to the podium. Council Member Johnson further stated that both officers went beyond the call of duty when it came to their jobs and often officers were criticized but not recognized for the work they did and he thanked them; that these two educated senior citizens on safety, etc., and on behalf of the constituents of District B he recognized them both for their dedication in public safety and commitment in keeping the community linked to HPD and presented them Certificates of Recognition. Council Members Wiseman and Garcia absent.

Council Member Khan stated that he wanted to thank Council Member Johnson for recognizing Officers Rose and Jones, he had seen them taking care of the needs of the community and doing community policing and was very impressed with them both. Council Members Wiseman and Garcia absent.

At 2:36 p.m. Mayor White called the meeting to order and called on Council Member Lawrence who stated that she had visited the Parish School established in 1983 and today present was a group of 10 children she met who all had learning challenges and invited them to lead all in the prayer and pledge. Council Member Garcia absent.

At 2:22 p.m. the City Secretary called the roll. Council Member Berry absent.

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

Council Member Lovell moved that the rules be suspended for the purpose of hearing Ms. Mary Ross and Mr. Richard Morrison at the top of the three minute Non-Agenda speakers list, seconded by Council Member Khan. All voting aye. Nays none. Council Member Berry absent. MOTION 2006-1119 ADOPTED

Council Member Brown moved that the rules be suspended for the purpose of hearing Mr. Jeffrey Brown, Mr. Stephen Klineberg and Mr. Randshir Sahni after Mr. Richard Morrison, seconded by Council Member Khan. All voting aye. Nays none. Council Member Berry absent. MOTION 2006-1120 ADOPTED

Council Member Khan moved that the rules be suspended for the purpose of hearing Mr. Fred Bhandara after Mr. Randhir Sahni, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Berry absent. MOTION 2006-1121 ADOPTED

Council Member Holm stated that during the week she wondered if Council could work with Ms. Russell to rearrange speakers, it was totally unfair to tell citizens it was based on the way they called in and then rearrange everyone and she respected everyone's time, but if it were going to be the case she would move Council Rules be changed and during the week work with Ms. Russell to place people in the order they wanted, seconded by Council Member Berry; and Mayor White stated that he would suggest if they wanted a change that they get advise from the City Attorney to change Council Rules on among other things the change in posting they would need and what the procedure would be for amending Council Rules to prohibit motions to suspend the rules to take speakers out of order during public session. Council Member Berry absent.

Council Member Alvarado stated that her understanding was it was by ordinance and they could not entertain what Council Member Holm wanted; that it may need to go to the governance committee; and yielded to Council Member Wiseman who stated that Council Rules were in the Code of Ordinances and any changes would have to be in the form of a change to Ordinance and would need to appear on the Agenda, but they could suspend the rules which took Council majority; and Mayor White stated that while they were talking he had never moved to take anyone out of order, but he wanted to be sure Council Members did not have any criminal violations on the Open Meetings Act by failure to post something and if they were going to discuss amendments of Council Rules they did need a public posting and something would be circulated to Council Members as to what would be needed; and Council Member Holm stated that she wanted to make sure she was not misinterpreted and her motion was not to promote the activity it was to respect citizens who called in, there was a plan and each and every week out of convenience and personal preference they were called out of order and it was very unfair to citizens and she was asking that they be considerate as opposed to changing ordinances. Council Member Berry absent.

Council Member Edwards stated that all had opportunity to vote no on taking someone out of order, but the point she would like to make was it had to include elected officials, etc., and those also who were not signed up on the list. Council Member Lawrence absent.

Mr. Weston Robinson, 3313 McCullough Circle, Houston, Texas 77056 (281-435-8706) appeared, presented photos for viewing and stated that he was present to save the city money; that TIRZ One needed green space and the opportunity existed for the city to provide it at little or no cost by taking a closer look at Item 22; that HISD had not offered to pay for the 10,000 square feet of park property the city owned and they were building a new school and did not

have adequate parking and HISD should not act on its own in the redevelopment of the Galleria area property owned jointly by them and the City of Houston, easements and existing park property was a substantial part of the property and the city would do better to wait until the property was sold and then sell at the market rate per square foot; and urged Item 22 be considered closer. Council Members Lawrence, Holm and Alvarado absent.

Upon questions by Mayor White, Mr. Robinson stated that he would like to see the contiguous space created by abandoning all easements in all parks and take some beautiful trees behind the school and create a park, all that would be needed would be mowing, a professional planner was needed and it would be a long-term value. Council Members Lawrence, Holm and Alvarado absent.

Council Member Clutterbuck stated that was a wonderful idea and very timely and she appreciated Mr. Robinson bringing it to Council and would ask he speak with Mr. Gary Norman and Mr. Tim Douglas, her Chief of Staff. Council Members Lawrence, Holm and Alvarado absent.

Council Member Brown stated that he knew the property and would look at it from an Urban Planning view point. Council Members Lawrence, Holm and Alvarado absent.

Ms. Barbara Swartz, 13406 Kimberley Lane, Houston, Texas 77079 (713-467-3561) appeared and stated that she was president of the League of Women Voters Houston Area and present to speak on comprehensive planning; that many meetings were attended and many recommendations passed on to committees of the City Planning Commission and the League believed the plan should include the development of goals, objectives and priorities for Houston through a process which assured maximum public participation and included economic, social and environmental concerns as well as physical development. Council Members Holm and Alvarado absent.

Council Member Brown thanked Ms. Swartz and the League of Women Voters for all they had done over the years and asked that she complete her statement; and Ms. Swartz stated that the League felt this was the time to develop a comprehensive plan for the City of Houston. Council Members Holm and Alvarado absent.

Council Member Lawrence stated that a number of committees addressed problems she spoke of and they welcomed her and the League to come to those meetings. Council Members Holm and Alvarado absent.

Mr. Rick Mobley, 4323 Long Glen Drive, Kingwood, Texas 77339 (281-772-9500) appeared and stated that he was vice president of the Wilbur Smith Association, a certified urban planner and certified landscape architect and he wanted to share his views on comprehensive planning and what it meant to Houston; that planning was the triumph of logic over dumb luck and the plan they were promoting was needed to be a single source of information for individuals, developers and those who wished to be participants in Houston's economy and what it might look like in 20 years; that comprehensive planning was proactive and not reactive and made good business sense and would allow citizens to participate and understand where they were going as a city and it provided certainty to landowners; and encouraged it be looked into further. Council Members Holm, Alvarado and Berry absent.

Mayor White stated that the Planning Commission was considering during the regular scheduled meeting on the 14th something concerning identification of priorities and specific plans, but they could not have a plan predicting exactly what the city would look like in 20 years

because he was not for that kind of plan, but they did need to be precise. Council Members Holm, Alvarado and Berry absent.

Ms. Mary Ross, 15503 Winter Briar Drive, Missouri City, Texas 77489 (281-438-5451) appeared and stated that she was present requesting an emergency motion be introduced for the City of Houston to declare itself an effective party to the BFI/Blue Ridge Type One Municipal Solid Waste Landfill expansion permit request and to oppose the permitting of the expansion on behalf of approximately 10,000 City of Houston/Ft. Bend residents who currently lived within a mile of the landfill; that after conversations with Legal she learned the response from Solid Waste was they had no problem with the proposed landfill expansion and on behalf of Super Neighborhood 41 she asked it be reconsidered, the permit was for a landfill to be about four times higher than normal. Council Members Holm and Alvarado absent.

Mayor White stated that he had been reading information on the particular landfill and Ms. Gaffrick went to a hearing on it; and Ms. Ross stated that she was afraid she would not finish and had letters for Council Members At-Large, Mayor White and Council Member Holm. Council Members Holm and Alvarado absent.

Upon questions by Council Member Edwards, Ms. Ross stated that she wanted Houston to declare itself an affected party by the landfill; that last night the City of Pearland adopted a resolution declaring themselves an affected party on behalf of their citizens and she had a copy of the Resolution which she would be happy to leave a copy. Council Members Holm and Alvarado absent.

Mr. Richard Morrison, 19901 Southwest Freeway, Sugarland, Texas 77479 (281-207-1254) appeared and stated that he represented the Coalition Against the Blue Ridge Landfield Expansion, he was an attorney practicing environmental law, and many Houston citizens lived within a mile of the landfill, the closest being Green Valley Estates and Ridgemont which had over 1,000 homes in the two subdivisions; that the existing landfill footprint was 302 acres and the amended footprint would be 784 acres with a maximum height now of 58 feet and the amended would be 170 feet and that was seventeen stories, it would be huge; that the City of Pearland passed a resolution urging the TCEQ to deny application and they were present asking the City of Houston to do the same. Council Members Holm, Alvarado and Berry absent.

Council Member Brown stated that he understood the issues and was an expert witness in landfill cases and he would say to his colleagues that the standards the TCEQ had for evaluating appropriateness for landfills was very minimal and not in favor of preserving quality of life in adjacent communities and in absence of standards this governing body needed to be particularly sensitive to the infringement to very negative impacts and he hoped the city could participate and defend citizens and their quality of life. Council Members Holm, Alvarado and Berry absent.

Council Member Edwards stated that her office submitted a letter in support; and upon questions, Mr. Morrison stated that the City had until Monday for comments and it would not be until late February or early March for deadline of requesting party status occurred and the city could request party status based on comments already submitted; and Council Member Edwards stated that she spoke with the Mayor's Office and would encourage support in the issue. Council Members Holm, Alvarado and Berry absent.

Mr. Jeffrey Brown, 5112 Gibson, Houston, Texas 77007 (713-224-0456) appeared and stated that he was a principal in the Architecture and Planning Firm of Powers Brown Architecture in downtown Houston and present to address planning in Houston, specifically a Houston General Plan and would offer themselves and organization as a resource to the City of

Houston in addressing pressing issues; that they were uniquely qualified and looked forward to providing needed resources to guide their efforts. Council Members Wiseman, Holm, Alvarado and Berry absent.

Mayor White thanked Mr. Brown and stated that he appreciated him coming before Council. Council Members Wiseman, Holm, Alvarado and Berry absent.

