

City Council Chamber, City Hall, Tuesday, September 19, 2006

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, September 19, 2006, Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Ada Edwards, Addie Wiseman, M. J. Khan, P. E., Adrian Garcia, Carol Alvarado, Peter Brown, Sue Lovell, Shelley Sekula-Gibbs, M.D., and Michael Berry; Ms. Jo Wiginton, Division Chief, Contract Division, Legal Department; Ms. Debra Dillard, Citizens Assistance Office; Ms. Marty Stein, Agenda Director; present. Council Members Pam Holm and Ronald C. Green absent on personal business.

At 2:10 p.m. Mayor White called the meeting to order and called on Council Member Sekula-Gibbs to begin presentations. Council Member Sekula-Gibbs stated that it was her pleasure to bring to the podium public servants working hard to eradicate a very bad disease and that was the Leukemia and Lymphoma family of diseases and invited Mr. John Strange and Ms. Cherry Evans and Ms. Shedreka May to the podium. Council Member Sekula-Gibbs stated that the society was founded in 1949 and was now the largest volunteer health organization dedicated to finding a cure to cancers and provided financial aid; that it affected more than 700,000 Americans yearly and over 60,000 in the U. S. would die this year; and presented a Proclamation to them proclaiming the month of September 2006 as "Leukemia and Lymphoma Awareness Month". Mr. Strange thanked the Council for the Proclamation and stated that they had care bears and awareness bands along with facts and fund raiser information to present to the Mayor and Council Members. Council Members Johnson, Wiseman, Garcia, Alvarado and Berry absent.

Council Member Sekula-Gibbs stated that another great group of volunteers was Helping a Hero and was headed up by a good friend of hers Mr. Jim Stoa; that the group raised money to help with medical and personal supplies for veterans who were wounded in combat; that Mr. Stoa was a veteran himself and in honoring of helping our heroes presented a Certificate of Recognition to Mr. Stoa thanking him for their services; and Mr. Stoa stated that since March 2003 19,000 men and women were injured and about 50% were under 24 years of age and they would need help a long time and they funded an organization helpingahero.org and next weekend would be three events with all money going to them; and he appreciated being allowed to get the word out. Council Members Johnson, Wiseman, Garcia, Lovell and Berry absent.

At 2:19 p.m. Council Member Alvarado stated that she was pleased to introduce a constituent from Queen of Peace Catholic Church and invited Father Christian Reisbeck to lead all in prayer and Council Member Alvarado led all in the pledge. Council Members Wiseman, Garcia, Lovell and Berry absent.

At 2:21p.m. the City Secretary called the roll. Council Members Holm and Green absent on personal business. Council Members Wiseman, Garcia and Berry absent.

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

Council Member Edwards moved the rules be suspended for the purpose of hearing Mr. Robert Fickman, Mr. Craig Washington and Mr. Troy McKinney at the top of the three minute Non-Agenda Speakers List, seconded by Council Member Khan. All voting aye. Nays none. Council Members Holm and Green absent on personal business. Council Members Wiseman, Garcia and Berry absent. MOTION 2006-0801 ADOPTED

Council Member Lovell moved the rules be suspended for the purpose of hearing Mr. Barry Blumenthal after Mr. Troy McKinney, seconded by Council Member Khan. All voting aye.

Nays none. Council Members Holm and Green absent on personal business. Council Members Wiseman, Garcia and Berry absent. MOTION 2006-0802 ADOPTED

At 2:23 p.m. the City Secretary began calling the public speakers. Council Members Wiseman, Garcia and Berry absent.

Mr. Nelson A. Fisher, 12214 Pebblebrook, Houston, Texas 77024 (713-725-7504) appeared and stated that he was a resident of Memorial Forest since 1963 and present asking the Mayor and Council to begin the process of dissolving the Memorial City TIRZ #17; that the original concept of a tax increment zone began with noble purposes helping blighted areas which could not develop on their own, but it should be revisited as the TIRZ by its very creation was a breach of public trust, on the night before Council approved this at Memorial Senior High a group of 900 people were offered opportunity to offer opposition and Mayor Brown promised if there was no participation from the school district or Harris County the vote would be revisited and about 5 weeks later the Spring Branch School District voted and it was overwhelmingly voted to not participate and then Harris County voted and decided they would not participate in the Memorial or Galleria TIRZ; that the previous Mayor made a covenant to revisit with no school and no county and that should be honored, it was not too late to restore public trust. Council Members Khan, Garcia and Lovell absent.

Council Member Clutterbuck stated that Council was scheduled to vote on the budget; and upon questions, Mr. Fisher stated that on the budget for the TIRZ he would suggest taking and putting it back in the General Fund. Council Members Khan, Garcia and Lovell absent.

Council Member Lawrence stated that once a TIRZ was created they had debt and it had to play its roll but all 22 TIRZ were being looked at and they did want what was best for the community; that his Council Member was working hard on getting the tax money to be spent in a good way. Council Members Khan, Garcia and Lovell absent.

Mr. John Mason, 12519 Moore Meadow, Houston, Texas 77024 (713-237-5368) appeared and stated that he was a resident of the Memorial Meadows Association and present speaking on the behalf of many who were concerned and frustrated and did not know what to do as they were continuously threatened by the commercial interests who looked to improve their corporate positions at cost of residents, residents who lived in heavy congestion, speeding cars, etc.; that new garages and 235 more cars were being added to the mix and they were turning to their elected officials asking for help, asking them to not support the recent TIRZ initiatives, do not support the east and west extensions of Town and Country Way or for cut through going through ball fields or for street encroachments and keep commercial traffic and development in commercial areas not in their residential neighborhoods. Council Members Garcia and Lovell absent.

Council Member Sekula-Gibbs thanked Mr. Mason and Mr. Fisher for their presentations and the others present on the TIRZ; and Mr. Mason stated they had dealt with this so long and one day they would hear someone saying it was okay, but continued development kept coming and they knew the way to get through was through their neighborhood and they wanted an openness and to be told how they could partner in the process. Council Members Garcia, Alvarado and Lovell absent.

Upon questions by Council Member Brown, Mr. Mason stated that entities involved were opportunistic and they would take pieces and develop into a critical mass and then key areas were the last ones to fall and that was where they felt they were and they would like to work with commercial entities and help find a situation that would alleviate problems for both sides; that

they would like all to empty from the north to go home but they were willing to work together. Council Members Khan, Garcia, Alvarado and Lovell absent.

Council Member Lawrence encouraged Mr. Mason to attend the Management District and TIRZ Meetings and if he heard of anything coming up like a cut through on the ball fields he should come back and make Council aware. Council Members Khan, Garcia, Alvarado and Lovell absent.

Mr. David Woehr, 12510 Kingsride, Houston, Texas 77024 (713-515-1430) appeared and stated that he lived at the epicenter of TIRZ 17, 3 houses down was Memorial Middle School a good safe school, and he wondered why a shopping mall which sat in middle of one of the richest zip codes in the country needed a TIRZ to help it revitalize and especially when millions were being spent to upgrade the I-10 corridor; that he was concerned attention was being put on moving large amounts of cars through neighborhoods to get them to the malls faster and their area would not be lasting if not stabilized; that green belts and functioning schools with safe neighborhoods would outlive short cited commercial developments; and urged Council table TIRZ 17 budget and revisit dissolving the TIRZ. Council Members Garcia, Alvarado and Lovell absent.

Ms. Janet Wilkerson, 9777 Larston, Houston, Texas 77055 (713-932-8950) appeared and stated that she lived in District A for 20 years and was going to comment on a letter written to the Spring Branch Board of Trustees by Council Member Lawrence which regarded the SPISD resolution passed unanimously against the widening of Bunker Hill Road near the elementary school, they were reacting on the residents behalf, but the Council Member's letter seemed she had decided the widening was an improvement regardless of what her constituents felt and residents were asking the TIRZ to work with them to achieve the best possible design and satisfy the dual goal of increased mobility with consideration for existing neighborhoods. Council Members Garcia, Alvarado and Lovell absent.

Mayor White stated that he sat here for 30 months with Council Member Lawrence and he could assure her he never once observed any favor she wanted to do for commercial interest or developer at the expense of a neighborhood, but she did believe in rules. Council Members Garcia, Alvarado and Lovell absent.

Council Member Lawrence stated that she did value her opinion and not all the body's members lived in the city limits of Houston, but she had met with many and a lot of things were happening and she did listen to her constituents and all said at the school would come true and maybe even more; that they were having a meeting today and she hoped much would be resolved. Council Members Garcia, Alvarado and Lovell absent.

Ms. Susan Goree, 9737 Pine Lake, Houston, Texas 77055 (713-867-3265) appeared and stated that she was present to speak on TIRZ 17, she was all for redevelopment along the I-10 corridor, but TIRZ 17 had a negative impact on their neighborhood, it brought a four story apartment which brought traffic, crime and possible flooding and widening Bunker Hill would result in loss of green space and 150 year old trees; that she was for mobility but Bunker Hill was a half mile long street which dead ended and a sign of problems was when they asked for a stop sign at Bunker Hill and Pine Lake and told there was not enough traffic so then why widen; that Long Point needed repairs for years and nothing was done; that last November her dog was stolen from Pet Smart but there were not enough police to follow through and a volunteer came from another department to take her statement because she liked dogs and she told her most likely no one would follow-up on it because all were involved with murder and she had to depend on Sugar Land Police who gave her information on the person who took her dog

because they had stolen dogs before and was still free to dognap. Council Members Garcia, Alvarado and Lovell absent.

Upon questions by Mayor White, Ms. Goree stated that the person who stole her dog lived in Brazoria County; and Mayor White stated that he would like her to E-mail him information on that and he would say to her and others present that TIRZ should pay for their fair share of public safety and it was unfair to taxpayers outside the TIRZ and they would be following through; and he wanted all to know he did get their point. Council Members Johnson, Garcia, Alvarado and Lovell absent.

Upon questions by Council Member Sekula-Gibbs, Ms. Goree stated that the person of interest to the police was the manager at Pet Smart and had been manager at previous grooming salons and under her care dogs had disappeared before in the exact same manner and Sugar Land Police interviewed her again after her dog was stolen and she was let go, but did not admit to it and no one realized that when leaving your dog at such a place they were only responsible to replace it and you could not sue for emotional; and Mayor White stated that he would like her to get that information to Ms. Dillard. Council Members Johnson and Lovell absent.

Council Member Lawrence stated that she would like to be kept informed and know if the dog was rediscovered; that her dog was stolen also and the one she had now had a chip in it and she would recommend that. Council Members Johnson and Lovell absent.

Mr. Jim Shroff, 1201 Demaret, Houston, Texas 77055-6115 (713-461-7140) appeared, presented information and stated that he was a resident of the Spring Branch neighborhood for over 30 years and today they were speaking of injustice on his community by the Planning Department and Planning Commission; that at the commission's meeting they discussed Claret Road and widening of Witte and Bunker Hill Roads and residents were not given opportunity to speak on the items because of time, but he spoke on Claret and said it should be an essential part of the East-West Mobility Plan since it was replacing an existing highly efficient Old Katy Road, but regarding Witte & Bunker Hill a study was done and there was not a high enough traffic count to widen and as is was more than adequate. Council Members Johnson and Lovell absent.

Council Member Clutterbuck stated that she was not familiar with specifics with the CIP for this TIRZ; and upon questions, Mayor White stated that there was some thought to extending Town and Country Way or Kings Ride but it was dropped and there was no feasibility study going on and he thought in part because of feedback from the community and going by the ball fields was not in consideration and he wanted to thank Council Members Holm and Lawrence. Council Members Johnson and Lovell absent.

Council Member Lawrence thanked Mr. Shroff for coming and stated that at the time of the Planning Commission the land wanted for Claret Road was owned privately and with private conversations she was told by Fidelis they would put the road there and even finance it so regretfully the Planning Commission met before the land owner made the commitment and now there was a different situation and it was very exciting to the northside of the freeway and hopefully good things would be happening now. Council Members Johnson and Sekula-Gibbs absent.

Mr. Ed Browne, 41 Rolling Wood, Houston, Texas 77080 (713-365-9902) appeared, presented information and stated that he was executive vice president of the Spring Branch Super Neighborhood but today he was speaking as a representative of the Rollingwood Subdivision, north of Long Point and Bunker Hill, and Council Member Lawrence supported the

neighborhood in getting alternative routes added but the developer to the old 42 acres Daniels Property at Bunker Hill and I-10, Fidelis, agreed to let Claret connect between Bunker Hill and Woody and residents wanted Witte included in the CIP and Council Member Lawrence opposed it but had just recently agreed and also agreed to try and get the Trammel Crow Apartments to exit off the back of their property to Claret and if successful it would keep traffic from the elementary school, but they were still disappointed at Bunker Hill; and thanked Council Member Lawrence for her change of heart Council Members Johnson and Sekula-Gibbs absent.

Mr. Hugh Rawl, 12331 Broken Bough, Houston, Texas 77024 (713-464-3158) appeared and stated that he was representing the Crosswood Civic Association and requesting budgeting for the Memorial City TIRZ 17 not be approved until the TIRZ formally reviewed its 3 to 2 decision to cut the original engineering firm's recommended detention as a part of the Gesner widening project; that detention in the Memorial City and hospital area was vitally needed and the joint study by the Flood Control District, City of Houston and TXDOT pinpointed the need for 50 acre feet of detention to be ideally located in the parking area of Memorial City, the detention was very much needed due to the grossly undersized drainage system in Memorial City; that assurances of detention were previously given and now he was being told by head of the TIRZ detention may come sometime in the future if work was done by the county, but he felt it was doubtful it would ever be because of its high cost, but it could be added by delaying the other TIRZ project by one year and he hoped they would act favorably on his request. Council Member Sekula-Gibbs absent.

