

City Council Chamber, City Hall, Tuesday, October 24, 2006

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Tuesday, October 24, 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., Ronald C. Green and Michael Berry; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Mr. Arturo Michel, City Attorney; Ms. Claudia Vasquez, Director Citizens Assistance Office; Ms. Marty Stein, Agenda Director and Ms. Marta Crinejo, Assistant Agenda Director, present.

At 8:27 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:26 a.m. Mayor White called the meeting to order and called on Council Member Brown for prayer and pledge of allegiance. Council Members Wiseman, Khan, Holm and Garcia absent.

Mayor White requested City Secretary to call the roll. Council Members Wiseman, Khan, Holm and Garcia absent.

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

Mayor White stated that they would start with the required public hearing and then proceed through the consent agenda. Council Members Wiseman, Khan, Holm and Garcia absent.

## **HEARING**

1. **PUBLIC HEARING** on the proposal to establish a tax rate of \$.6450/\$100 of value for Tax Year 2006 - **9:00 A.M.** – was called.

The City Secretary stated that the public hearing was called on the proposal to establish a tax rate for tax year 2006, no one had reserved time to appear, however by law she was required to make the following announcement, the vote to adopt the property tax rate for the City of Houston for 2006 would be considered at the City Council meeting to be conducted in the City Council Chamber, Second Floor City Hall, on November 1, 2006 convening at 9:00 a.m. Council Members Lawrence, Wiseman, Khan, Garcia and Berry absent.

Council Member Green moved to close the public hearing, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Members Lawrence, Wiseman, Khan, Garcia and Berry absent. MOTION 2006-0958 ADOPTED.

## **MAYOR'S REPORT**

Mayor White stated that there would be no Mayor's Report and would commend to his colleagues three different memo's that addressed issues which many of the Council Members had inquired about and there had been much conversation around the Council table, that he would ask Ms. Stein to circulate them around the Council table, the first already circulated concerned the ruling of the Commerce Department on the census appeal, which the census agreed with the City of Houston's position so the tax rate would be considered lower than last year's tax rate, the inflation plus population would be some 6.8%, that the budget was based on 3.4% increase in property tax collection, half of the rate of inflation plus the population growth, that was the 64.5 cents, lower than last year's, as used in the budget that they adopted last

June; that the second memo they would get concerned police staffing and crime rate and would be circulated, the memo was based on the latest crime statistics, which were good, and some questions that people had posed concerning numbers not accurately reported by some accounts, which was the total effect of police force rate when they included the overtime and classified officers, there were various statistics; and the third they would be receiving sometime in the next 24 hours, at the request of some Council Members, a detailed account of the history of the last 24 months of negotiations and discussions to get the factual background of the freight rail which up to this point had been in their region driven by the rail companies themselves with some participation by the Port of Houston and the County, but they would get those three memos. Council Members Lawrence, Wiseman, Khan and Garcia absent.

**CONSENT AGENDA NUMBERS 2 through 47**

**MISCELLANEOUS** - NUMBERS 2 through 7

2. REQUEST from Mayor for confirmation of the reappointment of the following to the **HARRIS COUNTY-HOUSTON SPORTS AUTHORITY BOARD OF DIRECTORS**, for terms to expire August 31, 2008:

Position 1 - **MR. NEAL MANNE**  
Position 2 - **MR. BA MAU NGUYEN**  
Position 3 - **MR. J. KENT FRIEDMAN**

- was presented, moved by Council Member Alvarado, seconded by Council Member Holm All voting aye. Nays none. Council Members Wiseman and Khan absent. MOTION 2006-0959 ADOPTED.

3. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **HOUSTON AREA WATER CORPORATION BOARD OF DIRECTORS**, for terms to expire August 1, 2008

Position One - **MR. JAMES "GRADY" PRESTAGE**, reappointment  
Position Three - **MR. CHARLES M. PENLAND**, reappointment  
Position Four - **MS. XIMENA M. SIMMONS**, appointment  
Position Five - **MR. DAVID BERG**, reappointment

- was presented, moved by Council Member Alvarado, seconded by Council Member Holm All voting aye. Nays none. Council Members Wiseman and Khan absent. MOTION 2006-0960 ADOPTED.

5. REQUEST from Mayor for confirmation of the appointment of **MR. HOWARD A. ROSE**, to Position Fifteen of the **PUBLIC PARKING COMMISSION**, for a term to expire December 31, 2008 - was presented, moved by Council Member Alvarado, seconded by Council Member Holm All voting aye. Nays none. Council Members Wiseman and Khan absent. MOTION 2006-0961 ADOPTED.

7. RECOMMENDATION from Director Department of Public Works & Engineering to approve refund for Water & Sewer Account for **ORIX PLC HOUSTON VENTURE** - \$34,150.92 - Enterprise Fund - was presented, moved by Council Member Alvarado, seconded by Council Member Holm All voting aye. Nays none. Council Members Wiseman and Khan absent. MOTION 2006-0962 ADOPTED.

Mayor White stated that they were lucky to have at least two of their representatives on the Sports Authority present in the audience and asked that they stand and be recognized, that

they had some outstanding representatives on the Sports Authority that were dedicated to making sure that public funds were well spent on the appropriate processes.

Council Member Alvarado moved to suspend the rules to consider Item Numbers 49 and 51 out of order, seconded by Council Member Holm. All voting aye. Nays none. Council Members Wiseman and Holm absent. MOTION 2006-0963 ADOPTED.

Council Member Garcia requested a point of personal privilege and stated that he wanted to recognize one of Houston's own, the Houston Dynamo, that Mr. Oliver Luck, President of the team, was present along with Eddie Robinson, an all star defender and presented Mr. Luck and the Houston Dynamo a proclamation in recognition for all of the hard work they were doing and for what they brought to Houston in completing the sports network in town, and Mayor White proclaimed, Tuesday, October 24, 2006 as "Go Orange" Houston Dynamo Day in Houston, Texas. Council Member Berry absent.

Mr. Luck thanked Mayor White and the City Council for their show of support and all Houstonians who had already come out in an unprecedented show of support for the Dynamo by placing large orange vegetables in front of their doors over the past couple of weeks, they took it as a good support sign for their upcoming Sunday game at 7:00 p.m. at Robertson Stadium against Chivas USA, and provided the City Council with an autographed poster of the Houston Dynamo. Council Member Berry absent.

Council Member Edwards moved to suspend the rules to add Mr. Jeffrey Bodley to the speakers list, seconded by Council Member Khan. All voting aye. Nays none. Council Member Berry absent. MOTION 2006-0964 ADOPTED.

Council Member Johnson asked for a point of personal privilege and stated that he wanted to recognize today was Officer Johnson's birthday, the fallen officer, and asked for a moment of silence to recognize Officer Johnson. Council Member Berry absent.

#### **PURCHASING AND TABULATION OF BIDS** - NUMBERS 8 through 13

8. ORDINANCE appropriating \$65,000.00 out of Parks Consolidated Construction Fund for Asbestos and Lead Abatement, Demolition and Repair Services for Building Services Department – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2006-1063 ADOPTED.
- 8a. **BASIC INDUSTRIES, INC** for Asbestos and Lead Abatement, Demolition and Repair Services for Building Services Department - \$62,525.00 and contingencies for a total amount not to exceed \$65,000.00 - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Berry absent. MOTION 2006-0965 ADOPTED.
9. **MID-MINNESOTA WIRE AND MFG., INC** for Wall-Mounted and Mobile Turnout Gear Storage Systems and Accessories for Building Services Department - \$768,406.00 - General and In-House Renovation Revolving Funds - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Berry absent. MOTION 2006-0966 ADOPTED.
11. **LANSDOWNE-MOODY COMPANY** - \$167,963.30, **JOHN DEERE COMPANY** - \$77,639.88 and **HOUSTON TURF EQUIPMENT** - \$98,016.52 for Grounds Keeping Equipment through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council (H-GAC) for Houston Airport System and Parks & Recreation

Department - Enterprise, Equipment Acquisition and Parks Special Revenue Funds - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Berry absent. MOTION 2006-0967 ADOPTED.

