

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

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, September 12, 2006, Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Ada Edwards, Addie Wiseman, M. J. Khan, P. E., Pam Holm, Adrian Garcia, Carol Alvarado, Peter Brown, Sue Lovell, M.D.; Shelley Sekula-Gibbs and Michael Berry; Mr. Don Cheatham, Division Chief, General Counsel Division, Legal Department; Ms. Debra Dillard, Citizens Assistance Office; Ms. Marty Stein, Agenda Director present. Council Member Ronald C. Green absent.

At 2:08 p.m. Mayor White called the meeting to order and called on Council Member Edwards who stated that little things meant a lot and when talking about city employees that was what the Bravo Awards tried to lift up, the little things they did outside their recommended hours; and invited Mr. George A. Allen of the Information Technology Department; Captain John M. Garcia of the Houston Fire Department and Ms. Terry Hodgkins of the Houston Police Department to the podium and presented them each a Bravo Award, the city's highest recognition program for city employees for their extraordinary service to their city and community, for going above and beyond their job description sometimes under adverse or dangerous conditions. Council Members Lawrence, Johnson, Khan and Brown absent.

Council Member Edwards thanked Mr. John Perry for doing an excellent job while coordinating the Bravo Awards and recipients. Council Members Lawrence, Johnson, Khan and Brown absent.

Mayor White stated that it was that time of year again and there was outstanding Hispanic heritage award recipients and invited Mr. Tatcho Mindiola to the podium and stated that he was director for the Center for Mexican American Studies and associate professor of Sociology at the University of Houston and credited with developing that center into one of the premier centers of its type in the United States and presented him a Proclamation proclaiming September 12, 2006, as "Tatcho Mindiola, Jr. Day" in Houston, Texas. Council Members Lawrence, Johnson, Edwards, Khan and Brown absent.

Council Members thanked Mr. Mindiola for making Houston number one and for broadening the horizon for many. Council Members Edwards, Khan and Brown absent.

Council Member Garcia stated that it was important to recognize people and to let their legacy live on and be respected and invited Ms. Kathy Bailey and other family members of Mr. Greg Bailey to the podium; Council Member Garcia further stated that Mr. Greg Bailey had a major career in rail labor and in looking at the past the rail lines had allowed us to be an industrial nation tied from coast to coast and border to border; that he was a primary member of the national safety taskforce for the organization and always an active community leader; and presented the family a Proclamation in memoriam proclaiming September 12, 2006, as "Greg Bailey Day" in Houston, Texas. Council Members Edwards, Khan and Brown absent.

Council Member Garcia stated that he knew of someone who would be a great leader and invited Miss Lauren Parnell and her family to the podium; and Council Member Garcia further stated that it was a tremendous job to home school children and today wanted to recognize Lauren and Meagan for all their work; and presented Certificates of Recognition to let them know how much they were appreciated. Council Members Edwards, Khan and Brown absent.

At 2:33 Council Member Holm led all in the prayer and pledge. Council Member Khan absent.

At 2:35 p.m. the City Secretary called the roll. Council Member Green absent. Council

Member Khan absent.

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

Council Member Edwards moved that the rules be suspended for the purpose of hearing Mrs. Rebekah Maddux-El-Hakam and Mr. Moustapha-El-Hakam at the top of the Non-Agenda speakers list, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Green absent. Council Members Wiseman, Khan, and Sekula-Gibbs absent. MOTION 2006-0801 ADOPTED

Council Member Garcia moved that the rules be suspended for the purpose of hearing Mr. Pete Vella after Mr. Moustapha-El-Hakam, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Green absent. Council Members Wiseman, Khan, and Sekula-Gibbs absent. MOTION 2006-0802 ADOPTED

The City Secretary began calling the public speakers. Council Members Wiseman, Khan, and Sekula-Gibbs absent.

Ms. Roberta Prazak, 606 Attingham Drive, Houston, Texas 77024 (713-461-2860) appeared and stated that she lived in the Memorial City area and many things going on such as roads being planned benefited developers but not people living there and violated the pact the developer made regarding no traffic congestion, etc, and urged that Council reconsider their area, and not vote in favor of Agenda Item 21. Council Members Wiseman, Khan and Garcia absent.

Ms. Donna Freedman, 9729 Pinelake Drive, Houston, Texas 77055, appeared and stated that today she was present on behalf of the Spring Branch Memorial area and had concerns with the Memorial City TIRZ; that there was a great deal of unrest in the community with roadways considered to be widened, etc, that few people wanted the TIRZ and they did not trust who they were dealing with. Council Members Wiseman, Khan and Garcia absent.

Council Member Lawrence stated that Public Works and Planning was going over their budget carefully and if she had specific questions she would love to visit with her. Council Members Wiseman, Khan and Garcia absent.

Mr. J. W. Maseh, P. O. Box 742713, Houston, Texas 77274 (713-545-4772) appeared and stated that he was president of the Independent Cab Operators and present today opposing the super shuttle as it was not in the best interest of drivers; that in the Houston Chronicle it said for the super shuttle to make money they would have to neutralize shuttles already running, but he thought that would not work either and all it was going to do was put drivers out of business; and he appealed to all Council Members to not let that contract go through. Council Members Lawrence, Wiseman, Khan and Holm absent.

Mayor White thanked Mr. Maseh for coming and for providing guidance on many things. Council Members Lawrence, Wiseman, Khan and Holm absent.

