

City Council Chamber, City Hall, Wednesday, January 18, 2006

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, January 18, 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. Arturo Michel, City Attorney; Mr. Don Cheatham, Division Chief, General Counsel Division; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Mr. Richard Cantu, Director Citizens Assistance Office; Ms. Martha Stein, Agenda Director present.

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

At 9:18 a.m. Mayor White called the meeting to order and called on Council Member Lovell who invited Father Bill Davis from Immaculate Heart of Mary Parish in the East End to lead them in prayer and Council Member Lovell led all in the pledge of allegiance. Council Members Johnson, Wiseman, Holm, Garcia, Alvarado, Sekula-Gibbs and Berry absent.

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

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

Mayor White recognized Council Member Khan for a moment of personal privilege and Council Member Khan recognized Ms. Noorain F. Khan, who was a student at Rice University and was among the 32 students from across the United States selected as a Rhodes Scholar for 2006 and asked that Ms. Khan and her family stand and be recognized. Council Members Wiseman, Holm, Garcia and Alvarado absent.

Mayor White stated that it was his privilege to present a proclamation yesterday to Ms. Khan and recognized Tuesday, January 17, 2006 as Noorain F. Khan Day in Houston, Texas. Council Members Wiseman, Holm and Garcia absent.

Mayor White stated that they would begin with the consent agenda. Council Members Wiseman, Holm and Garcia absent.

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 1 through 37

ACCEPT WORK - NUMBERS 1 and 2

1. RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$14,153,869.01 and acceptance of work on contract with SWINERTON BUILDERS (formerly known as Swinerton & Walberg Co.) for Terminals B and C Utility Distribution Upgrades at George Bush Intercontinental Airport/Houston; Project No. 424C; CIP A-0091 and A-0131 - 04.45% over the original contract amount - DISTRICT B – JOHNSON – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Wiseman and Garcia absent. MOTION 2006-0040 ADOPTED.
2. RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$8,618,462.83 and acceptance of work on contract with W. W. WEBBER, INC formerly known as CHAMPAGNE-WEBBER INC, TEXAS, for Runway 8L-26R Airfield and Grounds Facility, ARFF Utilities and Service Roads at George Bush Intercontinental

Airport/Houston, Project No. 522D, CIP A-0304 and A-0391 - 26.07% under the original contract amount - DISTRICT B - JOHNSON – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Wiseman and Garcia absent. MOTION 2006-0041 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 5 and 6

5. C & G POLICE SUPPLY d.b.a. C & G WHOLESALE for Apparel, Holsters and Handguns for Police Department - \$395,300.76 - General Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Wiseman and Garcia absent. MOTION 2006-0042 ADOPTED.
6. AMEND MOTION #2003-430, 4/30/03, TO EXTEND expiration date from April 30, 2006 to April 29, 2008, for Heil Garbage Truck Body Aftermarket Replacement Parts and Service Contract for Solid Waste Management Department, awarded WESTERN REFUSE AND RECYCLING EQUIPMENT, INC. – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Wiseman and Garcia absent. MOTION 2006-0043 ADOPTED.

ORDINANCES - NUMBERS 7 through 35

7. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a 15-foot-wide sanitary sewer easement, Parcel SY5-070, within the Harris & Wilson Two League Grant, A-32, Harris County, Texas; vacating and abandoning said sanitary sewer easement to International Seal Company, Inc., the abutting owner, in consideration of the owner's payment to the City of \$1,500.00 and other good and valuable consideration - DISTRICT I - ALVARADO – was presented. All voting aye. Nays none. Council Members Wiseman and Garcia absent. ORDINANCE 2006-0031 ADOPTED.
9. ORDINANCE establishing the north and south sides of the 1100 block of W. Cottage Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - DISTRICT H - GARCIA – was presented. All voting aye. Nays none. Council Members Wiseman and Garcia absent. ORDINANCE 2006-0032 ADOPTED.
11. ORDINANCE establishing the north side of the 4300 and 4400 blocks of Leeland Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - DISTRICT I - ALVARADO – was presented. All voting aye. Nays none. Council Members Wiseman and Garcia absent. ORDINANCE 2006-0033 ADOPTED.
12. ORDINANCE establishing the north and south sides of the 2400 and 2500 blocks of Oakdale 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 D - EDWARDS – was presented. All voting aye. Nays none. Council Members Wiseman and Garcia absent. ORDINANCE 2006-0034 ADOPTED.
13. ORDINANCE establishing the west side of the 1400 block of Oxford Street and the portion of the east side of the 1400 block of Oxford Street south of Al Gregg Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - DISTRICT H - GARCIA – was presented. All voting aye. Nays none. Council Members Wiseman and Garcia absent. ORDINANCE 2006-0035 ADOPTED.
14. ORDINANCE establishing the north and south sides of the 700 block of Redan Street

within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - DISTRICT H - GARCIA – was presented. All voting aye. Nays none. Council Members Wiseman and Garcia absent. ORDINANCE 2006-0036 ADOPTED.

15. ORDINANCE establishing the west side of the 4200 and 4300 blocks of Watson Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - DISTRICT H - GARCIA – was presented. All voting aye. Nays none. Council Members Wiseman and Garcia absent. ORDINANCE 2006-0037 ADOPTED.
26. ORDINANCE appropriating \$1,913,500.00 out of Street & Bridge Consolidated Construction Fund for Local Match Funds for Construction of Halls Bayou Trail and approving and authorizing first amendment to agreement (approved by Ord No. 02-0002) between the City of Houston and TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT), GFS N-0420-31-3 (SB9162-01) DISTRICT B - JOHNSON – was presented. All voting aye. Nays none. Council Members Wiseman and Garcia absent. ORDINANCE 2006-0038 ADOPTED.
28. ORDINANCE appropriating \$204,826.89 out of Drainage Improvement Commercial Paper Series F Fund as an additional appropriation to reimburse Metro for the Downtown/Midtown Transit Street Program - Congress Street from Louisiana Street to Jackson Street, GFS M-0671-11-3, under Transportation Improvement Agreement with METROPOLITAN TRANSIT AUTHORITY (approved by Ordinance No. 93-274); providing funding for contingencies relating to construction of facilities financed by the Drainage Improvement Commercial Paper Series F Fund - DISTRICT I - ALVARADO – was presented. All voting aye. Nays none. Council Members Wiseman and Garcia absent. ORDINANCE 2006-0039 ADOPTED.
32. ORDINANCE appropriating \$2,259,000.00 out of Water & Sewer System Consolidated Construction Fund; \$67,000.00 out of Street & Bridge Consolidated Construction Fund; awarding contract to D. L. ELLIOTT ENTERPRISES, INC for Water Line Replacement in the Holcombe Area, GFS S-0035-C1-3, N-0610-A-Z1-3 (WA10783); setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering testing, project management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund and Street & Bridge Consolidated Construction Fund - DISTRICT C - CLUTTERBUCK – was presented. All voting aye. Nays none. Council Members Wiseman and Garcia absent. ORDINANCE 2006-0040 ADOPTED.
34. ORDINANCE appropriating \$3,719,350.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to TROY CONSTRUCTION, LLP for Water Line Grid Extensions at various locations, GFS S-0700-60-3 (WA10802); setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering testing, project management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - DISTRICTS B - JOHNSON; C - CLUTTERBUCK and F - KHAN – was presented. All voting aye. Nays none. Council Members Wiseman and Garcia absent. ORDINANCE 2006-0041 ADOPTED.
35. ORDINANCE appropriating \$137,333.00 out of Police Consolidated Construction Fund; awarding construction contract to C. F. MCDONALD ELECTRIC, INC, GFS G-0097-02-3; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents; holding the bidder in default if it fails to

meet the deadline; providing funding for contingencies relating to construction of facilities financed by Police Consolidated Construction Fund - DISTRICT H - GARCIA – was presented. All voting aye. Nays none. Council Members Wiseman and Garcia absent. ORDINANCE 2006-0042 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

ACCEPT WORK

3. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,212,547.25 and acceptance of work on contract with D. L. ELLIOTT ENTERPRISE, INC for Construction of Water Line Replacement in Various Unserved Subdivisions, Montrose Area, GFS S-0700-59-3 (WA10566-2) - 12.34% under the original contract amount - DISTRICTS C - CLUTTERBUCK and D - EDWARDS – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent. MOTION 2006-0044 ADOPTED.

PURCHASING AND TABULATION OF BIDS

4. AMEND MOTION #2003-1302, 11/5/03, as amended by Motion #2005-0982, TO EXTEND expiration date from January 31, 2006 to August 31, 2006 and TO INCREASE spending authority from \$900,000.00 to \$1,250,000.00 on award to VOYAGER FLEET SYSTEMS, INC, for Purchase of Retail Fuel Card Services from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for Finance & Administration Department – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent. MOTION 2006-0044 ADOPTED.

ORDINANCES

8. ORDINANCE establishing the south side of the 2300 block of Bolsover 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 C – CLUTTERBUCK – was presented. Council Member Wiseman absent.

Council Member Clutterbuck stated that she wanted to thank the people who prepared the documents in order to place this item on the agenda, and also to thank the people who collected all of the signatures on the petitions. Council Member Wiseman absent.

A vote was called on Item No. 8. All voting aye. Nays none. Council Member Wiseman absent. ORDINANCE 2006-0043 ADOPTED.

At 9:28 a.m. Mayor White stated that they would proceed to the public session and requested the City Secretary to call the list of speakers. Council Member Wiseman absent.

Council Member Khan moved to suspend the rules to add Mr. Arnold Salinas at the top of the three minute non-agenda speakers, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Members Wiseman and Berry absent. MOTION 2006-0046 ADOPTED.

Ms. Sarah Helms, 2802 Eastgrove Lane, Houston, Texas 77027 (713-249-4301) appeared and stated that she and her husband had lived in their home in Westgrove Court which was seeking a petition for prevailing lot size and had lived there for 30 years; that it was important to them to keep their neighborhood preserved as single family dwellings; that they were near Westheimer and Wesleyan and they did not feel prevailing lot size would reduce the value as

there were many willing to build single family dwellings in that neighborhood. Council Members Wiseman, Green and Berry absent.

Mr. Arthur Cole, 2707 Westgrove Lane, Houston, Texas 77027 (713-840-5219) appeared and stated that he was a resident of Westgrove Court Subdivision and when they submitted their petition 71% of the homeowners supported the petition, later they lost some support but then gained some back and now had 65% of the homeowners supporting their petition, but this had to be modified somewhat as the subdivision included a commercial set of properties and what happened to them directly affected them and not the commercial properties and whether or not they were included in the ordinance was ambiguous; and they as the dwellers wanted to preserve their area. Council Members Wiseman and Green absent.

Mr. Mariom Kruse, 2702 Eastgrove Lane, Houston, Texas 77027 (713-817-7925) appeared and stated that he spoke in favor of the adoption of Item 10; that the exact configuration of their neighborhood was a U shaped street and only about 20 feet wide at the corner; that there was no way to widen the street and as it was now without reduction in lot size and increasing family residences it would be difficult for vehicles and particularly difficult for fire trucks; that reduction of lot sizes would also inevitably lead to destruction of trees and some were 50 years old; and asked that the ordinance be adopted at its earliest opportunity. Council Members Wiseman and Green absent.