Mr. Stephen Klineberg, 2109 Goldsmith, Houston, Texas 77030 (713-665-2010) appeared and stated that he was also speaking on the need of a general plan for the City of Houston as they tried to position the city in a position for success in a different world of the 21st century; that new thinking would be critical, of all residents in Harris County 60 years or older 71% were Anglo and in contrast 75% of all people in Harris County age 18 to 29 were African American, Hispanic or Asian and of the 292,000 students in classrooms today 58% were Latino, 30% African American and it was a safe statement to make that if they were unprepared to succeed in a knowledge of economy in the 21st century it would be hard to envision a prosperous Houston and Houston needed to be greener and more aesthetically appealing turning Houston into a destination of choice for people who could choose where they wanted to live. Council Members Wiseman, Holm, Garcia, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Khan thanked Mr. Klineberg for coming and stated that he was one of the best assets the City of Houston had; that all benefited from his research; and upon questions, Mr. Klineberg stated that the city did not have zoning but did have area plans and an ability to create a Houston pathway into guiding development and supporting certain types of growth. Council Members Lawrence, Wiseman, Holm, Garcia, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White thanked Mr. Klineberg for coming and stated that intelligent organizations liked to think ahead and needed to retain flexibility to adopt for circumstances; that the city had plans and a large number of scholars had pointed out Houston was doing better economically than cities with zoning and were overstating the case and similarly he hoped they were able to make progress but not overstate or understate what they currently had. Council Members Lawrence, Wiseman, Holm, Garcia, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Randhir Sahni, 5120 Woodway, Houston, Texas 77056 (713-850-6500) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Clutterbuck, Wiseman, Holm, Alvarado, Brown, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Fred Bhandara, 6060 Richmond #380, Houston, Texas 77057 (713-952-5555) appeared, presented information and stated that he was president of the Catalina Apartments and on December 7th a crazed gunman opened fire in broad daylight on the apartments in the 11500 block of Bissonnet in District F, he shot several times and struck many random buildings and according to sources it was an attempt to settle a score which took place earlier in the day, fortunately no one was hurt, but he was present discussing his concern; that the weapon used was a high caliber rifle, a special type of assault weapon, large caliber bullets ripped through buildings and in one instance went through two separate buildings and lodged in a building across the street and he was concerned as many could have been killed; and today was asking for additional resources to the area and curtail the dangerous elements in their area. Council Members Lawrence, Clutterbuck, Wiseman, Holm, Alvarado, Brown, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that he had driven his property with HPD and he appreciated him coming today. Council Members Lawrence, Clutterbuck, Wiseman, Holm, Alvarado, Brown, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Khan stated that he visited the property Thursday and knew the apartments and Mr. Bhandara and this was one of the best managed apartments in the city, definitely in that area, with on site security, involved tenants and he provided two churches apartments to operate free of cost and he understood it was not a tenant but someone outside and one bullet went through two apartments with families inside and across to another building so it was very scary; and he congratulated Channel 11 for a wonderful story; and as they worked on something for apartments requested Mayor White to also recognize good apartments and owners who had tenants going through situations from no cause of their own. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Upon questions by Mayor White, Mr. Bhandara stated that last year a difference was noticed with the tactical teams in the area, but it seemed it had shifted more to the Fondren area and he was requesting more assistance once again; that the cross street at the apartments was Boone. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Alvarado, Lovell, 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 Lawrence, Johnson, Clutterbuck, Wiseman, Holm, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Judy Glazewski, 20119 Fox Grove, Humble, Texas 77338 (281-446-8963) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Jeremiah Wade, 6120 Dryad, Houston, Texas 77035 (713-723-6449) appeared, displayed pictures and stated that he and those with him were a group from Pin Oak Middle School and they were 8th grade students and required to do a community challenge project and they selected to have a sidewalk put in on West Airport between South Gessner and Riceville Road where the West Place Subdivision was located, there were children walking in the street to school and it was dangerous . Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White stated to Mr. Norman that when this sidewalk proposal was analyzed he wanted him, Ms. Stein and those present today to know the results in the near future. Council Members Lawrence, Clutterbuck, Wiseman, Holm, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Clutterbuck, Mr. Micah Johnson, 5114 Dickson, Houston, Texas 77036 (713-862-9886) one of the Pin Oak group at the podium stated that HISD buses did not pick up children in the neighborhood and something needed to be done to assure children were safe and they knew it would take time and money but urged they consider sidewalks between Riceville Road and South Gessner on the West Place Subdivision side located at 8900 West Airport and 12300 Fondren Place Drive. Council Members Lawrence, Clutterbuck, Wiseman, Lovell, Green and Berry absent.

Council Member Clutterbuck stated that John had been E-mailing her office and they were delighted to be working with them on this and one of the top people in Public Works, Mr. Gary

Norman, was present and her assistant, Ms. Barbara Height, would also meet with them; that this was a big project and they did a great job. Council Members Lawrence, Clutterbuck, Wiseman, Lovell, Green and Berry absent.

Mr. Jeff Lindsey II, 5626 Cartagenda, Houston, Texas 77035 (713-283-5085) who joined the Pin Oak group at the podium did not speak. Council Members Lawrence, Clutterbuck, Wiseman, Lovell, Green and Berry absent.

Mr. John Clay, 8807 Fondren, Houston, Texas 77071 (713-771-6126) who joined the Pin Oak group at the podium did not speak. Council Members Lawrence, Clutterbuck, Wiseman, Lovell, Green and Berry absent.

Council Member Johnson thanked the group for being well spoken and having a well thought out plan; that they had done a fantastic job and should be commended and hopefully the city could move on their issues and provide sidewalks. Council Members Lawrence, Clutterbuck, Wiseman, Lovell, Green and Berry absent.

Mr/Coach R. J. (Bobby) Taylor, 3107 Sumpter, Houston, Texas 77026 (202-FA3-4511) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Clutterbuck, Wiseman, Garcia, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Isidra Snyder, no address (no phone) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Clutterbuck, Wiseman, Garcia, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Dr. C. L. Toliver, 6927 Crystal Point Drive, Katy, Texas 77449 (281-415-5889) appeared, presented information and stated that he had a problem and wanted to eliminate the K-nine dog at the airport; and his student was present to speak. Council Members Lawrence, Clutterbuck, Wiseman, Garcia, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Khan moved to suspend the rules to hear from Dr. Tolliver's student, Mr. Silas Sesan, at this time, seconded by Council Member Brown, a vote was not recorded as a quorum was not present. Council Members Lawrence, Clutterbuck, Wiseman, Garcia, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Bolufemi Sesan Silas stated that the Tolliver Probe was designed by Dr. C. L. Tolliver at Prairie View A & M University and he came up with the design to reduce drug trafficking and eliminate the K-nine dog and for convenience and affordability; that the way it worked was a trigger was pulled, air was sucked into a filter and the then analyzed as to what drug. Council Members Lawrence, Clutterbuck, Wiseman, Garcia, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Khan, Dr. Tolliver stated that he designed the probe, 12 students worked on the project and he was trying to get the city to buy it; that it would tell you what was in the air; and Council Member Khan stated that Prairie View was a fine institution and he hoped it would get the acceptance he wanted. Council Members Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Timothy Bradley, 4414 Oak Shadow, Houston, Texas 77091 (832-309-6023) appeared and stated that he was present concerning an incident which happened Saturday; that he was on his way home in a school zone and both lanes were blocked, but when there was enough room where he could go the officer pulled him over and gave him three citations; that he went to

the dealership and got paperwork to show his car was in compliance and he brought it so they could see for themselves and see the officer wrote tickets to him for no reason. Council Members Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that he did not want his originals but if he had copies he would like the copy of his paperwork given to the Citizens Assistance Office; and he was not saying what would be done with this; and Mr. Bradley stated that one ticket was from wrong window tint and he was wrong on it and on all of it; that if it was something he did he would pay the ticket, but he was wrong; and upon questions by Mayor White, Mr. Bradley stated that he had not gone to court yet; and after the ticket when they were leaving the officer was laughing and he was supposed to be enforcing the law and he saw no humor in it; and Mayor White stated that he wanted to make sure they were communicating and he was listening and his assistant would take his paperwork, but because he came to Council did not mean he did not need to go to court; and Mr. Bradley stated that he understood. Council Members Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Johnson stated that in situations such as this he was more in his right in filing a formal complaint against that officer and if he wanted to go to Internal Affairs he could do that and he would strongly suggest he do so and at the same time should go to court and explain to the judge or seek an attorney to do it for him; and Mr Bradley stated that he brought his car for Council to view and got paperwork from the dealership; and Council Member Johnson stated that he needed to present that information in court; that Council could not stop his ticket. Council Members Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Mr. Bradley stated that he had not filed an official complaint against the officer, by the time he got through getting the paperwork from the dealership he came to Council but he would go; and Council Member Edwards stated that if he felt he was wronged he did need to file an official complaint with Internal Affairs in HPD. Council Members Wiseman, Holm, Garcia, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Miss Alba Pinate, 4601 Glenmont, Houston, Texas 77041 (713-295-6500) appeared and stated that she and her group were present to present a project to Council; and another group member stated that they were present trying to prevent the number of eighteen wheeler accidents in the Houston area; that most accidents happened because of aggressive driving, lack of sleep, drug abuse, traffic and curves; that in 2004 one person died every 9 days because of an eighteen wheeler accident and there were 4,500 accidents which occurred that year; and another group member stated that in 2003 there were almost 900 motorist killed in eighteen wheeler accidents and in 2005 about 250 suffered severe injuries and 450 of them died; and another group member stated that in 2003 about 9.5% of accidents happened in Texas; and Miss Pinate stated that their solution was to require every truck driver to have more sleep between routes, drug tests and background checks before being given a license and for signs to be more visible along with laws being harder and stricter. Council Members Wiseman, Alvarado, and Berry absent.

Mayor White stated that he would like each group member with Miss Pinate to give their name for the record and Miss Selene Burns, Mr. Jonathan Probe and Mr. Ricardo Arusco were the names given. Council Members Wiseman, Alvarado, and Berry absent.

Council Member Khan thanked the group for coming and stated that it was impressive to see young people coming up with solutions so important to society; and upon questions; Miss

Pinate stated that they were in eighth grade at Pin Oak Middle School; and their research was done by calling the Police Traffic Division, Texas Department of Transportation and on line with lawyers. Council Members Wiseman, Alvarado, and Berry absent.

Ms. Marcia Fashingbauer, 5330 Gulf Freeway, Houston, Texas 77023 (832-204-4253) appeared and stated that she was president of X Cargo Services, a transportation trucking company she founded in 1979 to serve shippers going through the Port of Houston and today was present with her colleague representing the Texas Motor Transportation Association, the voice of truckers in Texas which was over 1,400 in membership; that TMTA members traveled to Washington and Austin annually and called it Trucker Day at the Capital and they realized they had not been coming to Council so she was present making that an extension of their membership and to give a face to good truckers; that many hated eighteen wheelers and yet many good people were in the trucking industry and they were a good and safe industry and one out of ten Texans made their living in trucking and she understood less than 4% of the accidents involved eighteen wheelers, however, they were so visible it easily made news; that they were a fine organization and they would like to lend their expertise to Council. Council Members Wiseman, Garcia, Alvarado, and Berry absent.