Mr. Richard Cowan, 8155 Hartford, Houston, Texas 77017 (713-649-2000) appeared and stated that he was present to speak on the shared ride service also; that he hoped all would look closely at the contract as it seemed all was done to favor the shuttle people and did not consider cab companies or riding public; that it was a monopoly and he hoped Council Members would not take any one's word but call cities where it was in place and see what it had done;

that a monopoly contract was not a good thing as drivers lost 30% to 40% of their customers and Yellow Cab could just buy them out as they were in San Antonio and it was at the cost of many drivers and the riding public; and urged Council Members to reconsider and vote no on the contract. Council Members Clutterbuck, Wiseman, Khan and Holm absent.

Upon questions by Council Member Edwards, Mr. Cowan stated that he was told by other cab companies a shuttle service severely hurt their business; that if a driver could pick up three people at half a zone rate he would get one and a half zones and that would be an alternative; that an approximate ride from South Park to Continental was about \$50.00 at this time and some may need a shared ride, but there could be other ways. Council Members Wiseman, Khan and Holm absent.

Council Member Lawrence stated that the taxi regulation was under Chapter 46 so they could not join these two, but many at the Council table were looking at how to make it fair so there was much consideration going on regarding how to help everyone, they did hear what he was saying and they were looking at the contract and hoped all could be benefited. Council Members Wiseman, Khan and Holm absent.

Ms. Helen McCabe, 8662 Maple Crest, Houston, Texas 77099 (713-822-8751) appeared and stated that she had been a cab driver for almost 17 years and never before been to Council, but she was upset for a number of reasons; that she did not see a need for a super shuttle as there had only been two instances where current cabs could not take care of the business, the Republican National Convention and the Super Bowl, she always offered rides on a shared basis, if three people were going to the same place they split the fare and if going to different places they split the fare to the first place and then the meter was reset for the next; and she objected very strenuously to a monopoly. Council Members Wiseman, Khan, Holm and Berry absent.

Mrs. Rebekah Maddux–El-Hakam, 1950 Lexington, 77098 (713-528-6865) appeared and stated that she and her husband were present in May speaking on a valet parking issue on their street and it was not just occurring on their street but also other places throughout the City of Houston; that Council Member Green said it was going on in his neighborhood as well, but the current laws on the book, Section 46-365 on valet parking said nothing should give anyone property right to the use of any street whether they had a permit or not and that was their problem; that a valet parking service operated on the north and south sides of Lexington and they took cars in the opposite way of the traffic, blocked traffic, etc, and they were unable to get any enforcement; that the ordinance said all valet operators were subject to temporary suspension if an officer determined their continued operation constituted a hazard to the public safety and that was their problem; that the city was aware, HPD was aware and they were looking for enforcement. Council Members Lawrence, Clutterbuck, Wiseman, Khan and Holm absent.

Mayor White stated to Ms. Stein that he thought the issue was addressed before, he thought his directions had been to go out and enforce; that right now Mr. Cheatham and Ms. Stein were present and a Chief of Staff was monitoring the proceeding and they could not have situations where they gave people valet permits where no one enforced; that he would like Mr. Cheatham or someone to get him information on this later in the meeting so he could test whether when he gave direction they just ignored what he said or if things had been done. Council Members Lawrence, Clutterbuck, Wiseman, Khan and Holm absent.

Council Member Edwards stated that she shared their frustration; that it was obvious they ask the street not be used for valet parking because it was very small and limited and it amazed her how businesses thought they could take public property and use it for their profit line and

she felt someone should tell them to cease until this was straightened out, nothing was confusing on public safety. Council Members Wiseman, Khan and Holm absent.

Upon questions by Mayor White, Mr. Cheatham stated that you could have a valet parking permit outside the CBD, but you could not have a valet zone where there were several parking spaces designated; that for the permit they had to insure parking attendants had valid driver license, etc, the permit entitled them to operate the service but not take over a public street; that the problem here was technically along the street parking was not illegal, but in the past he understood they had set out cones to block off portions of the street and reserve it and that was illegal and they should be cited and he understood they were; and Mayor White stated that if he understood correctly and there was no prohibition against operating the public streets as a parking lot then could they draft one Thursday and have it on the Agenda for Friday; and Mr. Cheatham stated that one of his lawyers was working on a revision to this as they spoke; and Mayor White stated that he wanted the loophole closed. Council Members Wiseman, Khan, Holm and Sekula-Gibbs absent.

Council Member Edwards stated that the business owner had private property of his own on the street which he could use for parking and refused to do so, this was not a good neighbor policy and the public safety issue trumped everything else; and Mayor White stated that he did not know how but maybe someone could walk in from time to time and say they were parking illegally and the tow trucks would be there presently and see what happened as they had already been given four citations. Council Members Wiseman, Khan, Holm and Sekula-Gibbs absent.

Council Member Brown stated that there were three restaurants there and it was intrusion on a residential neighborhood where deed restrictions had lapsed and he bet none of them had adequate off street parking ratio; and Ms. Maddux-El-Hakam stated that Mr. Gary Bridges told her the restaurants were grandfathered and had no off street parking requirements. Council Members Wiseman, Khan, Holm and Sekula-Gibbs absent.

Council Member Berry stated that their District Council Member, Council Member Edwards, had been working on the issue and it was very frustrating; that he had an office near there and went down the block daily and it seemed they had not empowered those who were the true public servants to go out and do what was needed because it was right and they would have support of the Council; that it was dangerous with them even driving the wrong way and he liked the approach he had about not skirting or circumventing the law but to make the law work for the neighborhood. Council Members Wiseman, Khan, Holm and Sekula-Gibbs absent.

