

City Council Chamber, City Hall, Tuesday, October 3, 2006

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, October 3, 2006, Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Ada Edwards, Addie Wiseman, M. J. Khan, P. E., Pam Holm, Adrian Garcia, Carol Alvarado, Peter Brown, Sue Lovell, Shelley Sekula-Gibbs, M.D.; Ronald C. Green and Michael Berry; Ms. Jo Wiginton, Division Chief, Contract Division, Legal Department; Ms. Claudia Vasquez, Director Citizens Assistance; Ms. Debra Dillard, Citizens Assistance Office; Ms. Marty Stein, Agenda Director; present.

At 2:06 p.m. Mayor White called the meeting to order and called on Council Member Lovell who stated that this was Archivist Month and Archivists of the Houston Area was organized in 1998 and was promoting the archival depositories and activities in our area; that the purpose of the month was to celebrate archives and the history they preserve; and invited the representative to the podium. Council Member Lovell further stated that one way a great city such as Houston was defined was by making its history assessable; and presented their representative a Proclamation congratulating and commending the AHA and proclaimed today as "Archivists Month" in Houston, Texas. Council Members Johnson, Wiseman, Holm, Sekula-Gibbs and Green absent.

Council Member Garcia stated that all were still in celebration of Hispanic Heritage Month and this individual was a member of the public safety professionals in Houston since 1982 and had started the Houston Spanish CPR and The Traveling Disciples and invited Captain John Manuel Garcia with the Houston Fire Department to the podium and presented him a Proclamation proclaiming October 3, 2006, as John Manuel Garcia Day" in Houston, Texas. Council Members Lawrence, Johnson, Wiseman, Holm, Sekula-Gibbs and Green absent.

Mayor White stated that many corporate citizens gave recognition and to often in the mass media they only had examples of those who broke the law, but every week as a part of a special series a business in town was recording this, each one of these, and broadcast to the community and thanked Univision for showing each citizen being held up in the community and making all proud. Council Members Johnson, Wiseman, Holm, Sekula-Gibbs and Green absent.

Council Member Alvarado stated that she was pleased to present awards today for the Latino Art Beat Competition and the winner came from Cesar Chavez High School and he and the other recipients were present; and invited the president of the Latino Art Beat to the podium; Mr. Nuseo stated that in recognition of the talents of young Houston Latino high school artists and as president of Latino Art Beat he was proud to announce as they entered their tenth year of existence they had thousands enter their various competitions for young artists and in 2006 the same program was in many cities and when speaking out against crime, violence in the streets, gangs and drugs they must remember for every such act of violence there must be an alternative and Latino Art Beat was one alternative; that they had collectively awarded over \$1,000,000 to the talented artists and encouraged higher education and with the generous support of their partners the program was growing each and every year with sponsors and partners such as General Motors, American Airlines and the Latin Grammys; that he thanked all schools and principles and students who participated and called up all winners of the program and presented them with their awards. Council Members Wiseman, Lovell, Sekula-Gibbs and Green absent.

Council Member Garcia stated that they should keep up the good work; that art could live on for eternity and the City of Houston did a lot of business in the area of art so they could

express themselves and make a good living. Council Members Wiseman, Lovell, Sekula-Gibbs and Green absent.

Council Member Edwards invited Miss Nancy Eyesman to the podium and stated that she was the youngest recipient of the Mayor's Disability Advocate of the Year Award, 16 years old and an awesome volunteer; that she was a spokesperson and helped support raising awareness in breast cancer and participated in numerous other efforts; that she was a real example of the values of what the award epitomized and presented the award to Miss Eyesman. Council Members Wiseman, Lovell, Sekula-Gibbs and Green absent.

Council Member Edwards invited members of the Heritage Project of the Chocolate Bayou Festival to the podium and stated that the group did what the city was charged to do in maintaining and cultivating the history of a history which went back several generations and presented them with a Certificate of Recognition recognizing their service and commitment to preservation of history and values of the greater Sunnyside Communities. Council Members Wiseman, Lovell, Sekula-Gibbs and Green absent.

At 2:36 p.m. Mayor White called the meeting to order and called on Council Member Khan who invited Mr. Rodwan Saleh, president of the Islamic Society of Greater Houston, to lead all in the prayer and Council Member Khan led all in the pledge. Council Member Green absent.

At 2:37 p.m. the City Secretary called the roll. Council Member Green absent.

Council Members Garcia and Lawrence moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Members Sekula-Gibbs and Green absent. MOTION ADOPTED.

At 2:38 p.m. the City Secretary began calling the public speakers. Council Member Green absent.

Ms. Wanda Sisco, 3520 Holcombe, Houston, Texas 77025 (713-667-8270) appeared and stated that last time she was present she mentioned the murder of Officer Gattis at the hands of an illegal alien who was now on death row with Houston taxpayers financing his endless appeals; that today because of the death of another officer by an illegal HPD was modifying the sanctuary policy they said they did not have and because the people did not trust career politicians they were going for a Charter change. Council Member Green absent.

Council Member Garcia moved that the rules be suspended for the purpose of hearing Mr. Johnny McFarland at the top of the three minute non-Agenda speakers, seconded by Council Member Khan. All voting aye. Nays none. Council Member Green absent. MOTION 2006-0855 ADOPTED

Mr. Johnny McFarland, 1900 North Loop West, Houston, Texas 88018 (713-864-2925) appeared and stated that he was president of the Houston Police Patrolmen's Union and wanted to commend Council Member Sekula-Gibbs for recognizing an 800 pound gorilla in the room after the murder of police officer Rodney Johnson and that was the threat to every law enforcement officer with illegal aliens in the city and he believed Council had taken a small step in addressing the issue of illegal alien criminals in Houston, but they needed leadership at the head; that the borders and interior needed protecting and the murder of Officer Johnson was personal and local, it was not a federal problem when a Houston police officer was murdered; and asked that the initiative be continued and law enforcement officers join with immigration customs enforcement to be trained under 287g to help enforce immigration laws here in Houston. Council Members Garcia, Alvarado and Green absent.

Council Member Sekula-Gibbs stated that Mr. McFarland mentioned a couple of things she would like him to restate for clarity with one being he appreciated the changes the Administration was making but it was not enough and he would like the general order five hundred zero five rescinded; and Mr. McFarland agreed; Council Member Sekula-Gibbs further stated that he wanted officers to be able to be cross credentialed and under a program he called 287g; and Mr. McFarland agreed; Council Member Sekula-Gibbs further stated that he wanted officers to keep statistics on people arrested who were here illegally from which ever country they were from as they were not doing it now; and Mr. McFarland stated that was correct they did not have those statistics and after 9/11 it seemed it would have been priority to make sure people were in the country legally and not criminals or terrorists; and upon further questions, Mr. McFarland stated that they needed to get resources to get the facilities to hold such people and do thorough checks, they wanted those people brought to justice. Council Members Garcia, Alvarado and Green absent.

Council Member Lawrence thanked him for his passion and stated that the Chief had said stats would be kept and she would reconfirm that today. Council Members Garcia, Alvarado and Green absent.

Ms. Kimberly Montgomery, 9222 Woodland Road, Houston, Texas 77078 (713-631-6519) had reserved time to speak but was not present when her name was called. Council Members Wiseman, Garcia, Alvarado and Green absent.

Mr. Zeke Moore, 3422 Prudence, Houston, Texas 77045 (713-433-8480) had reserved time to speak but was not present when his name was called. Council Members Wiseman, Alvarado and Green absent.

Mr. James B. Walker, Sr., 8118 Snowden, Houston, Texas 77028 (713-631-1920) appeared and stated that he was present as his son had tried to get into the Police Department and he received a nasty letter about a week ago on an appeal and it discouraged him because they had fired him from his job and he had to go through three people on his appeal and they did not know who sent the letter, but he had a right to know who disqualified him and why he was disqualified. Council Members Wiseman, Alvarado, Sekula-Gibbs and Green absent.

Mr. James B. Walker, Jr., 8118 Snowden, Houston, Texas 77028 (713-631-1920) appeared and stated that he applied at the Police Department approximately three years ago and was going through deliberations; that all files are transferred for psychological evaluation and the people there said yes or no; that he was told the lady on the psychological evaluation said no but gave no reason why he did not make it through the evaluation and his recruiter advised him to go through an appeal as if it were up to him he would be in and that day he was released from his other job on the standpoint that he was looking for a job at HPD and both the bad news was received the same day so he had no job, but he had saved his money and had paid \$300.00 for each psychological evaluation; that he asked the gentleman there why he thought he was denied and he said you were tested on three levels, one mental, one physical and a lie scale; and through his life he never drank, smoked or did drugs, he was taught to work and if he could not afford it then he did not need it, but the man said he could have been failed because of the lie scale because it was not normal for any individual through their lifespan to not do so, everyone did something and there was no particular way to grade, but that each individual had their own way they graded; and he did not lie. Council Members Wiseman, Alvarado and Green absent.

Ms. Andrea Fletcher, 2115 Stacy Glen, Houston, Texas 77008 (281-650-4052) had reserved time to speak but was not present when her name was called. Council Members Wiseman, Alvarado and Green absent.

Mr. Curtis Collier, 7803 Oak Castle, Spring, Texas 77389 (281-787-4637) appeared and stated that he and others were here for an important reason, the sanctuary policy, he knew there were changes this weekend, but much too small and much too late; that he came in February discussing day labor sites and sanctuary city policy and said it would probably only change after a catastrophe and now there was with the loss of a police officer and it would happen again without changing the policy; that everyone had enough and they were demanding change at all levels, local, state and federal and encouraged it start at the ground level; that he was told in Laredo their officers dealt with grenades, assault rifles, etc., on a routine basis and during June in Laredo 254 police officers were assaulted. Council Members Wiseman, Garcia, Alvarado and Green absent.

Upon questions by Council Member Sekula-Gibbs, Mr. Collier stated that the present order gave the Houston Police Department the ability to run background immigration checks on anyone taken into custody, but did not give them the authority to run the background or immigration status on someone being questioned in the field and officers needed that ability to deal with the situations; and the lack of statistics made it difficult to keep a record or establish a plan for the future; that some small cities made changes and Houston could be the first major city in the U. S. to make a permanent change. Council Members Lawrence, Wiseman and Green absent.

Council Member Khan stated that he agreed with him there was a problem with immigration policies in this country and that the government failed them in that area and he hoped people like him (Mr. Collier) could really get attention in Washington in solving the problem; and upon questions, Mr. Collier stated that if an officer stopped someone there could be a number of reasons giving the officer suspicion such as no identity; that often officers were lied to and it would not be a full proof way to solve problems but being able to ask could be another tool; and Council Member Khan stated that if someone could be taken to jail for no identification it could be him and he wondered what other examples he had from other cities; and Mr. Collier stated today someone could get a driver's license and be an illegal and it was difficult to determine someone's status but if he had the ability to check immigration it could help; that Officer Johnson did not know the man in the back of his car had been deported because the city did not keep such records, being deported was a sponge and that needed to be addressed also; that many times even American's who were criminals did not carry identification because they did not want to be identified so anyone should be held until they could be properly identified. Council Members Lawrence, Wiseman, Green and Berry absent.

Council Member Lovell stated that the officer arrested the gentleman and put him in the back of the patrol car and handcuffed him because he gave him a false name, so what he was asking to have done was done; he was stopped, acted suspicious, did not have the right documents, something was wrong and he was handcuffed and put in the back of the car, but he was saying the shooting would not have taken place if the officer would have known he was deported and that was where he lost her because if he was handcuffed and already in the car how would the officer knowing he was deported have stopped him from being killed; and Mr. Collier stated that the crime may not have been prevented, however, if the officer knew he was dealing with a convicted felon he would have handled him different, he would have paid closer attention; and Council Member Lovell stated that there should be no moment where an officer was relaxed more than another moment and it was dangerous to say they would act differently if the person was a criminal. Council Members Lawrence, Clutterbuck, Wiseman and Green absent.