Upon questions by Council Member Clutterbuck, Mr. Rawl stated that he recommended Council support the Mayor's proposal made last fall that TIRZ 17 complete its current projects and reduce increment funding starting in 2008 and it would free up about \$2,000,000.00 a year which could be put to better use. Council Members Edwards, Lovell and Sekula-Gibbs absent.

Council Member Lawrence stated that flooding was a very big issue in Houston and all were concerned; that she had the engineers look at the project since it had been cut, as for size of infrastructure on the southside of the freeway and Public Works said the size of the infrastructure did meet standards and if Houston was building it they would build even smaller so they were getting more for their TIRZ dollar than if it was in the Houston CIP. Council Members Brown and Sekula-Gibbs absent.

Ms. Dianne Chemam, 8 Rollingwood, Houston, Texas 77080 (713-464-6466) had reserved time to speak but was not present when her name was called. Council Members Brown and Sekula-Gibbs absent.

Ms. Roberta Prazak, 606 Attingham Drive, Houston, Texas 77024 (713-461-2860) appeared, presented a map to all at the table and stated that she lived in the Fondvilla Subdivision adjoining the Memorial City TIRZ and was offended by Council Member Lawrence's statement as to if they heard something at a meeting they did not like to bring it to her attention; that she planned her vacations around the meetings and had been to each one since 1999, recorded them and put them on DVD and transcribed them and she never saw anything at any meeting about Kingsride cutting across the HISD Fields; that her map was the mobility study the TIRZ showed. Council Members Garcia, Brown and Sekula-Gibbs absent.

Council Member Berry stated that Council Member Holm could not be present and asked that he submit on her behalf a motion that there would be no further funding or study on the development of Town and Country Way east of Attingham; and Ms. Prazak stated that she understood that but they were not telling them they were studying Kingsride; and Mayor White stated that this was encompassed...; that he got information Town and Country Way and Kingsride were taken off the table and either someone misled him and they would not like the

consequences or she could count on what he had to say and he would ask Ms. Stein to pass that information on, if anything needed to be clarified it needed to be done between now and the next meeting; that they tried to pay attention to detail and he got the report that there were no plans to extend Town and Country Way or Kingsride through the residential areas and the investigation of that route was terminated so either someone would be fired for giving him bad information or Kingsride was dead. Council Members Garcia, Brown and Sekula-Gibbs absent.

Council Member Khan stated that he was so impressed with everyone's organized fashion and their being so articulate on their issues; and he could assure them they were getting much attention; and Ms. Prazak stated that they would love to see Mr. Fiederlein taken away from overseeing the city's TIRZ's because as long as he was there mistrust would be there also. Council Members Garcia, Alvarado, Brown and Sekula-Gibbs absent.

Mr. Tom Zikes, 1217 Prairie #206, Houston, Texas 77002 (713-228-2827) appeared and stated that with the City of Houston an image was being created where they were money grubbing such as the boot program and the red light cameras; that they were not there for safety or mobility they were there for money; that the boot program said two or more delinquent tickets and you were booted, but yesterday he was late...; and his time expired. Council Members Lawrence, Garcia, Alvarado, Brown and Sekula-Gibbs absent.

Council Member Berry stated that he asked the Parking Department for a response on this and the new director was on top of it and provided him the ordinance which was clear and it stated once you had three citations all unresolved parking citations must be removed or resolved or you were in the boot program and he understood he had paid one, but once you had three you went into the boot program and were not removed until all were paid for so he should be mad at Council; and Mr. Zikes stated that was why he was before them now to ask that they ordinance be changed or change the way it was publicized because even the orange sticker said, "You have three or more outstanding tickets" and that was false. Council Members Lawrence, Garcia, Brown and Sekula-Gibbs absent.

Mr. Randall Kallinen, 1406 Castle Court, Houston, Texas 77006 (713-320-3785) appeared and stated that he was president of the Houston Chapter of the American Civil Liberties Union with over 4,700 paying members in the Houston area and he was present on the crime lab; that the ACLU stood behind completing the crime lab report, Houston did a good job looking into such a serious matter and the ACLU urged the City of Houston to complete the investigation, those in prisons needed the truth told. Council Members Lawrence, Brown and Sekula-Gibbs absent.

Council Member Edwards stated that she agreed they needed to continue and be complete and thorough with their investigation, they were not even going all the way back as they took an arbitrary date, but this was more than about truth, it was about trust, and if someone was arrested people needed to trust things would be done properly and that any adjudication coming out of the crime lab being able to be verified by any scientist in the world and they needed to stand firm and get to the end of the road and deal with it. Council Members Lawrence, Brown and Sekula-Gibbs absent.

Upon questions by Council Member Khan, Mr. Kallinen stated that what he had seen of the Bromwich report was very professional and spoke volumes about problems at the crime lab; and it was of high quality; and Council Member Khan stated that they heard what was the point of spending more money, but so far no one had questioned the professionalism and quality of Mr. Bromwich work and the study had revealed enough cases for them to feel justified that the money was spent properly; and he hoped they would move forward and complete the study. Council Members Lawrence, Brown and Sekula-Gibbs absent.

Council Member Alvarado stated that she thought all on Council or familiar with the crime lab found it was more than a leaking roof; that she did not think anyone knew what they were looking at and money was spent on big ticket items and she felt they needed to continue investing in the crime lab; that money could not be put on someone's freedom and she hoped the Administration would give indication on what would be done, she knew what was seen and requested and a decision needed to be made sooner rather than later. Council Members Lawrence, Brown and Sekula-Gibbs absent.

Council Member Clutterbuck stated that she too added support on extending Mr. Bromwich's contract and allowing the job to be completed; that a reliable testing system was a critical part of the judicial process; and Mr. Bromwich was not only the best in the country but the lowest bidder; and she would urge the Mayor to authorize it and quickly. Council Members Lawrence, Johnson, Brown and Sekula-Gibbs absent.

Council Member Lovell stated that all had already said what she would have said, but urged they move forward on this quickly as she did support the study. Council Members Lawrence, Johnson, Brown and Sekula-Gibbs absent.

Council Member Garcia stated that questions on the particular vendor were concerns as to whether he was fulfilling his contract and it was the case and he would like to make sure there were specifics to the terms of his contract; that he had not complied with terms of budget and that caused concerns, but no one knew what the outcome would be and they had not gone back to 1980, over 20 years, and all announced through the process of stakeholders and public safety committee and his reports, all published and talked about the Police Department already knew, it was just not on the front page and his question was if the Administration was comfortable that Mr. Bromwich would not be making his livelihood off the City of Houston and would give an ultimate product then as chair of the Public Safety Committee he would say they move forward and hopefully see closure in this city's history; and Mayor White stated that he appreciated Council Member Edwards making the suggestion at a pop-off session that the stakeholders committee be formed to determine the independent consultant and he appreciated very much the work of the stakeholder's committee Council Member Garcia participated in; that he thought they had the best and the results had been very professional and he listened to Mr. Bromwich on the radio and thought it was very objective and analytical and gave many comfort; and he applauded the work of the Houston Police Department in getting the lab certified and he shared the overall objective of Council Member Clutterbuck to make sure the victim's rights were protected by making sure juries and prosecutors had confidence in the result of the police work; that the money did come out of policing and it was precious and great progress was made to make sure they did get closure at some point and something would be brought up soon, but he wanted to review the tape and the contract. Council Members Brown, Sekula-Gibbs and Berry absent.

Council Member Lawrence stated that she had a problem she thought with some things that were said and when he reviewed the tape she would like the final analysis; and Mayor White stated that he was the most qualified and he had done a very thorough professional job and instilled confidence, but he did want people to know they were dealing with money taken from the public by coercion. Council Members Brown, Sekula-Gibbs and Berry absent.

Council Member Edwards stated that she was astonished to hear Council Member Garcia say that HPD already knew all Mr. Bromwich told Council Members, it was never brought to her attention and if that was the case she was infuriated, she did not know they knew people were on death row with bad evidence and she would like an understanding of what that meant and what else did they know, she found it incredible; and on the contact compliance she was never

told that was the issue, she was told basically since they were accredited they had done everything and it was basically what would they get and not that he was out of compliance and she would like someone to show her where he was out of compliance, but knowing HPD already knew such things she could not even say how that made her feel, it told her people were just playing with her and she wanted more information on what that statement meant. Council Members Brown, Sekula-Gibbs and Berry absent.

Council Member Lovell stated that as her fellow Council Member just so eloquently put it, it seemed even more imperative now that if HPD knew what was going on and did not speak out then they proceed rapidly on an independent study to find what they knew and what they were not telling, how could you know and not speak out and it made it even more important to continue with an outside independent investigation to find out; and Mayor White stated that a lot of people acted in good faith and Council Member Garcia was one who enthusiastically supported the independent review and selection of interview process, but from the time certain abuses became known, predating the time he was Mayor, there were investigations and files being reviewed; that it was fact a number of things had been revealed in the internal investigations which resulted in termination of employees in HPD and in the review of over 300 files by HPD and the DA's Office and that was not to say value was added by this but he thought all were on agreement on the one issue that it was time to have a timetable and budget for concluding the matter. Council Members Clutterbuck, Brown, Sekula-Gibbs and Berry absent.

Council Member Garcia stated that he wanted to make sure that he was communicating correctly; that there were details of this whole investigation that were taken to the District Attorney's Office and were in progress as they brought Mr. Bromwich on board so they were not keeping secrets, but they were working the process; and he wanted that understood. Council Members Clutterbuck, Brown, Lovell, Sekula-Gibbs and Berry absent.

Ms. Mary Williams, 8815 Spaulding, Houston, Texas 77016 (713-633-4462) had reserved time to speak but was not present when her name was called. Council Members Clutterbuck, Brown, Lovell, Sekula-Gibbs and Berry absent.

Ms. Elnora Peralta, 2807 Little York, Houston, Texas 77093 (713-697-7777) had reserved time to speak but was not present when her name was called. Council Members Clutterbuck, Alvarado, Brown, Lovell, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Mr. Robert Fickman, 440 Louisiana #2110, Houston, Texas 77002 (713-655-7400) appeared and stated that he was president of the Harris County Criminal Lawyers Association and invited other members to stand to be recognized. Mr. Fickman further stated that on behalf of their association he commended them for their conversation about Mr. Bromwich and the investigation; and on behalf of the association he was requesting Council complete funding of the Bromwich investigation as it had shown numerous problems and while information may have been revealed to the District Attorney's Office it was not revealed to the defense attorneys present so people sat in jail and their liberty was taken and there was no price on liberty, those involved in the criminal justice system waited for this moment and were happy to see it had come, Mr. Bromwich needed to complete his investigation. Council Members Lawrence, Clutterbuck, Alvarado, Brown, Lovell and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Mr. Craig Washington, 2323 Caroline, Houston, Texas 77004 (713-659-9090) appeared and stated that he heard enough to know Council would pass this and he was gratified; that many talked about those convicted, but another aspect was the people in uniform, they collected evidence and put lives on the line and they needed to depend on the lab results also and now that Council was aware of problems if they were not corrected they exposed the city to

liability and he knew they would do the right thing. Council Members Lawrence, Alvarado, Brown, Lovell and Sekula-Gibbs absent.

Council Member Edwards thanked Mr. Washington for all his service over the years; and upon questions, Mr. Washington stated that it was important to get the word out, if people on juries did not believe in the evidence then guilty people would get acquitted; that they chose a person above approach to do the work and when the report was finished he felt it would be accepted by the community. Council Members Lawrence, Alvarado, Brown, Lovell and Sekula-Gibbs absent.

Upon questions by Council Member Berry, Mr. Washington stated that other cities did have problems such as this, maybe not to the length and breadth but Denver, Los Angeles, New York and Atlanta were just four and they had turned their situation around except Los Angeles was still in the process of turning around; and his recollection was elected officials stood strong, adopted the report and took necessary actions whether it was rolling heads or whatever to get confidence back and it was a community effort. Council Members Lawrence, Alvarado, Brown, Lovell and Sekula-Gibbs absent.

Council Member Garcia stated that they were looking for recommendations from Mr. Bromwich and the lab was accredited and it was minimum standard, but if there were recommendations which would go into the future and beyond this body to keep the lab from sliding backwards; that Council Member Edwards made recommendation the crime lab budget be identified as a separate line item so they would know it was properly funded; and upon questions, Mr. Washington stated that recommendations he believed important for a crime lab was leadership was important and a gate keeper; that the Council remain engaged or a subcommittee of Council remain engaged with the lab and if Council, in its wisdom felt they needed to separate the crime lab budget from the police budget, then they would have a stronger hold and the level of accountability Council would feel the assurance; and Council Member Garcia stated that they took recommendation from committee that the budget of the crime lab be identified; and Council Member Edwards stated that the committee did pass that and her hope was it would be followed through. Council Members Lawrence, Alvarado, Brown and Sekula-Gibbs absent.