Council Member Clutterbuck stated that Ms. Fashingbauer was a friend of hers for over 20 years and a neighbor and president of X Cargo; that they were the face of responsible trucking; and upon questions, Ms. Fashingbauer stated that one challenge all faced was growing congestion and longer and heavier vehicles; that trucks were on yesteryear designed roads; when she was young tractor trailers were 23 feet long and now 53 feet long and that was a major issue; that hours of service had changed because of fatigue issues, the legislature had changed them to fewer hours which made time more critical and if they were stopped in traffic it negatively impacted productivity and the city's economy. Council Members Wiseman, Garcia, Lovell and Berry absent.

Council Member Lawrence thanked Ms. Fashingbauer for coming and stated that it was interesting the way state law changed and one problem was the city keeping up with state law; that since they were wanting to participate and she was not far from the Council Member's home when she saw things wrong she should let her know; that they were trying to make Houston a better city and every industry depended on trucks. Council Members Wiseman, Garcia, Lovell and Berry absent.

Upon questions by Council Member Edwards, Ms. Fashingbauer stated that I-69 would be good for the economy and she felt truckers would use it; that the ITC bumper was the bar in the lower back of the truck, but in Texas they used reflective tape and she did not think she had seen them on any vehicles, but one important thing was education on driving around eighteen wheelers. Council Members Johnson, Wiseman, Khan, Garcia, Lovell and Berry absent.

Mayor White stated that not here and now but he did look forward to understanding things from them and he would ask Ms. Stein and Truck Enforcement, as HPD was present, how this was, was there a lot of trucks coming from Mexico post NAFTA which had serious safety issues as he was for free trade but not special rules and he did want to understand that, if people could not abide by the rules they should not go down the road; and second was compliance strategies without him having to start impounding vehicles when they had lanes; that they did helicopter surveys on 290 after implementation and he did not know what to do, you could not generalize motorist who violated rules but it was serious when eighteen wheelers were outside designated lanes during peak times and he needed to know what to do and would like them to communicate with them if they would like. Council Members Johnson, Wiseman, Khan, Garcia, Lovell and Berry absent.

Ms. Donna Freedman, 11930 Surrey Lane, Houston, Texas 77024 (713-461-1830) appeared, displayed copy of open records request she made August 22nd for all E-mails, tapes, letters, etc., regarding the Memorial City TIRZ and it was because of their neighborhood's concern about the TIRZ and its dealings with the city and SBISD, communication between the three had not been carried out in an open and transparent manner and the records requested were not released; that she was informed the Legal Department was requesting the Attorney General's opinion and on November 10th she received a copy of the ruling which was that she was to receive records including a redacted E-mail exchange between Mr. Robert Fiederlein and Mayor White and even after that ruling the city only partially filled her request leaving out the E-mails between Robert Fiederlein and Mayor White ; that November 14th she filed another complaint with the AG's Office and December 5-7 she received calls from the Deputy Assistant Attorney General stating the city would release some E-mails between Mr. Fiederlein and Mayor White, but regarding some of her concerns of open meetings violations was told she would have to go to the DA's office; that it was obvious Council was more interested in achieving their objectives than keeping public informed. Council Members Wiseman, Khan, Garcia, Lovell and Berry absent.

Mr. Nelson Fisher, 12214 Pebblebrook, Houston, Texas 77024 (713-725-7504) appeared and stated that he was past president of the Memorial Forest Civic Club and present as the Texas Public Information Act said every citizen was entitled to a prompt and appropriate open response to open records request and the Memorial City TIRZ was operating in a manner which did not allow full public exposure and they appealed to the Mayor and Council for help asking that they investigate and take appropriate action and restore public trust. Council Members Wiseman, Khan, Garcia, Lovell and Berry absent.

Mr. Ed Browne, 41 Rollingwood, Houston, Texas 77080 (713-365-9916) appeared and stated that he was present as he did not understand how Planning could allow a four to five story apartment complex on a residential street across from an elementary school or why Council Member Lawrence would not answer repeated inquiries from her constituents about the Long Point bump out or why the TIRZ, Spring Branch ISD and City would violate laws by discussing an interlocal agreement without convening public meetings, etc., but did understand the public was not being represented properly, the Memorial City Board was down to five members, there was much going on that was not transparent. Council Members Wiseman, Garcia, Lovell and Berry absent.

Council Member Holm stated that there were a couple of openings on the Memorial City TIRZ now and she felt the nominations were with someone in the Mayor's Office and that it would be beneficial if they would expedite it and make sure there was a full board to consider work going forward; and Mayor White asked that Ms. Stein look into it. Council Members Wiseman, Garcia, Brown, Lovell and Berry absent.

Mr. Joseph Omo Omuari, 3932 O. S. T. #E, Houston, Texas 77021 appeared and stated that he was present addressing the issue of Affirmative Action and if you were not rich and powerful he was not talking about you; that Affirmative Action in Houston was only 2.9% contracts going to African American firms and zero in construction and was that Affirmative Action; that Houston seemed to have economic racism; and continued expressing his personal opinions until his time expired. Council Members Wiseman, Garcia, Alvarado, Brown, Lovell and Berry absent.

Ms. Kathleen Wolfe, 1112 Autrey, Houston, Texas 77006 (713-526-5868) appeared and stated that she lived in the Museum Area adjacent to the Westpark light rail line approved by voters in the 2003 referendum and which was in her back yard only separated by a chain link fence; that she also owned a building on Richmond and was having difficulty leasing as several

were unable to commit because of the rail running directly in front and today she was asking the Mayor to stop rail on Richmond; that he was quoted saying decisions should be in the hands of people most affected and many had written they did not want it and urged he honor his commitment and leave the decision to people most affected. Council Members Wiseman, Garcia, Alvarado, Brown, Lovell and Berry absent.

Upon questions by Council Member Lovell, Ms. Wolfe stated that her business was located at 1835 Richmond, it was a two story commercial building constructed after the widening and she was looking for someone to lease it. Council Members Wiseman, Garcia, Alvarado, Brown, Lovell and Berry absent.

Council Member Clutterbuck stated that Ms. Wolfe wanted the rail in her back yard but not in the front yard of her business which was refreshing; and thanked her for coming. Council Members Wiseman, Garcia, Alvarado, Brown, Lovell and Berry absent.

Ms. Sue Kinney, 17135 Imperial Valley, Houston, Texas 77060 (281-591-8620) appeared and stated that her problem was the telephone company took her money over and over and she needed help. Council Members Wiseman, Holm, Garcia, Alvarado, Brown, Lovell and Berry absent. (NO QUORUM PRESENT)

Ms. Susan Dehaven, 16966 North Chase Drive #320, Houston, Texas 77060 (281-875-0977) appeared and stated that she worked on Richmond Avenue 29 years and rode the bus daily; that she did not drive and used METRO for all transportation needs; that her son was a dialysis patient and unable to drive and used METRO for treatments; that transit changed over the years and one of the best ideas was the \$2.00 day pass, but in recent years all changed and METRO rail and cancellation or limitation of bus routes on weekends left one to believe they were no longer in the business of mass transit; that they made changes in services which severely impacted ridership they once tried to attract and her son had stopped taking the train to dialysis because he was accosted more than once on board and the driver was seated and could not be reached even for emergency and the one time her son saw security at a stop and pointed to the men walking by he made no attempt to apprehend. Council Members Wiseman, Holm, Garcia, Alvarado, Brown, Lovell and Berry absent. (NO QUORUM PRESENT)

Upon questions by Mayor White, Ms. Dehaven stated that she wrote the METRO board but no one cared, they were just numbers on a sheet to them and maybe lack of being in touch with the public took them away from the mission they were put in office to do and maybe they should actually ride a bus; and Mayor White stated that he would encourage her to appear before the board; and it had been something he had communicated with to senior members of METRO, to keep the lowest fares in the nation and it had been a struggle with fuel increases, but they needed to find the right balance for fares versus service and riders needed to help with that. Council Members Wiseman, Holm, Garcia, Alvarado, Brown, Lovell and Berry absent. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that Ms. Dehaven raised several issues and she found it amusing that several METRO employees received car allowances as a part of their compensation package; and Ms. Dehaven stated that cameras were good but no substitute for visible presence of METRO police force and it would go a long way in convincing the public METRO had some concern; that they announced a radical change of fare schedule claiming the new smart card system would be the fair way to raise more revenues and the impact for riders would be minimal, but with elimination of discount passes such as the day pas, etc., the effect would be substantial. Council Members Lawrence, Holm, Garcia, Alvarado, Brown, Lovell and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she and others at Council went to METRO to put the case for not raising fares and they were not the lowest in the country but they were close to it; and she wanted her to know she had gone to their meetings and in the district she represented 60% who rode METRO daily. Council Members Lawrence, Holm, Garcia, Alvarado, Brown, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Paul Magaziner, 3773 Richmond Avenue, Houston, Texas 77046 (713-665-9099) appeared and stated that he owned a business and property on Richmond Avenue and Council was their elected city representatives, who unfortunately were impotent as to affecting mass transportation needs of their constituents in and around the community; that the only vision or plan in the METRO 1900 Main Street building was to change their mission and they were not serving the transit riding public; that rail spelled backwards was liar and he wanted this Council to lobby to change existing state law as it affected METRO, creating a light rail system was not happening, Atlanta's METRO had a board of true transit professionals chosen from state and county and city and now had a complete commuter city rail bus line with 48 miles of rail and Dallas had 45 miles of commuter and light rail and it was being expanded and why could not this METRO follow systems already working. Council Members Lawrence, Holm, Garcia, Brown, Lovell and Berry absent.

Council Member Clutterbuck allowed Mr. Magaziner to complete his statement; and Mr. Magaziner stated that all rail needed to be stopped and new state law was needed along with a board responsible to someone who was elected. Council Members Lawrence, Holm, Garcia, Brown, Lovell and Berry absent.