13. **NICK'S DIESEL SERVICE, INC** for Trash Collection Trailers for Solid Waste Management Department - \$809,200.00 - Equipment Acquisition Consolidated Fund - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Berry absent. MOTION 2006-0968 ADOPTED.

**RESOLUTIONS AND ORDINANCES** - NUMBERS 14 through 47

18. ORDINANCE consenting to the addition of 83.301 acres of land to **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 143**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2006-1064 ADOPTED.
19. ORDINANCE consenting to the addition of 62.42 acres of land to **FOUNTAINHEAD MUNICIPAL UTILITY DISTRICT**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2006-1065 ADOPTED.
20. ORDINANCE consenting to the addition of 4.485 acres of land to **GREENS PARKWAY MUNICIPAL UTILITY DISTRICT**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2006-1066 ADOPTED.
22. ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 499 - DISTRICT E - WISEMAN** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2006-1067 ADOPTED.
29. ORDINANCE issuing permit to **O'REILLY AUTOMOTIVE, INC, and its subsidiaries and affiliates** for using, occupying, operating, maintaining and repairing a waterline within the 8600 block of Tavenor Lane, a public street right-of-way of the City of Houston, Texas; containing findings and prescribing the conditions and provisions under which said permit is issued **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2006-1068 ADOPTED.
30. ORDINANCE ordering and setting a public hearing pursuant to the provisions of Chapter 26, Texas Parks & Wildlife Code regarding the proposed permanent use of approximately 1.8931 acres of land out of Selena Quintanilla Perez-Denver Harbor Park by the City's Health and Human Services Department; authorizing and directing that notice of such hearing be given, stating in substance the form of such notice; finding and stating other matters generally relating thereto **DISTRICT I – ALVARADO - HEARING DATE - 9:00 A.M. - WEDNESDAY - NOVEMBER 29, 2006** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2006-1069 ADOPTED.
37. Omitted
38. ORDINANCE approving and authorizing contract between the City of Houston and **CONSERVATION AND RESTORATION OF SCULPTURE, L.L.C.**, for Professional Art Restoration and Replacement Services related to the sculpture "Light Spikes" at George Bush Intercontinental Airport/Houston; accepting the restored artwork into the City's permanent art collection - \$363,124.00 - **DISTRICT B – JOHNSON** – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting. Council Member Berry absent.

39. ORDINANCE awarding contract to **AABBOTT-MICHELLI TECHNOLOGIES, INC** for Calibration & Repair of Truck Platform Scales for Public Works & Engineering Department; providing a maximum contract amount - 3 Years with two one-year options - \$253,180.00 - Enterprise Fund – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2006-1070 ADOPTED.
40. ORDINANCE appropriating \$4,988,121.00 out of Water & Sewer Consolidated Construction Fund and approving and authorizing the third amendment to contract between the City of Houston and **ITRON, INC** for the Radio Automated Meter Reading System for the Public Works and Engineering Department – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2006-1071 ADOPTED.
41. ORDINANCE awarding contract to **UST SERVICES, INC** for Fuel Systems Tank Testing Services for Various Departments; providing a maximum contract amount - 3 Years with two one-year options - \$797,050.26 - General, Enterprise and Fleet Management Funds – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2006-1072 ADOPTED.
49. CONCURRENT Ordinance creating a Freight Rail District pursuant to Chapter 171, Texas Transportation Code – **(This was Item 24 on Agenda of October 18, 2006, TAGGED BY COUNCIL MEMBERS HOLM, WISEMAN, GARCIA, SEKULA-GIBBS and CLUTTERBUCK)** – was presented. Council Member Berry absent.

Council Member Holm moved to refer Item No. 49 back to the administration, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Berry absent. MOTION 2006-0969 ADOPTED.

51. RECOMMENDATION from Director Planning & Development Department to approve amendments to the 2005 Major Thoroughfare and Freeway Plan (MTFP) and authorize publication of the 2006 MTFP in map form – **(This was Item 35 on Agenda of October 18, 2006, POSTPONED BY MOTION #2006-954)** – was presented. Council Member Berry absent.

Council Member Alvarado moved to postpone Item No. 51 for one week, seconded by Council Member Garcia, and Mayor White stated that the administration did not oppose the one week delay. Council Member Berry absent.

After discussion by Council Members, a vote was called on the motion to postpone Item No. 51 for one week. All voting aye. Nays none. Council Member Berry absent. MOTION 2006-0970 ADOPTED.

Mayor White stated that he wanted to recognize that the Parking Commission did very important work and they had Mr. Howard Rose, who was the new appointee and asked that he stand and be recognized. Council Member Berry absent.

At 9:40 a.m. Mayor White stated that they would move to the public session and asked the City Secretary to call the list of speakers. Council Member Berry absent.

Ms. Larissa Lindsay, 1816 Kane, Houston, Texas 77007 (713-831-6526) appeared and stated that she was president of the Old Sixth Ward Neighborhood Association where the 1854 Guese House was relocated and proposed for historic landmark designation, Agenda Item 14, and she applauded the owners for moving the house there and committing to restore it; that

many owners were hesitant to designate until they knew their neighborhood would be protected; that the Guese House was the oldest documented house in private hands in the City of Houston; and urged Council to protect Houston's history. Council Member Berry absent.

Council Member Garcia moved the rules be suspended to hear Mr. Brett Mize after Ms. Lindsay, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Berry absent. MOTION 2006-0971 ADOPTED

Council Member Garcia stated that they had worked hard to purchase the house and begin their process and he was glad it was presented to Council in a complete package; and he thanked Mark for his work, and thanked all for taking personal ownership of the issue and investing of themselves. Council Member Berry absent.

Council Member Lovell stated that she understood if the house was not moved it would have been torn down and she thanked Steve and Mark for their commitment, it would have been a crime to have lost the house and she was glad it found a home in the Old Sixth Ward. Council Member Berry absent.

Mayor White stated that he knew they did not want to put money in and see something come next door to lower their value; and he thanked people for coming and highlighting insights and views and felt it had a right balance for the Sixth Ward TIRZ; and he thanked her and stated they would be moving on it. Council Member Berry absent. Council Members Lawrence, and Berry absent.

Mr. Brett Mize, 2009 Kane, Houston, Texas 77007 (713-861-4337) appeared and stated that the Guese House mentioned in Resolution 14 was the oldest documented residential structure in the City of Houston and there was a holdup on its restoration because to be eligible for tax credits one must apply for designation prior to restoration; that several houses there were in poor condition and now were show places and they owed those who came before them. Council Member Berry absent.

Mr. Jeffry Bodley, was previously added to the speakers list, appeared and stated that he spoke last week briefly on Item 27 and it was pulled and Item 50 on the Agenda today, the award of contract to Aramark; that he spoke with attorney Ms. Joe Wiginton who offered the legal opinion provided last week and she said she would forward the recommendation to the bid evaluation committee and today he was asking Council to not make a decision on the item until the bid evaluation committee could look again and see if it changed their opinion as they believed it would and then the contract would stay with a Texas firm and save citizens approximately \$550,000. over the life of the contract. Council Members Khan and Berry absent.

Ms. Pam Fain, 10139 Meadow Vine, Houston, Texas 77004 (281-458-39170 had reserved time to speak but was not present when her name was called. Council Members Khan and Berry absent.

Ms. Susan Borches, 5812 Fordham, Houston, Texas 77005 (713-473-3837) appeared, presented information and stated that she was the CEO of the new organization called Houston Greeters and was present to make them aware and invite them to a party; that Thursday, 4:30 p.m. to 6:00 p.m. in the Visitors Center Houston Greeters would have their official kickoff and Mayor White would say a few words at 5:00 p.m.; that eight greeters, local volunteers, would be present to say what they did and presently they had 60 greeters who spoke a dozen languages; that they were very excited and she hoped all would come. Council Members Garcia and Berry absent.

Mayor White thanked Ms. Borches for what she had done and stated that after his first inauguration he asked people to get involved and she said she had an idea to represent Houston to people coming in and it was a remarkable idea and he was with her. Council Members Garcia and Berry absent.