Mr. Troy McKinney, 440 Louisiana #2110, Houston, Texas 77002 (713-851-3483) appeared and stated that he became involved with the crime lab about 20 years ago as a lawyer and at that time all assumed what was coming out of the police crime lab was good and solid and it turned out not to be true and it destroyed much truth and if there was not openness in government, not transparency in the crime lab going forward they would not regain the trust; that in the crime lab now an employee said to defense lawyers they were going to make things as expensive as possible for them so they would quit coming and getting records; that they should not have to pay \$3.50 a page when under open records it was to be 10¢ a page; and now was when trust should be returned. Mayor White, Council Members Lawrence, Khan, Alvarado, Brown and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Mr. McKinney stated that he read reports on the crime lab and kept up with things; that on his personal cases he double checked and it cost him on a DWI case for 1,400 pages they wanted over a dollar a page, but they finally got them for about \$400.00 and had they been produced on the open records act it would have been \$140.00 and in some cases they were seeking \$3.50 a page; that he was told for certified copies the cost was \$3.50 for the first page and \$1.00 plus for each after for HPD records, but certified copies were never requested through that was what they produced. Mayor White,

Council Members Lawrence, Alvarado, Brown, Lovell, Sekula-Gibbs and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Upon questions by Acting Mayor Pro Tem Berry, Mr. McKinney stated that HPD would not produce records without a court order so they got that and then HPD would do it for a certain cost; that there was no one person to go to. Mayor White, Council Members Lawrence, Clutterbuck, Alvarado, Brown, Lovell, Sekula-Gibbs and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Khan stated that Council Members needed to request the Administration take a look at this and see if it was creating road block, etc. Mayor White, Council Members Lawrence, Clutterbuck, Alvarado, Brown and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

The City Secretary stated that earlier she called on Ms. Elnora Peralta and she was now present and would speak after Mr. Barry Blumenthal. Mayor White, Council Members Lawrence, Clutterbuck, Alvarado, Brown and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Johnson moved the rules be suspended for the purpose of hearing Mr. Tyrone Evans after Mr. Barry Blumenthal, seconded by Council Member Khan. All voting aye. Nays none. Council Members Holm and Green absent on personal business. Mayor White, Council Members Lawrence, Alvarado, Brown and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. MOTION 2006-0803 ADOPTED

Mr. Barry Blumenthal, 4015 E. 23rd, Houston, Texas 77008 (281-658-4762) appeared, presented information and stated that he represented PUSH Public Use Skateparks for Houston, a grassroots organization formed with a main goal of raising money for the Parks Board for a central skatepark project, it would be located west of the Sabine Bridge and Buffalo Park and would be a 30,000 square feet facility and a world class facility; that to date they had raised about half a million dollars of the total price tag which was a little more than \$2,000,000.00 and it would allow for 100 continuous skateboarders at one time, it would be one of the largest in the country; that the project had been on the table about four years and he felt it was a solution to the youth crisis, skateboarding was the third most popular sport in America for the age group 19 and under and there were thousands of such parks throughout the country with Houston having zero and this park would synthesize the feeling of surfing on the north shore of Hawaii or snowboarding in Colorado and it would be free and he believed this should be a priority, it would bring much commerce and it was going to be an Olympic demonstration sport in Beijing in 2008 and that was why China just built the largest skatepark and this would bring skate tourism, maybe games and should be as big a priority as anything in Houston. Mayor White, Council Members Lawrence, Edwards, Garcia and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding.

Council Member Lovell stated that as a mother of skateboarders she knew there were some wonderful skateboarding facilities but not the in ground type needed; that they were still looking to find a sponsor and maybe use bond monies, it was very important to have facilities for youth and not all played ball and it was time something be put in to show the nontraditional athletic ability people had. Mayor White, Council Members Lawrence, Edwards and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding.

Mr. Tyrone Evans, 2605 Parker Road, Houston, Texas 77093 (713-691-0900) appeared, presented information and stated that he was president of the Eastex Jensen Super Neighborhood and founder and president of Bonita House of Hope located in the Parker Square

Subdivision and they had a serious concern and that was METRO bus 54 was pulled off line in May 2005 and they had been working hard with METRO and Public Works to get the bus put back, but this had created a serious hardship on the elderly, women and children who had to walk about ¾ mile to get to a bus with no sidewalks or lights and alcohol, drugs, crime and violence around; that they made a proposal to METRO last October and they were told they would work hard on getting it back in, but they came back with a plan and condition which was if Public Works put in infrastructure they would put the bus back so they went to Public Work and was told they were in the CIP for infrastructure but would not happen until 2010 and that was ridiculous, one lady was raped; and they were asking for Council to speed it up for them. Mayor White, Council Members Lawrence, Edwards, Wiseman and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding.

Council Member Johnson stated that when the METRO line was pulled Bonita House was not fully occupied; and upon questions, Mr. Evans stated that when the bus was pulled METRO said there was low ridership, but through a survey it showed over 85% of the people in the neighborhood would ride; and Council Member Johnson stated that he went at the community's request and asked for a line put back and the fact there was no sidewalks was no bearing to METRO and he hoped Council would stand with him to make sure they did get a bus line back, people there were ready for it. Mayor White, Council Members Lawrence, Edwards, Wiseman and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding.

Council Member Garcia stated that he understood METRO cut the route because of the CIP on Parker; and Mr. Evans stated the entire route was cut because of low rider ship performance, but to put it back they put a condition the infrastructure had to go in first. Mayor White, Council Members Lawrence, Edwards, Wiseman and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding.

Council Member Brown stated that he wanted to recognize Mr. Evans and Bonita House and all the good work he did in his community; and upon questions, Mr. Evans stated that there were 150 people in Bonita House and no cars; and Council Member Brown stated that he signed a letter by Council Member Johnson and would urge all Council Members to sign it requesting the line go back in. Mayor White, Council Members Lawrence, Wiseman and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding.

Council Member Khan stated it sounded like a catch 22 and the community in the mean time suffered; that Mr. Evans was at the right place and he would be more than happy to support Council Member Johnson. Mayor White, Council Members Lawrence, Wiseman, Garcia, Lovell and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Mr. Evans stated that he had talked with Mr. Wilson and Rev. Dixon and at the public hearing Rev. Dixon said he would get involved in seeing this through but they had not heard from him since; and Council Member Edwards stated that Mr. Wilson played a part in this but the people put on the board by Council needed to be accountable and she would follow lead of his Council Member. Mayor White, Council Members Lawrence, Wiseman, Garcia and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding.

Ms. Elnora Peralta, 2807 Little York, Houston, Texas 77093 (713-697-7777) was recalled and appeared and stated that she was the chief nursing officer at Renaissance Hospital, in the north east part of town serving indigent minority patients and was present supporting what Bonita House of Hope was trying to achieve, she had seen the improvement in the community because of them and when she went to visit them she was very impressed; and urged Council do what they could to get the bus line returned. Mayor White, Council Members Lawrence,

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

Council Member Johnson stated that he was glad there was a collaborative between her and Bonita House and he did go before METRO a few months ago about the bus route issue and there had been a route prior but it was pulled because of low rider ship not because of infrastructure missing so to say they had to have infrastructure for rider ship was to him a farce; that Bonita House was up to 100% capacity and adjacent property was at 100% capacity and it was time to put that bus route back on, he did not want babies being pushed in the street and he would continue to fight for them and would write to Mr. Wilson and hoped all Council Members would sign in support. Mayor White, Council Members Lawrence, Clutterbuck, Wiseman, Garcia, Brown and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

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

Ms. Brenda Duncan, 10112A Emerald Park Drive, Houston, Texas 77070 (281-955-9309) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Clutterbuck, Wiseman, Garcia, Brown and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Ms. Wanda Boudreaux, 616 Memorial Heights Estates TH 1308, Houston, Texas 77007 (281-300-6072) appeared and stated that she was present to solicit Council's support; that the Texas Residential Construction Commission passed codes three years ago and the City of Houston had let her down; that she had rental property in New Orleans and needed renovation and she chose a contractor in the City of Houston; that she viewed homes he was building to make her decision and she assumed the City of Houston had policies in place to check someone undergoing such construction but the process seemed to be more for the contractors. Mayor White, Council Members Lawrence, Clutterbuck, Wiseman, Garcia, Brown and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Ms. Boudreaux stated that her problem was she gave the contractor thousands of dollars to go to New Orleans and renovate her property and he damaged it further; that he told her to sue him and she could not understand that, but now when trying to go through the process and it kept leaning toward a civil matter she could understand; and Council Member Edwards stated that if someone fraudulently misused her money or maliciously destroyed her property it was criminal and she needed an attorney; and Ms. Boudreaux stated that she had spoke with two attorneys and one called the individual and he told him he wanted me to sue him so she would spend more money and the second attorney said she should strongly pursue this with the District Attorney's Office and it was a criminal matter and she was not the only victim; that she filed charges with the D. A. and they wrote her a letter saying it was a fine line between criminal and civil and that was why she was present, she was asking if through the City Attorney she could have an opportunity to sit and go through the process; and Council Member Edwards again stated that her suggestion was to hire an attorney to represent her interest because all the time she was waiting her interest was being eroded away and if nothing else go to the NAACP Legal Clinic and speak with an attorney there and the City of Houston could not fight for her in civil or criminal court and there were several legal clinics who could give her advise; and Ms. Boudreaux stated that she came to the city because it was their responsibility to enforce the Texas Residential Construction Commission's Code and many other cities in Texas were enforcing it; and Council Member Edwards stated

that they would deal with the code enforcement but it did not help her personal issue right now. Mayor White, Council Members Lawrence, Clutterbuck, Wiseman, Garcia, Brown and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Johnson, Ms. Boudreaux stated that she selected the contractor because he had received permits to build in Houston and she reviewed that; that she and the next speaker had things in common such as air conditioners being bought for their homes and after tracing them they said they did not buy them or install them and in her opinion this was not civil but a serious criminal matter. Mayor White, Council Members Lawrence, Clutterbuck, Wiseman, Garcia, Brown and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Acting Mayor Pro Tem Berry stated that Council Member Edwards was correct she did need an attorney to pursue this and the financial transaction would be taken up in Houston, but for the damages to her property she needed to deal with those in New Orleans; and he was not sure why she thought the TRCC applied to her case; and Ms. Boudreaux stated that currently the individual was under investigation by the TRCC so obviously at some point they took interest in it; and Acting Mayor Pro Tem Berry stated that he was not intending to do work for her in this jurisdiction; and Ms. Boudreaux stated that he did sign the contract, he took the money here and led her to believe he was doing quality work in New Orleans. Mayor White, Council Members Lawrence, Clutterbuck, Wiseman, Garcia, Brown and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Ms. Boudreaux stated that she would say she thought he was of interest to the city but she did not want to give his name, she would give them privately and give a list of the homes he took her to see. Mayor White, Council Members Lawrence, Wiseman, Garcia, Brown and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Ms. Amanda Rutter, 3230 Ewing Street, Houston, Texas 77004 (713-498-9741) appeared and stated that on top of all Ms. Boudreaux just said today she was representing her family and they had the same contractor build their home in Third Ward and they reviewed a home he built in Acres Homes and it did not live up to what they wanted so they had a contract drawn up which he did not live up to; that the original date of signing on the contract was 2005 and to date it was still not complete; that he falsified City of Houston permit documents for building a home and that was a criminal offense and they could not track their AC units and she was surprised Public Works had allowed inspections to pass considering the electrical unit for the oven was wrapped with tape and the wall sealed and her house would have burned to the ground if they would have used the oven that way and on the plumbing there were errors and that passed inspection also; and she was present also asking for help. Mayor White, Council Members Lawrence, Wiseman, Garcia, Brown and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Upon questions by Acting Mayor Pro Tem Berry, Ms. Rutter stated that she did not want to give the name of the contractor, she did have a copy of his business card and would give that to him; that he had walked off the project and now he was trying to say they owed him money even though he walked off so by implementing his name she could get in trouble. Mayor White, Council Members Lawrence, Wiseman, Garcia, Brown and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Lovell stated that she was also perplexed that she would not give the name of the business; that they would love to help her and saying inspectors went out and allowed things not right was a big accusation and she would like to check that, but needed

information to do so; that if someone was falsifying city documents it needed to be looked into; and Ms. Rutter stated that she had the permit of application to build and had permits and who did what, but she tried calling the electrical and plumbing companies who did work and no one was returning calls; and Council Member Lovell stated that she would like copies of information she had and though they could not get her money back she would encourage her also to file charges; and Ms. Rutter stated that her biggest concern was it seemed the City of Houston was lacking some sort of organization and supervision of contractors for residential buildings and her contractor told her sometimes if you gave a little money things could be passed. Mayor White, Council Members Lawrence, Wiseman, Garcia, Brown and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Ms. Rutter stated that she called Public Works and they spoke to a lot of people, Mr. Byron King was one, and all he could do was provide her with the documents she had and say that was interesting, something did not seem right, but he did not say they would be doing anything; that she had the contractor's address somewhere; and Council Member Edwards stated that the city was not responsible for the moral integrity of any contractor but they did have codes and it was important they be followed; and upon further questions, Ms. Rutter stated that like Ms. Boudreaux she went to the District Attorney and they received a letter also saying there was a thin line between criminal and civil and she did not believe they had filed charges; that the last time she spoke to Mr. King was months ago, but her father recently sent an E-mail to the head of Public Works and Engineering and now inspectors were coming and insuring things were done properly. Mayor White, Council Members Lawrence, Johnson, Wiseman, Garcia, Alvarado, Brown and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Khan stated that he understood she did not want to give the name in public because of potential legal issues, but safety issues were the city's business. Mayor White, Council Members Lawrence, Johnson, Wiseman, Garcia, Alvarado, Brown and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Acting Mayor Pro Tem Berry stated that Mr. Gary Norman was in the Chamber at this time and she should give him all her information and he could assure her this would be investigated. Mayor White, Council Members Lawrence, Johnson, Wiseman, Garcia, Alvarado, Brown and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. Larry Johnson, 4106 Dreyfus, Houston, Texas 77021 (713-433-1665) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Johnson, Wiseman, Garcia, Alvarado, Brown and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Ms. Carol Cruse, 2605 Parker Road, Houston, Texas 77093 (713-691-0900) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Johnson, Wiseman, Garcia, Alvarado, Brown and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Ms. Amy Zuckero, 2605 Parker, Houston, Texas 77093 (713-691-0900) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Johnson, Wiseman, Garcia, Alvarado, Brown and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Ms. Pamela Lewis, 2605 Parker, Houston, Texas 77093 (713-493-4300) had reserved time to speak but was not present when her name was called. Mayor White, Council Members