Ms. Margie Cook, 2806 Eastgrove Lane, Houston, Texas 77027 (713-621-3057) appeared and stated that she had lived in her home 53 years and it was a small area of small houses and small lots; that it was a three block U shaped addition which consisted of Eastgrove and Westgrove Lanes and the only way in and out was Westheimer; that they had no curbs and no street lights and if a vehicle was parked on the street then traffic was reduced to one lane and one way; that recently someone turned to fast and drove across her yard just missing the neighbors Magnolia Tree; that more houses would mean more cars; that recently work was being done at two homes and one side of the street was lined with workers vehicles and traffic was reduced to one lane and if someone came from the other direction you had to pull into someone's driveway to let them pass and you continue; and her concern was more houses would make their neighborhood very congested. Council Members Wiseman and Green absent.

Council Member Garcia thanked the speakers on Item 10 for coming and speaking on support of the item; and stated that he thought they needed to maintain the character of neighborhoods and this was a good tool; and moved to suspend the rules to take Item 10 out of order, seconded by Council Member Alvarado . All voting aye. Nays none. Council Member Green absent. MOTION 2006-0047 ADOPTED.

Council Member Clutterbuck thanked all who came on the issue and stated that she was familiar with their street and it was an oasis and they should be commended for keeping it so beautiful. Council Member Green absent.

10. ORDINANCE establishing the east and west sides of the 2600, 2700 and 2800 blocks of Eastgrove Street and Westgrove Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - DISTRICT C – CLUTTERBUCK – was presented. All voting aye. Nays none. Council Member Green absent. ORDINANCE 2006-0044 ADOPTED.

Ms. Jordan Fogal, 3003 Memorial Court #2407, Houston, Texas 77007 (713-802-9727) appeared, displayed a poster, presented information to Mayor White, and Council Members Alvarado and Edwards and stated that she would urge a unanimous tag by Council Members on Item 30; that it was an ordinance offering half a million dollars to University Development, Inc.; that they (Ms. Fogal) had already given a million and three to the organization on other occasions and she was trying to find out who the money was going to; that Mayor White said

with all the trouble he had with Stevens Construction Company and the Pearland Fire Station... and this company did the same thing at the Bunker Hill Station and was fired from the job and had \$120,000 worth of mold remediation and seven months behind and the bond company had to finish the job; that on the first page where it said Business Journal they would see it said Houston based University Development, Inc., CEO George Louise Casimiro, and he was also on the Harris County Housing Authority, but she went to the Harris County Controller's Office and he was not listed anywhere, a man named Norman Chapa who was recently indicted and would be sentenced the 21st for visa and corporation fraud..., but University Development had him as an agent, director and employee of Jorge Casimiro and Tom Thibodeau who was asking Council for more money, Norman Chapa was being sentenced; that at the Texas Controller's Office it said the address for the president of the company was Hilda Delgado and she could not find out who she was but she was listed at an address of 3311, but it was the address of Tremont Towers and she did not live there. Council Members Lawrence, Holm and Green absent.

Council Member Edwards thanked Ms. Fogal for her work and stated that she had a thick file on the company; that she had an affidavit of University Development and it was the same people and the same address just listed in different positions in the company and would be tagging the item; that she knew the problems the company had caused made national news and people paid money for worthless products; and hopefully she would convince her colleagues to not do business with them; and upon questions Ms. Fogal displayed items and stated that she had a copy of the Better Business Bureau where they were listed under contractors from hell and were in People Magazine under contractors from hell and listed in Mother Jones in a seven page expose as to what they were doing to Houston and its citizens; that if Council looked at what she presented they would not be able to connect the dots to the company and all its entities, LLC's, they had companies in peoples names she had never heard of and she wanted to know who Hilda Delgado was and what job she did and what her qualifications were; that she lived in an apartment, she (Ms. Fogal) had bought a \$360,000.00 home in the Hyde Park Subdivision in the Montrose area and the subdivision was fighting three years now; that she had to evacuate her home full of water and mold with ceilings falling in; that since they foreclosed on her the builder had filed suit in Judge McCorkel's court as public record against the roofer and subcontractors saying they built the whole project wrong and he knew it in 2001, it was open record, but he sold them their houses anyway; that so far it cost her and her husband \$50,000.00 easy, plus they lost their home. Council Members Lawrence, Holm, Alvarado and Green absent.

Council Member Sekula-Gibbs stated there was an agency at the state level; and upon questions, Ms. Fogal stated the Texas Residential Construction Commission was the state agency she referred and she had been there and met with the director and also spoken with Mr. Wydell as recent as three days ago and he said 80% of the claims had not been handled properly and she was sure she was a part of that percent; that she spent much time with them and they did not know what they were doing; that Texas was an ADR state and went to TRCC for RCLA and SIRP because they no longer had the DTPA and that threw them right into AAA and if anyone wanted to know what all that meant she would be glad to tell them, Texas was an Alternative Resolution State which meant they no longer had the DTPA and could not sue a builder any longer; and Council Member Sekula-Gibbs stated that Mayor White had not been shy at trying to correct things at state level and she was not the first to bring this up and felt the City's legislative initiative should be looking at how to make it right; and Ms. Fogal stated that they had gone to Austin and tried to get House Bill 3404 passed and it did not make the floor; and Council Member Sekula-Gibbs stated that she would like a copy of what she had outlined and Ms. Fogal stated that Council Member Edwards had a list. Council Members Lawrence, Holm and Green absent.

Council Member Brown stated that he had looked at her home and several others under renovation and commended Ms. Fogal for coming and supported Council Member Edwards tag; and thought Council should be setting standards and would also appreciate a list of all the

shadow companies so he could try and connect the dots; and Ms. Fogal stated that Mayor White and Council Members Alvarado and Edwards had it; and Council Member Edwards had previously asked that business not be done with companies on the grid and Council Member Alvarado could not believe the despicable person was on the Harris County Housing Authority. Council Members Lawrence, Holm and Green absent.

Council Member Edwards stated that she had worked with Ms. Fogal for a number of years on this and the response from Legal was that this was an issue she had to deal with in the courts, but now it was a city matter, they were asking for taxpayer funds for housing and she was willing to share her folder with any one wanting to review it and if Ms. Delgado did exist was a powerful woman as she did own or run a lot as she was on all the documents. Council Members Lawrence, Holm and Green absent.

Mayor White thanked Ms. Fogal for coming and stated that because of the issues she brought forward he was sure they could get this referred back and address the issues raised; that he would make copies for his colleagues; that she had something listed as a franchise tax certification for University Development, Inc., 550 Westcott, Suite 320; and upon questions, Ms. Fogal stated that particular address was listed under University Development and the information from the web page of the Texas Secretary of State's Office listed Ms. Delgado as the president, vice president, director and Juan Delgado as secretary, director with an address on Yupon, but according to HCAD they did not live there, it was Tremont Towers address another property owned by Jorge Casimiro; that it said the registered agent was Norman Chapa; and she was saying that was the same person convicted and would be sentenced the 21st in Judge Ellison's U S District Court for selling employment to bogus companies, he got between \$10,000 and \$30,000 each time he forged a visa; that HCAD said Ms. Delgado's address on Oxford was correct, the 550 Westcott, Suite 320 address was Jorge Casimiro's office. Council Members Johnson, Holm and Green absent.

Mr. Craig Stewart, 2737 Briar Grove, Houston, Texas 77057 (281-536-2970) appeared and stated that he was present speaking against the red light traffic cameras; that he knew the issue was already taken up by Council but hoped they would revisit it as he did not think it was fully examined; that there were disconcerting studies at all local levels and the US Department of Transportation Federal Highway Administration said it would increase the number of rear-end accidents and decrease T-bone accidents but still the number of red light cameras would be increased. Council Members Johnson, Holm and Green absent.

Council Member Holm stated that Mr. Stewart had not been before Council before and believed there must have been confusion as Mr. Stewart wanted three minutes and moved to extend his time by two minutes, seconded by Council Member Sekula-Gibbs. All voting aye. Nays none. Council Members Johnson, Alvarado and Green absent. MOTION 2006-0048 ADOPTED.

Mr. Stewart further stated that his point was the studies on red light cameras showed the accidents did not diminish, but rather increase and though it may show injuries not as severe, injuries were injuries and the full breath of the issue needed to be studied; and it also seemed by looking at figures generated by cameras that this may be to generate income. Council Members Johnson, Lovell and Green absent.

Council Member Lawrence stated that her concern was safety; that two times she had seen someone running a red light resulting in a bad collision and she had looked at numbers and she thought the result was a matter of who did the study, but with technology the way it was one or two of the companies had a software to hold lights, if someone was going too fast and could not stop it held the light in the other direction red avoiding a collision and that to her was safety and that was her concern for bringing it forward; and upon questions, Mr. Stewart stated that he would agree officers placed at red lights was probably not an effective usage of limited resources, but there were other solutions such as lengthening the yellow light. Council

Members Lovell and Green absent.

Council Member Holm stated that she knew he did research and she was open to receive and study it, but was recently a victim of a red light runner and it was a safety issue for her also and this was not revenue but behavior modification. Council Members Edwards, Lovell and Green absent.

Council Member Berry stated that there was conflicting data on the camera issue, but when someone was hit by someone running a light it was side impact and that was more fatal than someone being hit in the rear and people change behavior; and if someone was going to pay for it let those running it pay for it; and Mr. Stewart stated the typical red light runner would just go another direction instead of through the light with the camera and they would have the same problem it would just be elsewhere; and Council Member Berry stated that they knew it was a disincentive and after time felt he would be supportive of it. Council Members Lovell and Green absent.

Council Member Garcia stated that he had been hearing the pilot initiative was completed on this and he would like to review the results. Council Members Lovell and Green absent.

Ms. Bonnie Brooks, 3650 Wickersham, Houston, Texas 77027 (713-385-3090) appeared, presented information and stated that today was Arbor Day and she wanted to ask for a commitment to the leadership from of the City of Houston, which recently had shown great leadership especially in the green areas, to convey their commitment to the public and within the various departments and there were wonderful resources outside the City of Houston and they were prepared to give their enthusiasm, resources and work with them and urged they in some way come together to make the plan for an urban canopy a reality. Council Members Alvarado, Wiseman, Lovell, Green and Berry absent.

Council Member Khan thanked Ms. Brooks for coming and reminding all of Arbor Day and stated that there were various citizen groups way ahead of the City Council when it came to making Houston green; that the Alief Super Neighborhood Council was led by Ms. Barbara Quattro and in 2005 they planted over 1,000 trees in their area and last Saturday planted over 250 trees on Bellaire Boulevard, but some problems they ran into was maintenance, after they were planted how to water them and he would like to encourage them to let others know how to come up with a comprehensive plan so people interested would not get frustrated with road blocks; and Ms. Brooks stated that she knew Ms. Quattro and the maintenance was enormous, but she went to Halliburton and got water trailers and Trees for Houston was gracious enough to use their 501C3 to filter and put the money through, but she would like the City of Houston to appoint something to interact with when such problems came up. Council Members Lawrence, Alvarado, Wiseman, Lovell, Green and Berry absent.