Mr. Moustapha El-Hakam, 1950 Lexington, 77098 (713-528-6865) appeared and stated that he was present to speak on the huge backhoe and dump truck located several doors down from them which had been there approximately six months plus and presented in the opinion of many a safety concern and attractive nuisance for children; that he spoke of this last May before Council and spoke to many city officials but they told him nothing allowed them to get rid of them; that what happened was a company obtained a permit and decided to use the yard for a storage facility and did nothing to destroy the building and then told them they would remove it if they paid \$300.00 and paid another \$300.00 to put it back later and he felt the ordinance failed to address whether a company was diligently going to do what they said, you should not be able to get a six month permit and then a six month extension and only be storing equipment. Council Members Wiseman, Khan, Holm and Sekula-Gibbs absent.

Council Member Lovell stated that it was a public safety problem and she had yelled at kids to get off the items and could not understand why it was still there; that she could not imagine having it on her block and she knew the family who had lived there and they had no

intention of tearing down the house and were using it for storage; and the city had a responsibility to move it and make sure no one was hurt. Council Members Wiseman, Khan, Holm, Garcia and Sekula-Gibbs absent.

Council Member Lawrence stated that there was a house in District A and for two and a half years they did a similar situation and moved materials around but never worked on the house and Legal weighed in and said the building permits were not the problem and now Neighborhood Protection was ticketing them for not working; that they were also looking at cars in yards and the gas and oil that leaked out as a public safety item and something may be coming forward and she would like him to come to the committee meeting. Council Members Wiseman, Khan, Holm, Garcia and Sekula-Gibbs absent.

Council Member Edwards thanked Mr. El-Hakam for his and his family's diligence in maintaining the integrity of his community and all would be done in her office to ensure things were followed through and they receive relief. Council Members Wiseman, Khan, Holm, Garcia and Sekula-Gibbs absent.

Mayor White stated that he appreciated what Council Member Lawrence said and they had been cited a number of times for the stagnant water and he felt a shorter time for the permit should be looked at and to Mr. Cheatham they needed an A job on guidance given to Neighborhood Protection as there may be rules and regulations which may apply on the large vehicles parked there; and Council Member Lawrence stated that the pictures she shared of rats in the yard was their situation on Mayfield for two and a half years and there was a conflict of building permit and nuisance with nothing being done and Legal was researching to see if it was more than aesthetic because if it was just aesthetic they could not have an ordinance on it; and Mayor White stated that he did not know the language of the junk vehicle ordinance, but if someone was not using the equipment for an extended period of time then he did not see why they should be able to...; and upon questions, Mr. Cheatham stated that they were looking into this and trying to fine tune it, his idea of having permits with a shorter term may be a part of the solution and he and Chief Lumpkin had visited a couple of weeks ago about the issue Council Member Lawrence brought up and he had ideas on how to approach such things with using the storage rules much more effectively than the junk vehicle because it may not qualify as a junk vehicle and if there was no language in Chapter 10 then they would look at putting something there to make it a nuisance situation because over a long period it would tend to devalue the neighborhood and in certain circumstances they defined in the Code they could bring a nuisance suit and if they could not find one to fit they could consider an additional category; that under common law he thought they could bring a nuisance suit but thought they would have to declare it first by ordinance to be a nuisance; and Mayor White stated that he would ask him to check that as it was not what they concluded when it came to pollution cases. Council Members Johnson, Wiseman, Khan, Holm and Sekula-Gibbs absent.

Council Member Lovell stated that someone could get hurt and in looking at it as a public safety issue could they not go out as a public safety nuisance and have it towed away and impounded and if they wanted it they could pay at the impound, or put a notice on it that it would be impounded if not moved; that it would be the same as putting refrigerators out in a yard where kids could crawl in and no one knew, it was the same issue; and Mayor White stated that he thought so, there were lots of citizens and this was important and he would ask Legal to get to him by the end of today's public session as to what a remedy would be in both the cause, the legal action and the remedy for removing a refrigerator in the case as she said, refrigerator under common law or under statute; that the city should be responsible if they removed someone's car and that was why they needed clear lines and that was what they were struggling with. Council Members Wiseman, Khan, Holm and Sekula-Gibbs absent.

Mr. Pete Vella, 6625 Lyons, Houston, Texas 77020 (713-231-3999) appeared, presented pictures and stated that when the Lyons project was first started they thought it would be great but eight months into it now business owners were dying with 70% of the revenue gone because of the construction and now the Mayor and Council did not come around, were they waiting to just buy them out dirt cheap; that his family was there 30 years and now fighting foreclosure; and Council Member Garcia said a way was being looked for to help them financially but they were sent a small package and it was like filling out a bank loan and what was that going to do; that there was still eleven months of the project and they were going to go out of business; and Council Member Garcia never went to the businesses to tell them what was going on. Council Members Wiseman, Khan, Holm and Sekula-Gibbs absent.