Council Member Khan thanked Ms. Borches for her efforts and commitment and stated that he had seen the group in action at the Pakistani Physicians Convention and they had greeters and booths and they could count on council's support. Council Members Garcia and Berry absent.

Council Member Lawrence stated that it was great to have people like them to toot the horn for the City of Houston; and thanked them again for their work; and Ms. Borches stated that they had a Global Greeter Network and it was comprised with seven other global cities with identical programs and now Houston had received business through those other cities and most visitors to date were international and not domestic. Council Members Garcia and Berry absent.

Council Member Brown stated that this was fabulous and she had given him ideas he would like to contact her with; that he was working with the Museum District and others to put together a map of cultural destinations in Houston and that would fit in. Council Members Garcia and Berry absent.

Mr. Joseph Omo Omari, 2820 Palm #2B, Houston, Texas 77004 (832-767-0870) had reserved time to speak but was not present when his name was called. Council Members Garcia and Berry absent.

Mr. William Barker, 9966 Kirkdale, Houston, Texas 77087 had reserved time to speak but was not present when his name was called. Council Members Garcia and Berry absent.

Mr. Frank Elias, 10223 Valencia, Houston, Texas 77013 (713-675-5023) had reserved time to speak but was not present when his name was called. Council Members Garcia and Berry absent.

Mr. Russell Lehrman, 2901 Rusk, Houston, Texas 77003 (713-222-2295) appeared, presented information and stated that he was owner of four pieces of property near the Oak Farms Dairy and present to discuss street abandonment and sales in their area as several had been closed by Oak Farms and it caused a community problem and he was representing 307 citizens who signed the petition against the streets being closed on Sampson and Dale and the petition was in the hands of the Joint Referral Committee and a letter from Nancy Collins, chairperson of that committee, was presented to Council and stated that Oak Farms Dairy must address in writing community concerns expressed during the sign posting period including those of Dodson Elementary School officials, residents and business owners and secure Mr. Lehrman's written consent and participation and until that was accomplished the city would take no further action on the street abandonment request, but it came to his attention recently the request was moving forward and he was not notified and neither had the community been in any meetings for their concerns so he brought it to Council's attention; and also presented was an article in the Houston Business Journal which had remarks by Mike Bell, the vice president of Oak Farms, which said did they have to deal with City bureaucracy and he (Mr. Lehrman) hoped so because many citizens did not want it and only Oak Farms was for it; and he was asking for Council to investigate and the community to participate. Council Members Johnson, Garcia and Berry absent.

Upon questions by Council Member Lawrence, Mr. Lehrman stated the problem with Dodson Elementary and the street closure was Sampson ran in front of the school and they

would be diverted to Scott Street which was a very busy street; that also parking signs had been taken down and though he requested their replacement they had not been and they parked on the sidewalks; and they already had streets cut off in the area and emergency services diverted six blocks. Council Members Johnson and Garcia absent.

Council Member Alvarado stated that Mr. Lehrman was in her office about six weeks ago with folks from Oak Farms and the Administration and there would be a site visit on Monday and they asked that they be a part of it; that this had been going on since early 2005 and they were willing to work with the neighborhood and Oak Farms and felt concessions could be made on both sides and first and foremost was safety of the community and again urged that he and community members be present Monday. Council Members Garcia and Berry absent.

Council Member Edwards stated that she was hearing air quality, traffic and violation of city codes; and Mr. Lehrman stated it was other areas but all Oak Farms, his property adjoined Oak Farms and they had 23 trailer trucks parked there each with a diesel unit which refrigerated that truck and spewed out terrible pollutants and loud noise; and as far as he knew there had never been a community meeting but would love to go to one. Council Members Garcia, Lovell and Berry absent.

Ms. Marcia Anderson, 3306 Pease, Houston, Texas 77003 (713-227-0397) appeared and stated that her concerns were directly related to the parking lot at Oak Farms where they stored tractor trailers located on Leeland at Rusk; that first pollution was a major concern, dark airborne particles from the refrigerators covered her porch and entered her house through open windows covering her furniture and was destroying her property and displayed dark sooty rags which she said all came from wiping down her furniture and that the noise was extensive both day and night and they continued to use Leeland to enter their property instead of the other entrance; that they were causing an environmental and health concerns; and urged the city address the issues. Council Members Holm and Lovell absent.

Council Member Edwards stated that the issue of diesels running all night was a real issue and she did not see how it could be allowed in a residential area and would like to know who regulated it; and Mayor White stated that he wanted to give a reliable answer and would ask Ms. Stein and Mr. Fontaine to help him think through who had principal responsibility and what the ordinance framework was. Council Members Khan, Holm and Lovell absent.

Council Member Lawrence stated that her question was the same, she had the same problem with the particular vender behind a gated community; that there were \$400,000 homes and yet they could not be sold because of the diesel trucks behind them and she wondered what the limits and perimeters were; and Mayor White stated that in getting response from Ms. Stein and Mr. Fontaine he would also say one issue in the state implementation plan they urged serious consideration of was the requirement and availability of electrical power outlets to allow diesel trucks to idle and there was grant funding for it. Council Members Holm and Lovell absent.

Council Member Alvarado stated that she would like the articles to present to Air Quality Control; and Ms. Anderson stated that she would need a copy made. Council Members Holm and Lovell absent.

Council Member Garcia stated that this brought up another issue, there was an old poultry plant in the west side of the Heights off Shepherd and Yale where folks for years had the same issue of the eighteen wheelers running late at night and people not being able to park in front of their homes because of signs placed there for the trucks to unload and it was a real issue for many neighborhoods. Council Member Lovell absent.

Council Member Brown stated that he supported what Council Member Garcia said, the longer he sat on Council the more he realized they had to do a better job of protecting the neighborhoods; that there were nuisance ordinance and Ms. Anderson spoke of noise, particulate matter, glare, hours of operation and greater emphasis needed to be on enforcement of nuisance ordinances. Council Member Lovell absent.

Council Member Edwards stated that she was disturbed by the letter, it was dated almost a year and a half ago and she did not see how allegations of such pollution could be and no community meetings; that she wanted to know if there was a standard of time for investigation, etc., as no action was taken. Council Member Lovell absent.

Mr. Trevor Palacia, 3308 Pease, Houston, Texas 77003 (713-225-8061) appeared, displayed pictures and stated that he was with the Southern Human Rights Organizes Conference and also hear in respect to what was going on with Oak Farms; that the signs posted were "No Through Trucks" and yet you could see the trucks going right through; that when they met with Council Member Alvarado and Oak Farms they were told by Oak Farms they were not going to do what was requested and he said then it seemed Council Member Alvarado was in cahoots with Oak Farms because the individual could sit there and say they were not going to do as requested; that the picture showed the gate the community wanted closed and Oak Farms said no. Council Members Wiseman, Holm and Lovell absent.

Council Member Garcia stated that he did not know specifics with this but did know throughout the city the eighteen wheelers and "No Through" activity was affecting many neighborhoods and some in his district, but they were looking at things which may have a spillover onto such things as this, a challenge for Houston was no zoning, but he would lend support to his colleague and they would try and find resolve. Council Members Wiseman, Holm and Lovell absent.

Council Member Edwards stated that she would like copies of his pictures and requested to Mayor White that she would like to request to both Council Members Alvarado and Lawrence committees hold a joint committee on the issue of what was happening throughout the city; and Mayor White stated that he thought it was a good idea and Ms. Stein would work with them to do that; and upon questions, Mr. Palacia stated that this had been going on for years; and Mayor White stated that Houston was growing and changes were being made, but they could not have jobs versus neighborhoods and that was how they would approach this. Council Members Holm and Lovell absent.

Ms. Austraberta Rodriguez was called and a translator stated that she would be translating for a few speakers and could they begin with Ms. Rodriguez; and Council Member Green moved that the rules be suspended for the purpose of hearing Ms. Austraberta Rodriguez out of order, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Brown absent on vacation. Council Members Holm and Lovell absent. MOTION 2006-0972 ADOPTED

Ms. Austraberta Rodriguez, 4299 San Felipe, Houston, Texas 77027 (713-514-0005) appeared and through her translator stated that she worked for One Source and was representing thousands of workers; that since yesterday they were on strike for contract which would represent all working families, janitors working in buildings, that they wanted a just salary and were requesting of Council that restroom facilities and street lighting be provided because the fight would last a longtime. Council Members Lawrence, Holm, Lovell and Green absent.