Council Member Brown thanked all for their work and stated that he was a board member for Trees for Houston and if they would get in touch with him he would do all he could to help to keep Houston Greener; and Ms. Brooks presented Girl Scout patches with the City of Houston in the background which she said was an urban canopy and the girls had to do things to win that patch. Council Members Lawrence, Wiseman, Alvarado, Lovell, Green and Berry absent.

Mr. Dave E. Jones, 2529 South Victory Drive, Houston, Texas 77088 (28-445-7271) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Wiseman, Alvarado, Lovell, Green and Berry absent.

Mr. Herschel Beckham, 3827 Tiffany, Houston, Texas 77045 (713-413-4231) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Wiseman, Alvarado, Lovell, Green and Berry absent.

Mr. Stephen A. Hester, Jr., 7000 Regency Square #160, Houston, Texas 77036 (713-974-

4621) appeared and stated that he worked for the Houston Center of Independent Living and was present to urge Council to place a fair housing ordinance on the Agenda; that Houston was the only city in the US under his research that did not have fair housing and based on that they had no protection for pregnant women or those with disabilities; that he would also ask they consider appointing a Housing Task Force to work on issues for people with disabilities. Council Members Lawrence, Johnson, Wiseman, Alvarado, Green and Berry absent.

Mayor White thanked Mr. Hester for appearing time to time and bringing such issues forward. Council Members Lawrence, Johnson, Wiseman, Alvarado, Green and Berry absent.

Mr. Arnaldo Salinas, who was previous added to the speakers list, appeared and stated that he was present to gain Council's acceptance, support and guidance for the people of Houston to join an organization with a track record of success; that the Guardian Angels was much more than what met the eye, they had instituted in New York a teacher training program and they were an antidote to the gangs; that he felt they were a part of the problem as in countries, cities and states where they had the backing of Council , Mayors and Prime Ministers they worked that much better; that they needed first support of police so when they dialed 911 they would get response; that they would train people to be self sufficient and it would be a chapter made up of people from Houston, it was not boots on the ground there were junior Guardian Angels engaging children from 7 to 10 and putting them on the right track; that they had a track record of success for 27 years now in over 100 chapters around the world and it was a win/win for any city. Council Members Lawrence, Alvarado, Green and Berry absent.

Council Member Sekula-Gibbs stated that crime was up all around the country and it was a combination of things; that she appreciated and respected his effort for them to come and help, but the community had to take hold and be trained and be responsible for such a program to work and it was incumbent on leaders in the community to be proactive; and Mr. Salinas stated that the stakeholders was the public and they did not go anywhere they were not invited; that the group was completely volunteer, they had even rejected funding for some programs because they came across better doing it from their hearts; that no police department would discourage citizen involvement and that's what this was involvement between community and police; and he had called the Chief, but had no response as yet. Council Members Clutterbuck, Green and Berry absent.

Council Member Khan stated that he met with their group last night and he thanked them for the briefing on their organization; that he looked at their presence as a symptom of the problem in the city, crime getting bad to worse, that the Chief was committed to solving it and the Mayor and done all he could; and upon questions, Mr. Salinas stated that some Chiefs or Commissioners did not accept them or took a wait and see attitude and the wait and see attitude was fine with him because they had to prove themselves daily; that when they went into a city and there was not cohesiveness it was generally because of who they were, but they were the premiere organization in the world, no one was bigger; that they had numbers in the tens of thousands and programs for outreach; that some Chiefs gave them radios, one even used discretionary funds and wore the colors and patrolled with them two nights a week and where they had such cohesiveness they worked better and that was the goal here, he did not want to work side by side he wanted to work with and then create a better community. Council Members Edwards, Lovell, Green and Berry absent.

Council Member Lawrence thanked Mr. Salinas for his ideas and desire to fight crime and help youth; that in Houston they had Citizens on Patrol and she would love him to find out what they were doing here to fight crime in neighborhoods and there were storefronts in every neighborhood and maybe instead of speaking with the Chief he could speak with the different Sergeants and find out their problems and programs; and Mr. Salinas stated that it was not just what the Guardian Angels could do for Houston but what it did for its members, it was common knowledge they had two chapters in Houston in the 1980's and 1990's and to him was a failed chapter but the remnants brought about 3 or 4 officers, a couple of lawyers, doctor,

mathematician and though they did not give them the skills they gave them the discipline to seek out; and he prayed they would be welcomed and he was available at any time so they could have a good working relationship. Council Members Lovell and Berry absent.

Council Member Edwards stated that she thought they had great work and with being in existence 27 years she would like to speak with him about their goals, etc., for the city. Council Members Lovell and Berry absent.

Council Member Garcia thanked Mr. Salinas for coming and stated that any time they received constructive help it was appreciated and there were many things already afoot; that he heard him say they needed the police to be supportive, but anytime any citizen called they would be there, but the respect he asked for could only be earned as an organization; that as he mentioned they were present in the 1980's and were a failed chapter and he felt the success of such an organization needed to come from within the community, but their spark may generate a new effort, but he did appreciate them coming. Council Members Lawrence, Khan, Lovell and Berry absent.

Mayor White thanked Mr. Salinas for coming and speaking to Council. Council Members Lawrence, Khan, Lovell and Berry absent.

Mr. Richard Kasunga, 8400 Nairn #1106, Houston, Texas 77074 (832-830-5130) appeared and stated that his partner Mr. Johnson was the main speaker and he would relinquish his time. Council Members Lawrence, Khan, Lovell and Berry absent.

Mr. Mitchell Johnson, 8400 Nairn #1106, Houston, Texas 77074 (832-830-5130) appeared and stated that he was director of Motorcycle Fabrication Institute or MFI and founder of Southern Classic Choppers; that MFI would be the only school in the United States that would teach motorcycle fabrication and free to all, upon graduation their students would be offered positions with Southern Classic Choppers to produce a new line of motorcycle designed for the city commute and it would bring jobs to Houston and relief to the overcrowded freeway systems; that starting salary would be \$18,000.00 up and poverty would be a thing of the past for many who attended the institute; that there were countless abandoned buildings owned by the city and doing nothing more than casting an ugly shadow and they would be proud to take it and turn it into MFI; and implored the City to assist them in making an ugly duckling into MFI, a shining star. Council Members Lawrence, Khan, Holm, Sekula-Gibbs and Berry absent.

Mayor White thanked Mr. Johnson for appearing and conveying that to the Council today. Council Members Lawrence, Khan, Holm, Sekula-Gibbs and Berry absent.

Mr. Tony Jones, 1950 Spenwick, Houston, Texas 77055 (713-935-0011) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Khan, Holm, Sekula-Gibbs and Berry absent.

Mr. Sammie Jones, 8700 Gustine, Houston, Texas 77031 (713-988-1273) appeared and stated that he was under the impression when he received a Gold Card from Harris County that he would not be charged any medical expenses, but he was sent bills; that bills of nonpayment was also sent to his credit report and now he had tried to get electricity and could not get it; that he believed the Texas Constitution said the county was responsible for medical bills of indigent citizens and he went to set an appointment with the judge, but his assistant called security and he had to leave the building and now was asking what he should do with the bills. Council Members Khan, Holm, Garcia, Sekula-Gibbs and Berry absent.

Mayor White stated that he did not know if Mr. Jones was listening and they could not make credit decisions for a lot of entities; and upon questions, Mr. Cantu stated that he had no specific response; that they had assisted Mr. Jones in several ways over the last years with social services and shelters; and Mayor White stated that he could not think of anything off

hand, but they did try to be responsive to every citizen and thanked him for being present today. Council Members Lawrence, Holm, Garcia, Sekula-Gibbs and Berry absent.

Mr. David Moncada, 5858 South Gessner #124, Houston, Texas 77036 (281-748-5319) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Holm, Garcia, Sekula-Gibbs and Berry absent.

Mr. David Casiano, 7575 Office City Drive, Houston, Texas #513, Houston, Texas 77012 (713-640-1516) appeared and stated that he was present to speak about background checking; that he was born and raised in Houston, Texas, and had been looking for a job and apartment but people were discriminating because of his background; that he was incarcerated at the age of 17 through 23 and he was not able to get hired; that he had a family now and did not want to make the wrong turn and go to crime, but he could not work and it was bringing him down more and more. Mayor White, Council Members Lawrence, Khan, Holm and Sekula-Gibbs absent. Mayor Pro Tem Alvarado presiding.

Mayor Pro Tem Alvarado stated that she wanted to refer him to the Fair Housing Coalition and she believed they were located very near him and someone would give him the information; and Mr. Casiano stated that he had been to temp agencies, but you only took home around \$12.00 a day and that did not help when you had a wife and son; that many tried to go to the agencies but then went back to crime because it was not enough; that they rehabilitated and wanted to change, but then their backgrounds were held against them; and Mayor Pro Tem Alvarado stated that someone in her office would give him information, it was the Greater Houston Fair Housing Organization and perhaps Citizens Assistance could help with information; and Mr. Casiano stated that he and his wife applied three to four years ago for housing, but they said no because of his background; and Mayor Pro Tem Alvarado stated that they would try to intervene on his behalf with the Fair Housing Coalition. Council Members Khan, Holm and Sekula-Gibbs absent.

Council Member Garcia stated that he understood his frustration, but he was at a point where maybe he made \$12.00 a day but would he prefer a 4 x 4 cell; and Mr. Casiano stated it was not what he preferred, he was only trying to see how to get assistance; and Council Member Garcia stated that some organizations were reluctant, but they were trying as a city to connect folks who wanted a new shot with opportunity; that Mr. Cantu's office was doing work and so was the Work Source and he needed to stay strong and a good door would open; and Mr. Casiano stated that he had been clean 5 years and he was still being discriminated against, they did not know how people could change; and Council Member Garcia stated that if he was clean for 5 years he was doing something right and to stay focused and keep strong. Council Members Khan, Holm and Sekula-Gibbs absent.

Council Member Edwards stated that Pastor James Nash did the exact work he was looking for, getting people placed with housing and jobs, gave him his phone number and wished him good luck. Council Members Khan, Holm and Sekula-Gibbs absent.

Mrs. Jessica Garza, 7575 Office City Drive, Houston, Texas #513, Houston, Texas 77012 (713-640-1516) appeared and stated that she was present as she supported the fair housing ordinance and was present on behalf of herself and other disabled members, there were thousands of disabled in and around the Houston area and they were trying to make a difference and hoped they would get support from the City of Houston; that they could give funds. Council Members Khan, Holm and Sekula-Gibbs absent.

Mayor White thanked Ms. Garza for appearing before Council. Council Members Khan, Holm and Sekula-Gibbs absent.

Mr. Robert Martinez, 6541 Avenue J, Houston, Texas 77011 (832-643-9906) had reserved time to speak but was not present when his name was called. Council Members Khan, Holm

and Sekula-Gibbs absent.

Mr. Preston Roe, 3731 Florinda, Houston, Texas 77021 (713-747-4358) appeared, presented information and stated that he was the vice chair of ARCADA and he would relinquish his time to Ms. Tekle. Council Members Khan, Holm and Sekula-Gibbs absent.