Mayor White stated that he did cover this and look at the construction schedule with Mr. Marcotte and Texas Sterling and he knew it was an issue and people really wanted the reconstruction or they did not and there were plenty of neighborhoods which did want their streets reconstructed and he asked him to report back on what could be done to expedite the reconstruction and to drive it because of comments received about the construction vehicles parked and blocking entries to businesses; that he knew his frustration and it was an issue whenever there was street reconstruction, but he heard the pace of the progress of this contractor was he finished faster than almost any other and he gave direction last week on making sure the crews were just working on this part and not the TXDOT funded part and if there were specific and practical suggestions he may have then those were the ones he and Council Member Garcia would like; and Mr. Vella stated that on his property he had seven parking spaces in front and fourteen on the side and because of no community meeting and the eminent domain his and other properties were worthless with only a few parking spaces left and there was no eminent domain proceeding, legally nothing was done right; and Mayor White stated that they would take a look at it. Council Members Wiseman, Khan, Holm and Sekula-Gibbs absent.

Council Member Garcia stated that part of the issue was Denver Harbor was one of the oldest neighborhoods in the City of Houston and a lot of businesses were allowed to build out their structures to their property lines and develop parking on what was now being used as public right of way; that they were all great enhancements, but Mr. Vella and others had good points in where they had parking sidewalks were now going in and they would not have parking; and he meant eminent domain as no more parking for his business because of those sidewalks; that he had been working with the construction company and Public Works to find out how to make accommodations like they did in the Studewood area where they accommodated businesses, but it was difficult; that the restaurant there Antonio's paid for a sign permit which was not due to expire until 2008 and the contractor or inspector pulled the sign and said it was not allowed, but it was already paid for so there were challenges and he wanted to thank publicly Marlan Mitchell with the Small Business Development Corporation and they needed to think more methodically how they understood the economic impact of construction to small family owned businesses and Saturday they would be holding a Denver Harbor Business Fair from 10:30 a.m. to 1:30 p.m. starting at Antonio's and he would ask those businesses on the Lyons strip to consider hosting one every month until February as that was when the contractor thought it would be complete; and he was asking all to go to the area and support them. Council Members Lawrence, Johnson, Wiseman, Khan, Holm and Sekula-Gibbs absent.

Council Member Edwards stated that one challenge with the Almeda sink hole was a similar issue with small businesses not having insurance to cover them during the loss with construction and they might look at developing a Merchants Association and a group insurance to cover any future such problems. Council Members Lawrence, Johnson, Wiseman, Khan, Holm and Sekula-Gibbs absent.

Council Member Garcia stated that there was a huge grand opening and that was notice something would be happening and Public Works was supposed to have a notice of construction which was to occur and why it did not touch every business was a point of concern to him, but now that the impact was understood they were working to address it. Council Members Lawrence, Johnson, Wiseman, Khan, Holm and Sekula-Gibbs absent.

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

Mr. Larry Jor-Dan, 230 E. Delmar #11, Houston, Texas 77011 (no phone) appeared and stated that he gave the City Secretary a letter to give to Mayor White and his subject was the East End, when you had major drug operations in the same part of town it was not safe it brought in prostitutes, etc., and tripled the crime rate; and another subject was in 1996 San Francisco had a federal judge rule against San Francisco for violation of Constitutional rights and punitive damages and her rule changed a part of the Constitution and pan handling was begging and guaranteed by the First, Fourth and Fourteenth amendments; and continued expressing his personal opinions until his time expired. Council Members Wiseman, Khan, Holm, Brown and Sekula-Gibbs absent.

Mr. Randall Kallinen, 1406 Castle Court, Houston, Texas 77006 (713-320-3785) had reserved time to speak but was not present when his name was called. Council Members Wiseman, Khan, Holm, Brown and Sekula-Gibbs absent.

Ms. Elizabeth Lancaster, 1810 Wycliffe, Houston, Texas 77043 (713-553-0526) appeared and stated that she was president of the Greater Wrenwood Association and present to speak on behalf of the residents on the rate increase for Texas American; that their subdivision was annexed over 33 years ago and the City of Houston did not opt to provide them water service because a private water supplier, H & J Utility company, was already in place, however, the City of Houston was required to monitor activities of private water suppliers who operated within the city's boundaries and due to lack of monitoring H & J allowed the system to deteriorate into a substandard system as evidenced by the emergency rate application submitted by Texas American Water Company who was appointed temporary manager by TCEQ after H & J abandoned the system and money paid to H & J by residents was never used to maintain, update or upgrade the water system and the rate Texas American was asking for was not only unreasonable, but unprecedented and unacceptable as it would double the average bill and in some cases would be over a 1,000% increase vs. the City of Houston's posted rates and would place a financial burden and hardship on many residents and mean the residents would be paying for H & J's neglect and the City of Houston's neglect and the City of Houston had power to ascertain ownership of the substandard system through their power of eminent domain and why should a groundwater system be reconstructed when by 2010 the groundwater system would be obsolete due to the Harris Galveston Subsidence District's requirements that all water supplied must be 100% surface water and currently nine houses were hooked up to City of Houston water and had been for nine years, why were they being discriminated against. Council Members Wiseman, Khan, Holm, Garcia, Brown and Sekula-Gibbs absent.

Council Member Lawrence stated that October 4th the TCEQ would be holding a hearing and give H & J a chance to come forward and say they were still managing the district and that had to happen before anything and the estimate now was at \$95,000 to redo the water district and until that date very little could be done as that was the process; that laws needed to be changed and they would be trying to get some changed on the state level to protect neighborhoods such as hers, but Council's hands were tied until that happened and Public Works was looking at cost and Legal was looking at what the city could do next to help; and Ms.