Upon questions by Council Member Khan, Ms. Rodriguez stated that they worked for \$5.15 an hour four hours a day and no health benefits; and Council Member Khan stated that he could not believe that; and upon further questions, Ms. Rodriguez stated that she survived because her four daughters helped with bills; and Council Member Khan stated that he appreciated their work. Council Members Lawrence and Lovell absent.

Upon questions by Council Member Alvarado, Ms. Agilar stated that they needed the assistance where they gathered near Louisiana Avenue near Tranquility Park; and Council Member Alvarado stated that she was not sure of rules regarding this; and upon further questions, Ms. Agilar stated it was everyday during the strike; and Council Member Alvarado stated that they could not resolve this here and she would visit with the Mayor. Council Members Lawrence, Edwards and Lovell absent.

Council Member Garcia thanked all for coming and making Council aware and stated that he supported hardworking families; that he was disappointed with the strike and encouraged they get together and resolve the issue as quickly as possible; that his support to their cause was personal as his mother was a janitor and he remembered her sacrifices. Council Members Lawrence, Alvarado, Lovell and Green absent.

Ms. Flora Agilar, 4299 San Felipe, Houston, Texas 77027 (713-514-0005) appeared and stated through her interpreter that she was also a janitor and worked for One Source; that she thanked the Council as they were supporting them and they really did need them; and thanked each for listening. Council Members Lawrence, Alvarado, Lovell and Green absent.

Council Member Brown stated that there was a national movement in cities and states and in Washington, D. C. to raise the minimum wage and with quick calculation if the minimum was raised just \$2.00 an hour that would infuse about ten million a week into the Houston economy and the lesson being taught was if people were underpaid society picked up the difference with social costs and they should consider increasing minimum wage. Council Members Lawrence, Lovell and Green absent.

Council Member Edwards stated that she would like information for janitors with the City of Houston to see their benefits and wages; and Mayor White stated that with the last large contract he personally reviewed it with details of each circumstance and the full time employees had health benefits, there were issues with health benefits and coverage of family members serious and legitimate with part-time employees. Council Members Lawrence, Lovell and Green absent.

Council Member Khan stated that he was for people making all the money they could, but with Council Member Brown's calculation shouldn't they consider a higher salary and get even more into the economy. Council Members Lawrence, Lovell and Green absent.

Ms. Veronica Taboa, 2828 Hays Road, Houston, Texas 77082 (281-722-3674) appeared and stated through her interpreter that she was present trying to obtain insurance; that many families had to have two to three jobs to make ends meet; that she had four children and could not have health insurance and pay for what she needed on her salary; that they had to have several jobs to bring food to the table and because they wanted a better future for their children. Council Members Lawrence, Johnson, Lovell and Sekula-Gibbs absent.

Council Member Garcia thanked all janitors in the fight for fair wages and medical benefits; that they were not asking for anything unreasonable, just to take care of and provide for their families; that he did hope negotiations would move forward and find a resolution; that striking only hurt families and the city and he hoped fair minds would allow for the opportunity to hear

their proposal which he thought to be fair; and Council Member Brown's point of adding \$2.00 to bring into the economy ten million, he visited with Dr. Barton at U of H and there was a higher multiplier and maybe \$2.00 to this class of worker translated into multi millions into the economy; and he wished them the best and was there for them. Council Members Lawrence, Johnson, Wiseman, Lovell and Sekula-Gibbs absent.

Council Member Holm moved to suspend the rules to take Agenda Item 35 out of order, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Lawrence, Johnson, Wiseman and Lovell absent. MOTION 2006-0973 ADOPTED

35. ORDINANCE approving and authorizing contract for Advertising Support Services for the Houston Airport System by and between the City of Houston and **RIVES CARLBERG, L.P.**; providing a maximum contract amount - \$1,800,000.00 - Enterprise Fund – was presented, and tagged by Council Members Wiseman and Holm. Council Member Lovell absent.

Council Member Holm stated that she would like discussion this week to make sure the terms of the contract were consistent with the policy this Administration had for advertising. Council Member Lovell absent.

Council Member Berry moved to suspend the rules to take Agenda Item 4 out of order, seconded by Council Member Khan. All voting aye. Nays none. Council Member Lovell absent. MOTION 2006-0974 ADOPTED

4. REQUEST from Mayor for confirmation of the reappointment of the following to the **HOUSTON ZOO, INC BOARD OF DIRECTORS**, for terms to expire June 30, 2009:

Position 3 - **MR. GLENN L LOWENSTEIN**

Position 4 - **MS. BONNIE WEEKLEY**

Position 5 - **MR. GEORGE R. WILLY**

Position 6 - **MR. E. W. BILL WRIGHT, III**

- was presented, moved by Council Member Khan, seconded by Council Member Alvarado.

Council Member Khan stated that he wanted to thank Mayor White for inviting some of the finest Houstonians to serve on the board; that Mr. Willy was considered an icon in the Asian community and helped through his law practice; and his wife's commitment of education was outstanding; and his services were appreciated. Council Members Holm and Lovell absent.

Mayor White stated that the zoo had a very ambitious capital funding plan and unless people were willing to make a personal commitment and work the network they were not appointed, so to be on the board it was a sacrifice. Council Members Holm and Lovell absent.

Council Member Lawrence stated that the zoo tour was fabulous and Council Members should go and then understand the procedure and know what the zoo committee did. Council Members Holm and Lovell absent.

Council Member Lawrence stated that he appreciated all those who gave to this important organization and just scanned Mr. Wiley's resume and he was a Vietnam veteran and thanked him for his services. Council Members Holm and Lovell absent.

A vote was called on Item 4. All voting aye. Nays none. Council Members Holm and Lovell absent. MOTION 2006-0975 ADOPTED.

Mr. Rufus Brown, 906 Marcolin, Houston, Texas 77088 (281-405-9066) appeared and stated that he was founder of the Black Men of America and present representing people losing their property because of taxes and he had problems getting information on IRS liens on his grandparent's property; that he was offered \$25,000. by CDC to buy his property and hurt because his hands were tied, his grandparents did not leave a will and the city was going through prosperous times and why could they not get a plan to let people reap benefits from their parents and grandparents hard work; that he wanted them to get a program to help; that Avenue CDC could offer him \$25,000. and the city was giving them money. Council Members Holm and Garcia absent.

Upon questions by Mayor White, Mr. Brown stated the property was getting ready to be sold and his grandparents left no will so the IRS would not let you find out anything without going to probate at that cost \$4,000. and people were losing property fast. Council Members Holm, Garcia and Brown absent.

Council Member Lovell stated that she was familiar with the process and actually the land did not go out on forfeiture until taxes were not paid at least six to seven years and he could actually do research and pay back taxes and get the property so if Avenue C went to him and back taxes were \$15,000. then they were actually offering him more than it was worth right now so they were allowing him to make \$10,000. and if he would like information on paying taxes she would give him directions; and Mr. Brown stated he wanted to know who she worked for, if there were four or five people the property was left to and only one wanted to do anything what was the sense in him paying taxes and saving it if the others did not want to; and Council Member Lawrence stated that taxes had to be paid and that property owed \$15,000. and she would be happy to give him information; and they were paying the Avenue CDC how much; and Mayor White stated that they bought 60 lots and in the future the city would give incentives to put houses and the proceeds were disbursed to various tax amenities and the Mayor and Council worked for the taxpayers. Council Members Holm, Garcia and Brown absent.

Mr. Reynaud Thibodeaux, 4103 Leffing Well, Houston, Texas 77022 (832-892-7211) appeared and stated that he was present on behalf of two who lost their lives on Wallisville Road when involved in an accident from a wrecker driver on his way to make money; that he was driving a SafeClear truck and he killed two of the best God fearing people he ever met while exceeding 90 miles an hour; that the driver also had four DWI convictions and others way out of hand and he wanted it explained why he was still on the road and what was going on. Council Members Wiseman, Holm, Garcia, Brown and Sekula-Gibbs absent.