Ms. Asmara Tekle, (Ms. Tekle advised her name was now Tekle Johnson) 6902 Burgess, Houston, Texas 77021 (832-621-5645) appeared and stated that she was present as chair of Citizens Against Eminent Domain Abuse and Mr. Roe was vice chair; that after the building of the parking garage in her neighborhood, Central City, there was a recognition by the community and Council Member Edwards that in the Texas Medical Center area there was need for a broad based community and citizens group from various neighborhoods in the city which would serve the interest of all neighborhoods and citizens faced with the threat of eminent domain by institutions with that power and a number of civic clubs were represented by their group with their mission being to observe, preserve and protect character and integrity of residential neighborhoods within the Texas Medical Center area and immediate area of State Highway 288 from encroachment and what they presented outlined their agenda on how they planned to do so. Council Members Holm and Sekula-Gibbs absent.

Council Member Edwards thanked Ms. Tekle and Mr. Roe for their work and stated that the group represented a consortium of probably every civic club along the OST corridor from Almeda to Mykawa and it was an effort to get involved with ongoing development in their community and she applauded them for trying to take the future in their hands and she was proud to be their representative. Council Members Johnson and Sekula-Gibbs absent.

Mayor White thanked Ms. Tekle Johnson and Mr. Roe for coming and stated they should keep Council informed; that their views informed Council's position on critical legislation during the legislative session. Council Members Johnson and Sekula-Gibbs absent.

Council Member Lawrence thanked Ms. Tekle Johnson and Mr. Roe for coming and stated that she did want them to contact their state and federal representatives as Council took orders from federal representatives; and Ms. Johnson stated that much like the city did last time with eminent domain in Central City was to include some issues related to eminent domain in their legislative package. Council Members Johnson and Sekula-Gibbs absent.

Council Member Khan thanked Ms. Tekle Johnson for her work and stated that he looked forward to working with them and she should let Council know how they could help. Council Members Johnson and Sekula-Gibbs absent.

Mr. Mack Fowler, 1411 North Boulevard, Houston, Texas 77006 (713-524-7365) appeared and stated that he would like Mr. Merritt to speak before him. Council Members Johnson and Sekula-Gibbs absent.

Council Member Berry moved to suspend the rules to allow Mr. Michael Merritt to speak out of order, seconded by Council Member Khan. All voting aye. Nays none. Council Members Johnson and Sekula-Gibbs absent. MOTION 2006-0049 ADOPTED

Mr. Michael Merritt, 2020 North Loop West #106, Houston, Texas 77018 (713-688-8931) appeared, presented information and stated that he was the Houston Regional Urban Forest Coordinator for the Texas Forest Service and was present to speak on the regions forest report which was presented to Council in an observance of Arbor Day which in Houston would be celebrated Friday, January 20, 2006, the report quantified ways urban trees significantly contributed to the ability to help mitigate and filter air pollutants in a monetary impact on Houston and its future, some benefits include removal of over 60,000 tons of air pollution with a value of about \$300 million annually, provided \$131 million annually in energy conservation benefits and store over 39 million tons of carbon at a value of approximately \$270 million and

totally the environmental benefits amounted to an annual savings of over \$400 million to the region; that he knew many supported tree planting programs throughout the region and he thanked them and urged a continued support of groups which enhanced such programs so they could help increase environmental benefits received from their urban forest. Council Member Wiseman absent.

Mayor White stated that he did get the report and read it and thanked Mr. Merritt for coming. Council Member Wiseman absent.

Council Member Sekula-Gibbs thanked all who worked with the forestry efforts and attempts to bring urban forest back to Houston; and upon questions, Mr. Merritt stated that trees in themselves did not cause pollution and helped ozone, only when they came in contact with nitro oxides and heat then certain times ozone could be formed; that a study was done in Atlanta and by reducing the canopy the air heated up and raised the ozone so trees did help cool the environment and they did release BOC's but not has highly reactive BOC's as manmade sources. Council Members Wiseman and Berry absent.

Upon questions by Council Member Khan, Mr. Merritt stated that he wanted tree benefits recognized; that in the report presented they would see the larger trees provided a more significant benefit than smaller trees, but they were losing a lot of large trees for various reasons and he wanted all to take a good comprehensive look at the region and form plans based on that, replanting and preservation plans and things of that nature. Council Member Berry absent.

Council Member Brown Stated that he was very supportive of their efforts; that he thought the city could do more to keep the city greener and the more trees the better. Council Member Berry absent.

Mr. Mack Fowler, 1411 North Boulevard, Houston, Texas 77006 (713-524-7365) appeared and stated that he was present representing Trees for Houston, Quality of Life Coalition and Center for Houston's Future; that they congratulated the Texas Forest Service for preparing the study and thought it gave Council actionable data on which they could rely in order to argue benefits of trees within the community; that they were particularly interested in the economic benefit of trees and the way Houston looked was a major determinant of whether people would relocate here; that trees were the monarch of the plant kingdom and they were devoted to them; that they appreciated Council placing trees in the 311 system and they had ideas about modest improvements to the tree and shrub ordinance such as applying it to remodeling and not just new construction, increasing their density in parking lots, etc. Council Member Berry absent.

Mayor White stated that Mr. Fowler was in the chemical industry and knew what he spoke of and if someone could get to him and Council something specific they were requesting which was commercially feasible with the parking lot ordinance and permitting, he would appreciate it. Council Member Berry absent

Council Member Sekula-Gibbs stated that she too would be interested in what he had to say about increasing the tree canopy, how to do it in an effective way; and Mr. Fowler stated that he thought they could come up with ways to promote and protect trees. Council Member Berry absent.

Dr. Kenneth Mattox, One Baylor Plaza, Houston, Texas 77030 (713-873-3440) appeared, presented information and stated that he was Chief of Staff at Ben Taub Hospital and was present as Council Member Edwards recently requested input from the Texas Medical Center or NASA concerning deaths from taser use to subdue, unruly persons; that he continued their research and some immediate and temporary physiologic effects did occur such as muscle spasm and caution should be included in training such as not shooting them multiple times around the heart, however, in their surveys and research deaths from persons subdued with and without taser use follow a common pattern which include usually obese men on medication,

under stress (high epinephrine levels) taken to the ground, handcuffed with their hands behind them, hog-tied with their feet perhaps attached to the handcuffs in the prone position (lying on their stomach) and kept in that position for more than 30 minutes then it was determined the prisoner did not look good and the paramedic was called, arrived and then the prisoner was pronounced dead at the hospital and that pattern was repeated with and without taser use across the US and the world; that at autopsy findings they found a large heart, evidence of drug medications and not many other findings and that finding was called positional asphyxia and those interested in history knew that was how Christ died on the cross, with crucifixion one could not take a deep breath and it could even occur in sedated patients in the hospital who were placed on their abdomen and could not breath properly; that even in surgery when placed on the back that placed rolls on the shoulders and sides of the abdomen so the abdomen did not push up into the chest and heart. Council Members Lawrence and Green absent.

Council Member Sekula-Gibbs allowed Dr. Mattox to conclude; and Dr. Mattox further stated that the deaths were really due to the traumatic of a Positional Asphyxia rather than an electrical charge and they could find no deaths from electrocution per se because it would have occurred immediately and not 30 minutes later; that there was no standardized approach in what one did with a subdued prisoner and he would request that they change and refocus the mission to a standardized approach on what must be done when a prisoner was taken to the ground, allowing them to breath, the placement of position was essential. Council Members Lawrence, Alvarado and Green absent.

Upon questions by Council Member Sekula-Gibbs, Dr. Mattox stated that there was no hard data on how many were saved because of tasers, but there was indirect data that they had not had individuals taken to the ground with use of deadly force in the Houston Police Department, but there were some in other regions of Texas; and Council Member Sekula-Gibbs stated that when an individual was violent and excited they were risking themselves to have deadly force and if a taser could be used instead it was safer and in a journal, Pacing and Clinical Electrophysiology, an article stated the amount of electricity needed to produce a cardiac arrest even in a small animal was 15 times greater than what was used in a taser and that should provide reassurance; that Dr. Mattox was saying every law enforcement group using tasers did need to be well trained so when they took an individual down they would know the risky position. Council Members Alvarado and Green absent.

Council Member Holm thanked Dr. Mattox for beginning a study for them and stated that she continued to find herself in awe of him and all he gave to the community and he was a wonderful asset. Council Members Alvarado and Green absent.

Council Member Edwards thanked Dr. Mattox for his work, but stated that her request was not for an opinion but a study and if one could not be done then they should tell her; and upon questions, Dr. Mattox stated that the man who recently died from this weighed 300 pounds, he was obese and was placed prone and the death was delayed; that they totally agreed with her that research needed to be done on this and there was dialogue on how an NIAH grant could be approached to get needed data. Council Members Alvarado and Green absent.

Council Member Berry stated that he agreed with Council Member Edwards and this was an area of specialization Dr. Mattox brought to the table and he did appreciate him stepping forward; and upon questions, Dr. Mattox stated that yes, he was comfortable with the use of tasers but wanted focus on the totality of the issue and not just the electric charge and after someone was subdued they must be treated humanly in a position where they could take care of themselves and allow their natural reflexes; that the Houston Police Department had policies in place so that even without taser if a person was taken to the ground and shackled and in a prone position where legs and arms were put together it must be done only in the presence of a captain and with supervision, but the policy did not exist within all enforcement agencies within this county and across the state so yes, positional asphyxia could even occur in a hospital in a non subdued patient if they were too overly sedated. Council Member Green absent.

Council Member Garcia stated that he appreciated his work; that when they began this Council Member Edwards asked for a study and they had requested such a study be pursued to the Chief and he thought there was an attempt to look at two studies, one being grant funded but it did not have an opportunity to have a medical person participate and the second was the City of Houston would have to fund it but it would allow a medical person to be on the review panel and his question was whether either attempt had moved; and Mayor White stated that he would have to find out, but did know there was an organization of major city police departments and a firm which did statistical studies which had credibility and he said the city could chip in, but other places wanted to know the answer as well, but they would find out; and there was someone present from the department and he could not remember the name of the organization, but they wanted to study the incidents and see how it would affect training protocol and in the meantime Dr. Mattox was here and they needed to make sure training in the academy on tasers took into account things he pointed out on physiology effects of how to detain someone and not just the electric charge; and Dr. Mattox stated that some police departments in the country would not give an officer a taser until they were tasered themselves; and Mayor White stated Houston was one of them and Houston tended to be in the lead for the training people had with teasers, but Houston officers were tased so they would know the effect. Council Member Berry absent.

Mr. Steven Williams, no address (no phone) had reserved time to speak but was not present when his name was called. Council Member Berry absent.

Mr. Joseph Colangelo, 8311 Cheshire Vale, Houston, Texas 77024 (713-412-1875) appeared, presented information and stated that he helped lead the anti petition drive to stop the prevailing lot ordinance from being enacted in a 34 block area of Sunset Heights; that they defeated it last week, the Planning Department did the right thing and he knew they were getting a lot of pressure, but the issues presented were extremely important and what he presented was 20 pages of evidence, signatures of 160 lot owners who had unsigned the petition and they probably had 70% of the votes; that 30 plus owners had lots over 6,000 feet and their value would go down immediately if it had been passed and if builders could not buy a lot and subdivide it at 3,000 feet the price of the house would go up to \$650,000.00 in a very spotty neighborhood with freeways and bars and seriously deteriorated housing was what this was in the area; that it was the wrong neighborhood and most homes were too small and obsolete to rehab; that Council thought prevailing lot was the right thing in a 34 block area and it was the wrong neighborhood and people were going to have value go down drastically. Council Members Johnson and Edwards absent.