Lancaster stated that she appreciated their time. Council Members Clutterbuck, Wiseman, Khan, Holm, Garcia, Brown and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Ms. Joyce Givens, 1814 Wycliffe, Houston, Texas 77043 (713-465-5963) appeared and stated that she lived in her house 50 years and she thanked Council for helping them get safe drinking water; that H & J had said he expected the City of Houston to buy him out and he was not spending more money and they had waited twelve years for sewers and state law said ten was the maximum, H & J did not even have a CCN until 1995 and no legal right to restrict them on water until them and they went to Austin asking them to say no but were told the City of Houston did not want them, but they had real neglect, personal threats and now where to turn as the City had no power; that nine houses did have city water so it was available except for one half mile, about three long blocks and the system was in atrocious shape; that Texas American had been very cordial but they wanted City water and subsidence relief and it was not fair to pay city taxes and high rates and would like someone they elected in charge of their water. Council Members Clutterbuck, Wiseman, Holm, Garcia, Brown and Sekula-Gibbs absent.

Council Member Lawrence stated that what she said reinforced things and as it stood now September 20th if Legal negotiated down the water rates...; that they were doing all they could to give them city water at city rates, but they could not just take it over. Council Members Clutterbuck, Wiseman, Holm, Garcia, Brown and Sekula-Gibbs absent.

Ms. Tracy Banks, 15522 Briar Spring Court, Missouri City, Texas 77480 (281-835-8382) had reserved time to speak but was not present when his name was called. Council Members Clutterbuck, Wiseman, Holm, Garcia, Brown and Sekula-Gibbs absent.

Mr. Steven Williams, no address (no phone) had reserved time to speak but was not present when his name was called. Council Members Clutterbuck, Wiseman, Holm, Garcia, Brown and Sekula-Gibbs absent.

Mr. Craig G. Philpot, 7018 Pinehook Lane, Houston, Texas 77016 (281-987-2721) had reserved time to speak but was not present when his name was called. Council Members Clutterbuck, Wiseman, Holm, Garcia, Brown and Sekula-Gibbs absent.

Mr. William Crouse, 6245 Renwick, Houston, Texas 77081 (713-432-0015) had reserved time to speak but was not present when his name was called. Council Members Clutterbuck, Wiseman, Holm, Garcia, Brown and Sekula-Gibbs absent.

Mr. Vince Ryan, 3720 Blue Bonnet, Houston, Texas 77025 (713-661-1941) appeared and stated that he was appearing today purely as a citizen at no charge to his client; that he was given a certificate for his support from Liberty Cab in 1980 and that was his point, the battle between the big cab company, Yellow Cab, and small cab companies had been going on as long as he had been going to City Hall as a public official and as he watched the debate go on and on he had seen no compelling reason for lack of competition and what he read showed competition was needed in the shuttle business. Council Members Clutterbuck, Edwards, Wiseman, Holm, Garcia, Brown and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Council Member Johnson stated that the exclusivity for one vender was to help him recoup money as he would lose revenue in the first year; and upon questions, Mr. Ryan stated that initially any new contract would be cause for more capital, people would have to be hired, but he reviewed the Lee Fisher study again and there was no reason for one vender in that study or in the RFP; that he had not seen anything from Lee Fisher but the 2002 report. Council Members Clutterbuck, Edwards, Wiseman, Holm, Garcia, Brown and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Mr. Raymond Mbala, 5959 Westheimer #212, Houston, Texas (no phone) appeared and stated that he was present on behalf of Texan Shuttle and asking Council to vote down the exclusive contract and asking at least one member to move for an investigation into the process; that in the TIA meeting yesterday there were serious flaws to the process finally exposed which included misrepresentation of the number of contract awards to be given, changes to proposed bid criteria six months after the process and failure to notify qualified applicants other than Yellow Cab and the consultants theory was there would be a loss of revenue or bid opportunist would lose money in the first year was debunked and the consultant failed to adequately explain why after being paid \$100,000 by HAS official he switched his original conclusion that the Houston market could support at least two companies now to conclude the market could only support one. Council Members Clutterbuck, Edwards, Wiseman, Holm, Garcia, Brown and Sekula-Gibbs absent. (NO QUORUM PRESENT)

Upon questions by Council Member Johnson, Mr. Mbala stated that he had not seen the second survey and did not think one was done other than an oral presentation, the consultant was fired by the City and he did not think he had adequate opportunity to draw that conclusion; and Council Member Johnson stated that he heard on many occasions there were complaints on his (Mr. Mbala) company; and upon further questions Mr. Mbala stated that they were unaware of any substantiated complaints, but their own Council Member, Council Member Holm, had refused to meet with them over a three year period of time and he felt it irresponsible to take one side over the other. Council Members Clutterbuck, Edwards, Wiseman, Holm, Garcia, Brown and Sekula-Gibbs absent. (NO QUORUM PRESENT)

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (832-453-6376) appeared and stated that Council never responded to him and they were aware they were in violation of office policies; and continued expressing his personal opinions until his time expired. Council Members Clutterbuck, Wiseman, Holm, Garcia, Brown and Sekula-Gibbs absent.

Minister Maurice Edwards, 919 Caperton, Houston, Texas 77022 (713-697-6217) appeared with Pastor J. B. Boykin and stated that today they wanted to recognize three Council Members for their reaction to In Action Shelters and their cry for help as they modeled their compassion and sincere concern to a community of people outside their district; and thanked them; and Pastor Boykin stated that they wanted to present Certificates of Recognition on behalf of In Action Shelters to Council Member Brown, Council Member Edwards and Council Member Johnson and this was for helping them to build a strong foundation. Council Members Clutterbuck, Wiseman, Holm, Garcia, Brown and Sekula-Gibbs absent.