Ms. Elizabeth Theiss, 6318 Cindy, Houston, Texas 77008 (713-864-5554) appeared and stated that she was present to ask the Mayor to overturn general order five hundred zero five; that she had two children and lived in the Heights Timbergrove area and was sick of always seeing 20 to 30 illegal aliens in the Blockbuster parking lot daily, tired of the trash, drinking, etc.; that she should not have to put up with it. Council Members Lawrence, Clutterbuck, Wiseman and Green absent.

Council Member Edwards stated that the issues she cited were currently covered by law, it was against the law to urinate in public and loiter causing problems and wondered if she had called Neighborhood Protection or HPD to go out; and Ms. Theiss stated that the gentleman who owned the land had gone to police meetings and gave up because they could jump onto the sidewalk and that cops with political will and intent would have to be there. Council Members Wiseman and Green absent.

Council Member Garcia stated that all she mentioned was covered by law, but he was curious that she identified the criminal acts and said it was illegal aliens doing it and wondered by her observation how she knew they were illegal; and Ms. Theiss stated that they jumped into the back of a pickup truck and they were obviously illegal and undocumented by the way they looked, their dress; that she knew when she saw a foreigner, they did not have normal standards of a first world nation; that they stood behind a 7-Eleven like they had no where to go; and Council Member Garcia stated that a lot was being done to address Houston's homeless and he was trying to figure how to take her ability to observe a person's immigration status because that was a phenomenal skill; and Ms. Theiss stated they were people you could tell did not belong there, they were scruffy looking and jumped in the back of trucks; and Council Member Garcia asked if she could look into the present audience and tell their immigration status; and Ms. Theiss stated she could not but there were indicators or clues when someone was illegal and he could join her and they could find them together. Council Members Wiseman and Green absent.

Mr. David Waters, 7500 Bellerive, Houston, Texas 77036 (832-496-3855) appeared, presented information and stated that he was present to speak on youth and helping the community and bringing entertainment to Houston; that many would agree and say they wanted to take youth off the streets and now they had the chance; that he was in need of funding and he did things, he was an entertainer and he could take a little and take it far. Council Member Green absent.

Upon questions by Council Member Edwards, Mr. Waters stated that he felt Council said a lot of things and supported youth and building better communities and better minds and felt they should offer support, personal support, even just to show up to a play or helping him find out about funding; and Council Member Edwards stated he should present invitations and maybe he could partner with people and she may could give him information, a list of people who he may could partner with. Council Member Green absent.

Council Member Lovell stated that she thought if he reached out with invitations he would find the Council was supportive of youth and they were helpful in helping to find funding if he would go to their offices. Council Member Green absent.

Ms. Doris Wright, 3835 Beaver Drive, Houston, Texas 77029 (713-672-8210) appeared and stated that she was present to speak on behalf of residents in Groveland Terrace, a community inside the Loop at McCarty Drive and 610; that the Texas Truck Sales Company located at the 3600 block of McCarty purchased property for the purpose of expanding their business disregarding wishes of residents as they wanted it primarily for residential use; that

they attempted to modify restrictions to prevent such actions in 1997 through the City of Houston pro bono matching grant program, they applied for and received grant approval and was assigned an attorney, then received a letter from the volunteer lawyers program informing them Mr. Bruce Merwyn would represent them and he went to their civic club meeting and received their documents and after that they made numerous calls to him but he never returned a call and nothing was done and it was their contention if the city would have appointed an attorney who lived up to his promises they may not have to deal with the trucking company today; and they were urgently requesting the Mayor and Council assist them in protecting their neighborhood. Council Members Khan, Alvarado and Green absent.

Council Member Johnson stated that he had gone to a meeting and was pleased to know the entire neighborhood was standing behind this; that they worked and talked with the owner and was looking to see if there were other alternatives, unfortunately they let the deed restrictions lapse and were trying to get signs to prohibit trucks; and Ms. Wright stated that they already had "No Thru Trucks" signage at the beginning of each side of the neighborhood and that was before getting to his lots; and Council Member Johnson stated that might help the neighborhood and asked that she speak with Mr. Norris who was present at this time. Council Members Alvarado, Lovell and Green absent.

Mayor White stated that he was trying to get a report on this, he did not want trucks going through residential neighborhoods and they had legal restrictions on what they could do, but if people could report back to him on what they found and what they could and could not do he would appreciate it, it was something they had too much of and they wanted to do all they could to help them. Council Members Alvarado, Lovell, Green and Berry absent.

Upon questions by Council Member Brown, Ms. Wright stated that she lived in the back of the neighborhood and neighbors in the front said there was noise; that recently the city overlaid their streets so they were in good shape with that, but sometimes trucks parked on Beaver over night; and Council Member Brown stated that without deed restrictions the city could do a better job in enforcing nuisance ordinances and he thought the Mayor and Council should consider a citizens court where they could go that they called it blight court in other cities. Council Members Alvarado, Lovell, Green and Berry absent.

Ms. Maria Isabel, 1518 Washington, Houston, Texas 77007 (713-542-0721) appeared and stated that she lived in the Sixth Ward and last year they wanted to implement programs in the neighborhood and created a new group with interesting programs; that September 16th they had their first "Keep the Sixth Beautiful" and all got together and cleaned, the program was in conjunction with Keep America Beautiful and Keep Houston Beautiful; that Congresswoman Sheila Jackson Lee visited and presented them a Congressional Certificate of Recognition; and on behalf of the Sixth Ward Property Owners she had today a commemorative T-shirt to present to Council Member Garcia and thanked him for his leadership. Council Members Johnson, Alvarado, Lovell, Sekula-Gibbs, Green and Berry absent.

Ms. Laraina L. Hailey, 802 Sabine, Houston, Texas 77007 (713-924-1069) appeared, presented information and stated that she lived in the Old Sixth Ward and was not anti-preservation or anti-property rights but present as she was seeking enforcement by Council of a neighborhood protection order requiring repair of a property at 720 Sabine; that in 2004 after removing exterior siding and roof the owner abandoned work and left blighted property and piles of decaying materials and Neighborhood Protection stepped in during December 2005 and at an August 2006 hearing the owner was ordered to repair property within 30 days but did not comply and filed motion for a rehearing scheduled for tomorrow and as his support on why the order should not be enforced was he was saving a structure located in a historic district, in August 2006 the owner of the property was granted a Certificate of Appropriateness from the

Houston Archaeological and Historic Commission and the design that granted a COA was the same design that denied a COA from the HAHC in 2003, however, the applicant was now Chair of TIRZ 13 which encompassed the Old Sixth Ward and despite his position as Chair and despite location of the project in a historic district the property owner should be treated the same as other Houston property owners. Council Members Johnson, Wiseman, Khan, Alvarado, Lovell, Sekula-Gubbs, Green and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Garcia, Ms. Hailey stated that tomorrow when the rehearing occurred she was hopeful his position as Chair of TIRZ 13 would not impede the Neighborhood Protection folks and officers who diligently worked to help them get relief; that he would not be able to use his position to intervene because at this point he was able to receive some intervention from the HAHC; that he sent her a letter threatening to take her to court if she stepped across her driveway onto his property and proceeded to pile loads of building material and termite infested lumber less than three feet from her office window and there were rules and she was asking Council to help Neighborhood Protection enforce and get it cleaned; and Council Member Garcia stated that he would look into this and get back with her. Council Members Johnson, Wiseman, Holm, Alvarado, Lovell, Sekula-Gibbs and Green absent.

Mayor White stated that what they wanted to do was protect rights of neighbors and there were times which people on structures that could be rehabilitated that were historical were turned down as they did not have that option, but he thought her point was very good that someone should not have forever to make an investment and rehabilitate a historical property, if someone wanted to do it then they wanted to help them, but if there was delay the gentleman needed to get on with it; and Ms. Hailey stated that they all loved the old bungalows and were a patient group and as a real estate appraiser, property inspector and person who restored one property per year for each year she lived there, six years, she restored personally with her hands the properties and knew what timing was appropriate, this was simply someone who had issue with being told what to do by an outside entity. Council Members Johnson, Wiseman, Holm, Alvarado, Lovell, Sekula-Gibbs and Green absent.

Council Member Lawrence stated that they had a similar situation in her area and they looked into the permitting process of remodeling and the understanding now was if it were a nuisance, and that for four years was definitely a nuisance, and felt she would get positive results and she would like her to E-mail Council Members with result of the hearing tomorrow; and hopefully Chief Lumpkin would be there; and Ms. Hailey stated that she hoped he would also. Council Members Holm, Alvarado, Lovell, Sekula-Gibbs and Green absent.

Upon questions by Council Member Berry, Ms. Hailey stated that her neighbor was recently appointed Chair of TIRZ 13, Claude Anello, and believed it effective through December of this year; that she did not know if he was using his position inappropriately but felt it played into this. Council Members Lawrence, Holm, Alvarado, Sekula-Gibbs and Green absent.

Ms. Susan Kopplin, 2013 Lubbock, Houston, Texas 77007 (713-869-4501) appeared and stated that she was resident and property owner in the Old Sixth Ward and member of the group (SWPO) Sixth Ward Property Owners and was present to represent those who were not heard or respected by the Old Sixth Ward Neighborhood Association or TIRZ 13, those who worked and found it difficult to appear or were afraid to appear because of being harassed; that Council Member Garcia had stated at a meeting the neighborhood was an unhealthy situation and Council had authority to delegate zoning to the TIRZ and the TIRZ 13 board was a well funded and highly organized campaign supported by city tax dollars; that many signed petitions to support TIRZ 13 because it had promises of wonderful things such as new parks, sidewalks, road repair, etc., but none had happened and it appeared no plan for forward motion within the TIRZ 13 for anything except land use controls, zoning and diversion of all TIRZ 13 tax dollars to

a single issue, special interests groups and their associated properties; that over 200 signatures were collected indicating they did not want zoning and were in support of SWPO's goals which was denial of TIRZ 13's efforts to obtain land use controls and for neighborhood beautification. Council Members Lawrence, Holm, Alvarado, Sekula-Gibbs, Green and Berry absent.

Council Member Garcia stated that Ms. Kopplin could conclude; and Ms. Kopplin stated that Mr. Andre Crispin, the Belgian Consulate stated on his petition zoning would be a disaster and his metal structure was built in 1984 and in today's proposed TIRZ 13's zoning regulations it would not be able to be built and the structure was noted by Steven Fox from Rice University and the American Institute of Architects as an architectural significant structure; and asked Council not listen to those who said they represented the Old Sixth Ward or put more bureaucracy in place, not approve TIRZ 13's zoning request for land use controls and make members of that board of directors accountable for their actions. Council Members Lawrence, Holm, Alvarado, Sekula-Gibbs, Green and Berry absent.

Mayor White stated that they went one by one through multiple of these increment zones and they had letters from her group which he still needed to sort through, but he would say in the Sharpstown Group they had used some TIRZ money to lobby and petition for stuff and they had better things to do with public funds; that he thought anyone should be able to petition for anything, but not with public funds. Council Members Lawrence, Holm, Alvarado, Sekula-Gibbs, Green and Berry absent.

Mr. Barry Norman, 10777 Westheimer #700, Houston, Texas 77042 (713-977-2347) appeared, presented information and stated that he owned property and lived in the Sixth Ward and was a founding member of the Sixth Ward Property Owners group and member of its advisory board; that approximately six years ago TIRZ 13 was formed with promises of improved infrastructure with parks, drainage, etc., and to date they had seen none; that his understanding of finances for the TIRZ was apparently improvements promised were estimated to cost ten times what they were initially budgeted at and the TIRZ had given up on making any of those improvements and now turned their sites to land use control; that 215 properties were represented by their petitions and they did not want TIRZ 13 to gain zoning authority; and was present requesting Council and the Mayor reject any proposal by TIRZ 13 to obtain any property use restrictions or zoning and suggested they look carefully at any proposed budget for them and he would also like their budget rejected unless they could provide a plan to actually perform all items promised when they were formed. Council Members Khan, Holm, Alvarado, Sekula-Gibbs, Green and Berry absent.