Council Member Edwards thanked Mr. Thibodeaux for coming and why he was given a license was a question which needed to be answered. Council Members Wiseman, Holm, Garcia, Brown and Sekula-Gibbs absent.

Mayor White thanked Mr. Thibodeaux for coming and stated that hearing examiners given direction he would try and terminate from city employment if they did not have strong legal grounds for overruling recommendations of HPD period and he would be looking at names and grounds of those who overruled in the past; and they would have to sue him so they may as well resign right now. Council Members Wiseman, Holm, Garcia, Brown and Sekula-Gibbs absent.

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

Mr. Ahmad Solomon, 12750 Briar Forest, Houston, Texas 77077 (281-920-0648) appeared and stated that at an event sponsored by the Houston World Affairs Council on October 9th at the Houstonian Club where the Iraqi Ambassador spoke and gave a false picture of calamities in Iraq Council Member Khan got on the podium to endorse the US occupation and use of military force and spoke on behalf of the Mayor and Council and said they must stay course and must win; and he wanted to know if the Mayor and Council asked him to speak on their behalf to endorse US occupation and genocide against people of Iraq. Council Members Wiseman, Holm, Garcia and Brown absent.

Council Member Berry asked if Mr. Solomon had sent the E-mail regarding Council Member Khan; and Mr. Solomon stated that he had not; and Council Member Berry stated that an individual sent an E-mail to him and other Council Members referring to Council Member Khan as an idiot and to the fact a group would teach him a lesson; and was he a part of that group; and Mr. Solomon stated that he was glad he asked and this was not a new thing, this was a culmination of about 15 years of his using Arabs and Muslims to promote himself at different events, but he just wanted to know if he spoke on their behalf; and Council Member Berry stated that he would only speak for himself, but such E-mails had no place in the public discourse and referring to any of his colleagues as a idiot was out of place and referring to teaching them a lesson in the language used was out of place and it did not win them favor of this body; that his colleagues were very proud to have a Muslim American on Council, to have a Pakistani American, and proud of all he did to remind them of being tolerant of others in the community and such language was not welcome here; and Mr. Solomon stated that he resented his attitude he was offended by some word he put in there but imagine what 25 million Iraqis were going through; and Council Member Berry stated that what offended him was trying to use Council to play out a parochial interest here and they would not be duped by it. Council Members Wiseman, Holm and Brown absent.

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373) had reserved time to speak but was not present when his name was called. Council Members Wiseman, Holm and Brown absent.

At 11:07 Mayor White stated that they would return to the agenda. Council Member Holm absent.

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

**MISCELLANEOUS**

6. ORDINANCE appropriating \$12,287.40 out of Public Health Consolidated Fund as an additional appropriation for Construction Contract (Outline Agreement 4600004951) between the City of Houston and **PARALLAX BUILDERS, INC** in connection with Repairs to the Parking Garage at 8000 North Stadium Drive originally approved under Ordinance No. 2005-809 (WBS No. H-000031-0003-4) - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2006-1073 ADOPTED.
  
- 6a. RECOMMENDATION from Director Building Services Department for approval of Change Order 7 in the amount of \$27,523.33 on contract with **PARALLAX BUILDERS, INC** for Repairs to Parking Garage at 8000 North Stadium Drive, WBS No. H-000031-0003-4 - 01.10% over the original contract amount - **DISTRICT D - EDWARDS** - was presented,

moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Holm absent. MOTION 2006-0976 ADOPTED.

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

10. **PRO ALLIANCE** for Perennial Rye Grass Seed for Parks & Recreation Department - \$58,556.50 Parks General and Parks Special Revenue Funds - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Holm absent. MOTION 2006-0977 ADOPTED.
12. **AMEND MOTION #2006-342, 5/3/06, TO EXTEND** expiration date from November 4, 2006 to January 31, 2007, and **TO INCREASE** spending authority from \$2,054,000.00 to \$3,054,000.00 for Chemical, Inorganic Metal Salt Coagulants Contract for Department of Public Works & Engineering, awarded to **ALTIVIA CORPORATION** - Enterprise Fund - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Holm absent. MOTION 2006-0978 ADOPTED.

### **RESOLUTIONS AND ORDINANCES**

14. RESOLUTION designating certain properties within the City of Houston as landmarks and protected landmarks - **DISTRICTS G - HOLM and H - GARCIA**  
Jack Roach House - 3001 Del Monte Drive  
Houston Heights Woman's Club Building - 1846 Harvard Street  
Heinrich and Hannah Guese House - 1819 Lubbock Street  
  
- was presented. All voting aye. Nays none. Council Member Holm absent. RESOLUTION 2006-0019 ADOPTED.
15. ORDINANCE authorizing the issuance of City of Houston, Texas, General Obligation Commercial Paper Notes, Series G, in an aggregate principal amount not to exceed \$115,000,000 for the purpose of providing money for certain authorized purposes; approving and authorizing certain authorized officers and employees to act on behalf of the City in the selling and delivery of such Notes, within the limitations and procedures specified herein; making certain covenants and agreements in connection therewith; resolving other matters incident and related to the issuance, sale, delivery and security of the Notes, including the approval of an Issuing and Paying Agency Agreement, a Credit Agreement, an Offering Memorandum and a Commercial Paper Dealer Agreement; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2006-1074 ADOPTED.
16. ORDINANCE relating to the fiscal affairs of **REINVESTMENT ZONE NUMBER FOUR, CITY OF HOUSTON, TEXAS (VILLAGE ENCLAVES ZONE)**; approving the Fiscal Year 2007 Operating Budget for the Zone - **DISTRICT G - HOLM** – was presented. All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2006-1075 ADOPTED.
17. ORDINANCE relating to the fiscal affairs of **REINVESTMENT ZONE NUMBER SIX, CITY OF HOUSTON, TEXAS (EASTSIDE ZONE)** - **DISTRICTS E - WISEMAN and I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2006-1076 ADOPTED.

21. ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 451 - DISTRICT D – EDWARDS** – was presented. Council Member Holm absent.

Council Member Brown stated this was a new in city municipal utility district which was contiguous with another MUD that they had already approved, that was south of Airport Road, and that in turn was contiguous with three other MUDs in the westerly direction that went to a new sewage treatment plant constructed by the City and his concern was that he had personal experience with the efforts of the property owners in the MUDs to try to get the gravity line sanitary sewage to their treatment plant and there was a decided lack of coordination between the MUDs in doing it, in other words there was a MUD there that was blocking the installation of the gravity line and in effect holding one of the other MUDs hostage and forcing them into a solution for the sanitary sewer that he did not think really conformed to the policies of the Public Works Department, that he was simply raising a question and not complaining but was saying that he thought they could do a much better job in requiring the coordination in terms of flood control, sanitary sewage, selling their service to the MUDs, that they invested millions of dollars in the treatment plant and they needed to sell the sanitary sewage service and it was being hampered by their own MUDs, that it was a simple matter of looking at all this, water, sewer, drainage, flood control and figuring out a way and acting as a facilitator for cooperative effort among the different MUDS, that he was not going to tag the item and he believed the folks in the Public Works Department agreed with him that they really needed to have some criteria for coordination between the MUDs, that it was good policy. Council Members Holm and Sekula-Gibbs absent.

Mayor White stated that as they had worked through some issues concerning the MUDs in the Lake Houston area they found that they lacked a regional plan on waste water treatment and that there were economies of scale and this was one of the four issues that they had directed to the stakeholders group on MUDs, it was also the issue that he highlighted to the center for Houston's future who did prepare a study on the issue, on the waste water treatment out in the ETJ and throughout the County and thought it was something where the City needed to do a better job, the City, the County and the unincorporated areas all needed to do a better job in the future. Council Member Holm absent.

Council Member Edwards stated that their office had been working very closely with Public Works and they were under the impression that there were no problems with this MUD but if the developer that Council Member Brown was working with would contact their office they would be more than happy to work with them and see if there was a problem and work it out, but as far as she was told, with Mr. Norman and Mr. Ickman, the sewer line was fine, that if he had different information she would like to have that information or have him give their office a call. Council Member Holm absent.