Lawrence, Johnson, Wiseman, Garcia, Alvarado, Brown and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Ms. Monique Kearney, 2605 Parker #137, Houston, Texas 77093 (713-697-0130) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Johnson, Wiseman, Garcia, Alvarado, Brown and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. Dennis Kirk, 9203 Tish Court, Houston, Texas 77040 (713-202-3947) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Johnson, Wiseman, Alvarado, Brown and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. Youssef Nafaa, 2006 Lexington, Houston Texas 77098 (713-480-0215) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Johnson, Wiseman, Alvarado, Brown and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. Hossein Shajarat, 2005 Lexington, Houston, Texas 77098 (713-524-9877) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Johnson, Wiseman, Alvarado, Brown and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. Jim Stoa, 18315 Herford Lane, Houston, Texas 77058 (713-508-2022) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Johnson, Wiseman, Alvarado, Brown and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. Dennis Kirk, 9203 Tish Court, Houston, Texas 77040 (713-202-3947) was now present in the Chamber and appeared and stated that he had an air cleaning company and was present speaking on the no smoking ban; that some came to the conclusion there was no viable option for second hand smoke in the workplace and bars and they had provided air cleaning systems and service for 20 years and systems did work, to ban smoking in bars would really hurt those whose livelihood was there and going to a bar and not expecting smoke would be like going to a library and surprised it was quiet and had books; and urged Council to consider what they would be doing to the economy banning smoking in bars. Mayor White, Council Members Lawrence, Johnson, Wiseman, Alvarado, Brown and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that she talked to many people about second hand smoke and she was told it could not be cleaned; that the residue was still on the walls and drapes months after the smoke was gone; and upon questions, Mr. Kirk stated that their cleaners took the tar, tobacco, nicotine, dust, pollen, etc., out of the air, the walls was a situation, it coated everything; and Council Member Edwards stated that some countries had banned smoking in public, everywhere; and upon further questions, Mr. Kirk stated that his position was french-fries went with hamburgers and at a bar typically a cigarette went with a drink; and Council Member Edwards stated that cigarette executives stood up saying tobacco smoke was not addictive and they were lying and the amount of people who died in this country from second hand smoke were incredible and she did not know if it could be solved, it was like saying you could have a little of the pool to tee tee in and it would not affect the rest of the pool, but she would like to speak with him and appreciated his information; and Mr. Kirk stated that people used to smoke at the games and on planes, in confined areas where you could not get a breath of fresh air and he agreed with a ban in those areas, but felt a bar should be exempted;

and Council Member Edwards stated that at one time in the country cocaine was legal so there were things that were legal that people found were detrimental to their health and she used to be a smoker for a long time, but nicotine was more addictive than crack cocaine and if brought on the market today it would not be allowed. Mayor White, Council Members Lawrence, Johnson, Wiseman, Garcia, Alvarado, Brown, Lovell and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that she would like to encourage him and any of the owners of bars who he sold to come Monday here in the Chamber at 3:00 p.m. for the hearing before the Public Health Committee, they would be discussing the economic impact of the ordinance being contemplated and it was important to point out there was no ordinance as yet they were just discussing. Mayor White, Council Members Lawrence, Johnson, Wiseman, Garcia, Alvarado, Brown, Lovell and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Acting Mayor Pro Tem Berry stated that he would encourage him to call those at Sherlock's as they were concerned with economics of their business and they were leading the charge for those groups and he may want to join them and would encourage him as Council Member Clutterbuck to appear Monday. Mayor White, Council Members Lawrence, Johnson, Wiseman, Garcia, Alvarado, Brown, Lovell and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. Mark Smith, P. O. Box 896, Bellaire, Texas 77402 (713-867-5998) appeared, presented information and stated that he was a METRO rider who had used the system for years and they were planning on restructuring their fares and claimed it fair for all; that on average local riders would pay 11¢ more and commuter riders would pay on the average 50¢ more and it was not true and as someone commented rail spelled backwards was liar; he had an annual pass costing \$52.00 for unlimited rides and they wanted to change it, they wanted to change so the more you rode the bus the more you were punished by the system and as much as he rode he would be paying ten times more, \$500.00 a year. Mayor White, Council Members Lawrence, Johnson, Wiseman, Garcia, Alvarado, Brown and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Acting Mayor Pro Tem Berry stated that he would like Mr. Smith to write out in simple terms how that worked so he could understand it and if he would bring it back then he would ask for a response as to why it was structured that way. Mayor White, Council Members Lawrence, Johnson, Edwards, Wiseman, Alvarado, Brown and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Ms. Fran Gentry, 7714 Tully, Houston, Texas 77016 (713-417-2704) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Johnson, Edwards, Wiseman, Alvarado, Brown and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Ms. Catherine Roberts, P. O. Box 130726, Houston, Texas 77219-0726 (713-294-3338) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Johnson, Edwards, Wiseman, Alvarado, Brown and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. Guillermo Herrera, 10903 Safeleaf, Houston, Texas 77089 (281-481-3117) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Johnson, Edwards, Wiseman, Alvarado, Brown and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Ms. Maria Guerrero, 9407 E. Avenue I, Houston, Texas 77012 (281-851-2826) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Johnson, Edwards, Wiseman, Alvarado, Brown and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Ms. Pao Peng, 2121 Holcombe Blvd., Houston, Texas 77030 (832-221-2108) appeared, presented information and stated that October 1st was the establishment of the People's Republic of China and Houston officially celebrated the day and since the PRC was established the Chinese people lived under a totalitarian regime which initiated political campaigns that eliminated part of the Chinese population considered an enemy of the state every 10 years or so resulting in abnormal deaths of 80 million; and since 1999 an unknown number of Falun Gong prisoners were put to death; and continued expressing her personal opinions until her time expired. Mayor White, Council Members Lawrence, Johnson, Wiseman, Alvarado, Brown, Lovell and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. Bono Pulido, 6750 Lyons Avenue, Houston, Texas 77020 (713-690-9600) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Johnson, Wiseman, Alvarado, Brown, Lovell and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

The City Secretary stated that a name was left off the list and called Ms. Donna Freedman to the podium. Mayor White, Council Members Lawrence, Johnson, Wiseman, Alvarado, Brown, Lovell and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Ms. Donna Freedman, 9729 Pinelake Drive, Houston, Texas 77055 (713-461-1830) appeared, presented information and stated that she was present on behalf of the neighborhoods against the Memorial City TIRZ and she would guess it fitting she come after the crime lab because she thought it was a crime it was ever developed to begin with and they would like to see it stopped; that it had been abusive and under the open records act she received information where the city was asking for an opinion from General Abbott and they would see they were doing it on the pretense of confidentially and on the last page they would see a letter from Duncan Klussmann their superintendent to the board of trustees saying they provided an E-mail from the Mayor indicating his support, and as they could see it was not confidential; that Mr. Fiederlein took it to the superintendent and the superintendent showed the school board and quite a few people knew of it and all she had asked for was a copy and she was present as she would like a copy of Mr. Fiederlein's letter to the Mayor and the Mayor's response and if need be she would go to the Attorney General, she felt certain he would get it for them as too many knew about it and it was not right; that they were trying to put an end to the TIRZ as it had not followed the guidelines it was set up for; and they would appreciate any help Council could give in asking for a postponement on the CIP improvements. Mayor White, Council Members Lawrence, Johnson, Wiseman, Alvarado, Brown, Lovell and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Acting Mayor Pro Tem Berry thanked Ms. Freedman for waiting and stated she should not give up hope. Mayor White, Council Members Lawrence, Johnson, Wiseman, Alvarado, Brown and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Ms. Freedman stated that they tried getting information and funding for the CIP but were not able to get any and last week at the TIRZ meeting it was crowded and the chairman was frustrated and insulted them about knowing what

they knew because they watched the presentation before Council Members and said he wished he had nothing else to do but sit up until 2:00 a.m. and watch the city access channel and they had a lot of trouble getting information without open records request; and Council Member Edwards stated that the CIP for the area they could just get. Mayor White, Council Members Lawrence, Johnson, Wiseman, Alvarado, Brown and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

President Joseph Charles, Post Office Box 524373, Houston, Texas 77052-4373 (832-453-6376) appeared and stated that he was being fatally attacked; and continued expressing his personal opinions until his time expired. Mayor White, Council Members Lawrence, Johnson, Wiseman, Alvarado, Brown and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. Pete Vella, 6625 Lyons, Houston, Texas 77020 (713-231-3999) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Johnson, Wiseman, Alvarado, Brown and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

At 5:30 p.m. City Council recessed until 9:00 a.m., Wednesday, September 20, 2006. Council Members Holm and Green absent on personal business. Mayor White, Council Members Lawrence, Johnson, Wiseman, Alvarado, Brown and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, September 20, 2006

The Houston City Council reconvened at 9:00 a.m. Wednesday, September 20, 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 and Michael Berry; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Mr. Arturo Michel, City Attorney; Ms. Marty Stein, Agenda Director and Ms. Stella Ortega, Agenda Office, present. Council Members Shelley Sekula-Gibbs, M.D. and Ronald C. Green absent on personal business.

At 8:28 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:34 a.m. Mayor White called the meeting to order and stated that the first order of business was a public hearing. Council Members Edwards, Wiseman, Holm and Berry absent.

HEARINGS

1. **PUBLIC HEARING** to consider emergency application to change rates filed by Texas American Water Company as Temporary Manager of Vergil D. Martin dba H&J Utility aka MATCO within the City of Houston, Texas to determine just and reasonable rates to be observed within the City of Houston, Texas that shall constitute the legal rates of Vergil D. Martin dba H&J Utility aka MATCO until changed as provided under the Water Code - **DISTRICT A – LAWRENCE** – was called. Council Members Edwards, Wiseman, Holm and Berry absent.

The City Secretary stated that Mr. David Webb would make remarks on the hearing. Council Members Edwards, Wiseman, Holm, Garcia and Berry absent.

Mr. Webb stated that this was a public hearing on the request for emergency rate increase filed by Texas American Water Company as the temporary manager for Vergil Martin doing business as H&J Utility, also known as MATCO, that he would refer to the company as H&J, that he would provide some summary information on the history of the matter before they hear from the witnesses of the Texas American Water Company and from the neighborhood, that Council had been provided with a packet of materials containing the information on the case, that H&J was a private investor owned utility operating under TCE Q CCN No. 12472 that served approximately 150 Houston customers located inside the corporate limits of the City of Houston in the Wrenwood Subdivision, it was in Council District A, the CCN or Certificate of Convenience and Necessity was an exclusive grant of authority from the Texas Commission of Environmental Quality, known as the TCEQ, a map showing the H&J service area had also been provided in Council's materials, the TCEQ grants, modifies and revokes CCN as necessary to insure the continuous and adequate service within the certificated area, the City regulates the rates and services of utilities such as H&J inside the City of Houston, on June 28, 2006 City Council passed Ordinance 2006-734 opening a rate case to determine new and just and reasonable rates and ordering H&J to produce it's rates and submit a rate filing, H&J tariff was due July 28, 2006 and it's rate filing was due August 28, 2006, H&J did not meet either deadline, on August 11, 2006 the TCEQ issued an emergency order appointing Texas American Water Company as the temporary manager for the Wrenwood Water System finding that Mr. Vergil Martin and H&J had abandoned the utility, the order authorizes Texas American to operate the utility, including the power to request a rate increase pursuant to Section 13.4133 of the Water Code and to collect compensation for their services of \$10 monthly per connection, that TCEQ's order also formerly referred the case to the Texas Attorney General's Office for institution of receivership proceedings against H&J to guarantee continuous and adequate service to H&J's customers, Texas American's temporary management expires the earlier of February 7, 2007 or the date of receivership is appointed, at it's regular October 4, 2006 open agenda meeting the TCEQ would consider whether to affirm, modify or set aside it's emergency order, at that time Mr. Martin would have the opportunity to protest that order and present evidence why it should be modified or set aside, on August 24, 2006 Texas American submitted a request for emergency rate increase seeking approval to apply it's existing TCEQ approved tariff rates for it's customers in it's neighboring systems for services received by H&J customers, a copy of the request was available for review in the City Secretary's office during regular business hours, the City had reviewed the request filed by Texas American and had summarized the rates requested, that because H&J had not filed it's tariff with the City it's rates had been reconstructed and were shown as the "current rates", the summary had made available to Council and was titled "Rate Comparison By Usage", based on the information provided by Texas American the company had requested a rate increase of 56% per customer using 10,000 gallons per month, not including the \$10 per connection temporary managers fee and the 64 cents per month per connection Ground Water Reduction Program fee, the customer's monthly bill at this level, 10,000 gallons per month would increase from \$27.23 to \$42.48, plus temporary manager and GRP fees for a total of \$58.88 for a total percentage increase of 116%, that he understood that representatives from both the Wrenwood Subdivision and Texas American were present to make statements, that representatives of Texas American were present for an opening statement. Council Members Wiseman, Holm, Garcia, Lovell and Berry absent.

Mr. Michael W. Murka did not respond when his name was called. Council Members Wiseman, Holm, Garcia, Lovell and Berry absent.