Council Member Brown stated that he had met with their group and the other group and had good meetings and it was too bad there was a situation where there would be winners and losers, they did not want that in any neighborhoods; and upon questions, Mr. Norman stated that he thought a win/win situation would be to continue to enforce the current preservation ordinance which required plans be submitted through the HAHC and that TIRZ cease and desist in their attempts to gain zoning authority and they begin to spend tax dollars on neighborhood improvements the Sixth Ward so desperately needed. Council Members Holm, Alvarado, Sekula-Gibbs, Green and Berry absent.

Council Member Garcia stated that he noticed he was holding the binder made reference to by others and wondered if it had been turned into the Planning Department; and Mr. Norman stated that he was not sure, but thought copies were provided to Mayor White's office; and Council Member Garcia stated that they were trying to validate numbers on support and opposition and he wanted to be sure Planning had it; and Mayor White stated that he was not speaking for the entire Council and not addressing specifically some issues including the meeting he received a lot of correspondence about, but would share something he learned; that

he believed in historical preservation and he and his wife personally invested in historical preservation in their first home and he respected people who invested their money in historical preservation, but respected less those people who said others should be mandated to spend their money on historical preservation; that there were programs in other cities, as they evaluated, providing incentives because all benefited to some extent from preservation; where there would be grants such as \$5,000 to \$10,000 for homeowners who restored historical structures, some amount which provided incentive to do so, it was not a mandate but a market incentive and as they looked at this; as he looked at TIRZ 13 to see if there was something market oriented and not mandate oriented which could be done to restore historical preservation and respect property rights as such was done in other cities; and Council Member Garcia thanked Mayor White for those comments and stated that was something he had been proposing and not just with TIRZ 13 but with historic preservation in general. Council Members Holm, Alvarado, Sekula-Gibbs, Green and Berry absent.

Ms. Sarah Sully, 1610 21st, Galveston, Texas 77550 (409-766-1818) appeared and stated her main concern was disease brought in by illegal aliens and read excerpts which appeared recently, in September 2006 in San Francisco that the worse forms of Tuberculosis was gaining ground in the United States and of greatest concern was the so called extensively drug resistant TB; health officials here had also been jolted by spike in the milder but still lethal form of TB as it responded to more treatments but cost up to a quarter million per case and took two years to cure and Dr. Charles Wallace with the Texas Department of State Health Services said that was a red light flashing as TB was becoming more difficult to manage; that TB's swift, deadly return was lethal for about 60% infected and the culprit was the new multi-drug resistant Tuberculosis MDR-TB which was endemic to Mexico; that TB was not the only disease illegal's were bringing in with them as Polio and Malaria were back. Council Members Holm, Sekula-Gibbs, Green and Berry absent.

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

Mr. David Johnson, 1707 Grant Road, Cypress, Texas 77429 (832-889-5618) appeared and stated that he was president of Johnson Technology Transfer Group and they had a technology which would allow METRO to operate their buses without gasoline, diesel fuel or repressed or natural gas and it was proven by the Federal Transit Authority and Department of Transportation for over six years; that they had been in discussions with METRO introducing the technology; that it was ready to go, more cost effective and provided zero emissions and all the power the buses would need; that what they needed from Council and supporters being the Greater Houston Partnership and the Greater Houston Energy Collaborative was assistance in helping METRO find funding for the implementation of the technology. Council Members Wiseman, Holm, Sekula-Gibbs, Green and Berry absent.

Mr. Dub Wright, 10962 Shadow Wood, Houston, Texas 77043 (713-725-9345) appeared, presented information and stated that he was speaking for the Greater Wrenwood Association and to speak against the privatization of a very vital public resource, water, and he thanked the City of Houston as they did strive to assist them and special thanks to Council Member Lawrence and Mayor White for providing excellent representation at their meeting on the 26th, but what all needed to understand was water was for people, not for profit; that Wrenwood's rates had already almost tripled the City of Houston rates under REW and the Texas Americans Temporary Maintenance and an average retired couple found their water rates increased 297% over City of Houston rates; that water was a vital public resource and the City of Houston could legally take over H and J and they wanted them to do so. Council Members Wiseman, Holm, Sekula-Gibbs, Green and Berry absent.

Council Member Lawrence stated that they had a few more days until H and J were declared vanished and Public Works and Mr. Michel had gone out and made excellent presentations and Public works was still looking at inventory and all options, but the first step was to get H and J declared vanished and he would be kept informed. Council Members Wiseman, Holm, Sekula-Gibbs, Green and Berry absent.

Mr. Lionel Alexander, 7931 Booker, Houston, Texas 77028 (713-673-4765) had reserved time to speak but was not present when his name was called. Council Members Wiseman, Holm, Sekula-Gibbs, Green and Berry absent.

Mr. Samuel Shadre, 10626 Hillcroft, Houston, Texas 77096 (713-857-6534) had reserved time to speak but was not present when his name was called. Council Members Wiseman, Holm, Sekula-Gibbs, Green and Berry absent.

Mr. Dustin Morris, 17595 Tomball Parkway, Houston, Texas 77064 (281-469-8400) had reserved time to speak but was not present when his name was called. Council Members Wiseman, Holm, Sekula-Gibbs, Green and Berry absent.

Mr. Raymond Avist, 8655 Pitner, Houston, Texas 77080 (504-296-7792) had reserved time to speak but was not present when his name was called. Council Members Wiseman, Holm, Sekula-Gibbs, Green and Berry absent.

Mr. Don Vickers, 14711 Leming Court, Houston, Texas 77015 (281-452-5050) had reserved time to speak but was not present when his name was called. Council Members Wiseman, Holm, Sekula-Gibbs, Green and Berry absent.

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (832-453-6376) appeared and stated that he was the official U. S. President candidate; and continued expressing his personal opinions until his time expired. Council Members Wiseman, Holm, Sekula-Gibbs and Green absent.

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) had reserved time to speak but was not present when his name was called. Council Members Wiseman, Holm, Sekula-Gibbs and Green absent.

At 4:17 p.m. City Council recessed with Council Members Wiseman, Holm, Sekula-Gibbs and Green absent.

City Council reconvened at 6:14 p.m. Tuesday, October 3, 2006, Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Ada Edwards, Addie Wiseman, M. J. Khan, P. E., Pam Holm, Adrian Garcia, Carol Alvarado, Peter Brown, Sue Lovell, Shelley Sekula-Gibbs, M.D.; Ronald C. Green and Michael Berry; Mr. Arturo Michel, City Attorney; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Ms. Judy Gray Johnson, Director Finance and Administration; and Ms. Martha Stein, Agenda Director present.

HEARINGS - 6:00 P.M.

PUBLIC HEARING on Propositions "A" through "F" and Proposition "H" to be submitted to the voters at a Regular Election on November 7, 2006 – was before Council.

Mayor White stated that the hearings were being conducted to reduce the legal risks to the City. Council Members Johnson, Holm, Garcia, Sekula-Gibbs and Berry absent.

At 6:15 p.m. the City Secretary began calling the public speakers. Council Members Johnson, Holm, Garcia, Sekula-Gibbs and Berry absent.

Mr. Patrick Castillo, 11211 Hogan, Houston, Texas 77009 (832-265-4064) had reserved time to speak but was not present when his name was called. Council Members Johnson, Holm, Garcia, Sekula-Gibbs and Berry absent.

Ms. Diane Schenke, 3015 Richmond #210, Houston, Texas 77098 (713-942-7275) appeared and stated that she was executive director of the Park People, a not for profit citizens organization which advocated for and participated in restoring, preserving and expanding parks natural areas and trails; that they had been doing this since 1979 and a great deal of advocacy work was involved in insuring adequate funding for parks and in 2001 the Park People was instrumental in helping pass the bonds pending at that point for the City of Houston, Harris County and the State of Texas; that the board of the Park People voted at its last meeting to support the \$55,000,000 bonds currently proposed for the City of Houston for the Houston Parks and Recreation Department as the funds would be used to fund the Houston Parks and Recreation Department Capital Improvement Plan for 2009 through 2013 and importantly the Houston Parks and Recreation Department was also involved in revising and updating its Master Plan and they thought that would be a critical process in determining where the funds should be spent and they looked forward to participating with other members of the community in that revision. Council Members Holm, Lovell, Sekula-Gibbs and Berry absent.

Mr. Franklin Jones, 1000 Louisiana #1800, Houston, Texas 77002 (713-374-3530) appeared and stated that he currently served as Chair of the Houston Library Board and was present speaking in favor of the \$37,000,000 of the current proposition designated for the Houston Library Department; that last year they had over 4,000,000 visits to their 40 facilities so there was much wear and tear over time; that the Library was currently completing projects financed by the most recent bond issue approved by voters in 2001; that \$40,000,000 approved by that election provided funds for renovation of several branches and for the first new library in the past six years; that much work was still needed and if the bond proposition was approved would allow continued renovation of facilities and in the interim the library board had committed to provide up to \$1,000,000 to meet immediate needs. Council Members Sekula-Gibbs and Berry absent.

Council Member Brown thanked Mr. Jones for his service and vision to the Library; that the bond issue would be passed. Council Members Sekula-Gibbs and Berry absent.

Upon questions by Council Member Edwards, Mr. Jones stated that if bonds did not pass the library board had stepped up to help and they were committed to raising and donating \$1,000,000 to meet immediate needs of some branches who needed repairs and it was a good band-aid, but it was important the issue be passed. Council Members Sekula-Gibbs and Berry absent.

Upon questions by Council Member Holm, Mr. Jones stated that he was not familiar enough with the CIP Program to speak intelligently on projections of how much was needed for deferred maintenance or on-going operations or percentage of new opportunities, but they were trying to develop a strong public/private partnership and from the board's perspective they looked to the City to keep the doors open and they would help provide the bells and whistles. Council Members Sekula-Gibbs and Berry absent.

Mr. Patrick Castillo, 11211 Hogan, Houston, Texas 77009 (832-265-4064) was present and recalled; and appeared and stated that he was the interim executive director for the Greater Northside Management District, in Council Districts H and B, and on behalf of the board of directors thanked them for their support, especially Council Member Garcia's continued support; that he was present expressing support for Propositions A through H as businesses in their district were in need of increased infrastructure and increased police safety funding such as investing in better radios and supporting the propositions did that; and though Proposition G was not on the Agenda they also supported that to allow for the Aviation, Convention and Entertainment Departments the flexibility for Houston to continue on the right track; that they believed as Houston prospered so did the northside and the goal of the district was to provide transportation and promotion of public health and safety and advance the quality of life. Council Members Sekula-Gibbs and Berry absent.

Upon questions by Council Member Garcia, Mr. Castillo stated that in meeting with various business owners throughout the area the majority met with were very much into heightened security and better drainage and streets. Council Members Sekula-Gibbs and Berry absent.

Mr. John Adkins, 1401 McKinney #2200, Houston, Texas 77010 (713-951-5671) appeared and stated that he was present to express support for the portion of bonds applying to infrastructure improvements, specifically flood control, he worked with his property owners group since Council Member Hartung was present to work on improvements preventing street flooding; that his home was built in 1936 and flooded in front approximately 25 times a year to the point a small car could not go through so they in his area were all very pleased and supported the bond issuance. Council Members Sekula-Gibbs and Berry absent.

Council Member Edwards thanked Mr. Adkins for speaking up for the continued growth and development of the infrastructure, especially regarding flooding and drainage, without the wisdom and insight of this Mayor they would probably still be in very serious condition, but with his leadership could see daylight coming; and she was with Council Member Brown they had to get this passed and continue working. Council Members Sekula-Gibbs and Berry absent.

Upon questions by Council Member Holm, Mr. Adkins stated that the property owners group in their area asked him to come speak today. Council Members Sekula-Gibbs and Berry absent.

Mayor White stated that on the general topic of drainage there was a critical item which was a bond issue they needed to spend the money and there was an item not on today's Agenda, Proposition G which would allow them to have the money for the next three or four years and then so they could continue the work this Council did starting back in 2004 they knew they needed to find a permanent source of funding for drainage improvement to knock out the billion dollars they would probably need to do over the next 20 years and all Council Members serving with him in the next two years it would be on their Agenda and they would need all interested citizens to help figure out where that permanent source of funding would come from; that they would be okay for three years if the bond issue was passed in Prop. G but after that they still needed work to do. Council Members Sekula-Gibbs and Berry absent.