Ms. Mary Pruitt, homeless, appeared and stated that she had been homeless for five years now and she needed a place for her and her children to stay; that she was also sick and they were homeless. Mayor White, Acting Mayor Pro Tem Berry, Council Members Lawrence, Holm, Garcia, Brown and Lovell absent. Council Member Edwards presiding. (NO QUORUM PRESENT)

Council Member Edwards suggested Ms. Pruitt call Mr. Anthony Love at the Homeless Coalition to see if he could assist her; and Ms. Pruitt stated that she should call him for her. Mayor White, Acting Mayor Pro Tem Berry, Council Members Lawrence, Holm, Garcia, Brown and Lovell absent. Council Member Edwards presiding. (NO QUORUM PRESENT)

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (832-453-6376) appeared and stated that the Mayor walked out and the Acting Pro Tem was not present; and he had filed charges on Bill White with his terrorist acts; and continued expressing his personal opinions until his time expired. Mayor White, Acting Mayor Pro Tem Berry, Council Members Lawrence, Holm, Garcia, Brown and Lovell absent. Council Member Edwards presiding. (NO QUORUM PRESENT)

Ms. Susan Stein, 30322 Hazy Point Drive, Houston, Texas 77082 (713-907-1101) had reserved time to speak but was not present when her name was called. Mayor White, Acting Mayor Pro Tem Berry, Council Members Lawrence, Holm, Garcia, Brown and Lovell absent. Council Member Edwards presiding. (NO QUORUM PRESENT)

Ms. Justina Chen, 2626 Folage Green, Houston, Texas 77339 (281-358-6468) appeared, presented information and stated that she was present last week and had uncovered a large amount of questionable payments to the Mayor's Office last year and now was harassed, poisoned, etc., and continued expressing her personal opinions until her time expired. Mayor White, Acting Mayor Pro Tem Berry, Council Members Lawrence, Holm, Garcia, Brown and Lovell absent. Council Member Edwards presiding. (NO QUORUM PRESENT)

Ms. Fanethia Cox, 518 1/2 Hawthorne, Houston, Texas 77006 (832-338-3176) appeared and stated that she was present about two weeks ago concerning graffiti in the Audubon area, but she did not have all information; but someone had gone into her garage and when her daughter went to the Laundromat someone put a bullet on her washer and it was an intimidation situation; that there was painting in the alley and a bomb drawn on her house and today she was submitting that information. Mayor White, Acting Mayor Pro Tem Berry, Council Members Lawrence, Wiseman, Holm, Garcia, Brown and Lovell absent. Council Member Edwards presiding. (NO QUORUM PRESENT)

Council Member Green stated that he did not remember her original comments; and upon questions, Ms. Cox stated that when they moved to the area there was no graffiti and she was concerned because she felt it was subtle but race related; and Council Member Green encouraged Ms. Cox to forward the information to HPD. Mayor White, Acting Mayor Pro Tem Berry, Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Brown and Lovell absent. Council Member Edwards presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that a representative of HPD was present if she would like to speak with him; and Ms. Cox stated that she had already. . Mayor White, Acting Mayor Pro Tem Berry, Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Brown and Lovell absent. Council Member Edwards presiding. (NO QUORUM PRESENT)

At 4:35 p.m. City Council recessed until 9:00 a.m., Wednesday, December 13, 2006. . Mayor White, Acting Mayor Pro Tem Berry, Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Brown and Lovell absent. Council Member Edwards presiding. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, December 13, 2006

The Houston City Council reconvened at 9:00 a.m. Wednesday, December 13, 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 8:25 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:27 a.m. Mayor White called the meeting to order. Council Members Holm, Alvarado, Brown, Green and Berry absent.

### **MAYOR'S REPORT**

Mayor White stated that there would be no Mayor's Report today and would not that the topic that was scheduled for the Mayor's Report they had scheduled instead for tomorrow on the WIFI

project on Thursday at 2:00 p.m., that there would be people from the high level team that had been working on the project along with himself, who had been involved over the last two years over the outset of the project, that they would review process and people should keep in mind that it was a highly unusual process inasmuch as they were not using General Funds or City procurement they were trying to do it as a matter of civic leadership. Council Members Green and Berry absent.

**CONSENT AGENDA NUMBERS 1 through 44**

**MISCELLANEOUS** - NUMBERS 2 and 3

2. RECOMMENDATION from Director Parks & Recreation Department for approval to change the name of **KINGWOOD SKATE PARK** to **DYLAN DUNCAN SKATE PARK - DISTRICT E - WISEMAN** – was presented, moved by Council Member Wiseman, seconded by Council Member Khan. All voting aye. Nays none. Council Members Green and Berry absent. MOTION 2006-1122 ADOPTED.
3. RECOMMENDATION from Director Planning & Development Department to set a public hearing date regarding the amendment of the Planning and Zoning Regulations and Zoning Map for **TIRZ NO. ONE (ST. GEORGE PLACE TIRZ) - DISTRICT C – CLUTTERBUCK - HEARING DATE - WEDNESDAY - JANUARY 10, 2007 - 9:00A.M.** – had been pulled from the Agenda by the Administration, and was not considered.

Council Member Wiseman asked for a moment of personal privilege and thanked her colleagues for supporting the item to rename Kingwood Skate Park to the Dylan Duncan Skate Park, that she was contacted by a young man, Shannon Montegue, who was present with his parents, that he was in the seventh grade and asked for her help in remembering one of his best friends, Dylan Duncan, who passed away in a plane crash with his father, that she was so moved by Shannon's email, that apparently he and Dylan visited the skate park pretty much every day and worked very hard at becoming better skateboarders, that she thought it was wonderful that the City of Houston had supported the effort by Mr. Montegue to honor his friend and to remember him in such a special way, that present in the audience were Shannon and his parents, Lisa and Tom Montegue and Dylan's mother, Nancy Harper, along with other friends, Judy, Amanda, Jennifer and John and asked that they stand and be recognized. Council Member Green absent.

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 10 through 17

10. **PITNEY BOWES, INC** for Lease of One Digital Mailing System and the Rental of Postage Meters from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for Finance & Administration Department - 4 Years \$62,976.00 - General Fund – was presented, moved by Council Member Alvarado, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Green absent. MOTION 2006-1123 ADOPTED.
11. **CARDINAL HEALTH, INC** for Glucometer Equipment and Supplies for Fire Department \$444,740.04 - General Fund – was presented, moved by Council Member Alvarado, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Green absent. MOTION 2006-1124 ADOPTED.
12. **AMEND MOTION #2004-1000, 9/15/04, TO INCREASE** spending authority from \$202,620.00 to \$257,620.00 for Rain Suits Contract for Fire Department, awarded to **OUTDOOR OUTFITS** General Fund – was presented, moved by Council Member Alvarado, seconded by Council

Member Alvarado. All voting aye. Nays none. Council Member Green absent. MOTION 2006-1125 ADOPTED.

13. **APPLIED BIOSYSTEMS** for Fast Real-Time PCR System for Health & Human Services Department - \$59,644.70 - Grant Fund – was presented, moved by Council Member Alvarado, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Green absent. MOTION 2006-1126 ADOPTED.
15. **LOGOS IMAGING LLC** for Digital X-ray Imaging Systems for the Police Department - \$44,858.00 Grant Fund – was presented, moved by Council Member Alvarado, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Green absent. MOTION 2006-1127 ADOPTED.
16. **FOSTER-MILLER, INC** for TALON Robot System for Police Department - \$200,000.00 - Grant Fund – was presented, moved by Council Member Alvarado, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Green absent. MOTION 2006-1128 ADOPTED.
17. **TROY CONSTRUCTION, L.L.P.** for Emergency Repair of Wastewater Force Main at I-59 and Fondren for Department of Public Works & Engineering - \$258,365.21 - Enterprise Fund – was presented, moved by Council Member Alvarado, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Green absent. MOTION 2006-1129 ADOPTED.

**ORDINANCES** - NUMBERS 21 through 43

21. ORDINANCE approving and authorizing special warranty deed conveying to Israr Haque, a parcel of land containing 19,349 square feet (0.4442 acre), more or less, located in the John Black Survey A-134, (Former Braeburn Valley District No. 55) Water Plant Site, located on Braes Bayou Drive, Parcel S95-048); in consideration of Israr Haque's payment of \$47,300.00 and other consideration to the City - **DISTRICT F - KHAN** – was presented. All voting aye. Nays none. Council Member Green absent. ORDINANCE 2006-1217 ADOPTED.
23. ORDINANCE approving and authorizing Occupancy Agreement between the **ADVOCATE LEGAL SENIOR CENTER, INCORPORATED, a Texas Nonprofit Corporation** and the City of Houston, for the purpose of provide access to Social and Legal Services for Senior Citizens at the Third Ward Multi-Service Center - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Green absent. ORDINANCE 2006-1218 ADOPTED.
25. ORDINANCE consenting to the addition of 100.171 acres of land to **DOWDELL PUBLIC UTILITY DISTRICT**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Green absent. ORDINANCE 2006-1219 ADOPTED.
26. ORDINANCE consenting to the addition of 0.5598 acres of land to **MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 19**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Green absent. ORDINANCE 2006-1220 ADOPTED.
27. ORDINANCE establishing the north side of the 4400 block of McKinney Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Green absent. ORDINANCE 2006-1221 ADOPTED.
28. ORDINANCE establishing the north and south sides of the 2300 block of Sheridan Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of

- the Code of Ordinances, Houston, Texas - **DISTRICT C - CLUTTERBUCK** – was presented. All voting aye. Nays none. Council Member Green absent. ORDINANCE 2006-1222 ADOPTED.
29. ORDINANCE establishing the north and south sides of the 1800 block of State Street within the City of Houston as a special building line requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. Council Member Green absent. ORDINANCE 2006-1223 ADOPTED.
30. ORDINANCE establishing the north and south sides of the 4600 through the 4800 blocks of Walker Street within the City of Houston as a special building line requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Green absent. ORDINANCE 2006-1224 ADOPTED.
31. ORDINANCE providing for an ad valorem tax exemption on a historical site located at 2422 Bartlett 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 - **DISTRICT C - CLUTTERBUCK** – was presented. All voting aye. Nays none. Council Member Green absent. ORDINANCE 2006-1225 ADOPTED.
35. ORDINANCE issuing permit to **FINGER - FSC MCKINNEY, LTD.**, for constructing using, occupying, operating, maintaining and repairing building foundation footings, adjoining Block 128, S.S.B.B. and within the Austin, McKinney and Lamar Street rights of way, public street rights-of-way of the City of Houston, Texas; containing findings and prescribing the conditions and provisions under which said permit is issued - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Green absent. ORDINANCE 2006-1226 ADOPTED.
36. ORDINANCE issuing permit to **SYSCO CORPORATION** for constructing, using, occupying, operating, maintaining, repairing and removing two piles, a pile cap vault, two columns and a pedestrian bridge, across, along, under and within Forkland Drive, 190-foot west of Enclave Parkway, a public street right-of-way of the City of Houston, Texas; containing findings and prescribing the conditions and provisions under which said permit is issued - **DISTRICT C - CLUTTERBUCK** – was presented. All voting aye. Nays none. Council Member Green absent. ORDINANCE 2006-1227 ADOPTED.
- 36-1 ORDINANCE amending Ordinance No. 1998-0352 to increase the maximum contract amount and approving and authorizing third amendment to contract #C39066 between the City of Houston and **WEST PUBLISHING d/b/a THOMSON WEST** for On-Line Legal Research Services and Print Publications for the Law Library – was presented. All voting aye. Nays none. Council Member Green absent. ORDINANCE 2006-1228 ADOPTED.
40. ORDINANCE approving and authorizing contract between the City of Houston and **LD SYSTEMS, LP.** for Audio Equipment & Sound System Maintenance & Repair Services for Various City Departments; providing a maximum contract amount - 3 Years with two one-year options \$242,000.00 - General and Enterprise Funds - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Green absent. ORDINANCE 2006-1229 ADOPTED.
41. ORDINANCE repealing Ordinance Number 2006-776, rescinding authority set out therein to sell a certain tract of land, Parcel S85-052, to Southern Stone Properties, Inc., because bidder failed to consummate the purchase; declaring said parcel to be surplus property, and approving and

authorizing its sale by sealed bid, subject to the City's Billboard Restrictions, all easements, all public utilities, and the applicable covenants, conditions and restrictions - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Member Green absent. **ORDINANCE 2006-1230 ADOPTED.**