Mr. Steve Dickman, Attorney for Texas American Water Company appeared and stated that Mr. Mike Murka, General Manager for Texas American Water Company was in the audience and that they were both present to present comments and answer any questions they may have about the matter, that he would make a brief opening statement on behalf of Texas

American Water, they had been appointed as temporary manager for the Wrenwood Water System by the Texas Commission on Environmental Quality, that Texas American was the State of Texas subsidiary for a company called American Water, which was a large owner and operator of water and sewer systems, American Water owned and operated over 350 water and sewer utilities throughout the Nation, that Texas American Water in the local area served 25 subdivisions in and around Harris County under the name Southwest Utilities Inc. and they also had a total of about 50 subdivisions they served throughout the greater Houston area within the radius of about 50 miles of the City of Houston, that Texas American Water's motivation in agreeing to take over the Wrenwood system as temporary manager was first just to help out the Texas Commission on Environmental Quality and the Wrenwood customers since there really was a crisis situation that had developed with the abandonment of the system by Vergil Martin and the issuance of the boil water notice, they also thought they might be interested in acquiring the Wrenwood system from Mr. Martin but did not know whether they wanted to take that on until they had the time to perform their due diligence and see whether it made economic sense to bring the Wrenwood system up to the standards established by American Water for all of its systems and at this point they still had not made any decision about acquiring the system, but since they had accepted the appointment of temporary manager they recognized the responsibility to operate it in a manner that complied with the minimum State and City standards and to insure that the Wrenwood customers got clean drinkable water and had someone to turn to when they had questions or problems with their water service, they took over the system on August 11, 2006 and immediately took action to get proper coordination of the water and to get the boil water notice lifted, they went out and inspected the water lines and the water well sites and did a meter by meter identification, they replaced pressure tank switches, which had been rusted shut, installed chlorinators, mowed the grass, repaired water line leaks and identified the water meters that were out there, that on August 24, 2006 they completed their first reading of the meters and would use that as their initial meter reading as a starting point for future billings, their first billing to the customers would go out around September 30, 2006 and would be the first bill the customers had received since, they believed, about April 2006, that as they knew Mr. Martin had not taken any meter readings since about May 2006 and it appeared he did not even bill the customers since that time and they had somewhat of a difficult time getting things on an even keel out there since they had not been able to obtain any records from Mr. Martin and they did not know for sure what customers were billed or even what their consumption was therefore they had to try to reconstruct what they thought Mr. Martin's rates were based upon copies of bills that they had received from the customers, they were proposing to collect or back bill for the reconstructed rates of H&J Utilities back through the month of May 2006, they had made a rough estimate of what it would cost to make repairs and upgrades needed to get the system into compliance and right now it looked like it was going to be around \$95,000 in immediately needed system improvements and then for the line work, which was really the major portion of the repairs and upgrades, would be around \$300,000 based upon their preliminary estimate, a complete effort to fix the entire system would require some type of a capital improvement surcharge and that was not something they were proposing at this time, the rates they were proposing consisted of the rates they were currently charging their Southwest Utilities customers in Harris County plus the \$10 per connection per month, the management fee approved by TCEQ, plus the normal pass through for the Ground Water Reduction Program, they believed the rates would roughly cover their normal operating day to day costs and also they had built in about a 15% contingency fund to address repairs, which they thought were going to be needed based upon the sort of dilapidated condition of the system, that was just a brief overview of how they got to where they were and they would be glad to answer any specific questions they may have. Council Members Edwards, Holm, Garcia, Lovell and Berry absent.

Council Member Lawrence stated that they had number of people present from Wrenwood but they had only two speakers today, they would like to meet afterwards and she had spoken

with Mr. Murka and Mr. Dickman, that the problem that they had continued to have in various water districts was the lack of control that municipalities had, that when problems happened it was TCEQ and many constituents did not understand, they lived in the City of Houston and they paid taxes so why did the City not have more control, that she thought if the City along with a number of legislators who were committed would begin having legislation to help the issue out so when constituents bought a home they knew they were in a special water district, that what ever municipality they lived in was not the person they turned to, that she wanted to thank Public Works they had been on call and understood the problem, in some cases with threats they were told that all water would be turned of on weekends and Public Works had people standing by to help the neighborhood out, that she wanted to thank the Wrenwood folks for coming, they were all trying to work it out for what was best for them. Council Members Edwards, Holm, Garcia, Lovell and Berry absent.

Mr. Wilburn "Dub" Wright, 10962 Shadow Wood, Houston, Texas 77043 (713-725-9345) appeared and stated that he was speaking as the Vice President of the Greater Wrenwood Association and Chairman of the Water Service Committee and a recently retired professor and a 38 year old resident of Wrenwood, that the people standing behind him were part of their community, they were greatly concerned about the proposed water rates that were needed for the City of Houston water service, that he served as a trustee on the Spring Branch Independent School for seven years and he remembered many people coming before them with requests that they could not meet immediately, that he was also aware that funding was not infinite but finite and to make progress took planning and time, they wanted the City of Houston to make those plans to provide Wrenwood with City water, they had been in the City limits of Houston for over 30 years and during that time they had numerous repeated incidents of poor and inadequate and even no water service from H&J, as they could see from his handout H&J's responsibility was very poor, from pipes that spewed water, lines run with cheap rubber pipes under culverts, meters that were never read and covered with dirt, pipes sticking out of the ground, which were allegedly repaired and then also water tanks over flowing and flooding their neighborhoods for weeks at a time, they wanted the City of Houston to provide their water service, when they called the City of Houston they were always told it was a private water service and therefore to call the TCEQ, when they called the TCEQ they said it was none of their business because it was in the City limits, they did it for thirty years, how had the City neglected to oversee their service, set a tariff or regulate H&J services for the 30 years they had been in the City of Houston, how could Houston refuse to help them even through they were surrounded by City water services, it had been like they had been abandoned by the public service when they willingly paid their taxes, that he wanted to thank their City Council Member and Ms. Melba Porteau and Mr. Michel, they had worked very hard and he appreciated that, and also their State Representative, Dwayne Bohac, who worked with them on a State level, that the City of Houston now seemed to be aware of their negligence and seemed to be working toward a way to provide them with water service, that Texas American had shown they were a capable company, it seemed grossly unfair that they should be expected to regenerate a degenerated water service, they as residents paid their bills to H&J and they did not use those funds to keep the water system up, the City of Houston failed to set a rate for 30 years and failed to regulate the system for 30 years, now as residents they were being asked to pay for the neglect, that Texas American was asking to charge fees much greater than the City of Houston to make up for the negligence of the City of Houston for the past 30 years. Council Members Johnson, Holm and Lovell absent.

Upon questions by Council Member Lawrence, Ms. Porteau, Legal Department, stated that generally speaking the TCEQ currently issued Certificates of Convenience and Necessity that authorized the private investor owned utilities to operate exclusively within a specified geographic area and what happened in this situation was that TCEQ was not in existence at the time that the company began operating and for a time it was grandfathered so it was her

understanding that the predecessor agency was not even aware that the system was operating until perhaps the last 10 years and that the CCN was not issued in the name of H&J as they knew it, it was issued as MATCO, which was how they got the also known as, and that generally there was not oversight at the State level either, they seemed to be operating under the radar and thought it was unfortunate that whoever was speaking to the citizens during the period was not aware of the City's role as a regulator over local investor owned water utilities within the City limits, and that was unfortunate, but the fact remained that the company operated without a tariff, there was no tariff on file either at the TCEQ or the City of Houston, that she did not think it was so much a question of neglect as it was a question of someone choosing to operate under the radar, outside the law, and she was glad that they were addressing it now. Council Members Johnson, Holm and Lovell absent.

Mr. John Little, 1621 Wycliffe Dr., Houston, Texas 77043 (713-465-5773) appeared and stated that he was born in Harris County and had lived in the Wrenwood area for over 23 years, that in 1974 the City of Houston installed sewer and water lines in the area and in the front of his home there was a 21 inch water main located in the ditch, at least 12 homes in that area had already hooked up to the City of Houston, all homes were now connected to the sewer lines, the water system operated by owner Vergil Martin, dba H&J Utilities, consisted of over 2 miles of 2 inch pipe run through the subdivision, it was over 40 years old, rusted and leaking and in places had been repaired with a one inch water hose, the water that was transferred was now bad and there was bad water pressure, sometimes down to zero, they did not dare take a shower and try to do things other than that at the same time, and at that time there was also very bad water color, now Texas American was proposing a service charge, a rate increase per gallon, far more than the City of Houston charged, it was now time to say no to the whole system, they wanted the City of Houston water that was already in place in their subdivision, to please not grant the rate above the City of Houston charges and move quickly to give them the use of the water already in place. Council Members Johnson, Holm and Lovell absent.

Upon questions by Council Members, Ms. Porteau stated that they were the regulator of customer services and rates for private investor owned water utilities that operated within the City limits, the TCEQ was the regulator or the grant of authority to operate, that it was a joint effort but because there were some things that could fall in both categories, for example, a utility like this that they were so severely neglecting the day to day maintenance it becomes an issue of whether he was going to provide continuous inadequate service and that was the TCEQ's regulatory charge because then they make the decision of whether they should allow the operator to continue to have that responsibility and exclusive right, that in Texas the water utilities were supposed to self report so they supplied samples of their own water to the TCEQ and believed it was on a monthly basis, that other than that it was compliant driven and also the water utilities submitted annual reports to the TCEQ; that the temporary manager was specifically authorized to seek an emergency rate increase because the TCEQ recognized the type of situations that they walked into, the emergency rate increase was allowed only to insure that they were going to receive continuous and adequate service, typically a rate would be cost of service based and that would mean they would have a study, that the utility would perform, that would show what the utility cost of service actually was to provide the service, but in an emergency situation Texas American Water did not have the customer deposits, if any, of H&J, they did not have the April payments of H&J, they did not have access to the P.O. Box, so they did not have whatever funds were on hand as of April 2006, that being said, it just underscored that they must operate on an emergency basis to try to bring the system in to TCEQ compliance, the relationship to the City of Houston rate, she understood that it was a natural comparison that people tended to make, but they were in reality comparing apples and oranges because the City system was a citywide system and also operated on a cost of service basis, so naturally the cost to serve a large area where they would achieve economies of scale was going to be far less than it would be in a smaller system and in a system that had experienced

deferred maintenance and perhaps non compliance with TCEQ standards, that she realized it was natural to compare the City of Houston rate to the requested rate and to what H&J previously charged but from a legal perspective the City had the responsibility to set the rate at a level on an emergency basis to allow Texas American Water to provide continuous and adequate service for the customers; that the TCEQ had set the October 4, 2006 open meeting agenda as the time for Mr. Martin to appear to contest the appointment of Texas American Water as the temporary manager for the system, if he or his attorney appears there would be an administrative law judge present at that time to conduct an evidentiary hearing where Mr. Martin could present whatever evidence he had why there should not be a temporary manager in place, until that hearing was concluded they would not know whether Texas American Water would continue to be the temporary manager for it's full term; the City Council's options today there was not an action item up for vote for the City Council today, when there was a rate ordinance brought forward then City Council would have the option to approve it, modify it or to reject it; that the temporary manager was appointed by TCEQ for the earlier of 180 days or the date that a receiver was appointed, at the end of the 180 days TCEQ would issue another order either extending the temporary manager or it could be a decertification of the area, that the citizens were going to be having access to quality water service during all the time and rates that were comparable, that was why there was the temporary manager option, that was why the process was in place, that when they had a problem they would call the temporary manager. Council Members Clutterbuck, Holm, Garcia, Brown and Lovell absent.

Council Member Alvarado moved to close the public hearing, seconded by Council Member Khan. All voting aye. Nays none. Council Members Sekula-Gibbs and Green absent on personal business. Council Members Clutterbuck, Holm, Garcia, Brown and Lovell absent. MOTION 2006-0823 ADOPTED.

Council Member Alvarado moved to suspend the rules to consider Item No. 2 out of order, seconded by Council Member Khan. All voting aye. Nays none. Council Members Sekula-Gibbs and Green absent on personal business. Council Members Holm, Brown and Lovell absent. MOTION 2006-0824 ADOPTED.

2. CONFIRMATION of the appointment of **MS. JANIECE LONGORIA** to Position 7 of the **PORT OF HOUSTON AUTHORITY OF HARRIS COUNTY** for a two-year term – was presented, moved by Council Member Alvarado, seconded by Council Member Garcia. All voting aye. Nays none. Council Members Sekula-Gibbs and Green absent on personal business. Council Members Holm and Brown absent. MOTION 2006-0825 ADOPTED.

Mayor White and Members of Council congratulated Ms. Longoria on her appointment and thanked her for her service. Council Members Holm and Brown absent.

MAYOR'S REPORT - Recycling Awareness Campaign: "Go Green Houston"

Mayor White stated that it would not be a short briefing but a request for the help of Council Members to help their City to do better, they had about 160,000 passed by recycling trucks, the amounts of recycling materials had gone down up until June 2006 and they had been making big progress, that recycling was important for the community and in the long run they would pay a whole lot more if they had to expand the Solid Waste sites and the solid waste space was scarce, that it taught responsible stewardship in avoiding waste to having recycling programs that worked, there was new energy with the plan that was developed with the senior leadership of the department, Elena Marks and folks working for her were a big part of it, having a new public outreach element of their recycling had been a big part of it but if they were going to do it it was going to require a lot of communication with those neighborhoods who currently had recycling to recognize those who did well and did better, if nobody was putting out their

recycling they were going to have to deploy those units somewhere else because it was a big waste for the City of Houston to have recycling trucks pass block after block where there was a minimum of recycling, they had a scarce amount of resources that they could put into recycling and they needed to get the tons per unit up and it would reduce ultimately, if they did a good enough of recycling it would be a lot of cheaper than solid waste because they could save some of the dump costs, and Mayor White recognized Ms. Wanda Adams. Council Members Clutterbuck, Wiseman, Holm and Khan absent.

Ms. Adams reviewed the "Go Green Houston" program, a copy of which was distributed to Council Members and is on file in the office of the City Secretary for review. Council Members Clutterbuck, Wiseman, Holm and Khan absent.