Council Member Edwards thanked Minister Edwards and Pastor Boykin and stated that their show was moved to Praise 92.1 and one thing they were putting together was women of praise and she would like to see if she could get her involved in that. Council Members Clutterbuck, Wiseman, Holm, Garcia, Brown and Sekula-Gibbs absent.

Pastor J. B. Boykin, 919 Caperton, Houston, Texas 77022 (713-697-6217) appeared with Minister Edwards. Mayor White, Council Members Clutterbuck, Wiseman, Holm, Garcia, Brown and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. Mohammed Bedru, 8902 Earnestwood Drive, Houston, Texas 77083 (713-459-3442) appeared and stated that he was present on behalf of Texas Shuttle, himself and twelve colleagues of the company, it was a small minority business and the shared ride program was a monopoly and would directly affect them and they would have to close their doors; and urged a

no vote. Mayor White, Council Members Clutterbuck, Wiseman, Holm, Garcia, Brown and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. Jerry Brady, 827 E. Rogers, Houston, Texas 77022 (713-696-0177) appeared and stated that he again was present asking for a no vote on the exclusive monopoly contract which would only benefit the Yellow Cab Company and the Super Shuttle Company in Arizona and place a burden and hardship on all the small businesses in Houston; that the bidding process was flawed and unfair, the City of Houston should not use exclusive contracts and the public would benefit from competition. Mayor White, Council Members Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Brown and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Johnson stated that he heard too many times his business would not be affected; and upon questions, Mr. Brady stated that two years ago Yellow Cab was in conformity with the rest of the taxi industry and they were all pushing for shared ride as a group; that Mr. Joseph Chernow who was one of the controllers of Yellow Cab and in the industry in Houston almost as long as him had appeared before Council and stated in his opinion the taxicab industry would lose 20% of their airport pickups and if so then they would also lose 20% of airport returns and anyone who said this would not have an adverse effect on cab companies and drivers he would remind them that most were owned by independent contractors and in many cases were families which put all they had into it and it was the sole source of their income and many would be wiped out. Mayor White, Council Members Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Brown and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Mr. Brady stated that he was a proponent from the beginning for shared ride service to and from the airport, but if Council was going to take 20% of the cab drivers income away from them and put at least 20% of the independent contractors out of business they should at least give them the ability to compete and Council vote no on the item tomorrow; that what they could do was change the ordinance and allow a per head fee to be charged to and from the airport and customers would be able to choose any major cab company offering radio dispatch service and who was willing to get shared ride software; that originally Mark Ellis's committee directed Mr. Vacar to get with all cab companies and transportation providers and come up with an equitable solution and Aviation did have meetings with different cab companies and then there were no meetings and he heard from a source at Aviation secret and private meetings were being held with Yellow Cab and then they had a meeting with him and said the item was going up for bid and the next thing he heard was Yellow Cab was in a joint venture with Super Shuttle and abandoning the rest of the taxicab industry and his understanding was Aviation made it clear to Yellow Cab that if they wanted to provide the service with Super Shuttle, it was the only way they could get a part of the action. Mayor White, Council Members Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Brown and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Lovell, Mr. Brady stated that he was not saying all cabs would go out of business, but to lose 20% of their airport pickups and 20% back and no economic way to compete and replace that loss it would put many out of business; and he was not saying they could not have cabs and shared ride but was saying why issue a monopoly contract to the largest company in town in conjunction with the largest shuttle operator in the United States and based in Arizona at the expense of local businesses when both could be done here and there were warnings from the federal government to not allow children to ride in the cargo vans and for a long time Super Shuttle people tried to convince people they were safer after pulling out the extra seats; and Council Member Lovell stated that she had not heard of any problems with the Super Shuttle van in any other city and he would be taking out his back

seat also; that the shared ride service was needed and all managed to do business in the other cities and it was disingenuous to say they would go out of business. Mayor White, Council Members Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Brown and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Lawrence stated that however the vote came out she wanted to thank him for his tenacity and she would say to her colleagues they came back right away with media source and they could come back right away with this if it was voted down. Mayor White, Council Members Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Brown and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Johnson, Mr. Brady stated that they had riders all the time who wanted to go to different places, but he did not know if he would be able to do that now as the question was asked to Mr. Vacar but he never got an answer and they had been doing that a long time, he thought the contract was giving an awful lot of authority to the director of Aviation and taking much away from Council. Mayor White, Council Members Wiseman, Holm, Garcia, Alvarado, Brown and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Khan stated that at the hearing yesterday he asked the consultant if he could name one other city where they recommended be done what he advised and he could not name a single city and it bothered him that the study said one thing and he said something else and could not logically back it up; and upon questions, Mr. Brady stated that he was at the hearing yesterday and he had done transportation in this city for 35 years and made appearances before Council going back to the Hofheinz Administration and never seen anything done at City Hall the way this had been done. Mayor White, Council Members Wiseman, Holm, Garcia, Alvarado, Brown and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Mr. Brady stated that all forms of ground transportation were in competition with one another; that he had been competing with the largest cab company for many years and he wanted opportunity for other shuttles and taxicab drivers to be included in the process and have opportunity to compete and for citizens to have opportunity to choose. Mayor White, Council Members Wiseman, Holm, Garcia, Alvarado and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding.