43. **ORDINANCE** appropriating \$317,000.00 out of Water & Sewer Consolidated Construction Fund and approving and authorizing Professional Construction Management and Inspection Services Contract between the City of Houston and **BRIAN SMITH CONSTRUCTION INSPECTION, INC (BSCI)**, for Construction Management and Inspection Services Associated with the Improvement of Disinfecting Facilities at Sims Bayou and Bellaire Braes Pump Stations, (WBS No. S-000533-0004-4) - **DISTRICTS D - EDWARDS and F - KHAN** – was presented. All voting aye. Nays none. Council Member Green absent. **ORDINANCE 2006-1231 ADOPTED.**

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

**MISCELLANEOUS**

1. **RECOMMENDATION** from the Mayor's Office of Government Affairs for renewal of membership in the **TEXAS MUNICIPAL LEAGUE** - 1 Year - \$68,694.00 - General Fund – was presented, moved by Council Member Alvarado, seconded by Council Member Alvarado. Council Members Wiseman and Lawrence voting no, balance voting aye. Council Member Green absent. **MOTION 2006-1130 ADOPTED.**
4. **RECOMMENDATION** from Director Department of Public Works & Engineering for approval of the 2007 Operations and Maintenance Budget for the **LAKE HOUSTON FACILITY PROJECT** operated by the **COASTAL WATER AUTHORITY** - \$2,688,354.00 - Enterprise Fund – was presented, moved by Council Member Alvarado, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Green absent. **MOTION 2006-1131 ADOPTED.**
5. **RECOMMENDATION** from Director Department of Public Works & Engineering for approval of the 2007 Operations and Maintenance Budget for the **TRINITY RIVER WATER CONVEYANCE PROJECT** operated by the **COASTAL WATER AUTHORITY** - \$18,260,071.00 - Enterprise Fund – was presented, moved by Council Member Alvarado, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Green absent. **MOTION 2006-1132 ADOPTED.**

**DAMAGES**

6. **RECOMMENDATION** from City Attorney for settlement of lawsuit styled **BRENDA MARTIN and MICHAEL MARTIN** v. City of Houston; in the 215th Judicial District Court, Harris County, Texas; Cause No. 2003-63762 - \$45,000.00 - Property and Casualty Fund – was presented, moved by Council Member Alvarado, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Green absent. **MOTION 2006-1133 ADOPTED.**
7. **RECOMMENDATION** from City Attorney for settlement of lawsuit styled **BRIGGITTE THOMAS** vs. City of Houston; in the 269th Judicial District Court of Harris County, Texas, Cause No. 2005-10344 \$30,000.00 - Property and Casualty Fund – was presented, moved by Council Member Alvarado, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Green absent. **MOTION 2006-1134 ADOPTED.**

**ACCEPT WORK**

8. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$480,724.68 and acceptance of work on contract with **RESICOM, INC** for Gutierrez (Siro) Park, WBS No. F-504C19-0019-4 - 04.96% over the original contract amount - **DISTRICT I - ALVARADO** – was presented, moved by Council Member Alvarado, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Green absent. MOTION 2006-1135 ADOPTED.

### **PROPERTY**

9. RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel AY5-042, located in the 1200 block of Allen Street, owned by Southern Pacific Transportation Company, Linda Baburek, Real Estate Property Manager, for the **HOUSTON HERITAGE CORRIDOR BAYOU TRAILS EAST HIKE AND BIKE PROJECT**, N-000420-0002-2-01-01 - **DISTRICT H - GARCIA** – was presented, and tagged by Council Member Brown. Council Member Green absent.

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

14. **SOUTHWEST SOLUTIONS GROUP, INC** for Shelf Filing & Storage Systems from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for Housing and Community Development and Health & Human Services Departments - \$44,524.74 - Grant Funds – was presented, moved by Council Member Alvarado, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Green absent. MOTION 2006-1136 ADOPTED.
18. **STAR AUTOMOTIVE WAREHOUSE** for Automotive, Associated Replacement Parts for Various Departments - \$2,868,000.00 - General Fund – was presented, moved by Council Member Alvarado, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Green absent. MOTION 2006-1137 ADOPTED.
19. **REMINGTON TIRE DISTRIBUTORS, dba GRAYS WHOLESALE TIRE** - \$4,771,041.60 and **SOUTHWEST HOUSTON TIRE SALES, INC** - \$1,383,998.99 for Automotive, Tires and Tubes for Various Departments - General Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. Council Member Green absent.

Council Member Clutterbuck stated that the item was to acquire additional tires for various departments out of the General Fund and she was aware of a number of departments, including Police and Fire that also had tire acquisitions and would urge that all of the departments work together on both recycling of tires and possibly reuse of tires. Council Member Green absent.

Mayor White stated that there was some additional and continual responsibilities that he had asked Mr. Fontaine to do concerning some of the equipment where they had been able to find some savings and thought they could do so as they went forward on the item. Council Member Green absent.

Council Member Khan stated that usually in these kind of acquisitions the MWBE goal was a lot higher and this was one business where they could find a lot of minority owned firms and asked why they had only 5 person MWBE goal on this item.

Mayor White stated that they would get a report to Council Member Khan from Ms. Laws and others, and Council Member Khan stated that he would tag Item No. 19, and Mayor White asked Ms. Laws and Mr. Fontaine to get that information to Council Member Khan. Council Member Green absent. (Note: Council Member Khan released his tag later in the meeting.)

20. **ALLSTEEL, INC** - \$172,778.27, **CORPORATE EXPRESS** - \$273,302.34, **GF OFFICE FURNITURE** - \$65,339.61, **LANDSCAPE FORMS** - \$48,761.65 and **THE HON COMPANY** - \$72,894.76 for Office Furniture from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for Various Departments \$633,076.63 - General, Grant and Other Funds – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. Council Member Green absent.

Council Member Berry stated that he would tag Item No. 20 and had a couple of questions, that in the back up it said that Housing and Community Development was spending \$273,000 on furniture and the funding source was federal government grant funds, CDBG funds, that he could not imagine they ever applied for a federal government grant on the basis of paying for furniture for their Housing and Community Development Department, that he was hoping there was an explanation, that also with Public Works, even though it was only \$9,600 why was it coming out of the CIP Salary Recovery, if somebody could get him answers before next week. Council Member Green absent.

Mayor White stated that they would get those answers for next week, that generally the fully loaded administration for the federally administered programs through ACD were paid for by the 16% CDBG allowance for administration and related fees so it was not a specific grant. Council Member Green absent.

Council Member Khan stated that he had a question on the MWBE goal, when they purchased items through the State of Texas did they follow the City's MWBE guidelines or did the State of Texas have certain small business guidelines which needed to be followed because he did not see anything in the RCA and if somebody could let him know. Council Member Green absent.

Mayor White stated that they would get that information to Council Member Khan. Council Member Green absent.

## **ORDINANCES**

22. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of Kleberg Street (Parcel No. SY3-046A), Fayette Street (Parcel No. SY3-046B), and Val Verde Street (Parcel No. SY3-046C), all as dedicated by Lamar Terrace Subdivision according to the plat thereof filed at Volume 32, Page 68, Harris County Map Records, between McCulloch Circle and Yorktown Street, as well as four utility easements, with attendant aerial easements, out of the following blocks of said Lamar Terrace Subdivision: 12,675 square feet out of Block 17 (Parcel No. SY3-046D), 8,296 square feet out of Block 16 (Parcel No. SY3-046E), 8,172 square feet out of Block 15 (Parcel No. SY3-046F), and 8,816 square feet out of Block 14 (Parcel No. SY3-046G); vacating and abandoning said streets to Houston Independent School District ("HISD") in consideration of the payment by HISD to the City of \$4,434,276.00 (to be paid out of HISD's Tax Increment participation in tax increment Reinvestment Zone Number One (the "St. George Place Zone") as revenues become available); vacating and abandoning said easements to HISD in consideration of the conveyance by HISD to the City of three utility easements containing 2,359 square feet (Parcel No. VY4-001A), 1,200 square feet (Parcel No. VY4-001B), and 1,200 square feet (Parcel No. VY4-001C), also located within said Lamar Terrace Subdivision, and the payment by HISD to the City of \$311,250 (to be paid partially in cash and partially by deduction in the balance of HISD's credit account established pursuant to an interlocal agreement between the City and HISD); and other good and valuable consideration **DISTRICT C – CLUTTERBUCK** – was presented, and tagged by Council Members Clutterbuck and Brown. Council Member Green absent.