Council Member Lawrence thanked Mr. Colangelo for coming and stated it was not her district but she had talked to a number of commissioners to get their feel of what could be changed to make it more fair and the first meeting of would be February 20, 2006, Monday at 10:00 a.m. and in the meantime if he could think of something to bring more clarity to Chapter 42 she would appreciate hearing from him, it was the Neighborhood Regulatory Affairs and Development Committee; and Mr. Colangelo stated that they had 20 suggestions and would be glad to come and they were having a meeting Sunday at the old North Main Baptist Church property from 4:00 p.m. to 6:00 p.m. which he had previously bought and located at 608 Aurora. Council Members Johnson and Holm absent.

Council Member Clutterbuck thanked Mr. Colangelo for coming and stated that she looked forward to his testimony and suggestions on how to revise the ordinance; that she wondered if he would oppose the petitioners if they submitted it on a block by block basis; and Mr. Colangelo stated that anyone ought to be able to opt out properties and on a block by block basis in the right blocks it might be a great idea; and upon questions, stated that he had five houses in the neighborhood with one boarded up and his church was now boarded up because it was vandalized with \$300,000.00 damage. Council Members Clutterbuck and Khan absent.

Council Member Garcia stated that part of the challenge was some of the names on the petition presented were people who came to the meeting to speak in support of the prevailing lot size so there was a great deal of confusion on both sides, people called him saying they signed a petition and thought it was in support and then found out it was on an opposing petition and he regretted the community put a great deal of effort into this and the Council body was not given an opportunity, he thought the Planning Commission acted irresponsibly in not sending the application to them to be discussed and debated; and Mr. Colangelo stated that was not true, there was false information as two people from the petition had unsigned. Council Member Clutterbuck absent.

Council Member Brown stated that if they would have tripling of density in the area was the infrastructure there to support it, in many cases it was not the case; that also he did not think there should be illusions of affordable housing, he was familiar with what happened when property was subdivided and seriously doubted if the result would be any affordable housing; that it also tended to raise property value rather than decrease property value; and Mr. Colangelo stated that a \$300,000.00 house was very expensive but less than a \$600,000.00 house in an area where it could not be justified. Council Members Clutterbuck and Edwards absent.

Upon questions by Mayor White, Mr. Colangelo stated that he did not live in the neighborhood; that on his church property he was going to restore it originally, but now would rather put affordable nice properties on it because he had not found anyone wanting to move in because it was too dangerous; that he defined affordable housing as high \$200,000.00 to low \$300,000.00; that many houses were rental and many seriously deteriorated and the area needed tremendous renewal and younger families moving in would have children going to school, most of the houses you could not preserve in the neighborhood or get buyers for, it was a scary neighborhood. Council Members Clutterbuck, Wiseman, Holm and Berry absent.

Council Member Green moved to remain in session beyond the noon hour, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Clutterbuck, Wiseman, Holm and Berry absent. MOTION 2006-50 ADOPTED.

Upon questions by Council Member Khan, Mr. Colangelo stated that he had 20 lots in the area with five houses and four church buildings, he had two continuous blocks and he wanted to be able to subdivide them and was able to if he went to Planning to replat, but every owner had that right; that many elderly people there were ready to move on to wherever they were going to go if their value dropped to \$120,000.00 from \$190,000.00, why should they not get their highest amount. Council Members Clutterbuck, Wiseman and Berry absent.

Upon questions by Council Member Lovell, Mr. Colangelo stated that he owned properties in other places also, he owned an 800 unit property with 95 FEMA flood victims and 200 refugees from Africa and Asia in southwest Houston, he had 40 rent houses, the church, and 5 buildings around it. Council Members Clutterbuck, Wiseman, Holm and Berry absent.

Mr. Dave E. Jones, 2529 South Victory Drive, Houston, Texas 77088 (28-445-7271), was recalled and stated that he was present to congratulate his new Council Member, Council Member Johnson, that preservation had been a long tradition of the National Acres Home Chamber of Commerce to work with their elected official and they were interested in working with him and discussing ways so they could work effectively together to improve their community and the City of Houston; and congratulated Council Member Brown his new Council Member at Large for being elected also. Council Members Clutterbuck, Wiseman, Holm and Berry absent.

Council Member Green thanked Mr. Jones for coming and stated that he looked forward to working with him again during his second term. Council Members Clutterbuck, Wiseman, Holm and Berry absent.

Council Member Johnson thanked Mr. Jones for coming and stated that he knew he had worked hard for years in the Acres Home Community and could count on him to be at meetings. Council Members Clutterbuck, Wiseman, Holm and Berry absent.

Council Member Lawrence thanked Mr. Jones for coming and stated that he would always be an honorary member in District A. Council Members Wiseman and Berry absent.

Ms. Alice Jones, 3722 Simsbrook, Houston, Texas 77045 (713-413-2327) had reserved time to speak but was not present when her name was called. Council Members Clutterbuck, Wiseman and Berry absent.

Senator Robert Horton, 3714 Bain, Houston, Texas 77026 (713-260-6144) appeared and stated that he was God and continued expressing his personal opinions until his time expired. Council Members Wiseman and Berry absent.

Ms. Betty Ross, 8500 Nairn #130, Houston, Texas 77074 (281-222-5219) appeared and stated that she apologized for last week, she was unaware her Council Member had changed; that last week she asked for help on her cleanup effort at 5606 Hickman from a fire and she wondered if any decision was made. Council Member Berry absent.

Mr./Coach R. J. Bobby Taylor, 3107 Sumpter, Houston, Texas 77020 (202-FA3-4511) had reserved time to speak but was not present when his name was called.

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 and continued expressing his personal opinions until his time expired.

Council Member Alvarado moved to suspend the rules to consider Item Numbers 41, 43 and 44 out of order, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2006-0051 ADOPTED.

41. MOTION by Council Member Khan/Seconded by Council Member Alvarado to adopt recommendation from Director Finance & Administration Department for renewal of membership in the **TEXAS MUNICIPAL LEAGUE - 1 Year - \$68,694.00 - General Fund – (This was Item 4 on Agenda of January 11, 2006, TAGGED BY COUNCIL MEMBERS SEKULA-GIBBS, CLUTTERBUCK, LAWRENCE and KHAN)** – was presented.

Council Member Alvarado moved to refer Item No. 41 back to the administration, seconded by Council Member Edwards.

Council Member Alvarado stated that she understood Mayor White had been working on the issue and understood they would be paying for the membership with private funds so no taxpayer money would be used for it, that she understood some of her colleagues had raised the issue, that she appreciated the Mayor looking for ways so that they did not have a divisive issue, so that those concerns about taxpayer dollars were addressed and resolved.

Mayor White stated that he thought the Texas Municipal League helped them, he could be a witness on issues involving telecom during the last session, that he thought the TML could be a voice for preserving the purgatives of government closest to the people, the local government, that he did not agree with the position that TML took on some of the issues involving property taxes in the last Legislative session, which was the City's position and unanimous around the Council table, which was that they believed that the Constitution should permit local government to make some of its own rules concerning the rate at which residential property values could escalate, that he was heartened by the fact that there were people involved in the City of Houston at the TML, it was hard to shape somebody's policy when they were not at the table,

that he understood the frustration of some folks that thought the TML took a position different than the City of Houston concerning one of the issues important to their citizens, that he did not want to set a precedent, that they raised a lot of money for Katrina and Rita privately and raised a lot of money for other public and private causes, that he wanted to send a message to the TML, that they did not take the vote and their membership for granted in the TML, it was not an entitlement, that he said at the last meeting that unless they saw something more than a just say no about any law on property taxes that he would be among the people questioning the TML, that he was going to support the motion to refer back to the administration and would make sure they were able to participate and were at the table, nor did he think that votes should be governed by people who used certain issues as an organizing tool who had other agendas, that it would come back in a year, that they would support an organization which was an advocate for local government closest to the people, that they would be sending a clear signal to the TML not to take their support for granted, that building consensus meant more than just getting a bare majority, so he was going to continue to work to build consensus on this body, that it was a goal that he invited members of the body to share.

After further discussion by Council Members, Council Member Khan asked if they could be a member of a body without having a Council vote, was it just an issue of money or did they need a Council vote to become a member, and Mayor White stated that under City Charter they could join an organization without a Council vote. Council Member Garcia absent.

After further discussion a vote was called on Item No. 41. Council Members Sekula-Gibbs and Clutterbuck voting no, balance voting aye. 2006-0052 ADOPTED.

43. ORDINANCE amending Ordinance No. 2005-1022 which created the Hurricane Katrina Aid and Recovery Fund to expand the purposes for which the fund may be used to include increased public safety needs for a larger population resulting from Hurricane Katrina – **(This was Item 19 on Agenda of January 11, 2006, TAGGED BY COUNCIL MEMBERS WISEMAN and SEKULA-GIBBS – was presented.**

Council Member Wiseman stated that she had tagged the item because she was looking for additional information and having some concerns about how they got to where they were with the Katrina Fund, that on September 5, 2005 was when they created the fund at an emergency meeting to address their costs to provide emergency services for the displaced Katrina victims, that at that point unanimously City Council understood the need to provide emergency funding to address the concerns with the understanding also that they would be making every effort to get those funds reimbursed by FEMA quickly because the money was coming out of the Street and Bridge Fund and that \$10 million that they were committing they very much wanted to make sure it got back to Street and Bridge so that they could continue forward with the CIP projects so that nothing would be jeopardized and they were told at the time that surely they would receive the reimbursement long before the end of the fiscal year and they had nothing to worry, that they had received substantial reimbursements from FEMA and yet looking at the MOFARs there had been no transfers out of that fund back over to Fund 405, that what concerned her was that they were being asked, by Item No. 43, to recommit that \$10 million for police overtime and would be asking FEMA for reimbursement for the money but there was no guarantee that they would be reimbursed, that time was running out for their CIP projects, that she was not against public safety or funding their police force but she was at Council when they had the discussions of the Any Lawful Purpose Fund and taking a slush fund to move around to fund different items, if they had to find a way to fund HPD needs then they had to look at it and address it but to take money out of the CIP for that purpose again after they were given a commitment that it would be transferred back as soon as they got reimbursed it went against what she had committed to, that she had asked for additional information with respect to the CIP so she looked forward to receiving the information, that she could not support the item and would vote “no” and would ask the administration to involve City Council as far as looking for ways to meet the public safety needs of the community without jeopardizing the projects they had committed to the citizens of the City long before the crisis. Council Member

Edwards absent.

Council Member Sekula-Gibbs stated that now they had a situation where they were using money from the CIP to pay for needs that were very important for the City, which was public safety but her concern was that the money should not be taken from the CIP, that it should be utilized from other sources and should not be taken from an area that would ultimately expose their City to the same type of devastation that affected New Orleans, which was basically flooding, that she had written a letter to the Congressional delegation asking them to provide Houston with FEMA funds to pay for the police task force to reduce the violent crime increase that they had, that she had to say to wait and take care of their home situation first without going further out on a limb and was the reason she would be voting "no". Council Member Edwards absent.