Members of Council thanked Mayor White for the program and upon discussion about recycling of glass Ms. Elena Marks stated that there was no market for recycling of glass at this time, but constituents could bring the glass and fluorescent light bulbs to the Westpark Service Center for disposal. Council Member Wiseman absent.

CONSENT AGENDA NUMBERS 2 through 43

MISCELLANEOUS - NUMBERS 2 and 3

3. RECOMMENDATION from Chief of Police for Extension of Leave of Absence without pay for Office Assistant **ROSIE PRICE** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. . All voting aye. Nays none. Council Members Sekula-Gibbs and Green absent on personal business. MOTION 2006-0826 ADOPTED.

ACCEPT WORK - NUMBERS 4 and 5

4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,574,517.82 and acceptance of work on contract with **LONE STAR ROAD CONSTRUCTION, LTD.** for Bertner Bridge and Paving, Package II, Bertner Bridge, GFS N-0722-02-3 (WBS No. N-000722-0002-4) (SB9089-2) - 12.88% over the original contract amount - **DISTRICT D - EDWARDS** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. . All voting aye. Nays none. Council Members Sekula-Gibbs and Green absent on personal business. MOTION 2006-0827 ADOPTED.
5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,482,345.90 and acceptance of work on contract with **R. K. WHEATON, INC** for Water Line Replacement in Near Northside - North Area, GFS S-0035-D1-3 (WBS No. S-000035-00D1-4) (WA10792) - **DISTRICT H - GARCIA** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Sekula-Gibbs and Green absent on personal business. MOTION 2006-0828 ADOPTED.

Council Member Garcia moved to suspend the rules to consider Item No. 41 out of order, seconded by Council Member Khan. All voting aye. Nays none. Council Members Sekula-Gibbs and Green absent on personal business. MOTION 2006-0829 ADOPTED.

41. ORDINANCE appropriating \$5,000.00 out of Drainage Improvement Commercial Paper Series F Fund and approving and authorizing Professional Construction Management and Inspection Services Contract between the City of Houston and **IDC, INC** for Woodland Heights Area Drainage Improvements, CIP M-0257-01-3 (WBS No. M-000257-0001-4)

(SM5042) - **DISTRICT H – GARCIA** – was presented. All voting aye. Nays none. Council Members Sekula-Gibbs and Green absent on personal business. ORDINANCE 2006-0949 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 9 through 15

9. **MIXED GAS TECHNOLOGIES, INC dba GULF COAST BREATHING AIR** for One Trailer-Mounted Mobile Respiratory Air Compressor Assembly for the Houston Fire Department \$65,279.00 - Equipment Acquisition Consolidated Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Sekula-Gibbs and Green absent on personal business. MOTION 2006-0830 ADOPTED.
10. **PHILPOTT MOTORS, LTD.** for Bomb Squad Response Trucks through the Interlocal Agreement for Cooperative Purchasing with the Texas Local Government Purchasing Cooperative for Police Department - \$390,520.00 - Grant Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Sekula-Gibbs and Green absent on personal business. MOTION 2006-0831 ADOPTED.
11. **CRAFCO, INC** for Crack Sealer through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for Department of Public Works & Engineering - \$44,628.25 Equipment Acquisition Consolidated Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Sekula-Gibbs and Green absent on personal business. MOTION 2006-0832 ADOPTED.
12. **INDEPENDENT HOSE & EXPANSION JOINTS, INC** for Hoses and Couplings, Hydraulic Contract for Solid Waste Management Department - \$310,000.00 - General Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Sekula-Gibbs and Green absent on personal business. MOTION 2006-0833 ADOPTED.
13. **THE SHERWIN-WILLIAMS COMPANY (Bid No. 5)** for Paint, Street Marking for Various Departments - \$290,250.10, minus a commission fee for Internet-based reverse auction services under contract with the Texas Procurement Center, LLC. for a net award not to exceed \$284,445.10 - General and Enterprise Funds – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Sekula-Gibbs and Green absent on personal business. MOTION 2006-0834 ADOPTED.
15. **GLOBE ELECTRIC CO., INC** - \$296,818.56 and **D. F. SALES** - \$126,419.88 for Automotive Specialty Fasteners for Various Departments - General and Enterprise Funds – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Sekula-Gibbs and Green absent on personal business. MOTION 2006-0835 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 23 through 43

23. ORDINANCE consenting to the addition of 0.0761 acres of land to **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 35**, for inclusion in its district – was presented. All voting aye. Nays none. Council Members Sekula-Gibbs and Green absent on personal business. ORDINANCE 2006-0950 ADOPTED.

24. ORDINANCE consenting to the addition of 10.630 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 158**, for inclusion in its district – was presented. All voting aye. Nays none. Council Members Sekula-Gibbs and Green absent on personal business. ORDINANCE 2006-0951 ADOPTED.
27. ORDINANCE consenting to the addition of 14.75 acres of land to **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 119**, for inclusion in its district – was presented. All voting aye. Nays none. Council Members Sekula-Gibbs and Green absent on personal business. ORDINANCE 2006-0952 ADOPTED.
28. ORDINANCE consenting to the addition of 14.98 acres of land to **NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 19**, for inclusion in its district – was presented. All voting aye. Nays none. Council Members Sekula-Gibbs and Green absent on personal business. ORDINANCE 2006-0953 ADOPTED.
31. and 32. Omitted
37. ORDINANCE approving and authorizing contract between the City of Houston and **IPC COMMAND SYSTEMS, INC** for Service and Maintenance of the Houston Emergency Center's Digital Radio Network; providing a maximum contract amount - \$467,200.00 - Houston Emergency Center Fund - 3 Years with two one-year options – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.
43. ORDINANCE awarding contract to **IDEA INTEGRATION, CORPORATION** for Storm Water Quality Information System Application for the Public Works & Engineering Department; providing a maximum contract amount of \$318,000.00 - 3 Years with two one-year options - Storm Water Utility Fund – was presented. All voting aye. Nays none. Council Members Sekula-Gibbs and Green absent on personal business. ORDINANCE 2006-0954 ADOPTED.

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

PROPERTY

6. RECOMMENDATION from City Attorney to deposit the Award of Special Commissioners, into the Registry of the Court, pay all cost of Court and not file any objections to the award in connection with eminent domain proceeding styled City v. Rafael & Maria A. Suarez, et al., Cause No. 862,834; for acquisition of Parcel AY2-049; for the **CENTRAL STREET GRADE SEPARATION PROJECT (Central St. Extension over Manchester Avenue to Train Yard)**; CIP N-000676-0001-2 (N-0676-01-1) - \$115,630.00 - Street & Bridge Consolidated Fund - **DISTRICT I – ALVARADO** – was presented, and tagged by Council Member Alvarado.
7. RECOMMENDATION from Director Department of Public Works & Engineering, to purchase Parcel CY4-006, located at 8905 Seeker Street, owned by Tony Aundrey Alexander, for **FRESH WATER SUPPLY DISTRICT #23 BUFFER ZONE PROJECT**, CIP R-0265-27-2 (R-0000265-0027-2) - **DISTRICT B – JOHNSON** – was presented, and tagged by Council Member Johnson.

PURCHASING AND TABULATION OF BIDS

8. **TEXAS COMMISSION ON FIRE PROTECTION** for payment of Annual Certification/ Re-certification of Firefighters for Fire Department - \$120,000.00 - General Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Sekula-Gibbs and Green absent on personal business. MOTION 2006-0836 ADOPTED.

14. **STEWART & STEVENSON, LLC** for Automotive, Detroit Diesel Replacement Parts & Repair services for Various Departments - \$845,498.00 - General, Enterprise and Fleet Management Funds – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Sekula-Gibbs and Green absent on personal business. MOTION 2006-0837 ADOPTED.

RESOLUTIONS AND ORDINANCES

16. RESOLUTION supporting the City of Houston's participation in a Waiver Request of local match participation to the Texas Department of Transportation to waive local match participation for the Federal Off-System Bridge Program - **DISTRICTS A - LAWRENCE; B - JOHNSON; D - EDWARDS; G - HOLM; H - GARCIA and I - ALVARADO** – was presented. All voting aye. Nays none. Council Members Sekula-Gibbs and Green absent on personal business. RESOLUTION 2006-0014 ADOPTED.

17. ORDINANCE **AMENDING CHAPTER 6 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Dangerous Dogs - was presented.

Council Member Lovell stated that she needed some clarification on the item and asked if the ordinance did not cover vicious dogs that attacked other animals, and Mr. Michel stated that was correct, and Council Member Lovell asked why it did not, and Mr. Michel stated that he did not believe there was a legal reason for that, he thought it came about because it was addressing the injury to humans and was an exclusion because it was not the focus of the problem but not that there would otherwise have been a prohibition, and Council Member Lovell asked if it would be possible to amend the ordinance to include in the dangerous dogs, dogs attacking other animals, such as the goats that were killed, the Bellaire FFA, that she had a letter about a dog whose puppies were killed by another dog and asked if it was possible to amend the ordinance to include that and Mr. Michel stated that yes, it would be a policy decision, but clearly it would be possible, there was no legal prohibition in doing that, and Council Member Lovell stated that she would tag the item and pursue that, and Council Member Wiseman also stated that she would tag the item.

Council Member Clutterbuck stated that she received a number of calls and concerns from breeders who were concerned that the particular ordinance was targeting a certain breed of dog and she thought it was important to clarify that the change to the ordinance as was expressed in the RCA was that it provided an alternative to destruction or release and required that owners keep their dogs in a secure area and maximum leash length and things like that and provides for a hearing on the particular dog and was not targeted toward any particular breed, that she would also like to tell them about a meeting she had yesterday with a Houston Police Department Captain who was charged with facilitating a better relationship with BARC and better enforcement of their dangerous dog laws and things like that, that she had a meeting scheduled to meet with the new Director of BARC but would like to see what they could do to encourage BARC to respond to the dangerous dog complaints because the police captain she met with gave her some interesting information, that HPD responded to over 5,000 dangerous dog calls a year and that BARC would not come out unless the dog was contained, it was just their policy, that BARC often took up to six hours to come to a bite call and the HPD officer was tied up during that time and certainly at this time of stresses on the Police Department and

crime they needed to make sure that the police offices were available to address crimes, while certainly dog bites were extremely of a sensitive nature to the public HPD had to be able to respond to actual crimes in progress and not to be waiting around for up to six hours for BARC to respond, that HPD, she understood, had offered radios and overtime to BARC to partner with them and BARC was happy to take the overtime but not to increase the response time, that she thought it was something that she wanted to bring to the Mayor's attention and to her fellow colleagues attention and see what they could do to improve the responsiveness as they were considering the ordinance.

Council Member Lawrence stated that in response to Council Member Clutterbuck's statement, that was why they brought into the ordinance Neighborhood Protection, that it was a was missing and was a vital part and she appreciated the Council Member's comments, that on the comment concerning other dogs attacking, at first it was in the ordinance and it was taken out, it was an opinion of one of the attorney's that it was material and something owned being material so she looked forward to that adjustment if they could pass an amendment but it was a consideration earlier on.

Mayor White stated that Item No. 17 had been tagged.

18. **ORDINANCE AMENDING CHAPTER 6 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, by repealing provisions relating to tattooing of impounded and quarantined animals – was presented. All voting aye. Nays none. Council Members Sekula-Gibbs and Green absent on personal business. **ORDINANCE 2006-0955 ADOPTED.**
19. **ORDINANCE** approving and authorizing contract between the City of Houston and **HARRIS COUNTY** relating to Joint Elections to be held on November 7, 2006; providing a maximum contract amount - \$800,000.00 - General Fund – was presented. All voting aye. Nays none. Council Members Sekula-Gibbs and Green absent on personal business. **ORDINANCE 2006-0956 ADOPTED.**
20. **ORDINANCE** amending Ordinance No. 2005-1141 to further increase the maximum contract amount to contract between the City of Houston and **HARRIS COUNTY** relating to joint elections held on November 8, 2005 and subsequent Run-Off Election; allocating funds to such contract \$57,962.84 - General Fund – was presented. All voting aye. Nays none. Council Members Sekula-Gibbs and Green absent on personal business. **ORDINANCE 2006-0957 ADOPTED.**
21. **ORDINANCE** appointing presiding and alternate judges for the Early Voting Ballot Boards, Central Counting Stations and Voting Precincts for the City of Houston Regular Election to be held on November 7, 2006; prescribing the maximum number of election clerks for each voting precinct – was presented, and tagged by Council Member Wiseman.
22. **ORDINANCE** authorizing the Mayor to make certain arrangements and procure certain supplies and services not provided under Election Services and Translation Agreements in connection with the City of Houston Elections to be held in 2006; authorizing the payment of certain costs of such elections - \$100,000.00 - General Fund – was presented, and tagged by Council Member Wiseman.
25. **ORDINANCE** consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 452** – was presented. All voting aye. Nays none. Council Members Sekula-Gibbs and Green absent on personal business. **ORDINANCE 2006-0958 ADOPTED.**

26. ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 482** – was presented. All voting aye. Nays none. Council Members Sekula-Gibbs and Green absent on personal business. ORDINANCE 2006-0959 ADOPTED.
29. ORDINANCE releasing certain territory consisting of approximately 850 acres in **FORT BEND COUNTY** in the vicinity of the City of Fulshear, Texas, from the extraterritorial jurisdiction of the City of Houston – was presented. All voting aye. Nays none. Council Members Sekula-Gibbs and Green absent on personal business. ORDINANCE 2006-0960 ADOPTED.
30. ORDINANCE establishing the north side of the 400 through the 600 blocks of East 23rd Street, the south side of the 400 through the 600 blocks of East 24th Street, the north side of the 600 block of East 24th Street, and the south side of the 600 block of East 25th 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 H - GARCIA** – was presented. All voting aye. Nays none. Council Members Sekula-Gibbs and Green absent on personal business. ORDINANCE 2006-0961 ADOPTED.
33. ORDINANCE relating to the fiscal affairs of the **UPTOWN DEVELOPMENT AUTHORITY** on behalf of **REINVESTMENT ZONE NUMBER SIXTEEN, CITY OF HOUSTON, TEXAS (UPTOWN ZONE)**; approving the Fiscal Year 2007 Operating Budget for the Authority and the Fiscal Year 2007-2011 Capital Improvement Budget for the Zone - **DISTRICT G - HOLM** – was presented. All voting aye. Nays none. Council Members Sekula-Gibbs and Green absent on personal business. ORDINANCE 2006-0962 ADOPTED.
34. ORDINANCE repealing Ordinance No. 2006-280 and authorizing sale of Casa Real Apartments located at 215 West Little York, Houston, Texas, and authorizing Release of City's Restrictive Covenants, Deed of Trust Lien and assignment of leases and rents in exchange for payment to City of no less than \$1,567,000.00 - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Members Sekula-Gibbs and Green absent on personal business. ORDINANCE 2006-0963 ADOPTED.
35. ORDINANCE appropriating \$1,127,810.86 out of Tax Increment Reinvestment Zone (TIRZ) Affordable Housing Fund and approving and authorizing Single Home Repair Contracts between the City as the Repair Agency, acting on behalf of various home owners, and **REYTEC CONSTRUCTION RESOURCES, INC** (8 Contracts - \$839,792.80, which amount includes a 10% contingency of \$76,344.80), **GENERAL CONTRACTOR SERVICES, INC** (2 Contracts - \$194,848.06, which amount includes a 10% contingency of \$17,713.46), and **INOVA HOMES, LLC** (1 Contract - \$93,170.00, which amount includes a 10% contingency of \$8,470.00), for demolition and reconstruction work on homes (Tier III) under the Single Family Home Repair Program Administrative Guidelines, as amended - **DISTRICTS B - JOHNSON; D - EDWARDS; H - GARCIA and I - ALVARADO** – was presented. All voting aye. Nays none. Council Members Sekula-Gibbs and Green absent on personal business. ORDINANCE 2006-0964 ADOPTED.
36. ORDINANCE approving and authorizing first amendment to contract between the City and **BAYLOR COLLEGE OF MEDICINE** for Tuberculosis Physician Services (#C56846) – was presented. All voting aye. Nays none. Council Members Sekula-Gibbs and Green absent on personal business. ORDINANCE 2006-0965 ADOPTED.
38. ORDINANCE awarding contract to **THE CAPTIONING COMPANY** for Closed-Captioning Services for Municipal Channel; providing a maximum contract amount - 3 Years with two

one-year options - \$207,000.00 - Cable Television Fund – was presented. All voting aye. Nays none. Council Members Sekula-Gibbs and Green absent on personal business. ORDINANCE 2006-0966 ADOPTED.

39. ORDINANCE approving and authorizing contract between the City of Houston and **JOHNSON CONTROLS, INC** for Inter-Terminal Train System Operations and Maintenance Services for the Houston Airport System - 3 Years with two one-year options - \$10,847,020.66 - Enterprise Fund **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Members Sekula-Gibbs and Green absent on personal business. ORDINANCE 2006-0967 ADOPTED.
40. ORDINANCE approving and authorizing Treated Surface Water Supply Contract between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 220** – was presented. All voting aye. Nays none. Council Members Sekula-Gibbs and Green absent on personal business. ORDINANCE 2006-0968 ADOPTED.
42. ORDINANCE appropriating \$2,500,000.00 out of Equipment Acquisition Consolidated Fund and approving and authorizing a Demand Side Management Agreement between the City of Houston and **SIEMENS BUILDING TECHNOLOGIES, INC** for Demand Side Lighting Project, (WBS No. D-000120-0001-4) – was presented. All voting aye. Nays none. Council Members Sekula-Gibbs and Green absent on personal business. ORDINANCE 2006-0969 ADOPTED.

NON CONSENT AGENDA - NUMBER 44

PURCHASING AND TABULATION OF BIDS

44. RECOMMENDATION from Director Department of Finance & Administration to make the following awards for Photography Supplies for Various Departments - \$735,855.26, minus a commission fee for Internet-based reverse auction services under contract with the Texas Procurement Center, LLC. for a net award not to exceed \$721,138.15 - General and Enterprise Funds:
DIXIE SALES COMPANY USA, INC (Bid Nos. 1 and 2) - \$282,517.69
HPI INTERNATIONAL, INC (Bid No. 1) - \$76,584.86
SOUTHPOINT PHOTO IMAGING SUPPLIES - \$336,892.72

COUNCIL DRAW LOTS

LINE ITEM NOS. 4, 6 and 7 due to receiving identical bids from **DIXIE SALES COMPANY USA, INC** and **HPI INTERNATIONAL, INC** for a net amount not to exceed \$25,142.88 – was presented.

Council Member Holm drew HPI International, Inc. Council Member Lovell moved approval of the recommendation, seconded by Council Member Khan. All voting aye. Nays none. Council Member Sekula-Gibbs and Green absent on personal business. MOTION 2006-0838 ADOPTED.

MATTERS HELD - NUMBERS 45 through 52

45. MOTION by Council Member Khan/Seconded by Council Member Alvarado to adopt recommendation from Chief of Police for allocation of additional funding for Forensic DNA Testing Services for Houston Police Department as follows - General Fund:
ORCHID BIOSCIENCES, INC - \$200,000.00
RELIAGENE TECHNOLOGIES, INC - \$100,000.00

(This was Item 4 on Agenda of September 13, 2006, TAGGED BY COUNCIL MEMBER EDWARDS) – was presented. All voting aye. Nays none. Council Member Sekula-Gibbs and Green absent on personal business. MOTION 2006-0839 ADOPTED.

46. MOTION by Council Member Khan/Seconded by Council Member Alvarado to adopt recommendation from Chief of Police for allocation of additional funding for Professional Structural Engineering Services between the City of Houston and **POLYTECH, INC d.b.a. PTI, INC** for Houston Police Department - \$400,000.00 - General Fund – **(This was Item 5 on Agenda of September 13, 2006, TAGGED BY COUNCIL MEMBER EDWARDS)** – was presented. All voting aye. Nays none. Council Member Sekula-Gibbs and Green absent on personal business. MOTION 2006-0840 ADOPTED.
47. ORDINANCE **AMENDING SECTION 6-126 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to location of Dog Kennels – **(This was Item 14 on Agenda of September 13, 2006, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented.

After discussion by Council Members, a vote was called on Item No. 47. Council Member Wiseman voting no, balance voting aye. Council Member Sekula-Gibbs and Green absent on personal business. ORDINANCE 2006-0970 ADOPTED.

48. ORDINANCE relating to the fiscal affairs of the **MEMORIAL CITY REDEVELOPMENT AUTHORITY** on behalf of **REINVESTMENT ZONE NUMBER SEVENTEEN, CITY OF HOUSTON, TEXAS (MEMORIAL CITY ZONE)**; approving the FY 2007 Operating Budget for the Authority and the FY 2007-2011 Capital Improvement Budget for the Zone - **DISTRICTS A - LAWRENCE and G - HOLM** – **(This was Item 21 on Agenda of September 13, 2006, TAGGED BY COUNCIL MEMBER HOLM)** – was presented. Council Member Garcia absent.

Council Member Holm stated that she had two amendments to Item No. 48 and offered the following written motion:

Motion to amend Item 48 on the September 19-20, 2006, City Council Agenda

I move to amend Item 48 on the September 19-20, 2006 City Council Agenda by amending Section 2 of the Ordinance to read as follows:

“Section 2. That the City Council takes cognizance of the fact that in order to implement the Project Plan and Reinvestment Zone Financing Plan for the Zone, and to make adjustments occasioned by events transpiring during the year, the Authority may need to transfer funds from one Line Item of Project Costs shown on Exhibit “A” to another. The Authority may transfer funds (1) as needed for Debt Service and (2) from one Line Item of Project Costs to another provided that the aggregate of such transfers does not exceed the lesser of \$400,000 or 5% of the Project Costs during Fiscal Year 2007. Subject to foregoing, the Operating Budget attached hereto as Exhibit “A” is hereby approved for the Authority.” Council Member Wiseman absent.

Mayor White stated that the administration supported both of Council Member Holm’s amendments. Council Member Wiseman absent.

After discussion by Council Members, Council Member Lawrence offered a friendly amendment to Council Member Holm’s written motion, that after the word “another” insert “unless approved by City Council, “ Council Member Wiseman absent.

After further discussion by Council Members, Council Member Edwards requested a meeting with Mr. Robert Fiederlein and Mr. Tom Mesa because their office worked very closely with the TIRZ in their district and would like to make sure they had an understanding of where they were going, and Council Member Lovell stated that she would also like to visit with Mr. Mesa and Mr. Fiederlein. Council Members Wiseman and Berry absent.

After further discussion on the wording for the motion to amend Council Member Holm's written motion Mayor White stated that the motion to amend should read as follows, that the second full sentence should begin with "Unless approved by City Council", the Authority may "only" transfer funds, etc. Council Member Berry absent.

A vote was called on Council Member Lawrence's motion to amend Council Member Holm's motion to amend Item No. 48. All voting aye. Nays none. Council Members Wiseman, Khan and Berry absent. MOTION CARRIED.

A vote was called on Council Member Holm's motion to amend Item No. 48 as amended. All voting aye. Nays none. Council Members Sekula-Gibbs and Green absent on personal business. Council Members Wiseman, Khan and Berry absent. MOTION 2006-0841 ADOPTED.

Council Member Holm offered the following written motion to amend Item No. 48:

"Motion to amend agenda item #48, the Capital Improvement Plan for TIRZ 17, to state that there will be no further funding or study on the development of Town and Country Way, east of Attingham." Council Members Wiseman and Berry absent.

A vote was called on Council Member Holm's motion to amend Item No. 48. All voting aye. Nays none. Council Members Sekula-Gibbs and Green absent on personal business. Council Members Wiseman and Berry absent. MOTION 2006-0842 ADOPTED.

A vote was called on Item No. 48 as amended. All voting aye. Nays none. Council Members Sekula-Gibbs and Green absent on personal business. Council Members Wiseman and Berry absent. ORDINANCE 2006-0971 ADOPTED AS AMENDED.

49. ORDINANCE approving and authorizing an agreement between the City of Houston and **MASON TILLMAN ASSOCIATES, LTD.** for a Disparity Study and related services; providing a maximum contract amount – **(This was Item 25 on Agenda of September 13, 2006, TAGGED BY COUNCIL MEMBERS LAWRENCE, WISEMAN and SEKULA-GIBBS)** – was presented. Council Member Wiseman voting no, balance voting aye. Council Member Sekula-Gibbs and Green absent on personal business. ORDINANCE 2006-0972 ADOPTED.
50. ORDINANCE amending Ordinance #2005-1272 to provide a maximum contract amount for contracts between the City and Various Tow Company Operators for the Safe Clear Program \$1,882,414.00 - Police Special Services Fund (From METRO) – **(This was Item 26 on Agenda of September 13, 2006, TAGGED BY COUNCIL MEMBERS WISEMAN and SEKULA-GIBBS)** – was presented. Council Member Wiseman voting no, balance voting aye. Council Member Sekula-Gibbs and Green absent on personal business. ORDINANCE 2006-0973 ADOPTED.
51. ORDINANCE awarding contract to **MOTIVA ENTERPRISES LLC** for Low Emission Diesel Fuel and Unleaded Gasoline for Various Departments; providing a maximum contract

amount 3 Years with 2 one-year options - \$125,000,000.00 - Central Service Revolving Fund – **(This was Item 27 on Agenda of September 13, 2006, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. All voting aye. Nays none. Council Member Sekula-Gibbs and Green absent on personal business. ORDINANCE 2006-0974 ADOPTED.

52. ORDINANCE awarding contract to **OIL PATCH-BRAZOS VALLEY, INC** for Fuel Transportation Services for Various Departments; providing a maximum contract amount - 3 Years with 2 one-year options - \$2,371,500.00 - Central Service Revolving Fund – **(This was Item 28 on Agenda of September 13, 2006, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. All voting aye. Nays none. Council Member Sekula-Gibbs and Green absent on personal business. ORDINANCE 2006-0975 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Mayor White stated that this was significant for the Council Members who would be around in FY 2009, 2010 and 2011, that they did something important when they passed, without discussion, the first TRIZ budget they approved, to remember that most of the TIRZ money came from three TIRZs, Uptown, Midtown and Downtown, they did not contribute the pro rata share of the public safety cost, that was subsidized by places outside of those three areas and they wanted equity between the TIRZ, but there was a direction in the budget that no later than the end of FY2011, and it would be before then, the Director of the City's Finance and Administration and Planning shall determine the amount of money necessary to complete the estimated costs of all the projects in the five year plan to pay for any bonds or notes issued, to pay for any other obligations because if there were more revenues than available to make those payments then the participation of the City would be reduced, by many measures there were very low overhead costs in the TIRZ, they were not anywhere near the end of the project plan but they just wanted to have some situation where there was accountability but not diversion of revenue, he wanted to really thank people for voting on it and to remember they needed to have some equity between TIRZs because many people thought of them as sort of entitlements and stuff. Council Member Wiseman absent.

Council Member Clutterbuck stated that she wanted to bring to their attention a conversation with a constituent, that a constituent called about bats being located in her neighborhood and in an apartment building, they were identified and with the concern of rabies and the concerns that the schools were having with trying to clear out bats they asked her to contact BARC, the Bureau of Animal Regulation and Control, so that it could be taken care of since it was a significant public health issue, that she had contacted BARC and they told her that they did not take care of that, that she needed to contact her Council Member, and needless to say none of them had bat suits or anything necessary to go take care of it themselves, they could not remedy the situation and that was why they had the Bureau of Animal Regulation and Control and she would encourage that they work together with the Department of Health to find out how they could address the situation, that certainly bats were a significant issue lately with the rabies scare and would urge them if they did not have a means of rounding up the bats to certainly contract out with some one who could. Council Members Lawrence, Wiseman, Khan, Alvarado and Berry absent.