24. ORDINANCE granting the petition of **THE WOODLANDS LAND DEVELOPMENT COMPANY, L.P.** to include certain land in Montgomery County, Texas within the extraterritorial jurisdiction of the City of Houston; expanding and extending the extraterritorial jurisdiction of the City of Houston to include all of such land in accordance with Section 42.022(b) of the Texas Local Government Code – was presented, and tagged by Council Member Wiseman. Council Member Green absent.
32. ORDINANCE approving and authorizing lease agreement between **FIESTA MART, INC a Texas Corporation, as landlord (“Landlord”)**, and the City of Houston, Texas, as tenant (The “City”), for approximately 4,130 Net Rentable Square feet of space at 9421 Mesa Drive, Suite “D”, Houston, Harris County, Texas 77028, for twelve (12) months for use by the Health & Human Services Department - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Member Green absent. ORDINANCE 2006-1232 ADOPTED.
33. ORDINANCE approving and authorizing interlocal agreement between the City of Houston and **HARRIS COUNTY** for City Firefighting and Fire Protection Services to unincorporated areas of Harris County - Revenue – was presented. All voting aye. Nays none. Council Member Green absent. ORDINANCE 2006-1233 ADOPTED.
34. ORDINANCE approving and authorizing Professional Architectural Services Contract between the City of Houston and **SMITH & COMPANY ARCHITECTS** for the African American Library at The Gregory School (WBS No. E-000144-0004) - \$1,168,203.50 - Grant Fund - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Green absent. ORDINANCE 2006-1234 ADOPTED.
37. ORDINANCE awarding contract to **PRIME TREE AND LANDSCAPING SERVICES, INC** for Tree Removal Services for Parks & Recreation Department; providing a maximum contract amount 1 Year with two one-year options - \$925,485.00 - General Fund – was presented. All voting aye. Nays none. Council Member Green absent. ORDINANCE 2006-1235 ADOPTED.
38. ORDINANCE awarding contract to **ASPLUNDH TREE EXPERT** for Disaster Operation Tree Removal Services for Parks & Recreation Department; providing a maximum contract amount 1 Year with two one-year options - \$842,760.00 - General Fund – was presented. All voting aye. Nays none. Council Member Green absent. ORDINANCE 2006-1236 ADOPTED.
39. ORDINANCE approving and authorizing contract between the City of Houston and **PROVIDENCE ENGINEERING AND ENVIRONMENTAL GROUP LLC** for a Mobile Ambient Air Monitoring Laboratory for the Houston Department of Health and Human Services; providing a maximum contract amount - 1 Year with four one-year options - \$549,182.00 - Grant Fund – was presented. All voting aye. Nays none. Council Member Green absent. ORDINANCE 2006-1237 ADOPTED.
42. ORDINANCE repealing Ordinance Number 2006-777, rescinding authority set out therein to sell a certain tract of land, Parcel S85-074, to Southern Stone Properties, Inc., because bidder failed to consummate the purchase; declaring said parcel to be surplus property, and approving and authorizing its sale by sealed bid, subject to the City’s Billboard Restrictions, all easements, all public utilities, and the applicable covenants, conditions and restrictions - **DISTRICT B – JOHNSON** – was presented. All voting aye. Nays none. Council Member Green absent. ORDINANCE 2006-1238 ADOPTED.
44. ORDINANCE appropriating \$6,349,938.46 out of Tax Increment Funds for Reinvestment Zone Number One, City of Houston, Texas (Lamar Terrace Zone), Reinvestment Zone Number Two,

City of Houston, Texas (Midtown Zone), Reinvestment Zone Number Three, City of Houston, Texas (Market Square Zone), Reinvestment Zone Number Five, City of Houston, Texas (Memorial Heights Zone), Reinvestment Zone Number Seven, City of Houston, Texas (Old Spanish Trail/Almeda Corridors Zone), Reinvestment Zone Number Nine, City of Houston, Texas (South Post Oak Zone), Reinvestment Zone Number Ten, City of Houston, Texas (Lake Houston Zone), Reinvestment Zone Number Eleven, City of Houston, Texas (Greater Greenspoint Zone), and Reinvestment Zone Number Thirteen, City of Houston, Texas (Old Sixth Ward Zone) for administrative expenses, payment of project costs, payments to Harris County, Houston Housing Finance Corporation, Aldine Independent School District and certain redevelopment authorities as provided herein – was presented, and tagged by Council Member Wiseman. (Note: Council Member Wiseman released her tag later in the meeting.)

**NON CONSENT AGENDA** - NUMBER 45

**MISCELLANEOUS**

45. RECEIVE nominations for appointment or reappointment to Positions Four and Six of the Ethics Committee, with two-year staggered terms – was presented. Council Member Green absent.

Council Member Johnson stated that he wanted to nominate Mr. Franklin Jones for reappointment to Position Four of the Ethics Committee and had passed out his resume. Council Member Green absent.

Council Member Khan stated that he wanted to nominate Mr. Nomaan Husain for reappointment to Position Six of the Ethics Committee and had passed out his resume. Council Member Green absent.

Council Member Alvarado moved to close nominations for Positions Four and Six of the Ethics Committee, seconded by Council Member Khan. All voting aye. Nays none. Council Member Green absent. MOTION 2006-1138 ADOPTED.

**MATTERS HELD** - NUMBERS 46 through 55

46. 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** – **(This was Item 6 on Agenda of December 6, 2006, TAGGED BY COUNCIL MEMBER EDWARDS)** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Green absent. MOTION 2006-1139 ADOPTED.

47. 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 Almeda 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** – **(This was Item 7 on Agenda of December 6, 2006, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. Council Member Green absent.

Council Member Holm moved to divide the question, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Green absent. MOTION CARRIED.

Council Member Holm moved to refer Parcel SY7-010 at 2303 Briarbook Drive back to the administration for further review, seconded by Council Member Alvarado. Council Member Green absent.

Upon questions by Council Member Berry, Council Member Holm stated that on this particular parcel, as always surplus land that they evaluated, she thought it was important for them to be able to evaluate the analysis of them and then those that were not useful to the City to sell them and put them back on the tax roll, that this particular parcel was in the middle of a neighborhood and she wanted to make sure that should they decide to sell it that they put the proper restrictions on it to be compatible to the area. Council Member Green absent.

A vote was called on Council Member Holm's motion to refer Parcel SY7-010 back to the administration. All voting aye. Nays none. Council Member Green absent. MOTION CARRIED.

A vote was called on the main motion to adopt the recommendation relating to Parcel SY7-030, 14,000 block of Alameda Road. All voting aye. Nays none. Council Member Green absent. MOTION 2006-1140 ADOPTED.

48. **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 – **(This was Item 15 on Agenda of December 6, 2006, TAGGED BY COUNCIL MEMBER WISEMAN)** - was presented. Council Member Green absent.

Council Member Wiseman stated that Item No. 48 caught her attention, that she wanted some additional information and in looking at the additional information that was provided her they were having to replace 17 to 20 year old cubicles at the location on North Stadium, apparently the cubicles had been responsible for three recent fires and were told they were inadequate to support their current electrical needs, that while she was sensitive to that and could understand that and knew that they did have to take some action to replace them she was concerned about the funding source they were using, WIC, Women's, Infants and Children Nutritional Supplement Program, they were taking \$52,406 of WIC money for the cubicles and she was told that the services that would be using them would be WIC, Business Management and Community and Personal Health, that she would hope that within the department they would find ways to plan for the necessary improvements and make that a part of the capital expenditures as opposed to taking \$52,000 of money that she felt would best be served going directly to the very people that needed that money, the women and children, the nutritional program, she thought, was important enough that the funds should go for those services and not for furniture. Council Members Brown, Green and Berry absent.

A vote was called on Item No. 48. Council Member Wiseman voting no, balance voting aye. Council Members Brown, Green and Berry absent. MOTION 2006-1141 ADOPTED.

49. **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 – **(This was Item 26 on Agenda of December 6, 2006, TAGGED BY COUNCIL MEMBERS ALVARADO and WISEMAN)** – was presented. Council Members Green and Berry absent.

Council Member Alvarado offered the following written motion to amend Item No. 49:

"I move to amend Item 49 by:

1. Amending Section 2 of the proposed Ordinance by amending Section 18-103 to:
  - A. Redesignate Subsection (b) as Subsection (c), and
  - B. Redesignate the original Subsection © as Subsection (b).
2. Amending Section 2 of the proposed Ordinance by amending Subsection (a) of Section 18-105 to read as follows:
  - (a) The city secretary shall, within two business days following the date of each report's receipt, instruct the director of information technology or his designee to post copies of all reports filed with the office of the city secretary on the city's internet web site; provided that in such postings the address portion shall contain only the city, state and zip code of a person listed as having made a political contribution to the filer in the reporting period.
3. Amending Section 5 of the proposed Ordinance to read as follows:

**Section 5.** That there exists a public emergency requiring that this Ordinance be passed finally on the date of its introduction as requested in writing by the Mayor; therefore, this Ordinance shall be passed finally on such date and shall take effect and be applicable to any report required to be filed by any candidate or office holder on and after July 15, 2007.

Council Member Alvarado stated that the first amendment addressed the issue about a contributor's address and all that would be on file electronically would be the contributor's name, city and zip code; that they had changed the date, the first date was going to be for the January report and they had changed it to allow the IT folks to have time to implement the software and do some test runs so the date was changed to July 15, 2007 and would make it in effect for the report that would end on June 30, 2007 and Mayor White stated that the administration supported the amendment. Council Members Green and Berry absent.

After discussion by Council Members, a vote was called on Council Member Alvarado's motion to amend Item No. 49. All voting aye. Nays none. Council Members Wiseman and Berry absent. MOTION 2006-1142 ADOPTED.

A vote was called on Item No. 49 as amended. All voting aye. Nays none. Council Members Wiseman and Berry absent. ORDINANCE 2006-1239 ADOPTED.

Council Member Alvarado stated that she wanted to thank her colleagues for their support and also Mr. Richard Lewis, Mr. Don Cheatham and Mr. Previn Jones, of her office and the Mayor's staff. Council Member and Berry absent.

50. 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 – **(This was Item 40 on Agenda of December 6, 2006, TAGGED BY COUNCIL MEMBER WISEMAN)** - was presented. Council Member Wiseman voting no, balance voting aye. Council Member Berry absent. ORDINANCE 2006-1240 ADOPTED.

51. 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** – **(This was Item 44 on Agenda of December 6, 2006, TAGGED BY COUNCIL MEMBER LAWRENCE)** - was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2006-1241 ADOPTED.
52. 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** – **(This was Item 50 on Agenda of December 6, 2006, TAGGED BY COUNCIL MEMBER CLUTTERBUCK)** – was presented. Council Member Berry absent.

Council Member Clutterbuck stated that she wanted to thank Mr. Dan Kruger and his staff for providing her with backup on the item, that it was a proposed widening of Dryden Road between Main Street and Fannin, that it was a road where drivers automatically made four lanes out of two and they were going to widen it to an appropriate width from the existing right-of-way and sidewalk, that there would still be ample sidewalk but it would be nicely stripped and for the public it should be completed in 90 days. Council Member Berry absent.

A vote was called on Item No. 52. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2006-1242 ADOPTED.

53. 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** – **(This was Item 51 on Agenda of December 6, 2006, TAGGED BY COUNCIL MEMBER WISEMAN)** - was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2006-1243 ADOPTED.
54. ORDINANCE appropriating \$21,672,979.00 out of Equipment Acquisition Consolidated Fund for the purchase of FY 2007 Rolling Stock and other equipment – **(This was Item 60 on Agenda of December 6, 2006, TAGGED BY COUNCIL MEMBER WISEMAN)** - was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2006-1244 ADOPTED.
55. ORDINANCE adopting second amended and restated Administrative Guidelines for the City's Good Neighbor Next Door Housing Assistance Program – **(This was Item 67 on Agenda of December 6, 2006, POSTPONED BY MOTION #2006-1095)** – was presented. Council Member Berry absent.

Council Member Lawrence offered the following motion to amend Item No. 55:

"I move that the proposed Second Amended and Restated Administrative Guidelines for the "Good Neighbor Next Door Program" be further amended by the addition of a new Section V as follows:

Section V – Sex Offenders

No financial assistance will be provided to persons who are registered sex offenders.