A vote was called on Item No. 21. All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2006-1077 ADOPTED.

23. ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 500** – was presented. All voting aye. Nays none. Council Members Holm and Garcia absent. ORDINANCE 2006-1078 ADOPTED.
24. ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 501** – was presented. All voting aye. Nays none. Council Members Holm and Garcia absent. ORDINANCE 2006-1079 ADOPTED.

25. ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 502** – was presented. All voting aye. Nays none. Council Members Holm and Garcia absent. ORDINANCE 2006-1080 ADOPTED.
26. ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 503** – was presented. All voting aye. Nays none. Council Members Holm and Garcia absent. ORDINANCE 2006-1081 ADOPTED.
31. ORDINANCE repealing Ordinance No. 2006-162; appropriating \$100,000.00 out of Housing Special Revenue Fund; and approving and authorizing grant agreement between the City of Houston and **THE JEWISH COMMUNITY CENTER OF HOUSTON, TEXAS**, to provide partial assistance for the renovation of a public facility located at 5601 S. Braeswood, Houston, Texas - **DISTRICT C - CLUTTERBUCK** – was presented, and tagged by Council Member Lawrence. Council Members Holm and Garcia absent.
32. ORDINANCE approving and authorizing first amendment to agreement between the City of Houston and **KIPP, INC** to provide for a reduction in the term of the “Restricted Use Period” placed on the facility located at 10811 Collingham Street - **DISTRICT F - KHAN** – was presented, and tagged by Council Member Green. Council Members Holm and Garcia absent.
33. ORDINANCE approving and authorizing contract between the City of Houston and **BAYLOR COLLEGE OF MEDICINE** for Professional Staffing Services for the Houston Fire Department Telemetry Operations - \$732,365.00 - General Fund – was presented. All voting aye. Nays none. Council Members Holm and Garcia absent. ORDINANCE 2006-1082 ADOPTED.
34. ORDINANCE approving and authorizing acceptance of Homeland Security Grant Program Funding from the **U.S. DEPARTMENT OF HOMELAND SECURITY**, as subawarded to the City of Houston through the Governor’s Division of Emergency Management - \$8,205,785.00 - Grant Fund – was presented. All voting aye. Nays none. Council Members Holm, Alvarado and Green absent. ORDINANCE 2006-1083 ADOPTED.

Upon questions by Council Members, Mayor White stated that of this amount there were certain items, \$7,398,455 comes from the Legislation in Congress which specifically designates the urban areas and the amount of money the urban areas would receive on the other two programs the State Homeland Security Program and the Law Enforcement Terrorism Prevention Program in the federal fiscal year there was about \$75 million given to the State and there was about \$575,000 in those two programs that were received, that he did not believe these were all the amounts in that fiscal year, he thought they got about \$1.4 million out of the \$75 million, that he was comfortable accepting this money and thought they had been working and having good communications with people in Austin and was sure that everybody would be happy to have some transparency and audit and explicit criteria so that they understood whether money was being allocated based on the vulnerable population and the risk assessment or not, that he thought that Harris County and Houston, in the two funds he mentioned, got about 4% during the federal fiscal year out of the money available to the State; that the Port program was a separately funded program by and large and would say that the taskforce headed by Ambassador Edward P. Djerejian, Blue Chip Advisory Panel, initiated by the administration, appointed by the City and the County, had really done a great job of reviewing and working on and coordinating various entities in working with the Port and thought the Port was a good example of where the region had been well represented and actually Congress earmarked that money for Ports.

After further discussion by Council Members, Mayor White stated that he misspoke and it was the federal fiscal year 2005 where they received \$1.4 million out of the two funds that went through the State out of \$75 million, in the current federal fiscal year FY2006 where the language required 80% of those funds to go to the urban areas the City had received \$575,000 out of \$51 million, where 80% was designated to go to urban areas and they had asked that it be reviewed and there be an accounting of where the other amounts have gone and was sure that they could work in good faith with people to find out where that money was so that they could get an appropriate share, that the City did not sign and did not think other cities were signing the requested waiver of any other additional funds; that they would get a detailed answer to Council Members on the flexibility the City of Houston had to use the funds, that he would say that all the amounts that were spent, given the large size of the border area and all the international trade, he had no doubt that there were many needs of many communities, including border communities in the State for funds, his only point was all people involved in State, local and regional government needed to make decisions collegially in a transparent fashion in compliance with federal law and get all those needs out on the table so that many people who sat around the table and the law enforcement officers from all the local governments who were on the cutting lines of the first response and the federal officials were all in a transparent public setting around the table when decisions were made concerning the allocation within the State, it could not be made unilaterally by one governmental entity, particularly if it violated federal law. Council Members Holm, Alvarado and Green absent.

36. ORDINANCE approving and authorizing Communication Equipment License between the City of Houston and **HOUSTON CELLULAR TELEPHONE COMPANY, L.P., D/B/A CINGULAR WIRELESS** at George Bush Intercontinental Airport/Houston - Revenue - **DISTRICT B - JOHNSON** - \$8,205,785.00 - Grant Fund – was presented. All voting aye. Nays none. Council Members Holm, Alvarado and Green absent. ORDINANCE 2006-1084 ADOPTED.

The City Secretary stated that previously she had passed over Item Numbers 27 and 28.

27. ORDINANCE consenting to the addition of 11.847 acres of land to **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 155**, for inclusion in its district – was presented. All voting aye. Nays none. Council Members Holm, Alvarado and Green absent. ORDINANCE 2006-1085 ADOPTED.
28. ORDINANCE issuing permit to **HOUSTON PAVILIONS, L.P.** for constructing using, occupying, operating, maintaining and repairing two building footings, one each within the Polk and Fannin and the Polk and San Jacinto Street rights of way, adjoining Block 273, S.S.B.B.; two vehicle ramps, one each within the Polk and Dallas Street rights of way, between Main and Fannin, two vehicle ramps, one each within the Dallas and Polk Street rights of way, between San Jacinto and Caroline; and a portion of a below grade garage within the San Jacinto Street right of way, between Dallas and Polk, all being within the public street rights of way of the City of Houston, Texas; containing findings and prescribing the conditions and provisions under which said permit is issued - **DISTRICT I - ALVARADO** – was presented. Council Members Holm, Alvarado and Green absent.

Council Member Lawrence stated that she was questioning the project and was glad to see it was moving forward again at a regular speed and was looking forward to the Pavilion coming into Houston and what it would mean to Houston. Council Members Holm, Alvarado and Green absent.

A vote was called on Item No. 28. All voting aye. Nays none. Council Members Holm, Alvarado and Green absent. ORDINANCE 2006-1086 ADOPTED.