Ms. Barbara Miller, 5311 Margarita, Houston, Texas 77020 (281-513-1814) appeared and stated that she was president of the Greater Fifth Ward Super Neighborhood #55 and Jackie Mahorn, president of the Super Neighborhood Council was out of the city and asked that she come speak on behalf of the Super Neighborhood Council and the Council was very much in favor of the November Bond Election to fund the City's Capital Improvement Program throughout the year 2013; that they understood without the bond election the City would not add improvements to parks, libraries, clinics or multipurpose centers and no infrastructure, street or

drainage projects and as the Super Neighborhood Council worked to improve the quality and standards of the communities they understood the bond election was necessary to continue servicing needs. Council Members Sekula-Gibbs and Berry absent.

Council Member Johnson thanked Ms. Miller for coming and congratulated her on doing a great job with the Fifth Ward Neighborhood Council, building it back up, and as they went forward he appreciated her keeping the community actively involved and educated about this item and being mindful they must continue working with the Council and Mayor to make sure dollars were going back into the areas which needed it. Council Members Sekula-Gibbs and Berry absent.

Upon questions by Council Member Garcia, Ms. Miller stated that for their area they needed drainage, new streets, police protection, they needed all of it and she felt all the Super Neighborhoods would agree all the issues on the bond election were important to them. Council Members Sekula-Gibbs and Berry absent.

At 6:33 p.m. City Council recessed until 9:00 a.m., Wednesday, October 4, 2006. Council Members Sekula-Gibbs and Berry absent.

City Council Chamber, City Hall, Wednesday, October 4, 2006

The Houston City Council reconvened at 2:15 p.m. Wednesday, October 4, 2006, with Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Ada Edwards, Addie Wiseman, M. J. Khan, P. E., Pam Holm, Adrian Garcia, Carol Alvarado, Peter Brown, Sue Lovell, Shelley Sekula-Gibbs, M.D. and Michael Berry; Mr. Arturo Michel, City Attorney; Ms. Marty Stein, Agenda Director and Ms. Marta Crinejo, Assistant Agenda Director, present. Council Member Ronald C. Green absent on personal business.

At 8:30 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:24 a.m. Mayor White called the meeting to order and stated that the first item on the agenda was the Mayor's Report.

MAYOR'S REPORT - "Project Houston Hope" Update

Mayor White stated that he wanted to report to them about Project Houston Hope and would be available to answer any questions, that some of them had heard him say that it was the most fun and exciting thing that was part of his job, they had been working in some of the City's most neglected neighborhoods that were a tremendous asset to the City, the people who lived there, the sense of neighborhood continuity, the fact that there were many buildable sites that were close to major employment centers which was the best long run solution to a traffic problem, as pointed out by the Trip 2000 Report done by a blue chip ribbon committee in the year 2000, that there had been almost 2,600 long term tax delinquent lots that had been put into the foreclosure process, they would add to that 2,600 lots upon the completion of additional agreements with HISD and North Forest School Districts, the Project Houston Hope involved several steps, that first was cleaning up the neighborhoods and tearing down the dangerous buildings and mowing, not every month, and cleaning up the abandoned lots, that second, was the foreclosure of long term tax delinquent properties, they selected the neighborhoods by purely objective criteria which was the highest percentage of long term tax delinquent lots that were in the City of Houston and that also coincided with neighborhoods that had some very aging infrastructure, they had looked at the appropriate Public Works which would be necessary to prepare those neighborhoods for redevelopment, some of that was neighborhood specific,

some were streets and some were drainage as in the Trinity Gardens and parts of the Sunnyside area, that he would say that the cost of the incremental investment in infrastructure to provide good services to the existing residents and to prepare a lot of lots for new development was significantly less than new build infrastructure in a Greenfield development, so it was a fantastic investment on cost effectiveness just for economic development and housing construction within the City of Houston, that they had acquired an inventory, 508 parcels, which had probably 560 or 570 or more buildable lots on them, in addition to that at the foreclosure sales for amounts that were higher than their limit price there had been 338 parcels probably representing a good 360 or 370 buildable lots acquired by private investors, these had not been tract homebuilders that would put \$160,000 condos, often they were neighborhood investors, where somebody lived and worked in the neighborhoods and had been mowing the lawn for the lot, they had good communication and took in those requests and the public did not bid against them and a lot of the lots had been taken in by the neighborhoods and CDCs in the neighborhoods and small builders, so all in all there had been 900 plus buildable lots, many of which had crack houses and were tire dumping yards in some of the neighborhoods which were now buildable lots, in addition as they had cleaned up the neighborhoods and announced the intention there was quite a bit going on in some of the neighborhoods, in particular in Sunnyside and Acres Homes where small builders and the CDCs had come and they saw that they could have a critical mass and the builders saw that there would be overall neighborhood improvement and for people who could go there from time to time could see by visual observation that there were home building of affordable houses going on within those neighborhoods with LARA as a big impotence for that, by affordable he meant where people could make monthly payments of between \$750 and \$950 per month, part of what they discussed every single day in LARA and in their bi weekly meetings was the program for public safety in the schools that would be in the neighborhoods, that would be as the neighborhoods would be redeveloped, it was important, that each neighborhood was very specific, that in Settegast there was a significant section of Settegast where the infrastructure was never built, that he had talked to Commissioner Lee and would expect there would be some County participation, that they would probably work with one or more private developers, that the development of Settegast would look a little bit more like a larger scale development because there were so many contiguous tracts, so it could have a little bit more planning; that in Independence Heights they did have peculiar issues and that would be handled separately because there were quite a number of lots that they had, by now 50 or more, but there were peculiar issues within the flood plain and HUD rules and regulations, in summary HUD believed they should do neighborhood revitalization of Independence Heights that they should prove that it could not be done outside of Independence Heights, they thought they could build Independence Heights with pier construction techniques and well above the flood plain elevation but that had been delayed because the federal government wanted them to prove that they could not redevelop Independence Heights outside of Independence Heights because they wanted them to prove why they could not do it outside the flood plain and if they just said that Independence Heights was where Independence Heights was that was not long enough and legalistic enough and probably they ought to hire a consultant to give them a report saying that, that he thought they would eventually prevail with HUD, that HUD was important because of the down payment assistance that was critical to the program; that in the Third Ward he had not counted in the lots and the work that had been done in the Third Ward, that 49 parcels of land that was acquired, that was over 600,000 square feet of land with the Mid Town TIRZ done by people who were working in the Third Ward, that all of it was done and they were not going to be publicizing every strategy they were using in every neighborhood in town because there was competitive speculative pressure but they had been hard at work for the last 24 months and probably at some point they would make sure that they efficiently divided up the responsibility so that what they all learned within the LARA framework that they share notes and reduce overhead costs; that in the Fifth Ward they would need some kind of input, as in the case of the Third Ward they did not have a very high concentration of tax delinquent lots within the Fifth

Ward and there was already a lot of pressures, there was neighborhood redevelopment and there was a lot of investment going on, particularly in the southern part of the Fifth Ward, they had to figure out where that stood in the priority because they wanted to acquire land at a cheaper cost per square foot rather than a higher cost per square foot to get the most bang for the buck, they were seeing really tremendous strides and a great critical mass, in addition to Settegast and Independence Heights was Trinity Gardens, Sunnyside and Acres Homes and those areas they should be prepared and have finalized and may not all be done at one time based on the RFP they set out, contracts with CDCs and qualified builders, within the next 30 days, some much sooner than 30 days and some later on, he would say that both the builders and the CDCs that were participating in the process were very qualified and he was confident they would have success, a take down of the first 150 lots that were covered by that RFP would occur over a period of year so that there could be orderly marketing of those houses and the first houses should be completed within 5 months of the time that they came to the first contracts within the next 30 days, now they were reaching the building stages; that every two weeks he met with a number of leaders of the City, including the Director of Public Works, Neighborhood Protection, the City Attorney and people in the Legal Department, Steve Tinnermon and Allen Parker, who had been working with the LARA Board, the Chairman of the LARA Board, Anthony Hall, Chief Administrative Officer of the City, and Mr. Chris Butler, who was a newly hired City employee, he had been building houses for quite a while, that he had a Masters Degree in Planning and Architecture and was on the revitalization of one of the neighborhoods and came with high references, that he reported to the Mayor and had hands on home building experience, and of course there had been a number of people involved in the process that he just named who had made invaluable contributions, that LARA would continue to be the principle agency in charge of the lot acquisition. Council Members Clutterbuck, Wiseman, Holm and Berry absent.

Mayor White further stated that one of the longer term issues on Project Houston Hope, and he mentioned two, one was the participation in the role of other taxing entities, it was sort of envisioned at the outset that a number of entities with ad valorem tax power would participate in some way and they had within the first three rounds of Houston Hope, it appeared as though there may be little interest by HISD in releasing their tax liability which was unpaid and without beating their heads against the wall he would suffice to say that the City and the County were probably going to have to go it alone and figure out some way to buy out their ad valorem tax liability because it was just not fair to the people of those communities that people would drag their feet and not allow those tax delinquent lots to be put into productive use, that he loved the school districts but it was just going to slow things down to much and under State law every time they added something to the tax rolls of the school districts they had to give that money to another school district, usually outside of their region, but if they collected delinquent taxes they got to keep it, that was State law so they were operating under that law, that obviously the City was putting the most time, money, effort and almost all of the out of pocket costs and all the Public Works was being put in by the City of Houston and they wanted to make sure that the governance structure was equitable in proportion to the contribution of various taxing entities, then finally, they had been working diligently to have by the end of the year, it would probably be in some other areas which were more characterized by high density multi family, something that was parallel having to do with the rehabilitation of the dilapidated by useable multi family structures to do with the multi family housing issue within their community, that when he talked about the monthly mortgage payments he meant \$750 to \$950 monthly payments all inclusive, taxes, insurance, mortgage payments, allowing people to go from apartments to home ownership and if they wanted to take a look at some of the superb marketing materials or information materials that were not typical government work but were pretty well done and tell home owners what they needed they needed to take a look outside in the hall at a three and four panel, twelve foot display, that they were going to put up in community centers, churches and other places within the neighborhoods where there could be draws for people with it, and

that concluded his report on Project Houston Hope. Council Members Clutterbuck, Wiseman, Holm and Berry absent.

Members of Council thanked Mayor White for the report and Council Member Edwards asked if it was possible to have a display at the Chocolate Bayou Festival and have someone there to talk about it, and Mayor White stated yes. Council Members Clutterbuck, Wiseman, Holm and Berry absent.

Council Member Garcia moved to suspend the rules to consider Item Numbers 54, 6, 23, 10 and 51 out of order after the Monthly Financial Report, seconded by Council Member Khan. All voting aye. Nays none. Council Member Green absent on personal business. Council Members Wiseman and Berry absent. MOTION 2006-0856 ADOPTED.

Council Member Sekula-Gibbs moved to suspend the rules to consider Item Numbers 28, 29, 52, 53 and 54A out of order, seconded by Council Member Khan. All voting aye. Nays none. Council Member Green absent on personal business. Council Members Wiseman and Berry absent. MOTION 2006-0857 ADOPTED.

Council Member Khan stated that he wanted to recognize a delegation from Germany visiting the City of Houston and asked them to stand and be recognized, that they were a delegation from Leipzig, Germany, which was their Sister City, that they would be here until October 15, 2006, that the purpose was to familiarize the students with local government and grassroots civic engagement and responsibility, that the graduate seminar was called "Civil Society and Volunteerism". Council Members Wiseman and Berry absent.

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

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

At 9:59 Mayor White called on Ms. Annise Parker, City Controller and Ms. Judy Gray Johnson for the Monthly Financial Report. Council Members Wiseman and Berry absent.