Ms. Joni Jones, 827 Fosbak, Houston, Texas 77022 (713-696-0199) appeared and stated that she was a customer service representative for Liberty Cab and she thanked Council for taking the extra time to reevaluate the shared shuttle ride contract as it would truly have a negative effect on drivers and many would rather pick up at the airport as they felt it was safer than picking up on the street and there should be something allowing independent drivers to carry more than one passenger. Mayor White, Council Members Wiseman, Holm, Garcia, Alvarado and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding.

Mr. Ben Tesfamariam, 5959 Westheimer #212, Houston, Texas 77057 (713-781-6660) appeared and stated that all agreed Houston needed share ride service but the problem was how to implement that service; and many cities had shuttle systems but they also had open systems. Mayor White, Council Members Edwards, Wiseman, Holm, Garcia, Alvarado and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Khan, Mr. Tesfamariam stated that he was one of the owners and managers of Texan Shuttle; that they had employees and independents and if the contract went through as now presented they would be bankrupt and would close down and all

drivers would have to leave and find alternatives; that they thought this was a free market and put everything into it and never thought they would have to beg for their business before Council. Mayor White, Council Members Lawrence, Edwards, Wiseman, Holm, Garcia, Alvarado and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Ms. Laura Brady, 827 E. Rogers, Houston, Texas 77022 (713-696-0144) appeared and stated that she was speaking on Item 40, the shared ride contract, and she understood amendments were being introduced by Council Members Green and Lawrence and they supported the changes and they thanked all for their efforts; that any change to the contract as currently stated would be favorable to the riding public as reported by the Houston Chronicle it was a monopoly contract and not good for the riding public. Mayor White, Council Members Lawrence, Edwards, Wiseman, Holm, Garcia, Alvarado and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Khan, Ms. Brady stated that his analogy of burgers yesterday to her was the different restaurants had the fries and sodas to make their profit and that was what helped them make a good burger and what they were trying to explain was the airport trips helped subsidize trips the city looked to them to do which was picking someone up at a bar at 2:00 a.m. and take a little lady to a doctor's appointment or someone who could not walk well to the grocery store and they were able to provide those little trips because the airport trips help to pay for the gasoline. Mayor White, Council Members Edwards, Wiseman, Holm, Garcia, Alvarado and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Lovell, Ms. Brady stated that yes, they wanted to compete with shared ride and she thought what they were trying to say was let taxicabs pick up at different locations and take to and from the airport and let the shuttle take people to and from the airport, but whether shuttles should be able to pickup anywhere would be something to talk about in a committee meeting she would be interested to see if they wanted to pick up from bars at 2:00 a.m., etc.; that they did not do it in any other city which led her to believe they did not want to. Mayor White, Council Members Lawrence, Edwards, Wiseman, Holm, Garcia, Alvarado and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Johnson, Ms. Brady stated that there were over 100 taxicabs in the City of Houston and only one company was getting shared ride. Mayor White, Council Members Lawrence, Edwards, Wiseman, Holm, Garcia, Alvarado and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Senator Robert Horton, 3714 Bain, Houston, Texas 77026 (713-260-6144) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Edwards, Wiseman, Holm, Garcia, Alvarado and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Edwards, Wiseman, Holm, Garcia, Alvarado and Sekula-Gibbs absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

At 5:04 p.m. City Council recessed until 9:00 a.m., Wednesday, September 13, 2006. Council Member Green absent. Mayor White, Council Members Lawrence, Edwards, Wiseman,

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

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

The Houston City Council reconvened at 9:00 a.m. Wednesday, September 13, 2006, with Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Ada Edwards, Addie Wiseman, M. J. Khan, P. E., Pam Holm, Adrian Garcia, Carol Alvarado, Peter Brown, Sue Lovell, Shelley Sekula-Gibbs, M.D., Ronald C. Green and Michael Berry; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Mr. Arturo Michel, City Attorney; Ms. Marty Stein, Agenda Director and Ms. Stella Ortega, Agenda Office, present.

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

At 9:30 a.m. Mayor White called the meeting to order. Council Members Edwards, Wiseman, Garcia, Lovell, Green and Berry absent.

MAYOR'S REPORT - Flex in the City

Mayor White stated that they would have the scheduled Mayor's Report and two brief items that were important to report on to Council Members, that the most exciting one was Flex in the City, which was a program where folks were encouraged beginning next Monday, that 120 employers had committed to participate in the program where they were reducing traffic congestion in the cheapest possible way to the community, which was reducing the number of people trying to get to the same place at the same time and for those who have not participated in some of the workshops programs one of the stunning charts in the handout that was passed out to the Council Members if they turned to the back of the PowerPoint presentation and see the two specific before and after tests which they did, that the one in Clear Lake required an act of Congress to help NASA get permission to participate in a flexible working hour program, they had seen incredible results when they had a large number of employees moved to a compressed workweek, more flexible working schedule, that the backup statistics and all of their intricate detail they would find on pages 6 and 7 for the Duke Energy and Johnson Space Center Study, that he would put it another way, it would have cost them tens of millions of dollars in the CIP to have to build the lane capacity that would be equivalent to the mobility benefits of the flexible working hour programs at just those two major employers, that the CEO of JP Morgan Chase in that region, at the last meeting of the Greater Houston Partnership, who was one of the many CEOs who had been working very closely with Kathleen Kelley, said that the entire program had been done and masterminded and driven not by 800 people at 611 Walker but by one person in City government, Kathleen Kelley, and to think that one person could have that impact because they had been utilizing the HR professionals in the private sector, that the slide presentation said it all and he wanted to thank her for all she did, that he and Kathleen would be available to answer any questions on it. Council Members Wiseman, Garcia, and Green absent.