Council Member Alvarado asked Mayor White to clarify if CIP projects were in any danger of being delayed. Council Member Edwards absent.

Mayor White stated that the \$10 million that were appropriated by the City Council for Katrina emergency were not allocated to CIP funds out of Fund 405, in part because in the administration they wanted to use good cost benefit criteria and wanted to make sure they spent the money where things were most effective and they had been building up cash balances, their balance sheet was stronger, that if they raised private funds FEMA said it would be unlikely to get reimbursed compared to a public expenditure, that if they do not use the \$10 million then they would need to suspend the police overtime program which had resulted in over 165 arrests in the last two weeks, that he could tell them that the citizens wanted to put public safety first and this was the place where he thought they could use the money, that finally on FEMA reimbursement, the Chief Operating Officer of FEMA said that it would be reasonable to incur the overtime expenses and get reimbursed, the Acting Director of FEMA in October said that would be a reasonable approach for Houston to use, that he could not or had never guaranteed what FEMA was going to do, he thought it was likely to be reimbursed from FEMA, but he did not want to wait for FEMA to protect the people in Houston, that was a CIP project going to be cancelled as a result of spending some of the money that they had previously appropriated, "no". Council Members Edwards and Alvarado absent.

Upon questions by Council Member Clutterbuck, Mayor White stated that it was a Street and Bridge Fund, there were hundreds of accounts in the City's Chart of Accounts, in the current year the liability was what they had been obligated to expend in the current year, over a multiple period of time the liability may be things that were in their approved CIP and in this particular account, one of many accounts within the whole City, there was money that was not allocated to a particular capital project, that the intention would be first that the special account that was created in September would be reimbursed, that it had not been reimbursed so far because they had not expended any, then at some point they ought to take the amount that was in the special account and put that back into the Fund 405 or reprogram it with the decision what to do in the budget; that the Any Lawful Purpose or some of the objections that had been expressed by that had to do in particular with the fact that there was within the Water and Sewer Fund, called an Enterprise Fund, where the proceeds were dedicated, there was an exception that amounts could be transferred out had there been certain financial ratios that were exceeded, then people objected to the fact that they were taking money that was in an Enterprise Fund and spending it in a General Fund, that these were General Fund dollars, they were not taking money out of an Enterprise Fund to put it in a General Fund, the General Fund expenditures tended to be, about two thirds of it, after Debt Services, for public safety, there were some Public Works functions that were in the General Fund, the Water and Sewer System was in the Enterprise Fund, that it was a place that was a General Fund account which had un-obligated amounts, that did not have capital improvements associated with it. Council Members Garcia and Brown absent.

Upon questions by Council Member Holm, Mayor White stated that he believed that the

administration and Council, a couple of administrations ago, decided that they had problems that came up during the year, that there were those that may not be a CIP item but they may not be a pothole or something like that, but they came up during the year, and an account was created, Fund 405, and it was true that it was the Street and Bridge Account, and then there was a period of time where for various reasons within the last administration that fund was relatively rarely used, that they had used the funds in the way that it was intended for some extraordinary items, that he believed they may have used it for the Balkin Street reconstruction, for example, where it was not intended to be normal CIP, it was a portion of the fund, but there was still a fund balance, so the overall thing, and they were working in good faith, was should they spend money for more police presence on their streets or should they not, that they wanted to prevent Peter from robbing Paul on the street and the way they do that was to spend money for law enforcement. Council Members Garcia and Brown absent.

After further discussion Council Member Wiseman moved to postpone Item No. 43 for one week, seconded by Council Member Sekula-Gibbs.

After further discussion, Mayor White stated that the fund did not have projects that were in the CIP that equaled the fund, there was a surplus, there was uncommitted cash in the fund, that he would get the number for Council Members, that no money had been spent out of that account, this would be the first dollar expenditure out of the account, the account had \$11 million, \$1 million he raised privately and \$10 million was from Fund 405.

After further discussion by Council Members, Council Member Edwards moved to call the question, and Mayor White stated that if there was no objection it was so ordered as there were no others on the list to speak.

A roll call vote was called on Council Member Wiseman's motion to postpone Item No. 43 for one week.

ROLL CALL VOTE:

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

Council Member Garcia voting no
Council Member Alvarado voting no
Council Member Brown voting no
Council Member Lovell voting no
Council Member Sekula-Gibbs voting aye
Council Member Green voting no
Council Member Berry voting no
MOTION 2006-0053 FAILED.

A roll call vote was called on Item No. 43.

ROLL CALL VOTE:

Mayor White voting aye	Council Member Garcia voting aye
Council Member Lawrence voting aye	Council Member Alvarado voting aye
Council Member Johnson voting aye	Council Member Brown voting aye
Council Member Clutterbuck voting aye	Council Member Lovell voting aye
Council Member Edwards voting aye	Council Member Sekula-Gibbs voting no
Council Member Wiseman voting no	Council Member Green voting aye
Council Member Khan voting aye	Council Member Berry voting aye
Council Member Holm voting no	ORDINANCE 2006-0045 ADOPTED.

Mayor White stated that he would circulate all of the Street and Bridge Funds, a list of all those to his colleagues, that any of the funds that anybody had any questions about they would be responsive at any time.

Council Member Holm stated that last year during the budget hearings the Fund 405 came forward and some of the information had been called to her attention, that it had approximately \$40 million in it, it was Street and Bridge money and at that time she questioned Mr. Marcotte, who agreed that it basically was ALP and he promised at that point that he would be designating that money, which he has not done, and she thought that at this point and time that money was supposed to be Street and Bridge money and was supposed to be designated, he made a commitment last July to do so and she encouraged Public Works to do so.

44. ORDINANCE approving and authorizing agreement for APM Operations and Maintenance Services at George Bush Intercontinental Airport, by and between the City of Houston and **JOHNSON CONTROLS, INC**; providing a maximum contract amount - \$20,393,000.00 Enterprise Fund - **DISTRICT B – JOHNSON – (This was Item 24 on Agenda of January 11, 2006. TAGGED BY COUNCIL MEMBERS CLUTTERBUCK, KHAN and JOHNSON)** – was presented.

Council Member Wiseman stated that she had tagged the item because they seemed to be dealing with the recurring issue with the Houston Airport System and their RFPs, that she had looked at the evaluation process and how a selection was made, she had some concerns about the underlying process, not necessarily for the Airport System but from what she had been told by the Airport System that it was a process that was laid out to them by Strategic Purchasing, that she could not support the decision that was made and would like to visit with Strategic Purchasing to look at the process that was laid out to every department when it came to making evaluations because she saw some areas they needed to address. Council Members Edwards, Brown and Lovell absent.

A vote was called on Item No. 44. Council Member Wiseman voting no, balance voting aye. Council Members Edwards and Brown absent. ORDINANCE 2006-0046 ADOPTED.

16. ORDINANCE amending City of Houston Ordinance No. 2002-0512, passed June 12, 2002, which approved and authorized the submission of the 2002 Consolidated Plan and the grant application for the 28th Community Development Block Grant (“CDBG”) Program - \$1,560,597.00 – was presented. All voting aye. Nays none. Council Members Edwards and Brown absent. ORDINANCE 2006-0047 ADOPTED.
17. ORDINANCE amending City of Houston Ordinance No. 2004-0685, passed June 30, 2004, which approved and authorized the submission of the 2004 Consolidated Plan and the grant application for the 30th Community Development Block Grant (“CDBG”) Program - \$2,803,403.00 – was presented. All voting aye. Nays none. Council Members Edwards and Brown absent. ORDINANCE 2006-0048 ADOPTED.

18. ORDINANCE approving and authorizing Resolution and submission of a grant application, in substantially the form attached hereto, by the Parks and Recreation Department to the Texas Parks and Wildlife Department for Design and Development of East Tidwell Park, authorizing the Mayor to sign the Resolution - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Members Edwards and Brown absent. ORDINANCE 2006-0049 ADOPTED.
19. ORDINANCE approving and authorizing Resolution and submission of a grant application, in substantially the form attached hereto, by the Parks and Recreation Department to the Texas Parks and Wildlife Department for Design and Development of Sims Woods Park, authorizing the Mayor to sign the Resolution - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Members Edwards and Brown absent. ORDINANCE 2006-0050 ADOPTED.
20. ORDINANCE amending Ordinance No. 2005-1364 for the limited purpose of correcting termination date of After School Achievement Program (“ASAP”) Contract with St. James School **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Members Edwards and Brown absent. ORDINANCE 2006-0051 ADOPTED.
21. ORDINANCE approving and authorizing Occupancy Agreement between the Harris County Hospital District (“HCHD”) and the City of Houston (“City”), for the purpose of having HCHD offer a program known as Gateway to care for the provision of services that facilitate access to Healthcare Services for uninsured and underinsured residents of Houston and Harris County at the Third Ward Multi-Service Center - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Members Edwards, Brown and Sekula-Gibbs absent. ORDINANCE 2006-0052 ADOPTED.
22. ORDINANCE approving and authorizing contract between the City and **CRAIG T. MASON** for Consulting Services related to the City’s three pension systems; providing a maximum contract amount – was presented. All voting aye. Nays none. Council Members Edwards and Brown absent. ORDINANCE 2006-0053 ADOPTED.
23. ORDINANCE approving and authorizing lease agreement between the City of Houston and **RAYTHEON AIRCRAFT SERVICES, INC** for certain premises at William P. Hobby Airport **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Members Edwards and Brown absent. ORDINANCE 2006-0054 ADOPTED.
24. ORDINANCE approving and authorizing Amendment No. 1 to lease agreement between the City of Houston and **AMERICAN INTERNATIONAL GROUP, INC, formerly with the WILLIAMS COMPANIES, INC**, for certain premises at William P. Hobby Airport - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Members Edwards and Brown absent. ORDINANCE 2006-0055 ADOPTED.
25. ORDINANCE approving and authorizing agreement between the City of Houston and the **BARBOSA GROUP INCORPORATED d/b/a EXECUTIVE SECURITY** for Security Guard Services for the Houston Airport System; providing a maximum contract amount - 3 Years with two one-year options - \$12,709,929.60 - **DISTRICTS B - JOHNSON and I - ALVARADO** – was presented, and tagged by Council Member Wiseman. Council Members Edwards and Brown absent.
27. ORDINANCE finding and declaring public convenience and necessity for the acquisition of easements and rights-of-way in connection with the public improvement project known as the West White Oak Bayou Hike and Bike Trail (from Pinemont Street to Victory Street); authorizing the acquisition of certain real property interests within the right-of-way alignment and payment of the costs of such purchases and/or condemnations of such real property and associated costs for Appraisal Fees, Title Policies/Services, Recording

Fees, Court Costs, and Expert Witness Fees in connection with the acquisition of 4.3451 acres of land more or less in 34 parcels situated in Harris County, Texas, in the Samuel McClellan Survey Abstract No. 544, the Ellis Benson Survey Abstract No. 110, and the Samuel Leeper Survey Abstract No. 522 and being more specifically located out of Lot 21, Block 36 Roslyn Heights Addition, Lots 20 and 21, Block 37 of the Roslyn Heights Addition, Reserve "A" of Candlelight Oaks, Section Two, Reserve "A" Candlelight Oaks Section Three, Lots 3, 4, 5, 6, 7, 21 and 22, Block 4 Candlelight Oaks, Section Three, Unrestricted Reserve "A" Block Four Candlelight Trails Section Three, Lots 19, 20, 21, 22, 26, 27, 28, 29, 30, 31 and 32 Block 3 of the Replat of Antoine Forest Estates, Unrestricted Reserve "D" Block Three, Candlelight Trails, within Harris County Flood Control Drainage Easements as recorded under Volume 3408 Pages 312, 317, 322, and 332 of the Harris County Deed Records, within a Harris County Flood Control District Easement as recorded under Volume 3416, Page 239 of the Harris County Deed Records, a part of a tract of land being out of a remainder of 0.23290 tract of land in the Ellis Benson Survey, Abstract No. 110, as conveyed in an instrument filed under Harris County Clerk File No. G428813, being out of a 16.677 acre tract of land situated in the Ellis Benson Survey, Abstract 110, as conveyed in an instrument recorded under Harris County Clerk File No. T717142, being out of tract of land situated in the Samuel Leeper Survey Abstract No. 522, as conveyed under Harris County Clerk's File Number M457565 – was presented. All voting aye. Nays none. Council Members Edwards and Brown absent. ORDINANCE 2006-0056 ADOPTED.