42. ORDINANCE appropriating \$1,000,000.00 out of Water & Sewer Consolidated Construction Fund and approving and authorizing Developer Participation Contract between the City of Houston and **PEARVILLE, L.P.**, for Construction of Water and Sanitary Sewer Lines to serve the Parks at Boulder Creek Subdivision (WBS Nos. S-000802-0042 and R-000802-0042) - **DISTRICT E - WISEMAN** – was presented. All voting aye. Nays none. Council Members Holm, Alvarado and Green absent. ORDINANCE 2006-1087 ADOPTED.
43. ORDINANCE appropriating \$120,816.13 out of Water & Sewer Consolidated Construction Fund and approving and authorizing Developer Participation Contract between the City of Houston and **OREM PARTNERS I, LTD** for Construction of a Lift Station to serve Sections One and Two of the Daybreak Subdivision (WBS No. R-000802-0043) - **DISTRICT E - WISEMAN** – was presented. All voting aye. Nays none. Council Members Holm, Alvarado and Green absent. ORDINANCE 2006-1088 ADOPTED.
44. ORDINANCE appropriating \$60,528.22 out of Water & Sewer Consolidated Construction Fund and approving and authorizing Developer Participation Contract between the City of Houston and **AVONDALE VENTURES, L.P.** for Construction of Water and Sanitary Sewer Lines to serve Section One of the Avondale Subdivision (WBS Nos. S-000802-0044 and R-000802-0044) **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Members Holm, Alvarado and Green absent. ORDINANCE 2006-1089 ADOPTED.
45. ORDINANCE appropriating \$93,306.89 out of Water & Sewer Consolidated Construction Fund and approving and authorizing Developer Participation Contract between the City of Houston and **INDIVISA CORPORATION** for Construction of Water and Sanitary Sewer Lines to serve the Pine Tree Subdivision (WBS Nos. S-000802-0045 and R-000802-0045) - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Members Holm, Alvarado and Green absent. ORDINANCE 2006-1090 ADOPTED.
46. ORDINANCE appropriating \$1,240,659.75 out of Parks Consolidated Fund; awarding construction contract to **RESICOM, INC** for Westbury Park (WBS No. F-504A08-0001-4); setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; provide funding for engineering and testing services, construction management, Civic Art Program, and contingencies relating to construction of facilities financed by Parks Consolidated Fund - **DISTRICT C - CLUTTERBUCK** – was presented. All voting aye. Nays none. Council Members Holm, Alvarado and Green absent. ORDINANCE 2006-1091 ADOPTED.
47. ORDINANCE appropriating \$1,077,000.00 out of Parks Consolidated Fund; awarding construction contract to **BOYER, INC** for Meyerland and Reeves Parks (WBS Nos. F-0504C7-0001-4 and F-0504C8-0001-4); setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; provide funding for engineering and testing, construction management, Civic Art Program, and contingencies relating to construction of facilities financed by Parks Consolidated Fund - **DISTRICT C - CLUTTERBUCK** – was presented. All voting aye. Nays none. Council Members Holm, Alvarado and Green absent. ORDINANCE 2006-1092 ADOPTED.

**MATTERS HELD** - NUMBERS 48 through 51

48. ORDINANCE **AMENDING CHAPTER 10 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to membership of the Building and Standards Commission – **(This was Item 23 on Agenda of October 18, 2006, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. All voting aye. Nays none. Council Members Holm, Alvarado and Green absent. ORDINANCE 2006-1093 ADOPTED.
50. ORDINANCE awarding contract to **ARAMARK SPORTS AND ENTERTAINMENT SERVICES, INC** for Cleaning and Janitorial Services for Special Events for the Convention & Entertainment Department; providing a maximum contract amount - 3 Years with two one-year options \$14,069,293.75 - Enterprise Fund - **DISTRICTS D - EDWARDS and I – ALVARADO – (This was Item 27 on Agenda of October 18, 2006, TAGGED BY COUNCIL MEMBERS GARCIA, GREEN, KHAN, ALVARADO and HOLM)** – was presented. Council Members Holm, Alvarado and Green absent.

Council Member Garcia stated that in light of all the discussions they had been having with their private sector janitorial employees he got a good explanation from Ms. Ullrich on the due diligence that was done as they negotiated the contract and would like to delay Item No. 50 just so he could get comfortable with the medical benefits issue and wanted to understand what it meant when Ms. Ullrich said that if the City adopted a health insurance program applicable to contractors employees. Council Members Holm, Alvarado and Green absent.

Council Member Garcia moved to postpone Item No. 50 for one week, seconded by Council Member Khan. All voting aye. Nays none. Council Members Holm, Alvarado and Green absent. MOTION 2006-0979 ADOPTED.

**MATTERS TO BE PRESENTED BY COUNCIL MEMBERS**

Council Member Lawrence stated that they had a wonderful fundraiser for the 11<sup>th</sup> Street Park, that Council Member Holm did volunteer to send some of her constituents letters, that she wanted to encourage the At Large Council Members to get involved in raising the \$3 million plus to make the 21 acres inside of 610 a reality for the City of Houston, it was kind of their last chance to make a 21 acres park happen, it was very close to District H, that it was a great turnout out with everybody and wanted to thank all the people who participated in the silent auction and other items. Council Members Wiseman, Holm, Khan, Alvarado and Green absent.

Council Member Lawrence stated that five months ago before they had a hearing in Austin their committee brought forth an ordinance to get the City ordinances so they could enforce them with handheld devices on mobile vendors and it was now five months later and they still did not have anything so those promises looked pretty weak and she heard every excuse in the world so she would encourage the Mayor's office and those people in charge to let her know what the real reason was so they could have the apparatus and Neighborhood Protection could go by and find the ones that needed to have some restrictions as far as cleanliness and health issues. Council Members Wiseman, Holm, Khan, Alvarado and Green absent.

Council Member Garcia stated that he wanted to send a shout out to Mr. Bruce Mosher and wish him a happy birthday. Council Members Wiseman, Holm, Khan, Alvarado, Lovell and Green absent.

Council Member Garcia stated that Thursday, October 26, 2006 the Women In Law Enforcement Conference would be hosted in Houston and he wanted to encourage that they all salute and thank these professional women for the great service to the City and to other cities

and states around the Country, that he knew that Chief King and Chief Montalvo were involved with it and wanted to thank them for working to show a good conference while they were in town. Council Members Wiseman, Holm, Alvarado, Lovell and Green absent.

Council Member Garcia stated that the Houston Dynamo were making it exciting, they were going to show Houston's heart on Sunday; that the Houston Texans sent Jacksonville with their tail between their legs and sent them out of town, that this Sunday it was going to be a match up of match ups with the Tennessee Titans. Council Members Lawrence, Wiseman, Holm, Alvarado, Lovell and Green absent.

Council Member Sekula-Gibbs stated that Mayor White passed out a memo that related to classified officers and crime and she read the memo and read the statistics on the year to date and it seemed to her that the statistics that Mayor White was heralding as showing a 3% drop in violent crime in the City of Houston were interesting but begged the question of the increased murder rate and so many people in the City were concerned with the increased murder rate, that the statistics that were quoted in the Chronicle on Saturday, October 21, 2006, really shared with the community that if the murder rate continued the way it was now they were going to see a 29% increase in murder since before Katrina and she thought that was a very serious matter and important for them to address it and basically understand that they had a problem in the City of Houston, that she would like to ask, since they had the discussion on data and producing accurate data, were they going to be able to keep records that did address whether the increase in the murder rate was actually related to Katrina evacuees and related to the sanctuary city policy questions that they had, were they going to be collecting data to show how many of the increased murders that they were seeing, which was a total of 445 slayings from September 1, 2005 through October 16, 2006, how many were related to illegal immigrants, that they did promise they were going to be collecting that data and she wanted to know if she as a Council Member could have access to it and if he would be willing to publish it because it was relevant. Council Members Lawrence, Wiseman, Holm, Alvarado, Lovell and Green absent.

Mayor White stated that he knew they had been tracking the statistics on the perpetrators and victims that were new residents and community evacuees because they knew when the evacuation happened they could compare it to prior years, that they knew that in the DA's management intake system whenever somebody was booked for murder they listed citizenship status so he knew there were records out there that would allow people to compare year to year trends on the number of violent crimes by category that were committed by non citizens, that he understood her request that they expend some funds in order to do that and they would have that noted. Council Members Lawrence, Wiseman, Holm, Alvarado, Lovell and Green absent.

Council Member Sekula-Gibbs asked if they were able at this point to have resources conjoined with Immigration and Customs in the jails, was there an immigration officer who was currently being posted at the jail to handle these type of situations if there was a person brought in who was illegal and would they be able to address the problem on a fast track basis, and Mayor White stated that if she was referring to people being booked for homicide ICE had been in the Harris County Jail for quite some time and they asked them to expand that coverage to be 24 hour coverage, that he did not know where they were, that the ICE had personnel issues of their own and he could not dictate the resources of the federal government but knew that they had coverage during daytime hours within the Harris County jail where they would process those who were booked for the felonies. Council Members Lawrence, Clutterbuck, Wiseman, Holm, Alvarado, Lovell and Green absent.

Council Member Sekula-Gibbs stated that the statistics that were given to her by different representatives who got them from the General Accounting Office said that there were 25 Americans killed everyday from illegal immigrants so they knew that was not a small number

and that it ended being multiplied out to come out to 9,000 a year so she thought they were looking at an issue that was not a small issue and were facing an increase in crime in the City and so they should do their very best to make sure that ICE did work with them so they could utilize their resources in the very most effective way to reduce crime in their City and she appreciated his efforts in that regard. Council Members Lawrence, Clutterbuck, Wiseman, Holm, Alvarado, Lovell and Green absent.