Ms. Parker stated that this was the monthly Financial Report for the period ending August 31, 2006, that after making several significant changes in their revenue projections last month they were not changing anything this month and there were no changes in expenditures, they had passed out to Council Members an updated FEMA worksheet and as they could see going down they had approximately \$35 million on hand and they continued to believe that they would be completely reimbursed for the initial City outlay plus bills that were pending, however there may be some of their worksheets that would not be allowed for various reasons and they could see that they still had \$1 million in worksheets that had been submitted, that also in front of them they had the current calculations for the allowable ad valorem tax revenues for the current fiscal year under Proposition 1, as they recalled they adjusted their property tax projections last month based on a preliminary analysis of impact from Proposition 1, that Proposition 1 did give property tax relief to the citizens of Houston and unfortunately the numbers had been fluid coming out of the Appraisal District, as they all knew they were delayed getting to them and it had delayed the setting of the tax rate, it had also delayed their calculations but they believed they had good numbers now and they largely lined up with what F&A had done, if they looked at the first sheet which was in color it was just a calculation on what the allowable tax revenues were under Proposition 1 for the current fiscal year and the line in green, \$722 million, was the allowable of CPI and population increase, the bottom line in yellow would be the alternate method which was the 4.5 percent, however it was which ever was less, so allowable under

Proposition 1 was the green line, \$722 million, that was why they adjusted their property tax number down in the last month's MOFAR, the City had appealed the census numbers and they certainly supported that appeal, they believed the proper number was much higher and would actually take them over the alternative minimum, however they did not believe the appeal would be heard before they were required to set the tax rate, if they went to the next page they would see that the posted property tax rate that they were considering of .645, the far right column, would support the budget as proposed of \$730 million in property tax revenues, however because of the census issue the maximum allowable would be the middle column highlighted, \$722 million, which would be a tax rate of .638, they were going to continue to watch the situation because it was a lower number than the number they were proposing there were no issues of public hearings, there was no proposal to go up, the tax rate would be cut, it was just a matter of to what level it would be cut, that in answer to another question that was asked of her by Council they had not analyzed the impact of Proposition H, but Proposition H did say that there would be no increase in the tax rate set and if they passed Proposition H it would certainly allow them some flexibility over the census numbers and she would strongly urge the passage of Proposition H for that reason, it would allow them to go up to the \$730 million number, they had not completed an analysis under Proposition 2, but a reminder that Proposition 2 was a retrospective look and their independent auditors, Deloitte and Touche, would be required to look back at the prior fiscal year to determine whether they had to set any money aside, and that concluded her report. Council Members Edwards and Wiseman absent.

Ms. Johnson stated that they continued to have very good news on the sales tax, again they had 12% increase in the Sales Tax Revenues that were received in September for the sales in July, that was 12% over budget, actually 14% ahead of last year, they continued to see that they were stellar numbers and did not know that there was any reason to expect them to continue at that level, they were just happy when the checks rolled in and were so large, that those double digit increases could simply not be counted on, they had adjusted the budget estimate upward by \$3.7 million, which was the amount that the July check was over what was budgeted so that as they went forward for a few more months, especially when they got past the Katrina effects so they knew that the people that were here had all been here for a year, which they thought was a large measure why they were still seeing those large increases, that about December, at that point they should be able to take a new look at their sales tax estimates for the rest of the year and they may adjust it more than just looking at what actually happens each month compared to budget, until then they were going to count on it when they got it, if they had questions about the property tax figures they had sat down with the Controller office staff and reviewed those estimates, their estimates were very similar, there were a few differences here and there but overall they were indeed looking at the same impact, they expected that it be about 63.8 cents, that would be the tax rate if the challenge to the Census Bureau numbers was either not upheld or not reviewed in time to set the tax rate, otherwise it would be at the 64.5 cents which would be the notice amount that would be published in the newspaper next week, that outside of that they were not seeing any significant differences in expenses, in the letter she talked a little bit about how they did not think their electricity budget would be fine, they should end the year without going over their electricity budget, it was a big question last year because the natural gas prices had moderated and they had locked in the natural gas price element as the portion of the electric bill so they knew those amounts for the natural gas prices for the rest of the year, if gas prices continued to change it would not affect their electricity bill, that on fuel prices she would remind everybody that their budget was based on an estimated gasoline price of \$2.35, there was a time that it looked way to low and right now that was higher than the current prices at this level, if it should stay at that level they would be by the end of the year a little bit below budget but right now they had a contingency for fuel costs if it went up, so they were looking pretty good if it stayed at \$2.35 or below, and that concluded her report. Council Members Edwards and Wiseman absent.

Upon questions by Council Members, Ms. Parker stated that she did say they had not updated their calculation on Proposition 2 because it was in all the revenues in the budget and they were actually lowering one of their revenue estimates and they should be well within compliance in Proposition 2, they had not done a full analysis and the impact of Proposition 2 was retrospective, it was based on the audit of the prior year financials as to whether they return funds, they had compared their numbers under Proposition 1 with F&A, they were largely in agreement and they did not think the census numbers were correct and it was artificially forcing them to reduce their property tax rate, as she was aware Council had been cutting the property tax rate consistently as promised but the budget as presented was based on the .645 property tax rate, that was actually less than the rate that would be allowed under Proposition 1, so again there was fiscal prudence build in and they thought that was sufficient to support the needs of the City, they thought that clearly they were showing that the budget would have to be cut approximately \$8 million without changes from the census or without passage of Proposition H and Council would have to find in the budget those necessary cuts, that it was not a choice but since the appeal of the census numbers was pending they would hope that the census would answer their appeal and give them relief before they had to set the property tax rate, if they did not it was her duty to make sure that Council knew what the implications of that was; that the calculations did not take into account Proposition G, that she did not believe if Proposition G were passed that they would affect the calculations, and Ms. Johnson stated that not for the current tax rate or the current fiscal year, that Proposition G did have some impact on setting the property tax rate starting in the future, the main difference affecting the property tax rate would relate to the different treatment of tax increment zones, but that had no impact now and in setting this tax rate it did not have any affect on it. Council Member Berry absent.

Upon further questions by Council Members, Mayor White stated that there was good news and bad news on Proposition 1, the good news was that it had teeth, they had real property tax discipline that had an effect, the bad news was that for the fiscal year beginning July 1, 2006 going through June 30, 2007 they were using figures for a population increase that were based on the change in population between December 31, 2004 and December 31, 2005 and that the U.S. Census was not only behind but they thought that the population of Houston grew between December 31, 2003 and December 31, 2005 by a grand total of less than 7000 people and that was ridiculous. Council Member Berry absent.

Council Member Alvarado moved to accept the Monthly Financial Report, seconded by Council Member Khan. All voting aye. Nays none. Council Member Green absent on personal business. Council Member Berry absent. MOTION 2006-0858 ADOPTED.

54. WRITTEN Motion by Council Member Lawrence to amend Item 54A below as follows:
"I move to amend Item 32 by amending provisions in Section 3 of the proposed Ordinance, which amends Article VI of Chapter 6 of the Code of Ordinances, Houston, Texas, as follows:
1. By replacing throughout the ordinance the word "destroyed" with the word "euthanized."
 2. By amending the introductory paragraph of Subsection (b) of Section 6-153 of the City Code to read as follows:
"The hearing shall be conducted by the hearing officer under rules consistent with the nature of the proceeding. The burden of proof shall be upon the city to establish, by a preponderance of evidence presented at the hearing, that the dog is a dangerous dog. At the conclusion of the hearing, the hearing officer shall enter a written order with factual findings as to whether the dog is a dangerous dog. At the conclusion of the hearing, the hearing officer may:"

3. By amending Item (4) of Subsection (c) of Section 6-153 of the City Code to read as follows:

“(4) That the licensee or owner has a right to appeal a determination of dangerousness or an order to euthanize.”

4. By amending Subsection (a) of Section 6-157 of the City Code to read as follows:

“(a) The provisions of this article shall not be construed to require the issuance of an impoundment order or the conduct of a hearing for the impoundment or euthanasia of any dog that is found to be running at large in violation of city ordinances. In the event that any dog impounded for such cause is claimed for redemption, the director may, if he has grounds to believe that it is a dangerous dog, issue notice of a hearing pursuant to section 6-153 of this Code to the person claiming the dog and continue to hold the dog unless and until it is authorized to be released pursuant to section 6-153 or 6-155 of this Code.”

5. By amending Section 6-159 of the City Code to read as follows:

“Sec. 6-159. Appeal from an order to euthanize.

If the hearing officer orders a dangerous dog to be humanely euthanized under section 6-153 or section 6-155 of this Code, that decision is final unless the licensee or owner files a written appeal with the municipal court within five business days after receiving notice of the order to euthanize. If an appeal is timely filed, the director shall suspend the order to euthanize pending final determination of the court. The appeal hearing must be a trial de novo and is a civil proceeding for the purpose of affirming or reversing the director's order to euthanize.”

6. By adding Subsection (d) to Section 6-161 of the City Code to read as follows:

“(d) Any defense to an order to euthanize under Section 822.003 (f) of the Texas Health and Safety Code, as amended, is a defense under this article.” – **(TAGGED BY COUNCIL MEMBERS GREEN and SEKULA-GIBBS)** – was presented. All voting aye. Nays none. Council Member Green absent on personal business. Council Member Berry absent. MOTION 2006-0859 ADOPTED.

- 54a. ORDINANCE **AMENDING CHAPTER 6 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Dangerous Dogs – **(This was Item 32 on Agenda of September 27, 2006, TAGGED BY COUNCIL MEMBERS GREEN and SEKULA-GIBBS)** – was presented as amended. All voting aye. Nays none. Council Member Green absent on personal business. Council Member Berry absent. ORDINANCE 2006-0996 ADOPTED AS AMENDED.

6. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$2,264,689.55 and acceptance of work on contract with **THE GONZALEZ GROUP, LLC** for Northline Park & Greenwood Park Pool Facilities, (WBS F-504B12-0001-4) (WBS F-504B06-0001-4) - 04.75% over the original contract amount - **DISTRICTS E - WISEMAN and H GARCIA** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Green absent on personal business. MOTION 2006-0860 ADOPTED.
23. ORDINANCE **AMENDING CHAPTER 46 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Downtown Circulator Service – was presented. All voting aye. Nays none. Council Member Green absent on personal business. Council Member Berry absent. ORDINANCE 2006-0997 ADOPTED
10. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$345,843.44 and acceptance of work on contract with **TIKON GROUP, INC** for Safe Sidewalk Program EO Work Order Project, (WBS N-000610A-00EO-4) - 04.73% over the original contract amount - **DISTRICTS A - LAWRENCE; C - CLUTTERBUCK; D - EDWARDS; F - KHAN; G - HOLM; H - GARCIA and I - ALVARADO** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Green absent on personal business. Council Member Berry absent. MOTION 2006-0861 ADOPTED.
51. REVIEW of the record and make determination of the appeal filed by Marquerite Miteff on the decision of the General Appeals Board on denial of a Manufactured Home Hardship Permit Extension at 4315 1/2 Kinkaid, Houston, Texas 77093 - **DISTRICT H – GARCIA** – was presented. Council Member Berry absent.

Council Member Garcia moved to uphold the decision of the General Appeals Board, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Green absent on personal business. Council Member Berry absent. MOTION 2006-0861 ADOPTED.
28. ORDINANCE approving and authorizing contract between the City and the **DEPARTMENT OF STATE HEALTH SERVICES, BUREAU OF LABORATORY** for Prenatal and Pap Smear Screening Services; providing a maximum contract amount - 5 Years - \$500,000.00 - General Fund – was presented. All voting aye. Nays none. Council Member Green absent on personal business. ORDINANCE 2006-0998 ADOPTED
29. ORDINANCE approving and authorizing submittal of a grant application to the Houston Galveston Area Council for a Comprehensive Range of Services to Families impacted by Hurricanes Katrina and Rita (the “Grant”); declaring the City’s eligibility for such grant; authorizing the Director of the Health and Human Services Department to act as the City’s Representative in the application process; authorizing the Director of Health and Human Services Department to accept the grant and the grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the grant - \$1,507,429.00 - Grant Fund – was presented. All voting aye. Nays none. Council Member Green absent on personal business. ORDINANCE 2006-0999 ADOPTED,
52. ORDINANCE **AMENDING CHAPTER 10 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Junked Vehicles – **(This was Item 11 on Agenda of September 27, 2006, TAGGED BY COUNCIL MEMBER SEKULA-GIBBS)** – was presented.