29. ORDINANCE appropriating \$276,979.42 out of Water & Sewer System Consolidated Construction Fund and \$210,000.00 out of Tax Increment Reinvestment Zone Affordable Housing Midtown Fund; approving and authorizing Developer Participation Contract between the City of Houston and **INDIVISA CORPORATION** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve Section One of the Pine Tree Subdivision, CIP S-0800-H5-03 & R-0800-H5-03 **DISTRICT B - JOHNSON** – was presented, and tagged by Council Member Johnson. Council Member Brown absent.
30. ORDINANCE appropriating \$264,695.15 out of Water & Sewer System Consolidated Construction Fund and \$255,000.00 out of Tax Increment Reinvestment Zone Affordable Housing Fund; approving and authorizing Developer Participation Contract between the City of Houston and **UNIVERSITY DEVELOPMENT, INC** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve Section Six of the Southway Subdivision, CIP S-0800-13-03 & R-0800-13-03 **DISTRICT E – WISEMAN** – had been pulled from the Agenda by the Administration, and was not considered.

Mayor White stated that Item No. 30, which was subject to some public testimony had been removed from the agenda.

31. ORDINANCE appropriating \$305,494.97 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Developer Participation Contract between the City of Houston and **GARC ENTERPRISES, LTD** for Construction of a Wastewater Force Main and Lift Station to serve the Southridge Crossing Subdivision, CIP R-0802-36-3 - **DISTRICT E - WISEMAN** – was presented, and tagged by Council Member Wiseman.
33. ORDINANCE appropriating \$1,075,700.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **INDUSTRIAL TX. CORPORATION** for Chlorine Scrubber Systems at various facilities, GFS S-0533-05-3 (WA10806); setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering testing, project management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS A - LAWRENCE and B - JOHNSON** – was

presented. All voting aye. Nays none. ORDINANCE 2006-0057 ADOPTED.

36. ORDINANCE granting to **WSI WASTE SERVICES OF TEXAS, L.P., A Texas Limited Partnership**, the right, privilege and franchise to collect, haul and transport Solid Waste and Industrial Waste from Commercial Properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions **FIRST READING** – was presented. All voting aye. Nays none. ORDINANCE 2006-0058 PASSED FIRST READING IN FULL
37. ORDINANCE granting to **YC DISPOSAL, A Texas Sole Proprietorship**, the right, privilege and franchise to collect, haul and transport Solid Waste and Industrial Waste from Commercial Properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions - **FIRST READING** – was presented. All voting aye. Nays none. ORDINANCE 2006-0059 PASSED FIRST READING IN FULL

NON CONSENT AGENDA - NUMBERS 38 and 39

MISCELLANEOUS

38. RECEIVE nominations for Positions One, Two and Two Alternate At-Large Positions of the **HOUSTON-GALVESTON AREA COUNCIL BOARD OF DIRECTORS**, for one-year terms to expire December 31, 2006 - was presented.

Council Member Green stated that he had passed out a memo nominating Council Member Wiseman for Position One on the Houston-Galveston Area Council Board of Directors and nominating Council Member Garcia for Position Two on the Houston-Galveston Area Council Board of Directors.

Council Member Garcia stated that he wanted to nominate Council Member Lovell as alternate to the Houston-Galveston Area Council Board of Directors.

Council Member Wiseman stated that she had circulated a written nomination for Council Member Holm as alternate to the Houston-Galveston Area Council Board of Directors.

Council Member Edwards stated that she would like to request of the administration that for any people that were on any boards that there be a process that they give at least a quarterly report as to what was going on.

Council Member Alvarado moved to close nominations for the Houston-Galveston Area Council Board of Directors, seconded by Council Member Khan. All voting aye. Nays none. 2006-0054 ADOPTED.

PROPERTY

39. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Michael L. Richker of Richker Properties, Inc., for abandonment and sale of Plainfield Road, from Summerbell Lane to White Chapel Lane, located in Country Club Villas Subdivision, Parcels SY6-029 and SY6-030 - **TWO APPRAISERS and one ALTERNATE APPRAISER - DISTRICT C - CLUTTERBUCK** – was presented. Council Member Wiseman absent.

Council Member Clutterbuck named Mr. Lee Burns and Mr. Travis Cooper as appraisers and Mr. Samuel Stewart as alternate appraiser and moved adoption of the recommendation, seconded by Council Member Khan. All voting aye. Nays none. Council Member Wiseman absent. MOTION 2006-0055 ADOPTED.

MATTERS HELD - NUMBERS 40 through 45

40. RECOMMENDATION for approval of the **GREATER HARRIS COUNTY 9-1-1 EMERGENCY NETWORK** Budget for Fiscal Year 2006 - January 1, 2006 through December 31, 2006 – **(This was Item 2 on Agenda of January 11, 2006, TAGGED BY COUNCIL MEMBER WISEMAN)** - was presented, moved by Council Member Alvarado, seconded by Council Member Khan.

Council Member Garcia stated that he wanted to applaud the members of the Greater Harris County 9-1-1 Emergency Network for meeting with him to discuss the issue of public education on various issues, that one in particular was that as they looked forward to the next hurricane season to make sure they were getting out information on the reverse 9-1-1 calls and how they utilize and what instructions citizens should take when they got a call giving them instructions.

Council Member Wiseman stated that she wanted to thank representatives the Greater Harris County 9-1-1 Emergency Network and the City of Houston representatives, they were very prompt in responding to her request and thanked Mayor White for his interest in it, that they got together and discussed the problems they were facing out in District E, which was the district that was in the outer fringes of the City and had unique situations. Council Member Holm absent.

Council Member Sekula-Gibbs stated that wanted to ask Mayor White's support on networking in a way that was very productive for a program that existed in parallel to the 9-1-1 system and had a potential of reducing unnecessary 9-1-1 calls, it was called the "Ask Your Nurse Program", that right now it was a 24 hour 7 day a week telephone triage where anyone who called the number 713-633-2255 could get to talk to a registered nurse who followed protocols based on established emergency room procedures, the idea being that a community who had the nurse triage system would have fewer people taking the 9-1-1 route, that her request would be to invite the 9-1-1 system to utilize and work forward with the nurse program so that they could come up with a way that 2-1-1, 3-1-1 and 9-1-1 would recognize that the Ask Your Program was out there and available and work together to have a way to move callers who were not a true medical emergencies into that system.

Mayor White stated that Chief Boriski and Dr. Persse and men and women in the Fire Department had come up with a pretty ambitious plan along the lines that Council Member Sekula-Gibbs was describing to accomplish the objective, that they ought to have a Council meeting with everybody who wanted to so that Chief Boriski and Dr. Persse and others could outline some of the plans along those lines.

A vote was called on Item No. 40. All voting aye. Nays none. Council Members Lawrence and Holm absent. MOTION 2006-0056 ADOPTED.

42. MOTION by Council Member Khan/Seconded by Council Member Alvarado to adopt recommendation from Finance & Administration Department to award to **STARTEX GASOLINE & OIL DISTRIBUTORS, INC** - \$26,229.36, **WASTE MANAGEMENT OF TEXAS, INC** - \$79,821.70 and **SUN COAST RESOURCES, INC** - \$128,558.91 to Address Emergency Disaster Recovery General and Fleet Management Funds – **(This was Item 12 on Agenda of January 11, 2006, TAGGED BY COUNCIL MEMBER SEKULA-GIBBS)** - was presented. All voting aye. Nays none. Council Members Lawrence and Holm absent. MOTION 2006-0057 ADOPTED.
45. ORDINANCE appropriating \$194,767.94 out of Water & Sewer System Consolidated Construction Fund and \$187,993.11 out of Tax Increment Reinvestment Zone Affordable Housing Fund; approving and authorizing Developer Participation Contract between the

City of Houston and **INDIVISA CORPORATION** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve Section Two of the Pine Tree Subdivision, CIP S-0800-H6-03 & R-0800-H6-03 - **DISTRICT B - JOHNSON** – **(This was Item 27 on Agenda of January 11, 2006, TAGGED BY COUNCIL MEMBER JOHNSON)** – was presented. Council Member Holm absent.

Council Member Johnson stated that he had tried to call the company on several occasions to find out what was going on with the project and to no avail, that they called him yesterday about 5:00 p.m. and not giving him any information, and moved to postpone Item No. 45 for one week to give them more time to give him information, seconded by Council Member Khan. All voting aye. Nays none. Council Members Wiseman and Holm absent. MOTION 2006-0058 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Khan stated that on January 27, 2006 at 5:00 a.m. he would be participating in a video conference, it was the U.S. State Department International Information Program, that it would be broadcast live in Pakistan, that the significance of it was that they wanted to know more about the legacy of Dr. Martin Luther King and also the American political system, the area of civil rights, that he would like for Council Member Edwards to visit with him and give him some more briefings about Dr. King so that he could be better prepared for the conference. Council Members Wiseman, Holm, Garcia and Berry absent.

Council Member Khan stated that the Ibn Sina Foundation, which was operating a health clinic for the poor in Houston recently got funding from the City of Houston, that they were recognized by CNN for all of the work they were doing for the earthquake victims in Pakistan. Council Members Wiseman, Holm, Garcia, Sekula-Gibbs and Berry absent.

Council Member Khan stated that he had read a story that Houston was now known as the meanest City in the U. S., that he wanted people to know that what happened in 2005 in Houston, especially in the aftermath of Hurricanes Katrina and Rita that it was a wrong label for Houston. Council Members Clutterbuck, Wiseman, Holm, Garcia, Sekula-Gibbs and Berry absent.