I further move that the City's Housing and Community Development Department be authorized, without further resort to City Council, to adopt internal procedures to enforce the above-stated prohibition.", seconded by Council Member Garcia. Council Member Berry absent.

Mayor White stated that the administration supported the amendment. Council Member Berry absent.

Council Member Edwards asked Mr. Michel, as a point of clarity for her, if that was a part of the City of Houston, did they not do any business or any kind of contractual anything with registered sex offenders like let contracts or any type of business, and Mr. Michel stated that he did not believe that was written into all the laws that they had, that he knew it was being considered in terms of an ordinance for residency requirements but it was not a part of their contractual requirements in others, and Council Member Edwards stated that she had no problem with it, including in this particular piece, but did not want that type of scrutiny being limited to poor people, that she thought it should be applied across the board to big time contractors and everybody else, if they were not going to engage in business with sex offenders it should be across the board and not just with poor people. Council Member Berry absent.

Council Member Johnson stated that one of the reasons that he was in favor 100% of Council Member Lawrence's amendment was because his district was heavily laden with sex offenders and the unfortunate situation that had taken place a couple weeks ago in which young girls were being abducted because of sexual predators, that he thought it was a way for them to send a message that they were not just going to give money and allow people to move into their neighborhoods so he was very supportive of the amendment and wanted to thank Council Member Lawrence for doing a good job of bringing it to the forefront of all their attentions. Council Member Berry absent.

After further discussion Mayor White stated that Council Member Edwards raised the same issue that he had with respect to the administration and asked Mr. Michel if he would help designate the individuals within the administration who help them report back on the issue, that he knew they had developed a procedure for getting information on contracts coming before the City Council concerning tax delinquency and understood that much of the information was available online, that he needed some procedure when they passed something like this, that they did not have two investigators working fulltime but that somebody was assigned some responsibility as to what they were supposed to do and that did not significantly increase the administrative burden on this, that they had individuals who were applying for the assistance and many of the contracts were done in the corporate name so they were going to have to figure out what to do about that but they would report back on that. Council Member Berry absent.

A vote was called on Council Member Lawrence's motion to amend Item No. 55. All voting aye. Nays none. Council Member Berry absent. MOTION 2006-1143 ADOPTED.

Council Member Johnson offered the following motion to amend Item No. 55:

"I make a motion that the proposed Second Amended and Restated Administrative Guidelines for the Good Neighbor Next Door Housing Program be further amended by the addition of the Near Northside as an additional eligible area of assistance and, more particularly, move that any reference in the Guidelines to Houston Hope neighborhoods shall mean and include reference to the Near Northside Neighborhood.", seconded by Council Member Garcia. Council Members Wiseman and Berry absent.

Mayor White stated that they supported the amendment and would say that Mr. Butler in particular was to make sure that they delineate that with a map to make sure that they were very precise as they were in Houston Hope, the meets and bounds of what streets bordered that and he was waiting for a report back on that. Council Members Wiseman and Berry absent.

Council Member Edwards offered the following written motion to amend Item No. 55 as follows:

"In relation to Item #55 on the December 13, 2006 Agenda, I move that the proposed Second Amended and Restated Administrative Guidelines for the Good Neighbor Next Door Program be further amended to provide...

1. That financial assistance is not restricted to the purchase of new homes.
2. That financial assistance may be made available to qualified purchasers of existing homes, provided that the existing homes meet all applicable federal (including HUD), state and local construction quality standards and are otherwise eligible under said Guidelines.

In relation to Item #55, I move further that the City's Housing and Community Development Department be authorized, without further resort to City Council, to adopt internal procedures to implement the above-stated provision." Council Members Wiseman and Berry absent.

Mayor White stated that the administration supported both Council Members Edwards and Johnson's motions to amend Item No. 55. Council Members Wiseman and Berry absent.

A vote was called on Council Member Edwards motion to amend Item No. 55. All voting aye. Nay none. Council Members Wiseman and Berry absent. MOTION 2006-1144 ADOPTED.

A vote was called on Council Member Johnson's motion to amend Item No. 55. All voting aye. Nay none. Council Members Wiseman and Berry absent. MOTION 2006-1145 ADOPTED.

A vote was called on Item No. 55 as amended. All voting aye. Nay none. Council Members Wiseman and Berry absent. ORDINANCE 2006-1245 ADOPTED.

Council Member Khan stated that he would release his tag on Item No. 19, and Council Member Green stated that he would tag Item No. 19. Council Members Wiseman and Berry absent. (Note: Council Member Green released his tag later in the meeting.)

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

Council Member Brown stated that he had mentioned before a subject called visible address numbers, that he thought all of them had the experience of driving around trying to find a place where they as Council Members or the Mayor were supposed to be at a certain hour and they could not find the address on the building or the house, that they were either not enforcing a requirement for easily readable and visible addresses on the front of buildings or somehow the ordinances needed upgrading or they needed better permitting and enforcement, that he tried to track down how addresses were assigned and could not find an answer to that, that he did have a feeling that the difficulty of finding an address caused a lot of errant driving, that it was a small but practical item and was something that they could work on and in so doing make Houston a better place to live; that it would be extremely helpful at the approaches to all the freeway exits if they could work a deal with TXDOT where it would say "Exit Here 12000 to 14000 Block of Southwest Freeway", that it would be extremely helpful, that he would urge to whomever was responsible in the City to talk to TXDOT, that other cities did it, that it would be helpful to have markers at the exit of the freeways that tells them which block numbers they were exiting to.

Council Member Brown stated that they had an opportunity yesterday to talk about planning in the City of Houston, that in his view Houston was a real jewel, that he worried about

the direction that they were headed in some cases and where they were not going and they really needed to treat the City with great respect and nurture her like a good and faithful servant, that they learned from the Rita evacuation what the failure to plan could result in, that he thought they could all get together as a governing body and take the opportunity in the near future to start a meaningful and very practical results oriented planning process that led to a better City.

Council Member Brown stated that Houston's Major Thoroughfare Plan went back thirty years and was in need of major revision, that they needed to pick and choose, based on certain priorities and criteria, where they were going to upgrade their infrastructure, that the plan was a stand alone plan and not coordinated with drainage or water or sewer facilities, that they needed to start coordinating the interrelated things and it would be a much more efficient infrastructure, that the plan also did not have a smart hierarchy of streets, roads that really build the kind of accessibility they needed, that they needed a plan, including transit, that was directed toward reducing vehicle miles traveled, that he suggested that perhaps they needed what might be called a consolidated municipal services plan which inter related road, building, utilities, drainage and was engineered to serve priority development areas. Council Members Khan and Garcia absent.

Mayor White stated that he had been taking notes and thought that Council Member Brown made some thoughtful comments and what he might do was follow up with some kind of detailed list of the questions that would help him, rather than to do it around the Council table, to see what they were taking about, adding or subtracting from the major thoroughfare plan. Council Member Garcia absent.

Council Member Green stated that he wanted to release his tag on Item No. 19.

19. **REMINGTON TIRE DISTRIBUTORS, dba GRAYS WHOLESALE TIRE** - \$4,771,041.60 and **SOUTHWEST HOUSTON TIRE SALES, INC** - \$1,383,998.99 for Automotive, Tires and Tubes for Various Departments - General Fund - was again before Council. All voting aye. Nays none. Council Member Garcia absent. MOTION 2006-1146 ADOPTED.

Council Member Berry stated that he thought they spent a lot of money on vehicles and wondered if they could do a systematic review of the vehicles, that they may have done a comprehensive review of it already, that they spent a lot of money on repairs, fuel and tires, that he wondered if they could spend a few months looking it over, and Mayor White stated that he agreed with him and that was why the item was delayed, that they needed to do a better job of the equipment budget and they anticipated that they ought to have a committee hearing after the first of the year, in the first quarter of next year on equipment purchases, that they could divide into several categories, specialized vehicles, passenger vehicles and passenger sedans and related equipment, that he thought it would be a wonderful thing to do, and Council Member Berry stated that he would be interested in knowing how many miles an employee would have to bill them per month to equate to the cost of the average car that they use. Council Members Edwards and Garcia absent. Council Members Lawrence and Edwards absent.

Council Member Berry stated that he had two questions on Item No. 31, if he could find out how many designated historic sites they presently had and apparently the ordinance says they should demonstrate to F&A that sufficient qualifying restoration and preservation expenditures were made, who was handling that within F&A and what were the guidelines. Council Members Lawrence and Edwards absent.

Council Member Berry stated that tomorrow's TIA Committee meeting was rescheduled for January and they were going to have a meeting of the whole of City Council to discuss a very important WIFI issue. Council Members Lawrence and Edwards absent.

Council Member Berry stated that he wanted to thank Council Member Edwards, that her choice for the Bravo Award for Ms. Gloria Bingham of 3-1-1 was in good order, that she did a wonderful job and was a good public servant. Council Member Lawrence absent.

Council Member Clutterbuck stated that one of the District C office outstanding employee, Ms. Barbara Hite received the Citizen of the Year Award from the Greater Southwest Houston Chamber of Commerce, that she did an incredible job. Council Member Lawrence absent.

Council Member Wiseman stated that on Item No. 44 the issues that were still having to be addressed pertained to only one TIRZ so at this time she wanted to remove her tag on the main item.

44. ORDINANCE appropriating \$6,465,125.00 out of Tax Increment Funds for Reinvestment Zone Number One, City of Houston, Texas (Lamar Terrace Zone), Reinvestment Zone Number Two, City of Houston, Texas (Midtown Zone), Reinvestment Zone Number Three, City of Houston, Texas (Market Square Zone), Reinvestment Zone Number Five, City of Houston, Texas (Memorial Heights Zone), Reinvestment Zone Number Seven, City of Houston, Texas (Old Spanish Trail/Almeda Corridors Zone), Reinvestment Zone Number Nine, City of Houston, Texas (South Post Oak Zone), Reinvestment Zone Number Ten, City of Houston, Texas (Lake Houston Zone), Reinvestment Zone Number Eleven, City of Houston, Texas (Greater Greenspoint Zone), and Reinvestment Zone Number Thirteen, City of Houston, Texas (Old Sixth Ward Zone) for administrative expenses, payment of project costs, payments to Harris County, Houston Housing Finance Corporation, Aldine Independent School District and certain redevelopment authorities as provided herein – was again before Council.

Council Member Wiseman moved to divide the question in the proposed ordinance to consider Reinvestment Zone Ten, the Lake Houston TIRZ, separately, seconded by Council Member Holm. All voting aye. Nays none. MOTION 2006-1147 ADOPTED.

A vote was called on Item No. 44 except for Reinvestment Zone Number Ten, the Lake Houston zone. All voting aye. Nays none. ORDINANCE 2006-1246 ADOPTED.