Council Member Garcia asked if all of the questions had been resolved on Item No. 52 and Mayor White stated that he assumed so.

A vote was called on Item No. 52. All voting aye. Nays none. Council Member Green absent on personal business. ORDINANCE 2006-1000 ADOPTED

53. ORDINANCE **AMENDING CHAPTER 46 OF THE BUILDING CODE, HOUSTON, TEXAS**, relating to the regulation of Signs; containing other provisions relating to the foregoing subject; providing for severability; providing an effective date – **(This was Item 12 on Agenda of September 27, 2006, TAGGED BY COUNCIL MEMBER SEKULA-GIBBS)** – was presented.

Council Member Holm stated the City of Houston had a very strong Sign Code, that right now they were evaluating and trying to make sure that they had an objective and clearly defined process, that today they had five changes that were coming forward that were a lot of administrative clarity so that they could positively impact the signs that come forward, that in addition to the weekly meetings it had come to the Quality of Life Committee meetings twice and they had a lot of the stakeholders address the issues so at this point she thought they had a really positive ordinance to put forward, that she wanted to quickly review what the changes were and had one amendment to that, that one was on buildings or on businesses there were five identifiable signs allowed, up until now a small wall sign of less than 200 square feet had not been permitted as a sign, it was treated as such but not permitted, and all it did was bring it in compliance with all the other signs, special banners for going out of business or the annual fall sale or things like that had never been permitted as a sign, they had been permitted and they had never been able to enforce it and monitor it and now the requirements or the allowable was exactly the same, they could use them under the same terms, the same amount of time but they would be permitting them, and then there were three enforcement amendments for clarity, one was when a citation was given Sign Administration was no longer required to give a warning, the second one was if a citation was issued and appealed it went to the General Appeals Board and at the end of that if there was someone who still had a question as to the General Appeals Board decision, whether it had been misconstrued or misunderstood, anyone could have the opportunity to bring it forward for review of Council, and the third one, if a citation was issued it changes the appeal process if someone wanted to appeal it, in the Item No. 53 that they had called for five days and that was the one item that they had discussion with some stake holders, that she wanted to amend it and offer the amendment to Section 2 that replaces the word five with the word ten, because they thought it gave anybody ample time to go through the process and make the changes, and also amend Section 5 of the proposed ordinance by inserting the word “working” between 10 days, it would be “10 working days” and in the third sentence of Subsection C adding the phrase, “exclusive of Saturdays, Sundays and Holidays observed by the closure of City offices”, that with the consensus building process and the way they had reviewed it she thought they had the support of the community that they were moving forward in the first steps of a really effective and strong continuous of a Sign Code.

“I move to amend Item 53 by:

1. Amending Section 2 of the proposed Ordinance by replacing the word “five” with the word “ten.”
2. Amending Section 5 of the proposed Ordinance by inserting the word “working” between the words “the” and “days” in the third sentence of Subsection (c) and adding the phrase “exclusive of Saturdays, Sundays, and holidays observed by the closure of City offices” at the end of that sentence.”

After discussion by Council Members a vote was called on the motion by Council Member Holm to amend Item No. 53. All voting aye. Nays none. Council Member Green absent on personal business. MOTION 2006-0863 ADOPTED.

A vote was called on Item No. 53 as amended. All voting aye. Nays none. Council Member Green absent on personal business. ORDINANCE 2006-1001 ADOPTED AS AMENDED.

Council Member Johnson moved to suspend the rules to consider Item No. 33 out of order, seconded by Council Member Khan. All voting aye. Nays none. Council Member Green absent on personal business. MOTION 2006-0864 ADOPTED.

33. ORDINANCE approving and authorizing agreement between the City of Houston and **TX COMMONS OF GRACE, L.P.** to provide a \$700,000.00 Loan of Federal "HOME" Funds for eligible costs in connection with the construction of an apartment building to be located in the 8900 block of Tidwell Road, Houston, Texas, to house low income elderly residents - **DISTRICT B – JOHNSON** – was presented. All voting aye. Nays none. Council Member Green absent on personal business. ORDINANCE 2006-1002 ADOPTED.

CONSENT AGENDA NUMBERS 2 through 50

ACCEPT WORK - NUMBERS 5 through 13

8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$7,949,202.12 and acceptance of work on contract with **JFT CONSTRUCTION, INC** for Drainage Improvements in Ashford Forest, Nottingham Forest and Memorial Drive Acres, (WBS M-000245-0001-4) - 04.23% under the original contract amount **DISTRICT G – HOLM** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Green absent on personal business. MOTION 2006-0865 ADOPTED.
11. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,577,284.92 and acceptance of work on contract with **R. K. WHEATON, INC** for Water Line Replacement in Bennington Subdivision Area, (WBS S-000035-00A3-4) - 02.34% under the original contract amount - **DISTRICT H - GARCIA** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Green absent on personal business. MOTION 2006-0866 ADOPTED.
13. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,093,588.00 and acceptance of work on contract with **LANDMARK STRUCTURES I, L.P.** for Construction of 1.5 MG Braeburn West Elevated Storage Tank, (WBS S-000620-0028-4) - 03.03% under the original contract amount - **DISTRICT C - CLUTTERBUCK** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Green absent on personal business. MOTION 2006-0867 ADOPTED.

PROPERTY - NUMBERS 15 through 17

15. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee disclaiming, releasing and relinquishing the City's right, title, interest, claim in and to Tracts Two and Four, out of the John Reinerman

Survey, for public highway purposes, as set forth by covenant in a deed from Varner Realty Company to Missouri Kansas-Texas Railroad Company of Texas - **DISTRICT A - LAWRENCE** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Green absent on personal business. MOTION 2006-0868 ADOPTED.

16. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel LY6-003, located on the south line of the property located at 622 Wycliffe Drive, owned by Hugh M. Jackson and Mary L. Jackson, for the **WILCHESTER MEMORIAL WAY AND MEMORIAL TRAILS SUBDIVISION STORM SEWER IMPROVEMENT PROJECT**, CIP M-000126-00RE-2-01-01 (M-0248-01-2) - **DISTRICT G - HOLM** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Green absent on personal business. MOTION 2006-0869 ADOPTED.
17. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel LY6-004, located on the north line of the property located at 614 Wycliffe Drive, owned by Helen P. Jelson, for the **WILCHESTER MEMORIAL WAY AND MEMORIAL TRAILS SUBDIVISION STORM SEWER IMPROVEMENT PROJECT**, CIP M-000126-00RE-2-01-01 (M-0248-01-2) - **DISTRICT G - HOLM** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Green absent on personal business. MOTION 2006-0870 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 18 through 20

18. **S & S WORLDWIDE, INC** for Arts, Crafts and Games for Parks & Recreation Department \$748,583.00, 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 \$733,611.34 - General Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Green absent on personal business. MOTION 2006-0871 ADOPTED.
20. **RUSH TRUCK CENTERS OF TEXAS, L.P.** - \$282,978.00 and **HOUSTON FREIGHTLINER, INC** \$287,873.00 for Medium and Heavy Duty Trucks for Various Departments - Enterprise and Combined Utility System General Purpose Funds – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Green absent on personal business. MOTION 2006-0872 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 24 through 49

24. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a portion of Terry Street right-of-way from Orr Street to Hays Street, containing 15,000 square feet of land (Parcel SY6-024), more or less, located in Hamblin's Extension of Ryon Addition, Harris County, Texas, vacating and abandoning said tract of land to the Victoria Harter-Phyllis Spisak Family Educational Trust, the abutting owner, in consideration of owner's dedication of a full-width utility easement containing 15,000 square feet of land, more or less, and payment of \$38,925.00, and other consideration to the City, Parcels SY6-024 and VY6-008 **DISTRICT H – GARCIA** – was presented. All voting aye. Nays none. Council Member Green absent on personal business. ORDINANCE 2006-1003 ADOPTED.

35. ORDINANCE consenting to the addition of 167.514 acres of land to **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 50**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Green absent on personal business. ORDINANCE 2006-1004 ADOPTED.
36. ORDINANCE consenting to the addition of 26.701 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 82**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Green absent on personal business. ORDINANCE 2006-1005 ADOPTED.
37. ORDINANCE consenting to the addition of 8.0757 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 102**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Green absent on personal business. ORDINANCE 2006-1006 ADOPTED.
38. ORDINANCE consenting to the addition of 42.6999 acres of land to **SAGEMEADOW UTILITY DISTRICT**, for inclusion in its district; containing a repealer – was presented. All voting aye. Nays none. Council Member Green absent on personal business. ORDINANCE 2006-1007 ADOPTED.
43. ORDINANCE approving and authorizing first amendment to Contract #C53508 between the City of Houston and **BOYD, SMITH & ASSOCIATES, LLP**, for Professional Polygraph Testing Services for the Houston Fire Department – was presented. All voting aye. Nays none. Council Member Green absent on personal business. ORDINANCE 2006-1008 ADOPTED.
44. ORDINANCE approving and authorizing first amendment to Contract C56654 between the City of Houston and **OCE' BUSINESS SERVICES** for Printing and Copying Services - Revenue – was presented. All voting aye. Nays none. Council Member Green absent on personal business. ORDINANCE 2006-1009 ADOPTED.
45. ORDINANCE awarding contract to **GHG CORPORATION** for an Automated Time and Attendance System for the Public Works & Engineering Department; providing a maximum contract amount 2 Years - \$400,000.00 - General, Enterprise, Fleet Management and Storm Water Utility Funds – was presented. All voting aye. Nays none. Council Member Green absent on personal business. ORDINANCE 2006-1010 ADOPTED.
47. ORDINANCE approving and authorizing sanitary sewer service agreement between and among the City of Houston and **LAND DEVELOPMENT COMPANY, LTD. & SOWELL EQUITIES FORESTWOOD, L.P.** on behalf of proposed Harris County Municipal Utility District No. 421 Revenue – was presented. All voting aye. Nays none. Council Member Green absent on personal business. ORDINANCE 2006-1011 ADOPTED.
49. ORDINANCE awarding construction contract to **C. E. BARKER, LTD.** for Water, Sanitary Sewer and Storm Drainage Systems to serve Section Two of the Woodland Lakes Estates Subdivision; approving and authorizing an assignment of the construction contract to **LP WOODLAND LAKES ESTATES, LTD.**, (WBS No. S-000800-00E4-4 & R-000800-E4-4) - **DISTRICT E - WISEMAN** – was presented. All voting aye. Nays none. Council Member Green absent on personal business. ORDINANCE 2006-1012 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

2. RECOMMENDATION from Acting Director Human Resources to approve an additional 365 day period for pay differential for employees called to active duty status during a time of war or state of emergency – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Green absent on personal business. MOTION 2006-0873 ADOPTED.
3. RECOMMENDATION from City Attorney for allocation of additional funds in the amount of \$300,000.00 for Legal Services Agreement with **COATS ROSE YALE RYMAN & LEE P. C.** for defense of lawsuit filed by Swinerton Builders, Inc., in connection with the expansion of the George R. Brown Convention Center - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Green absent on personal business. MOTION 2006-0874 ADOPTED.
4. RECOMMENDATION from the Director of the Department of Finance and Administration to consider the adoption of a tax rate of \$.6450/\$100 of value for Tax Year 2006, and authorize the scheduling of two public hearings on the proposed tax rate - **SUGGESTED HEARING DATES - 9:30 A.M. - WEDNESDAY - OCTOBER 18, 2006 and 9:00 A.M. - TUESDAY - OCTOBER 24, 2006** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado.