Council Member Alvarado stated that last week she was disturbed to learn of the unfortunate situation that one of their firefighters, Ms. Vita Kent, had to endure just after 12 hours of giving birth to her newborn, she was going to take the captains exam and under the Vernon's Texas Civil Status Statute civil servants such as firefighters could only take the promotion test one day every two years and because of that there was no exception made and Vita had to leave the hospital 12 hours after delivering her child, and although there were some efforts, Local 341 and others tried to assist but there was no solution, so she would ask that when the Legislature convened again that it be an issue as part of their Legislature package that they ask their State Legislators to take action so that it would never happen again, that also for someone who was ill or injured, those circumstances also should apply, that she thought there ought to be some type of flexibility, that Ms. Kent aced the test, that as they had more and more women who entered the Fire Department and take promotion exams to move up in the ranks, she thought those State statutes needed to be revisited. Council Members Clutterbuck, Holm, Garcia, Sekula-Gibbs and Berry absent.

Mayor White stated that it was ridiculous that there was a State law that tells Houston that they could not grant waivers. Council Members Clutterbuck, Holm, Garcia, Sekula-Gibbs and Berry absent.

Council Member Green stated that tomorrow would be the last meeting of the Municipal Courts Task Force, that the committee had been wrapped up into the Fiscal Affairs Committee and from now on they would be addressing the overhaul of Municipal Courts through Fiscal

Affairs so he was inviting his colleagues to the meeting at 2:00 p.m. in Council Chambers, that they would have an update regarding the ICMS implementation. Council Members Clutterbuck, Holm, Garcia and Sekula-Gibbs absent.

Council Member Green stated that he wanted to commend the students at Green Valley Elementary, yesterday he was there for Green Pride Day. Council Members Clutterbuck, Holm, Garcia and Sekula-Gibbs absent.

Council Member Green stated that as to the Martin Luther King Day Parade on Monday, he understood they had what looked like one parade and he wanted to commend the appearance of the unified parade, that he saw today in the newspaper that Mr. Ovide Duncantell, with the Black Heritage Society, was getting his parade permit, that this would be the test of the new Parade Ordinance, that he wanted to commend the groups for seemingly working their issues out. Council Members Holm, Garcia and Sekula-Gibbs absent.

Council Member Berry stated that he thought they made a difference on how they handled the public session, that they made some vast improvements by restricting the number of people they took out of order. Council Members Wiseman, Holm, Garcia and Sekula-Gibbs absent.

Council Member Brown stated that he had the opportunity to attend meetings of the Houston Galveston Area Council in the past and would say that the presence of the City of Houston had not been as effective as it should be and was hoping they could have a renewed energy in making the issues that were important to the City of Houston better recognized at the HGAC because that was the agency that really governed how Houston region grew and it had a tremendous effect on the capital improvements program and what happens to their tax base, etc. within the city limits of Houston. Council Members Wiseman, Holm, Garcia and Sekula-Gibbs absent.

Council Member Brown stated that as to the item that was tagged by Council Member Johnson, and he would use it as an example, in the Pine Tree subdivision they were taking Fund 872, the Tax Increment Reinvestment Zone Affordable Housing money and putting into an affordable housing development, but if they read the fine print that affordable housing was defined as "less than the medium price of housing in Houston", the medium price of housing in Houston was \$142,000 as of now, and he thought that would hardly qualify as affordable housing, that he contacted the Housing and Community Development Department and their definition of affordable housing was different than the one that was in three or four ordinances, so he was recommending to the Mayor and the administration that they take a look at trying to define what affordable housing was for a 3 bedroom, 1 ½ bath house, what was the number, that he thought the City needed to have a clear definition because they were spending a lot of money and he worried about the TIRZ affordable housing money getting put into subsidizing projects that were not in reality affordable housing. Council Members Wiseman, Holm, Garcia, Sekula-Gibbs and Green absent.

Mayor White stated that he thought Council Member Brown was right on target and would be happy to visit with him. Council Members Wiseman, Holm, Garcia, Sekula-Gibbs and Green absent.

Council Member Clutterbuck stated that for the last two weeks she had been endeavoring to find out who made the date stamp on the Minimum Lot Size Applications and had been told that Public Works did and that every document was supposed to be date stamped, that today in their supplemental documents numbers 8 and 10 they would see an example, one had a date stamp and one did not, that she was wondering if perhaps somebody was covering up the date stamp on the long overdue applications. Council Members Wiseman, Holm, Garcia, Alvarado, Sekula-Gibbs and Green absent.

Council Member Clutterbuck stated that she wanted to bring to the Mayor's attention and

to the Department of Public Works a matter that was brought up today by Ms. Judy Wideman, when she was awakened at 6:30 a.m. by Jalco Construction tearing up the street with great vigor at the corner of Birdwood and Hillcroft, that it violated the ordinance they had, they apologized to her but she was inquiring what the procedure was, was there a timeline for applying a fine, that she knew they had a \$500 fine in the City for violating that and was wondering if there was a particular notice and if possible that this serve as notice, that the construction company violated the Noise Ordinance. Council Members Wiseman, Holm, Garcia, Alvarado, Sekula-Gibbs and Green absent.

Council Member Clutterbuck stated that she wanted to thank The Best Donut Company who provided the refreshments, they are located at South Braeswood at Hillcroft. Council Members Wiseman, Holm, Garcia, Alvarado, Sekula-Gibbs and Green absent.

Council Member Johnson stated that on Tuesday he had the opportunity of meeting with some of his constituents from the Acres Home Community and the issue continued to be the illegal dumping that was going on in he area, that as they saw yesterday on Channel 11 there was a story done about the Acres Home Community and the continued illegal dumping, that people were recognizing that nothing was being done in the district and therefore it was almost as if they had a free pass, that they certainly needed to address it in a manner in which they empowered the community to start taking up issue with some of the dumpers, that either they do the abatement and then place the lien on the properties themselves because the land owners were not able to do it, but also looking at some of the tire companies that were in the area, somehow being able to give their markings on tires they had or were coming into their shops and they then dumped right there in the community, they certainly would never be able to look at how they marketed their land and their community to be one of choice so that people could move into because of the blight that they had to face on a daily basis, that he was looking for suggestions and looking for more strength from Neighborhood Protection to give the community more opportunities of taking a more proactive approach, and strengthening them so they could start to generate dollars to come back into the community so the community itself could start doing their own policing. Mayor White, Mayor Pro Tem Alvarado and Council Members Wiseman, Holm, Garcia, Sekula-Gibbs and Green absent. Vice Mayor Pro Tem Berry presiding.

Council Member Lovell stated that in looking at the Katrina Aid and Recovery Fund and the budget they had and the thing that she saw was missing and was the most important, she did not see anywhere where they were doing workforce development and moving people into jobs, which was the most important thing they could do now if people were going to stay in the area, that she understood there were some grants out and Houston Galveston Area Council was doing some case management but part of the case management was that the data they were tracing and getting did not ask anybody where they worked, where they came from, what were their employable skills, what kind of job would they like to have and how could they help them find and get a job, so if there was someone in the administration that maybe it was happening and could let her know she would be very interested in it. Mayor White, Mayor Pro Tem Alvarado and Council Members Johnson, Clutterbuck, Wiseman, Holm, Garcia, Sekula-Gibbs and Green absent. Vice Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that the NBA All Star Game would be in Houston and she wanted to throw out an idea, the Country of Angola was also the home of their Sister City Luanda, they also had a national basketball team that was rated number one in the continent and she thought it would be awesome if they could get that team to maybe do some team play with the University of Houston men's team or Rice University, that she thought it would be a great plug for the City and the international community to be involved in the NBA All Star piece, that their office was talking with the Counsel General's Office about it and if there was anybody who would like to help them with it, that she thought it could be done. Mayor White, Mayor Pro Tem Alvarado and Council Members Johnson, Clutterbuck, Wiseman, Holm, Garcia, Sekula-Gibbs and Green absent. Vice Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that she was tired of everybody beating up on Mr. Vince Young, that he had been on his own for most of his life with his mom, community and coaches and she thought it was obscene that people were now beating him up because he was trying to take possession of his own name and notoriety. Mayor White, Mayor Pro Tem Alvarado and Council Members Johnson, Clutterbuck, Wiseman, Holm, Garcia, Brown, Sekula-Gibbs and Green absent. Vice Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that she was very concerned about the reinstatement of the local police officer who was fired by Chief Hurtt for downloading nude photos from a private citizens phone onto his phone and then giving it to other people to view, and for him to be reinstated her question to the administration was it okay for any City of Houston employee to download nude photos on their computers, that they did all the talk about MediaSource and the obscenity and so forth, that she knew it was Civil Service and knew that was the point, but was that the message that they were now saying to the City employees, that she did not know if his phone was City issued but knew he was on City time, that she was very concerned about it and would like to have the Mayor fire him again. Mayor White, Mayor Pro Tem Alvarado and Council Members Johnson, Clutterbuck, Wiseman, Holm, Garcia, Brown, Sekula-Gibbs and Green absent. Vice Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that one of the fastest growing businesses in her district were dialysis centers and a lot of that was based upon the epidemic rise of Diabetes in their community, especially Type II Diabetes and especially among the young people, that there was going to be a benefit that would benefit ADA, American Diabetes Association, that she would encourage all of the Council Members as they could, all of the monies would go to the ADA for that cause, that it would be at the Verizon Theater on January 28, 2006 in the evening. Council Members Johnson, Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Brown, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Council Member Edwards stated that Council Member Khan asked her for information on Dr. Martin Luther King, that she could probably give him more than he wanted to know, that she wanted to thank people for attending the Martin Luther King celebration at Bricker Park and wanted to thank Mr. Turner and his staff for cleaning up the park and getting everything on line so that they had a great celebration at the park; that they also had a cleanup on Martin Luther King Boulevard on that Monday and it was very well attended and very done; that her concern on the Martin Luther King Parade was not necessarily the two parties but their position as a City, that as far as she knew the City's position was that Mr. Stamps parade was not to have any horses, cars or floats, that was the last thing they talked about at City Hall and she was not even sure if there was going to be a parade that Friday when she left, she would like for somebody to share with her as to who made the decision, was the insurance thing waived, that she would encourage them to be very clear when they gave permits and where did they stand now. Council Members Johnson, Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Brown, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she wanted to extend her sincere apology to UT MD Anderson Cancer Center, she was supposed to do a Martin Luther King presentation today for them and their members but she was caught up in Council and they understood, that she appreciated their wanting her to come to their program and hoped their program was very well served. Council Members Johnson, Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Brown, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Council Member Lawrence stated that District A would be having their cleanup on February 18, 2006 and would encourage all people to get involved, they were trying to create a pilot program, they had a 501C3 set up to donate paint all over the district and they would be cleaning all graffiti in 10 different areas, that Mr. Mike Knox, an ex police officer had agreed to head up the task force along with Mr. Victor Alvarez and Ms. Janice Gabriel, so she wanted to

thank those people. Council Members Johnson, Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Brown, Lovell, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Council Member Lawrence stated that there was an article in the Chronicle concerning various horse riders, there would be a meeting tomorrow for those who would like to express their views at 10:00 a.m. on the third floor of City Hall, that they would have the Parks Department present some type of map and look at the possibility of setting up equestrian trails, as they did bicycle trails, that was possibly an option. Council Members Johnson, Clutterbuck, Wiseman, 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 2:19 p.m. Council Members Johnson, Clutterbuck, Wiseman, 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

Anna Russell, City Secretary