Council Member Wiseman moved to refer Reinvestment Zone Number Ten, the Lake Houston zone back to the administration, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2006-1148 ADOPTED.

Council Member Wiseman stated that a constituent would like some assistance in addressing a septic tank leak that was affecting his property, that he was a resident of Lakeside Terrace and to their knowledge for two months he had been attempting to address it with the City and they had attempted to assist him for the last two months, that they had not received any response from Public Works about the request for assistance, that according to the constituent some work that was done on an easement had caused dirt to pile up which was causing now the leaking septic tank and rain water to collect and was pooling and had created a hole that animals were getting trapped in and when it rained it was collecting sewage and rain in his back yard, they had asked Public Works to assist them in addressing it and after repeated emails and memos they had no response and the constituent had no response, that she had just received a message from Public Works that indicated that they believed it may be a Health Department issue, that she would ask the Health Department to assist them in that, that she still

needed to understand why the constituent and their office had not been responded to in that last couple of months, they did need to get it addressed for the constituent, the assistance of the administration to assist their constituent would be appreciated, and also some clarification and understanding where there was a break in communication in that they were not receiving a response. Council Member Lovell absent.

Council Member Johnson stated that the District B Business Symposium was a tremendous success last Friday and he wanted to thank Commissioner Longoria for facilitating it for them as well as Gilda Ramirez, that they invited a number of small businesses from throughout District B to come out to the Port to find out how to do business with the Port, in addition he wanted to thank Pauline Young who also came from the City of Houston and gave them a lot of information about the One Stop Business Center, that it was a tremendous success. Council Member Lovell absent.

Council Member Johnson stated that on Monday, December 18, 2006, he along with Inter City Action Network and Council Member Brown and State Representative Sylvester Turner would be having a Winter Wonderland at the Wortham Center and were going to invite 350 children from across the district to take part in a sit down dinner and getting all dressed up and having a dinner and a show, that it went a long way in demonstrating to their children how to conduct themselves and going into a theater and have dinner and a show, they were going to have volunteers to sit at the tables and demonstrate to the children what fork to use, that he believed that children would be what they see and giving them this type of exposure would provide that for them, they were also going to provide toys and gifts and have entertainment there. Council Member Lovell absent.

Council Member Brown stated that the kids had been practicing the waltz so they would have some classical music and they would be dancing the waltz. Council Member Lovell absent.

Council Member Edwards stated that she had some questions and concerns about their committee structure and how they operated through committees and would like to see if they could get each committee to have a year end wrap up meeting so they could find out where they were with issues and items, that she was not really understanding how they got ordinances done, did they go through committees and how do they get them pushed through. Council Member Lovell absent.

Council Member Edwards stated that their office along with several corporate sponsors and in partnership with the Hermann Park Conservancy for the last year or so had been working on getting a full life statue of Dr. Martin Luther King commissioned and done and placed in the International Leaders Square, that was what she called it, it was the area in Hermann Park where they had the statues of Ghandi and Ceasar Chavez and so forth, they had been very successful in that partnership and had a budget of about \$250,000 to raise to commission and install the statue, they had been fortunate enough to raise \$70,000 in cash so far and a \$50,000 matching grant opportunity with one of their foundations, that they had a bust of Dr. King in Brecker Park in Sunnyside and their office was in the process of working with Public Works to get the bust refurbished and the plot done because it was badly vandalized and she appreciated that work going on with the Parks and Recreation Department, but they felt it was necessary that the City of Houston have a full statute of Dr. King, that the corporate sponsorship proceeds of the "We Are the Dream March" would go to the statue because it was their hope that they could get the statue commissioned and installed by December 2007 so it would be up for the next celebration of the Dr. Martin Luther King Holiday, that they were excited about the march, that it would be led by the sanitation workers from the City of Houston, in uniform, and they would also have the Fire Department and Police Department, not only with them on the march

but giving information about opportunities to be a fireman or police officer, so there were a lot of things that were going to be happening on January 13, 2007 and all of the proceeds would go to the commissioning and building of the statue for Dr. King. Council Member Lovell absent.

Council Member Edwards stated that she wanted to congratulate Mr. Vince Young, that he had been a member of the District D family for a long time, from Madison High School and the work he did there, and at the University of Texas, that it was not about the Texans or the Titans it was about the triumphant of a young man who had taken every obstacle that life could give him, that she could not be more proud of Vince Young than she would be of one of her own sons, that she knew his mother was proud and knew his church was proud, that Pastor Smith at Mount Horeb was proud of him, that it was about the triumph of the human spirit in Vince Young. Council Member Lovell absent.

Council Member Lawrence stated that the whole City was invited, that WalMart would put on it's fourth posada at 7960 Long Point, that Victor Alvarez was organizing for WalMart and a lot of work had been put into it and it would snow on Thursday night at 6:00 p.m. Council Members Wiseman and Lovell absent.

Council Member Garcia stated that on December 18, 2006 the Graffiti Ordinance would go into full effect, that meant that folks who were not in compliance with having graffiti on their property could face some consequences, but he would like to encourage folks to get in touch with the Neighborhood Protection Office to make sure that they were leveraging all the support and resources that the City Council worked diligently to put into the ordinance. Council Member Wiseman absent.

Council Member Garcia stated that Saturday would be the Crime Victim's Remembrance Tree reflection that would be held at the City Hall Annex lobby and would like to let folks know that it was a very important occasion and wanted to thank Andy Khan for all of his good work in making sure that celebration got the right kind of respect and awareness and publicity.

Council Member Garcia stated that most of them would recall that there was a great deal of controversy with a vote that the school district took to close some of the schools in the area and one of those schools, Sam Houston High School, in his district, would be graduating early some 45 students, that it was the most that had ever happened, that it spoke well of the principal and staff at Sam Houston High School, that he wanted to say to Sam Houston Alumni's to come down Friday evening at 6:30 p.m. to share in the celebration. Council Members Wiseman, Brown and Berry absent.

Council Member Garcia stated that it was nothing but phenomenal what Vince Young did, that he and Vince Young were cut from the same cloth, that Coach Ray Seals was his line backer coach at Sam Houston High School and he expected nothing but the best, that he knew how to develop individuals and develop a good team, that it was really a phenomenal game to see, that he would urge Mayor White to get on the phone and work out a trade with Bud Adams, they had to get Vince Young back to Houston. Council Member Berry absent.

Council Member Edwards stated that as much credit that Vince Young should get he was a product of a community that stood up for him and with him, from his mother, both of his grandmothers, his church family, that they did a series on him on BET and in every shot and frame there was his mother, both of his grandmothers, Pastor Smith and they were all with him and had been with him, that she wanted to say congratulations to that family and community who had loved him and told him that he was somebody. Council Member Berry absent.

Council Member Holm stated that she wanted to introduce them to Ms. Mandy Yancy, who was a new team member of District G and was a native of Alabama and had worked in the government of Alabama and had relocated to Houston, that she would be working with the agenda and Quality of Life issues as well as all of the other issues in their office, that they were happy to have her spirit as part of their team. Council Members Garcia and Berry absent.

Council Member Holm stated that she wanted to thank Mayor White for his support and leadership for Playgrounds Without Limits, which was the Vail Ash Playground at Memorial Park that would be dedicated on Saturday, that it was the first all inclusive playground in the City of Houston, that about \$330,000 was raised privately, that it was appropriate and met the needs of every child in the City. Council Members Garcia and Berry absent.

Council Member Holm stated that on Item No. 47 and the parcel that she pulled out, that she really applauded and thought that they were so responsible as a City when they did periodically evaluated their property and their needs and with the new plan they had to more efficiently appoint appraisers and handle the process she thought they really would be able to accommodate and address those concerns much more efficiently and effectively. Council Members Garcia and Berry absent.

Council Member Alvarado stated that one of the things she had been working on since she got to Council had been the deed restriction database and tonight they would have a meeting with their civic clubs, a follow up from the last meeting they had with Ms. Marlene Gafrick and they were having the first run at what the database may look like and it was from 6:00 p.m. to 7:30 p.m. at the E. B. Cape Center at 4501 Leeland. Council Members Garcia and Berry absent.

Council Member Khan stated that finally the Dunlap project was coming to completion and hopefully they would have it completed by the end of the year, that he wanted to thank all the people who went through tremendous efforts dealing with the constituents with all the problems with the project. Council Members Garcia and Berry absent.

Council Member Khan stated that the Southwest Multi Service Center would be opening in a couple of weeks and they would have an announcement soon. Council Members Garcia and Berry absent.

Council Member Khan stated that Mr. Dadoush and his staff helped a constituent who was a Katrina survivor, last week they got a call from Mr. Samuel Luden who finally had a job in New Orleans, his family had already moved out and he gave up his apartment and was set up to leave but did not have any money or a truck to move his belongings, that he called their office and they made a few phone calls and Grace Community Center helped him a little but he was really in a bind and did not have any means to go to New Orleans, so they called Mr. Dadoush and thought that he might give them some advice and not only did he give advice he really helped that gentleman out and found a way to transport and move his belongings so that he could start his new job in New Orleans, that he really wanted to thank Mr. Dadoush and his team, Regina Patrick in particular, for their help. Council Members Garcia and Berry absent.

Council Member Khan stated that they would have a Christmas Party by Christus Southwest Community Health Clinic on Friday, that he wanted to thank Sister Roseanne Pop, they would be inviting about 500 children and their families at the clinic to have the party for them. Council Members Garcia and Berry absent.

Council Member Khan stated that tomorrow they would have something that former Council Member Quan started, the Seventh Annual Asian Senior Holiday Luncheon, it would be

at the Ocean Palace Restaurant on Bellaire Boulevard and was sponsored by the Asian Senior Coalition and wanted to thank all of the corporate sponsors, that tomorrow they would be honoring Gordon Quan for starting the luncheon, that it was a coalition of several communities. Council Members Garcia and Berry absent.

Council Member Khan stated that he wanted to share with his colleagues and wanted to thank Council Member Edwards, that in her committee meeting yesterday there was an item where an organization called Accion of Texas was receiving some grant funding and they provide micro credit loans to small businesses and people who really had no way of getting kind of financial help from any lending institution, that he was impressed with the details they got yesterday they were really helping a lot of people. Council Members Wiseman, Garcia and Berry absent.

Council Member Green stated that he wanted to remind his colleagues that the next Budget and Fiscal Affairs Committee meeting would take place on January 2, 2006 at 10:00 a.m. in the Council Chamber, that they would have a review of all the budget amendments that were presented by Council Members, that Ms. Johnson and Ms. Stein would get the spreadsheet together so they could look at the status of the amendments. Council Members Wiseman, Garcia, Lovell and Berry absent.

There being no further business before Council, the City Council adjourned at 10:57 a.m.  
Council Members Wiseman, Garcia, Lovell and Berry 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