Mayor White stated that a couple of Council Members, prior to the Council meeting, wanted a comment from the City Attorney concerning the tax rate, in particular their ability to set a lesser tax rate if the body chose to do so, and Mr. Michel stated that under Chapter 25 and 26 of the Tax Code they were going through the process where they had to publish a specific rate, hold two hearings before they pass it within 60 days of receiving the certified tax roll, the Office of the State Comptroller was of the opinion and several entities, including this one, had done it, that they could adopt a lower tax rate than that published without having to republish notice and that was a common practice, long standing, in Texas through several Comptrollers. Council Member Berry absent.

Upon questions by Council Members, Mr. Michel stated they were required by law to post the notice as it was but the posting did not limit them in any way to the actual amount posted, the vote could be different and could be lower than the amount that was published in the notice, they were following the Truth in Taxation manual that was put out by the Comptroller, that he thought the key word was consideration and it was also important to remember that they were following a form that was set out by State statute, that various Council Member had done that in previous Council's, that the effective tax rate was the tax rate that was needed to raise the same amount of revenue they did last year but using the current appraised values, that it was a calculation to determine the same revenue that they obtained last year, on the same property so it would not include new properties.

After further discussion by Council Members, Council Member Garcia moved to postpone Item No. 4 until the end of the agenda, seconded by Council Member Alvarado.

Council Members Wiseman stated that she would tag the motion to postpone Item No. 4 and tag the main item, and Council Member Sekula-Gibbs stated that she would also add her tag.

Mayor White asked the City Attorney if Item No. 4 was taggable and Mr. Michel stated that it was not because it would not allow the schedule that was listed to have the hearing dates of October 18 and October 24 and a Council vote on the first of November.

After further discussion Mayor White asked Council Member Garcia if he was inclined to withdraw his motion to postpone Item No. 4 until the end of the agenda and Council Member Garcia stated that when he made the motion last time on a similar item so that people understood that they were being mandated by a State government to use words that were not of their preference he made sure that his motion was based on "as required by State law, Chapter, etc." and asked if that language could be instituted here so that people did not make more of this than it needed to be, were they able to amend the item so it said that in lieu of "consider" that they say "as required by State Law", could they amend any of that.

Council Member Alvarado stated that she thought it was important, she thought the public needed to know why they were doing it, she thought it was very irresponsible and disingenuous of the State Legislature to force this on local government and here they went back again to local control and time and time again each session the Legislature peeled of another layer of that and every session there was some piece of Legislation that passed where they as local cities, local governing bodies, were losing control each time, it was ridiculous that they had to state that language that they were forcing down the City's throat, it was misleading to the public and they were the ones that got blamed and accused of doing something that the public did not agree with, so she really thought that they had to drive home that message, why they were doing that, the State Legislature mandated that they do it.

Council Member Garcia asked if they could amend the language just so it was clear that they were in compliance with State law, that they were complying with State law and that these words were not of their choosing but that they were complying with what was required by State law, that he was willing to consider the item now but wanted to see if that could be incorporated into the notice, and Mr. Michel stated that he believed the motion could include any language that was accurate but what was going to be in the notice itself was determined by State law.

After further discussion by Council Members, Mr. Michel stated that he thought they could say "as required by State law", that he thought it would be fine as long as what they were saying was accurate, which it was, they could add it.

Council Member Garcia moved that the notice required to be published by Item No. 4 words be added at the top "As required by State law" and cite the chapter, code, section and what Legislative session passed that, seconded by Council Member Alvarado. Council Member Sekula-Gibbs voting no, balance voting aye. Council Member Green absent on personal business. MOTION 2006-0875 ADOPTED.

A vote was called on Item No. 4. Council Members Wiseman and Sekula-Gibbs voting no, balance voting aye. Council Member Green absent on personal business. MOTION 2006-0876 ADOPTED.

ACCEPT WORK

5. RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$28,763,800.19 and acceptance of work on contract with **W. W. WEBBER, LLC (previously known as CHAMPAGNE-WEBBER INC, TEXAS)** for Rehabilitation of Taxiway "NA," Extension of Taxiway "NB" and Drainage Improvements at George Bush Intercontinental Airport/Houston Project No. 491A, CIP A-0058, A-0116, A-0263, A-0323, A-0401, A-0419 - 03.58% under the original contract amount - **DISTRICT B - JOHNSON** –

was presented, moved by Council Member Khan, seconded by Council Member Berry. All voting aye. Nays none. Council Member Green absent on personal business. Council Member Sekula-Gibbs absent. MOTION 2006-0877 ADOPTED.

7. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$358,127.00 and acceptance of work on contract with **ELEVATOR REPAIR SERVICE, INC** for Modernization of Four (4) Elevators at City Hall, (WBS D-000113-0001-4) - 04.96% over the original contract amount - **DISTRICT I - ALVARADO** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Green absent on personal business. Council Member Sekula-Gibbs absent. MOTION 2006-0878 ADOPTED.
9. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$301,970.57 and acceptance of work on contract with **TIKON GROUP, INC** for Safe Sidewalk Program C3 Work Order Project, (WBS N-000610A-00C3-4) - 03.09% over the original contract amount – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Green absent on personal business. Council Members Wiseman and Sekula-Gibbs absent. MOTION 2006-0879 ADOPTED.
12. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,588,235.84 and acceptance of work on contract with **TROY CONSTRUCTION, L.L.P.** for Water Distribution System Rehabilitation and Renewal, (WBS S-000035-00G4-4) - 00.31% under the original contract amount – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Green absent on personal business. Council Members Wiseman and Sekula-Gibbs absent. MOTION 2006-0880 ADOPTED.

PROPERTY

14. RECOMMENDATION from Director Finance & Administration Department for approval of the sale of a tax foreclosed property held by Harris County located at 7505 Wanda Lane, in the Bonham Acres neighborhood, Houston, Texas, 77074, to Harris County for \$1.00 for use as a park and authorize execution of documents of conveyance - **DISTRICT C - CLUTTERBUCK** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Green absent on personal business. Council Members Wiseman, Garcia and Sekula-Gibbs absent. MOTION 2006-0881 ADOPTED.

PURCHASING AND TABULATION OF BIDS

19. **HOUSTON FREIGHTLINER, STERLING WESTERN STAR, INC** for Cabs and Chassis Replacement Parts and Repair Services for Solid Waste Management Department - \$355,000.00 General Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. Council Members Wiseman and Sekula-Gibbs absent.

Council Member Clutterbuck

A vote was called on Item No. 14. All voting aye. Nays none. Council Member Green absent on personal business. Council Members Wiseman, Garcia and Sekula-Gibbs absent. MOTION 2006-0882 ADOPTED.

21. **ORR SAFETY CORPORATION (Bid No. 13)** for Scott Air Paks and Replacement Parts for Various Departments - \$7,633,260.17, 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 \$7,613,260.17 - General Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Green absent on personal business. Council Members Wiseman, Garcia and Sekula-Gibbs absent. MOTION 2006-0883 ADOPTED.

RESOLUTIONS AND ORDINANCES

22. RESOLUTION designating certain properties within the City of Houston as Historic Landmarks (Arthur R. Holliday House - 3000 Del Monte Drive, Kemerton Dean House - 1912 Bellmeade Drive and National Cash Register Company - 515 Caroline Avenue) - **DISTRICTS G - HOLM and I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Green absent on personal business. Council Members Wiseman, Holm, Garcia and Sekula-Gibbs absent. RESOLUTION 2006-0017 ADOPTED.
25. ORDINANCE amending City of Houston Ordinance No. 2005-1339 relating to rescheduling and postponement of City Council meetings – was presented. All voting aye. Nays none. Council Member Green absent on personal business. Council Members Wiseman, Holm, Garcia and Sekula-Gibbs absent. ORDINANCE 2006-1013 ADOPTED.
26. ORDINANCE relating to the fiscal affairs of the **EAST DOWNTOWN REDEVELOPMENT AUTHORITY on behalf of REINVESTMENT ZONE NUMBER FIFTEEN, CITY OF HOUSTON, TEXAS (EAST DOWNTOWN ZONE)**; approving the Fiscal Year 2007 Operating Budget for the authority - **DISTRICT I – ALVARADO** - was presented, and tagged by Council Members Lovell and Alvarado. Council Members Wiseman, Holm, Garcia and Sekula-Gibbs absent.
27. ORDINANCE relating to the fiscal affairs of **REINVESTMENT ZONE NUMBER EIGHTEEN, CITY OF HOUSTON, TEXAS (FIFTH WARD ZONE)**; approving the Fiscal Year 2007 Operating Budget for the Zone - **DISTRICT B – JOHNSON** – was presented.

Council Member Johnson stated that he wanted to acknowledge Mr. Tom Mesa and Mr. Robert Fiederlein for doing work on the TIRZ, that this was a TIRZ that he believed was the whole reason why TIRZs were created, to help neighborhoods like the Fifth Ward Community that needed the mechanism that was going to track good development through their community but he was not quite sure they were going about it the right way, they brought some materials to his attention that in his estimation just did not help the TIRZ to get the increment that it needed in order to start attracting some of the development that they had been trying to do, that he wanted to make sure that not only was he involved in the process but that the board of the TIRZ was involved in the process and he was not sure that it took place and he did not want to put the TIRZ in a position where it was set up to fail, that he wanted to make that he and Mr. Fiederlein and Mr. Mesa really sit down and talk about how they look at true mechanism that was going to help the TIRZ become very successful so they could attract development and so they could put the infrastructure in place that was needed, that he wanted to tag the item so they could revisit it to make sure it was done in the right manner. Council Members Wiseman and Sekula-Gibbs absent.

Mayor White stated that he would take a look at the particular issue and would ask for an update based on the actual tax roll 2007 numbers, that the issue in the TRIZ was what happens if there was very little increment and how do they make sure that they husband those funds until there was enough critical mass so they could do something with the increment, that it should not

be difficult to resolve and he wanted to make sure that there was consultation with Council Members. Council Members Wiseman and Sekula-Gibbs absent.

Council Member Holm stated that she would suggest that one of the things they could consider was that no longer was the TRIZ a planning issue but really was with Mr. Fiederlein coming on board under F&A that they have someone to coordinate it and there may be planning issues involved at some point but if they could have full coordination she really thought it would help the communication with the boards and everybody else. Council Members Wiseman and Sekula-Gibbs absent.

Mayor White stated that Mr. Mesa and Mr. Fiederlein reported to him and they were giving them a transitional period in order that they could get up to speed, that it was not going to be Planning, they dropped the ball, that was why they had these two people who he brought in, but there needed to be some coordination and planning and he wanted to get an org chart and make sure who reported to who, he thought there may be some transitional responsibility, that it was a good point. Council Members Wiseman, Alvarado and Sekula-Gibbs absent.

Council Member Brown stated that he thought the geometry of the TIRZ was a real issue and the economic action was in the lower Fifth Ward and the TIRZ boundaries sort of dip down into the lower Fifth Ward and they were really not sure why, there was an enormous opportunity in the lower Fifth Ward to really make it a model neighborhood and he hoped all of these things could be taken into consideration. Council Members Wiseman, Holm, Alvarado and Sekula-Gibbs absent.

Mayor White stated that he supported the TRIZ and did not want to discontinue it, that there was a lot going on in the TRIZ but maybe the appraised values had not kept up with the actual market values, they wanted to start advocating that, that would be a dam that would create money for the TIRZ and be a disincentive for economic development. Council Members Wiseman, Holm and Sekula-Gibbs absent.

30. ORDINANCE approving and authorizing contract between the City of Houston and **BRENTWOOD COMMUNITY FOUNDATION** to provide \$412,207.00 in Housing Opportunities For Persons With AIDS (HOPWA) Funds for the Operation of Two Community Residences and the Administration of a Short-term rent, Mortgage and Utility Assistance Program, along with other supportive services **DISTRICT D – EDWARDS** – was presented. All voting aye. Nays none. Council Member Green absent on personal business. Council Members Wiseman, Holm and Sekula-Gibbs absent. ORDINANCE 2006-1014 ADOPTED.
31. ORDINANCE approving and authorizing contract between the City of Houston and **CAREER AND RECOVERY RESOURCES, INC** providing up to \$64,233.00 in Housing Opportunities For Persons With AIDS (“HOPWA”) Funds for the administration of a Computer Literacy Training Program, along with supportive services – was presented. All voting aye. Nays none. Council Member Green absent on personal business. Council Members Wiseman, Holm and Sekula-Gibbs absent. ORDINANCE 2006-1015 ADOPTED.
32. ORDINANCE approving and authorizing contract between the City of Houston and **VOLUNTEERS OF AMERICA TEXAS, INC** to provide \$476,194.00 in Housing Opportunities For Persons With AIDS (HOPWA) Funds for the Operation of Two Community Residences and the Administration of a Short-term rent, Mortgage and Utility Assistance Program, along with other supportive services – was presented. All voting aye.