Council Member Khan stated that early voting started yesterday and they should please go out and vote. Council Members Lawrence, Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Lovell and Green absent. (NO QUORUM PRESENT)

Council Member Khan stated that last week he was Principal for the Day at Welch Elementary School, that he was so impressed with Principal Ruby Andrews and the program they had, that their student body had changed over the years in terms of demographics and economics and now many of the students were from families that were not some of the richest families in town, but the program they were conducting and the way they had the school set up was really amazing and what they had done for the students, they had a section for the refugee families and those families who did not have any resources, that he wanted to recognize them and appreciated all of their efforts in that regard. Council Members Lawrence, Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Lovell and Green absent. (NO QUORUM PRESENT)

Council Member Khan stated that yesterday the Muslim Community celebrated the Day of Eids, which was the culmination after the 30 days of fasting, that there were about 20,000 plus people at the Reliant Center celebrating; that the Hindu Community was celebrating Deepavali which was commonly known as Diwali event, that Diwali was the Festival of Light and one of the most celebrated events for the Hindu Community. Council Members Lawrence, Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Lovell and Green absent. (NO QUORUM PRESENT)

Council Member Khan stated that he had heard the statistics that Council Member Sekula-Gibbs had mentioned, the 25 murders being committed by illegal aliens, it was really a very mind boggling statistic and he wanted to find out the source of that statistic because he remembered one of the Chronicle columnist, Casey, challenged that statistic and he was hoping that someone would respond because if it was true that 9,000 murders a year were committed by people who were here illegally that was really extremely disturbing but he hoped that somebody could produce the basis for that statistic because it was very important and if many of them were in Houston they needed to know. Council Members Lawrence, Wiseman, Holm, Garcia, Alvarado, Lovell and Green absent.

Council Member Brown stated that he wanted to second what Council Member Lawrence told them about the West 11<sup>th</sup> Street Park, that he had the pleasure of being out there on Saturday and found out that there was a butterfly garden out there that had 51 species of butterflies, that it was a 20 acre urban forest and most of it was in it's natural state, that he wanted to commend Lorraine Cherry who was head of the Friends of West 11<sup>th</sup> Street Park, that he thought they had some options to purchase the park from HISD, if anyone wanted to contribute to purchase the park they could go to [www.houstonparksboard.org](http://www.houstonparksboard.org) and donate on line; that one of the ways to protect their neighborhoods was to provide for more parks and greenspace, that he would be sending the Mayor some recommendations from an ad hoc committee that he had been sharing with some developers on how as the City got new housing the developers could contribute to increasing the parks and open space. Council Members Lawrence, Wiseman, Holm, Garcia, Alvarado, Lovell, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that the 11<sup>th</sup> Street Park, like the Downtown Park and the Lake Houston Park, were examples of where they were not in the Parks Master Plan, which they spent a fortune in consulting fees on and he liked the Parks Master Plan but when they were talking about land acquisition in particular they had to be opportunistic. Council Members Lawrence, Wiseman, Holm, Garcia, Alvarado, Lovell, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Johnson stated that over the weekend he had the opportunity of being with Mayor White at the unveiling of the Fruits of Fifth Ward, which was a great day and a great mural done by a great artist Reginald Adams, that he wanted to acknowledge the young people that he included in the particular project, that it helped to preserve the culture and the fabric of what the Fifth Ward had always been about, embracing not only it's history but talking about and including the new residents that would be moving in and understanding what the new residents would be moving into, that he was so encouraged that there were people out there that were wanting to preserve their neighborhoods and at the same time embracing people as they moved in. Council Members Lawrence, Holm, Garcia, Alvarado, Brown, Lovell, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Johnson stated that on Thursday, October 26, 2006 from 11:00 a.m. to 1:00 p.m. he would invite everyone to come out and celebrate the retirement of Freddy Jackson after 33 years of service to the City, that he would be having a retirement ceremony in his honor at Fire Station 67 in the Acres Homes area at Little York and encouraged everyone to come out and say thank you to a young man who had put in his years of protecting not only the Acres Homes area but the entire City. Council Members Lawrence, Clutterbuck, Holm, Garcia, Alvarado, Brown, Lovell, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Johnson stated that the game that was going to be the best game of the year would probably take place on Saturday night between the two titans of District B, the Kashmere Rams against the Wheatly Wild Cats, that it was their homecoming game and was going to be a great game and they were looking forward to it, that they were going to have a parade on Saturday, October 28, 2006 starting at Francis Scott Key where he would be the Grand Marshall, that it would start at 9:30 a.m. Council Members Lawrence, Clutterbuck, Holm, Garcia, Alvarado, Brown, Lovell, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she also would like to congratulate Reginald and Rhonda Adams on their work on the Fifth Ward mural, they were also the artists who created the Chocolate Bayou graphic, that they were great community artists. Council Members Lawrence, Clutterbuck, Holm, Garcia, Alvarado, Brown, Lovell, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that when she was talking about the Comets she would like to propose one thing, when the Green Bay Packers were in a mess the City of Green Bay came together and developed a process by which the shareholders of the Green Bay Packers were the citizens of Green Bay, she did not know all the details of that but it seemed to work for them, that she would hazard to say that 99% of athletes in professional sports, male or female, were tutored or trained in public schools, that she thought it might be a good time for the taxpayer to get back some of the money since they built most of the places where they played, Toyota Center and all that, that it was an idea that she wanted to keep floating out there, that she did not think it was undoable, that she thought it would also allow them to have a bigger hold on the tax dollars that they used when they build facilities like Toyota Center and Reliant Center. Council Members Lawrence, Clutterbuck, Holm, Garcia, Alvarado, Brown, Lovell, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she wanted to talk about Lucy, that she understood that Mr. Bartsch was in Ethiopia and should be signing the agreement today to bring Lucy to Houston, that Lucy was the oldest skeleton of a human person found, that it would be the first time that the actual bones were being brought out of Ethiopia, that the actual bones would be in Houston at the Houston Museum of Natural Science, that she wanted to congratulate Joel Bartsch and Lisa Rebori of the museum and all of the staff, they had all done an awesome job going back and forth and making sure it happened, that it would bring a lot of dollars to the City because millions of people from around the region, from the west coast to the Houston area would be coming to see the awesome representation of humankind. Council Members Lawrence, Clutterbuck, Holm, Garcia, Alvarado, Brown, Lovell, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she passed out some informative information on what was happening in the Sudan, at Darfur in particular, that on September 9, 2004 Secretary of State Colin Powell declared that genocide had been committed in Darfur and that the government of Sudan and the Janjaweed bore responsibility, that 12 years ago this Country blocked UN actions that would have assisted the people of Rwanda when millions of people were being killed, that she was asking Houstonians and the City Council to step up to the plate and deal with the consequences of their not taking any action or speaking out, they did nothing about Rwanda or the genocide that went on in South Africa for twenty to thirty years, that there was no consequence seemingly when people in Africa were being murdered and displaced at will basically to have access to the mineral resources of Africa, that she did not understand how they could say that Saddam Hussein needed to be found guilty, that what he did was horrible or bad but he did not kill half as many people that had been killed in Rwanda or South Africa or were being killed today in Dafar and none of those people had ever gone to trial, they had reconciliation hearings in South Africa but no court, that she was going to ask people to look at the consequences of what happens when they stand by and do nothing, that she would encourage her colleagues to glance through the information and asked them to call their elected representative in Congress to say that the agenda item had to be top priority in the Security Council in the UN, and that the U.S. needed to call for the implementation of the UN resolution that spoke to it, that the United States had not moved to go forward on. Council Members Lawrence, Clutterbuck, Holm, Garcia, Alvarado, Brown, Lovell, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 12:11 p.m. Council Members Lawrence, Clutterbuck, Holm, Garcia, Alvarado, Brown, Lovell, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

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

MINUTES READ AND APPROVED

/S/Anna Russell

---

Anna Russell, City Secretary