Council Member Clutterbuck stated that she wanted to congratulate Council Member Holm as she is a new grandma. Council Members Lawrence, Wiseman, Khan, Alvarado and Berry absent.

Council Member Johnson stated that last week he mentioned that he was hosting a golf tournament at Brock Park and it was a major success and they were able to raise quite a bit of

money for Inner City Action Network as well as The Youth Advocate Program. Council Members Lawrence, Wiseman, Khan and Berry absent.

Council Member Johnson stated that yesterday was Take Your Loved One to Doctor Day, that as they all knew it was very important in the City of Houston especially for the senior citizens, that at many of the multi service centers in the Fifth Ward and Acres Homes they had a fantastic turnout, that he provided transportation for many of the senior citizens across District B, that at Esther House, Kashmere Gardens, Fifth Ward and Acres Homes they were able to provide transportation for them to get to and from the different events. Council Members Lawrence, Clutterbuck, Wiseman, Holm and Berry absent.

Council Member Johnson stated that yesterday along Griggs Street, between I-10 and Liberty Road it seemed as if a waste truck and come into the area and literally opened up his hatch and let out all of the trash they picked up, it was a mile of trash, not just debris, but literally about hundreds of pounds of waste that were on the street, they could not find out how or who did it, but it was certainly a horrible sight to see and it impacted the entire community, that he wanted to say that when he called Solid Waste, with the help of Darlene Weaver, Terry Spencer, Harry Haze and Earl Jones they quickly came out and got that trash picked up and he certainly appreciated them, that he wanted to thank Fire Station No. 19 because they came out and washed down the streets because there was so much debris, that they were still trying to figure out who did it, that it certainly should not have happened. Council Members Lawrence, Clutterbuck, Wiseman, Garcia, Alvarado, Brown and Berry absent. (NO QUORUM PRESENT)

Council Member Johnson stated that he wanted to thank the administration and Mr. Fontaine who called his office about a work stoppage and some of his neighborhoods were going to be impacted, but once again Solid Waste came to the rescue, that he thought it was important that they at least gave the residents of the community the opportunity of understanding that there was a work stoppage but they would make sure that their trash was picked up. Council Members Lawrence, Wiseman, Garcia, Alvarado, Brown and Berry absent. (NO QUORUM PRESENT)

Council Member Johnson stated that he wanted to join in the voice of recovery in pronouncing September as the National Alcohol and Drug Addiction Recovery Month and in recognition of the National Alcohol and Drug Addiction Recovery Month he would be holding a press conference on September 29, 2006 at 3:30 p.m. at the City Hall steps and he wanted to invite all of his colleagues to come out and be a part of the press conference, as well as the Mayor, to help them to show their communities how serious they were about alleviating drugs in their communities, especially District B. Council Members Lawrence, Wiseman, Garcia, Alvarado, Brown and Berry absent. (NO QUORUM PRESENT)

Council Member Lovell stated that she wanted to congratulate Council Members Brown and Holm on their new grandchildren. Council Members Lawrence, Wiseman, Garcia, Alvarado, Brown and Berry absent. (NO QUORUM PRESENT)

Council Member Lovell stated that she wanted to thank Mayor White for leading a wonderful delegation of people to Austin to pay respects to Governor Ann Richards, as John Sharp stated a tall tree fell in Texas this past week, that she really was a force of nature and to be there and see the diversity of people who came to pay respect to her was incredible, it just showed what a great legacy she left, to watch the Texas Rangers, who before she was Governor were pretty much good ole White boys, to see the diversity of the Rangers from the simple act of their carrying her coffin and being Hispanic, African American and a woman in a cowboy hat leading the way and watching them and seeing the tears welling down their cheeks was incredible, but probably her greatest legacy was going to be her family and they certainly

saw her spirit carried on in her granddaughter Lilly who they all remembered as a little child who sat and watched her mammy, as she was called by her family, give those incredible speeches at the convention, to see that small child now a beautiful young woman standing on stage and giving an incredible speech about her grandmother, her mammy, just showed that the legacy of Ann Richards would be carried on, that she would be missed but never forgiven, that she wanted to thank Mayor White for including her in that delegation to go, that it was really a privilege to go, especially for her, for someone who was one of her role models, for her to go as a Council Member along with a Mayor, a Commissioner and a State Senator and State Representative and fellow Council Member, that it meant very much to her. Council Members Lawrence, Johnson, Wiseman, Garcia, Alvarado and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she wanted to congratulate Elena Marks and Mr. Williams for the work they had done out in District B, that she understood they knocked on the door of 600 plus homes to inquire about health status and to give people information on a very intimate and personal one on one basis, and she for one believed that was one of the few ways they were going to start helping to eradicate the disparity of health issues in the inner city of Houston. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Garcia, Alvarado and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she wanted to remind the Health and Environmental Committee that they were still wanting to work and have an ordinance that dealt with concentration of companies that pollute their air in the inner cities, especially the concrete crushing plants, that she was not one to want to leave it to the adjudication of the TCEQ because she did not think they had the vested interests of the communities at heart, but she thought they could give their citizens some relief if they at least got an ordinance at the City regarding concentration of such industries in the inner city, that she knew there was a need for it and a valuable industry but they did not have zoning where they had industry areas so they were going to have to do something to give the citizens some relief so she would be checking with Council Member Alvarado to see where they were, that she met a young man who was working on environmental issues with Ms. Marks and was very impressed but could not over emphasize the urgency that she thought they needed to start addressing it and give the communities some relief. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Garcia, Alvarado and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she wanted to congratulate Pastor Rudy Rasmus and his congregation at Saint John's downtown, they did not talk about homelessness, they worked on eradicating it and to see the results that they had with the different congregations that they had pulled together from all over the City was the word on the street if they really wanted to stop being homeless go to Saint John's and they would help them, that it was amazing to see the faces of people when she went to Saint John's for services who walk up and tell them their testimony, that she just wanted to congratulate Pastor Rudy and Pastor Juanita and their congregation for stepping up to the plate. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Garcia, Alvarado and Berry absent. (NO QUORUM PRESENT)

Council Member Holm stated that it was Chocolate Bayou time and she would encourage everyone to go and look at the display that the District D office had put up regarding the history of Sunnyside, that it was an interesting presentation and she would encourage them to go by and see it, that the festival was on October 7, 2006 at Sunnyside Park at 3502 Bellfort, from 12:00 p.m. to 6:00 p.m., between Scott and Highway 288 on Bellfort, they could call their office at 713-247-2001 for more information, that they would be awarding their scholarships. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Garcia, Alvarado, Lovell and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she wanted to thank Captain Karen Dupont for being on the radio show last week, she came on with a group of people called the Amos House of Faith which dealt with burn victims and being support to families who were victims of fires and so forth, that they got a lot of calls on that. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Garcia, Alvarado, Lovell and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she did not have the clarity that she needed to move forward on the valet parking ordinance, that she needed clarity on where they were with that, and Mayor White stated that they would get that information to her. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Garcia, Alvarado, Lovell and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that on Pastor Rasmus, he just sent her a book two days ago, that he was recognized in a beautiful book called "The Amazing Faith of Texas", that they were trying to do something to recognize and bring together various faith communities in November and he was one of several Houstonians and Texans recognized in that, and second he was really looking forward to the project Houston Hope. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Garcia, Alvarado, Lovell and Berry absent. (NO QUORUM PRESENT)

Council Member Holm stated that as to SafeClear she continued to be concerned that millions of dollars were being allocated to remove vehicles from highways but there were only a few incidents that she knew of, five to be exact, two on I-10, two on 610 and one on Highway 59 and none of them had received the response that she thought was intended, the most recent one was yesterday on 610 where a women was there for about 45 minutes and SafeClear never appeared and an unauthorized tow truck did appear and towed her and it cost her almost \$500 and she thought there was a problem there, that when she asked questions who was it that she needed to talk to, who was implementing, developing and had authority to explain to her more than numbers of effectiveness and Mayor White stated that it was Captain Lorie Bender and they ought to reverse engineer what happened and he would like to know it to. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Garcia, Alvarado, Lovell and Berry absent. (NO QUORUM PRESENT)

Council Member Holm stated that last Thursday there was another incident involving District G that again caused her to focus on some things before the Planning Commission, the only protection their neighborhoods had in an un-zoned City like Houston was deed restrictions, that she hoped they could evaluate some of it and look at the process, the Planning Commission and the concept that no was never no and yes was always final was really frustrating and was wrong, when the Commission voted yes it implemented a variance, it implements anything and there was no recourse and it was brought keenly to her attention about 8 months ago when an inexperienced planner made a recommendation, the community came down and were told it was going to be deferred and they went home and the applicant came forward with the request and it was approved, which would have been contrary to a lot of popular thought and there was nothing that could be done about it, they had to have fair and balanced rules that meant both the applicant and any other party involved if they were really going to address Planning Commission issues; that the other one was developers and their representatives were able to manipulate their process when week after week at the last minute when they did not get a favorable recommendation they withdraw their plats at the last minute, that they did set precedent on Thursday because 30 residents came down, their attorneys and advisors and at the last minutes the plat was withdrawn and although they had a persuasive argument and the Commission voted to not withdraw the plat she was concerned that they were asking intelligent, committed and experienced people to make decisions that they should not be making, if it was inappropriate to vote against withdrawal then why did it even come before Council, there was a process there that was not facilitating for all the parties involved and they

really needed to look at it; that the other thing she was concerned about was that variances were supported and as they continued to grow into the urban city they wanted to be and if they wanted mixed use communities they were going to have to have good standards and to her variances should be an exception rather than a practice. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Garcia, Alvarado, Lovell and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that he would like to get some kind of report back from the Chair of the Planning Commission concerning the issue of withdrawal of plats. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Alvarado, Lovell and Berry absent. (NO QUORUM PRESENT)

Council Member Khan stated that he saw the email response that Mayor White forwarded to him from Judge Mejia and he was right, many times they got complaints from people who probably did not have a full understanding of how the system was working, that last week they talked about it and it appeared that all the proper procedures were followed. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm, Alvarado, Lovell and Berry absent. (NO QUORUM PRESENT)

Council Member Khan stated that the Alief Super Neighborhood was having a Clean Up Day for the Historic Alief Cemetery on Saturday, September 23, 2006 from 7:30 a.m. at the corner of Dairy Ashford and Bellaire. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm, Alvarado, Lovell and Berry absent. (NO QUORUM PRESENT)

Council Member Khan stated that he wanted to thank Dr. Rhea Lawson, Director of the Houston Public Library, that she had a wonderful program to include a world language section in the Houston Public Library, that she was adding some of the wonderful literature from languages around the world, that she was looking for everyone's help in that area. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm, Alvarado, Lovell and Berry absent. (NO QUORUM PRESENT)

Council Member Khan stated that a few weeks ago there were several public speakers on the Houston Asian Festival and it was one of those things that reluctantly they ended up having to address because things like that should be addressed with the board they appointed, that he wanted to thank the many people who were part of bringing cohesion in the community and doing away with the controversy. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm, Alvarado, Lovell and Berry absent. (NO QUORUM PRESENT)

Council Member Khan stated that he wanted to thank Assistant Chief Michael Dearden and his staff of HPD Internal Affairs Division, there was a situation where their office contacted them and they were very prompt, thorough and impartial in carrying out their responsibilities; that he wanted to thank Chief Hurtt, there were a lot of concerns expressed by the Asian business community and political leaders about what was happening in some of the businesses especially in southwest Houston in terms of public safety and the Chief was on top of it and was taking steps which were very practical and meaningful and would alleviate some of the concerns people were facing. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm, Alvarado, Lovell and Berry absent. (NO QUORUM PRESENT)

Council Member Khan stated that the month of Ramadan would be starting on Saturday where the Muslims around the world would be fasting from dawn to dusk for 30 days and this year's Mayor's Ramadan dinner would be on October 11, 2006 and hoped everyone would come and be part of the great tradition, that he wanted to congratulate all of the members of the Islamic Community of Houston for the blessed month of Ramadan. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm, Alvarado, Lovell and Berry absent. (NO QUORUM PRESENT)

Council Member Brown stated that he wanted to talk about the quality of life in the city, that he got excited about the presentation on recycling and thought it was another great step they were taking to make Houston a truly quality of life city; that he seconded what Council Member Holm said about protecting their neighborhoods and would like to share with everyone that in going out to neighborhoods and talking with neighborhood folks there was a lot of concern about the intrusion of commercial expansion and blight and a lot of other changes that affected the sanctity and quality of the neighborhoods, that without zoning or significant change they did not know exactly how to deal with it but they were trying and he thought they were a lot of good steps being taken, that he was optimistic about the workgroup he had on standards for parks and greenspace in the City, that it was really coming along and they were building consensus and would insure that parks in the future and associated greenspace become an integral part of neighborhoods, that he was very optimistic about the workgroup he had on alternative street standards. Council Members Lawrence, Johnson, Clutterbuck, Edwards, Wiseman, Khan, Holm, Alvarado, Lovell and Berry absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 12:17 p.m. Council Members Sekula-Gibbs and Green absent on personal business. Council Members Lawrence, Johnson, Clutterbuck, Edwards, Wiseman, Khan, Holm, Alvarado, Lovell and Berry absent. (NO QUORUM PRESENT)

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

MINUTES READ AND APPROVED

/S/Anna Russell

Anna Russell, City Secretary