Nays none. Council Member Green absent on personal business. Council Members Wiseman, Holm and Sekula-Gibbs absent. ORDINANCE 2006-1016 ADOPTED.

34. ORDINANCE consenting to the addition of 249.121 acres of land to **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 25**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Green absent on personal business. Council Members Wiseman, Holm and Sekula-Gibbs absent. ORDINANCE 2006-1017 ADOPTED.
39. ORDINANCE establishing the north and south sides of the 2300 block of Dryden Road within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT C - CLUTTERBUCK** – was presented. All voting aye. Nays none. Council Member Green absent on personal business. Council Members Wiseman, Holm and Sekula-Gibbs absent. ORDINANCE 2006-1018 ADOPTED.
40. ORDINANCE establishing the north side of the 800 through the 1000 blocks of East 27th 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 Member Green absent on personal business. Council Members Wiseman, Holm and Sekula-Gibbs absent. ORDINANCE 2006-1019 ADOPTED.
41. ORDINANCE establishing the north and south sides of the 2200 and 2300 blocks of Rosedale Street within the City of Houston as a special building line requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Green absent on personal business. Council Members Wiseman, Holm and Sekula-Gibbs absent. ORDINANCE 2006-1020 ADOPTED.
42. ORDINANCE approving and authorizing the execution of a Compromise and Settlement Agreement between the City of Houston and **SAM LEVINGSTON, DVM**, to settle a claim in the sum of \$875,000.00 - Property and Casualty Fund – was presented.

After discussion by Council Members, a vote was called on Item No. 42. All voting aye. Nays none. Council Member Green absent on personal business. Council Members Wiseman, Holm and Sekula-Gibbs absent. ORDINANCE 2006-1021 ADOPTED.

46. ORDINANCE appropriating \$8,896,887.00 out of Airports Improvement Fund and approving and authorizing Professional Architectural/Engineering Services Contract between the City of Houston and **HELLMUTH, OBATA & KASSABAUM, LP** for Architectural/Engineering Services relating to the APM System Extension at George Bush Intercontinental Airport/Houston (Project No. 536F; CIP A-0354 and A-0422); providing funding for the Civic Art Program and appropriating \$155,700.00 for such Civic Art Program financed by the Airports Improvement Fund - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Member Green absent on personal business. Council Members Wiseman, Holm and Sekula-Gibbs absent. ORDINANCE 2006-1022 ADOPTED.
48. ORDINANCE appropriating \$654,150.00 out of Series E Commercial Paper Metro Project Fund and approving and authorizing Professional Construction Management and Inspection Services Contract between the City of Houston and **ESPA CORP** for Street and Bridge Projects, (WBS No. N-000680-0002-4) - **DISTRICT B - JOHNSON** – was

presented. All voting aye. Nays none. Council Member Green absent on personal business. Council Members Wiseman, Holm and Sekula-Gibbs absent. ORDINANCE 2006-1023 ADOPTED.

50. ORDINANCE appropriating \$1,012,600.00 out of Parks Consolidated Fund; awarding construction contract to **BOYER, INC** for Tidwell Park (WBS F-504A05-0010-4), setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, construction management, Civic Art Program and contingencies relating to construction of facilities financed out of the Parks Consolidated Fund **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Member Green absent on personal business. Council Members Wiseman, Holm and Sekula-Gibbs absent. ORDINANCE 2006-1024 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Johnson first

Council Member Johnson stated that tonight at 7:00 p.m. there would be an open forum regarding horses in the City, a lot of misunderstanding and bad information had been passed around so they wanted to make sure they got clear on it, so they were inviting people out to express their opinions and views regarding it and to talk about the ordinance a little bit. Council Members Wiseman, Holm and Sekula-Gibbs absent.

Council Member Johnson stated that he wanted to wish a Happy Birthday to his wife, Charlene Johnson. Council Members Wiseman, Holm and Sekula-Gibbs absent.

Council Member Edwards requested a moment of silence for the children that they had lost in the last weeks in the senseless tragedies that had occurred in this Country, that she was deeply disturbed about what had happened to their children on a lot of levels. Council Members Clutterbuck, Wiseman, Holm and Sekula-Gibbs absent.

Council Member Edwards stated that she wanted to remind everyone that the last day to register for the November election was October 10, 2006, the League of Women Voter's were doing registration at various areas, that they could get registered at the Breakfast Klub on Saturday mornings, that it was an important election. Council Members Clutterbuck, Wiseman, Holm, Alvarado and Sekula-Gibbs absent.

Council Member Edwards stated that they had a continuing trash problem, ridiculous trash problem at one of the historic buildings in District D at the Majestic Theater at 4010 Old Spanish Trail, about every three months they had a load of tires or all kinds of construction type looking trash to her, that Solid Waste went out and picked up stuff yesterday and it was big two by four's, that she would like to request that they have some cameras put at that location since it seemed to be a very systemic dumping problem at that location, that they would like to have that property looked at for historical preservation, that she did not know who to refer it to if they wanted to have a camera put there. Council Members Johnson, Clutterbuck, Wiseman, Holm, Alvarado and Sekula-Gibbs absent.

Council Member Edwards stated that she wanted to advise her colleagues that they had passed Chapter 19 on the flooding, of what they would do in the flood plain area, they were not going to be looking at Chapter 9 as far as building and development in the non flood plain areas so she would really encourage them when the draft comes out to look at it seriously as to how it affects their areas or district and get back with them on comments either at the Flooding and Drainage Committee or through the stakeholders committee meeting on Fridays, it was a very important ordinance that would affect how they move forward and all of the development they

had been talking about at the City, Project Hope and all the other things, that it should be coming out to them in the next 10 days. Council Members Johnson, Clutterbuck, Wiseman, Holm, Alvarado, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that the Chocolate Bayou Festival was on Saturday and they would like to have Mayor White at the opening ceremonies at 2:30 p.m. they were presenting scholarships in the amount of \$13,000 plus to students and would like for Mayor White to give those awards out, that all of the entertainment at the festival was free, they only had to buy food from the vendors or they could bring their own picnic basket, that she wanted to thank Ms. Susan Christian, Mr. Joe Turner and Ms. Marsha Lister at Sunnyside Park who ran the area, they had a good cadre of people who were working from Solid Waste to everywhere, that it would start at 12:00 p.m. Council Members Johnson, Clutterbuck, Wiseman, Holm, Alvarado and Sekula-Gibbs absent.

Council Member Lawrence stated that she wanted to compliment Mayor White and Chief Hurr for the efforts they made this past weekend on immigration, she knew they had been working on it a long time, even before Mark Ellis started trying to get on board and a lot of people around the table today had input with them and they appreciated their working with them over the last year, that she thought they were at a stage where a lot of people did not realize the Texas Code of Criminal Procedure, she was referring to 14.01, 14.03 and 14.04 that limited what a City could do, so she urged her colleagues that wanted more to look at that and maybe the place they should go was the State Legislature because they wanted to continue to get Federal and State money, so they had to stay within the parameters of State Code. Council Members Johnson, Clutterbuck, Wiseman, Holm, Alvarado and Sekula-Gibbs absent.

Council Member Lawrence stated that she would like her colleagues to respect all the offices in the back, even though she did not have a problem with the lobbyists yesterday but for three hours somebody ran around without a Council Member with them and at 6:30 p.m. they were still in the back and to every Council Member when someone came to see them if they would walk them out and let them come back to see somebody and not just freely walk around the offices she would appreciate it. Council Members Johnson, Clutterbuck, Wiseman, Holm, Alvarado and Sekula-Gibbs absent.

Council Member Garcia stated that he wanted to commend Mayor White on his latest pick of Ms. Claudia Vasquez to help with the Citizens Assistance Office Department, and he wanted to commend Mr. Fontaine for paying particular attention to making sure that they find the right person to help move that department forward and help them define ways on how the Council and the CAO could work better together and how they could give the citizens the best bang for the buck. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm, Alvarado, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Council Member Garcia stated that he wanted to remind his colleagues that they would have the Public Safety and Homeland Security Committee meeting on Monday, that they had been approving several items that really came under the caption of the Health Department but were related to anti terrorism initiatives and programs that supported both the Fire and Police Departments, so they were going to be providing an update as to how those particular programs were coming together and their respective impacts and places and making sure the City was kept safe, that would be the highpoint of the meeting. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm, Alvarado, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Council Member Garcia stated that on Saturday would be the Variety Show, that the Variety Club of Houston, who was hosting the event, was a great organization, it had been

around for many years, it started with a group of musicians and performers who found an abandoned child and collectively worked to sort of adopt the child and they started putting on different performances to support the child and as a result the mission of that organization had grown, it was an international organization and raised money in town to help provide children in need of items like prosthesis, there were a lot of kids who could not afford the type of prosthesis that their particular situations would require. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm, Alvarado, Lovell, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Council Member Khan stated that he wanted to bring to the Mayor's attention the continued problems they were having on the Dunlap Street project, that they had talked about it in the past where CTI was the contractor who ran out of business and the Saint Paul Insurance Company took over and assigned the contract to Jalco which was now called George Construction and they requested an extension of time which was granted by the City but there continues to be a lot of problems which the residents were facing and he had a whole list of concerns that they still had and he would submit them to Mayor White, that they were meeting with them this afternoon and would get to know the concerns of the residents first hand. Council Members Lawrence, Johnson, Wiseman, Holm, Alvarado, Lovell, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Council Member Khan stated that he wanted to echo what Council Member Lawrence stated, the administration, police chief and Council had spent a lot of resources and time to make sure they did everything possible to have some control on the problem which had become more political issue all over the Country, the important thing from his perspective was not to address the issue with emotions or politics but to really find some practical solutions to the problems they were facing. Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Alvarado, Lovell, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Council Member Khan stated that he wanted to remind everybody that the Mayor's Ramadan Dinner at City Hall would be next Wednesday October 11, 2006 and everyone was welcome. Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Alvarado, Lovell, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Council Member Brown stated that he wanted to second the strong support for Chief Hurtt and the Mayor's policies to make it a safe City, the people of Houston needed to know it was a safe City and they were making it even safer. Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Alvarado, Lovell, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Council Member Brown stated that he had the opportunity to receive and read the annual report of the Houston Parks Board a great board that helped create and protect and manage the parks and natural areas and wanted to commend the Chairman of the Parks Board, Mr. James Elkins, III and the President Mr. Tom Bacon and the Executive Director Ms. Roksan Okan-Vick, that one of the parks mentioned was Herman Brown Park and he had gotten a number of calls from the organizers of the Houston Botanical Garden, it was a wonderful addition to the Herman Brown Park but it was hung up in trying to decide what to do about the bikeway that TXDOT controlled and some other factors and he hoped they could move forward in letting the Houston Botanical Garden organizers move forward with their plan. Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Alvarado, Lovell, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that they had been graciously awarded the services of Metro to provide shuttle parking for people coming to the Chocolate Bayou Festival and they were encouraging people to go to the Saint Agnes Church on Scott and park and then Metro

would deliver them to the festival. Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Alvarado, Lovell, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that she wanted to say hello to her father-in-law, Mr. Don Clutterbuck, who was recovering in a local hospital from some surgery and wished him a speedy recovery. Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Alvarado, Lovell, Sekula-Gibbs and Berry absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 12:09 p.m. Council Member Green absent on personal business.

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

MINUTES READ AND APPROVED

/S/Anna Russell

Anna Russell, City Secretary