Council Member Sekula-Gibbs stated that Ms. Kelley came to the Bay Area Transportation Partnership and Ms. Kelley came to the board and presented a summary of the work and knew that it was to her credit that so many people had understood what the Mayor was asking for, that she thought Ms. Kelley had done a really good job of selling the flexible work time. Council Members Wiseman, Garcia and Green absent.

Mayor White stated that if there was any possible way that community leaders watching the meeting would want to get the word out or talk to their employers about it the more critical mass of participants they would have on something like this the better off the test would be, if

there were fewer people who participated in something like this then they would not have the results that they ought to have and that concluded the report that they had on flexible work hours.

Mr. Robert Horton interrupted the City Council meeting, he stood up in the audience and threw a raw egg towards the wall above Mayor White, Ms. Marty Stein and Ms. Anna Russell.

Mayor White stated that he had two brief topics, that from time to time they discussed contentious issues on the City Council, that on many of the issues there was not an administration position at the beginning because they needed the wisdom of Members of Council in order to formulate that position and now he was going to say to Mr. Hall, Ms. Stein and the Members of Council something that had to do with the way they conducted the City business, that on at least two times in order to get people to compete and to participate in contracting with the City, so that they did not think that it was all about lobbying or something like that, he had to say they would not proceed with the matter unless the administration tried to develop a consensus on Council and they would not let the outcome be determined by the bigger of the lobbying, in order to get people to be even willing to participate in a process, in this case transportation services from the airport, that there had been a lot they had done but their traveling public deserved an alternative, if they were to get alternatives that Council wanted to consider on the table from time to time the Mayor had to be able to tell people to participate in the process and to not refuse to do business with the City of Houston because it would not be determined by the strength of a lobbying effort when they awarded contracts that would be determined based on their experience in other cities and that type of thing, so he just wanted to mention that to them, that there were many matters that they had not brought up on City Council where he or others in the administration may have a view, but based on the inquires they had of Council Members they determined that there was not a consensus on the City Council, there were plenty of things that they thought of putting on the agenda that he or others may think was a good idea that they did not put on the agenda because they just did not think there was either a public or Council consensus, but when they did test or poll people and then encourage people to say they were going to go forward they needed to be able to do so in a way where people did not feel that they must be vigilant every single day and hire a lot of lobbyists in order to prevent things from happening to them, that he was spending time on crime in Districts 6, 17, 19 and 20 every day, he did not spend that much time on Aviation because they had Mr. Hall, the Aviation Committee, Mr. Vacar and others, as well as important stakeholders, the knowledgeable people in the airport operations did have a consensus on what the right thing to do was, he would even say they would not move forward on those things, they would just shelve them and not consider them if it was going to be so divisive, but when they took straw polls and asked people and then they encouraged people to go forward against some of maybe their inclinations then they needed to be able to send a signal that they encouraged people to try to do business with the City who had reservations that they may be able to consider things on their merits, that did not mean there had to be anonymity or people did not have good faith views he just wanted to share that background with everybody, that they would not have proceeded unless certain reports back to him about consensus and they had to encourage people to participate in light of the torturous history of it.

Mayor White stated that the final thing he would mention was that he would get a particular transcript of an ad that he would like every Council Member to see so they could draw their own conclusions but there was one individual who had purchased ad space on radio stations that targeted one demographic group and said that if they were tired of rising electrical bills and gasoline prices they should vote against Proposition G, that he wanted people around the table to think in their hearts, from all backgrounds, what it said about the attitude of people when they purchase adds targeted to a particular demographic group and put things on there like that when they all knew the issue, was that the kind of public discourse and respect for the citizens

and for all communities or was that the type of patronizing behavior and manipulative behavior that was used by those who tried to divide people and that they were tired of in the community, he wanted to circulate the text of that.

Council Member Green stated that he wanted to take a point of personal privilege to recognize a group of 15 government and aviation executives from six African Nations who were present in the audience, that they were from Ghana, Tanzania, Namibia, Senegal, Ethiopia and Nigeria and were all here for a one week training program on Airport Emergency Management, which was provided by the Houston Airport System, that the group was a part of an ongoing 12 year effort by the Airport System to exchange information with African Aviation decision makers and familiarize them with the Houston Airport and asked that they stand and be recognized. Council Member Wiseman absent.

Council Member Alvarado stated that she wanted to ask for a point of personal privilege, that this morning they were laying to rest Judge James De Anda, that Judge De Anda was born on August 28, 1925 in Houston, the son of immigrants, he attended Texas A&M University and in 1943 left to serve with the Marines in World War II, he returned to Texas A&M and graduated in 1948 and two years later he earned a Law Degree at the University of Texas, on May 3, 1954 the Supreme Court unanimously ruled in *Hernandez vs. Texas* that Hispanic people deserved the same constitutional protection as many other minorities, for some proponents of civil rights for Hispanics the case ranked as high as the *Brown vs. The Board of Education*, in fact that case was ruled on right before the *Brown vs. The Board of Education* and somehow got lost and was not recognized as it dully should have been, that Judge De Anda was a lawyer with just a small practice in Houston and wrote most of the briefs for the Hernandez case in which a Mexican migrant worker appealed his murder conviction in Jackson County, Texas, Judge De Anda's research showed that despite the fact that Mexican Americans made up 14% of the County's population not one person with a Spanish sur name had been on a jury in 25 years, in 1957 Judge De Anda was the lead counsel in *Hernandez vs. Driscoll Independence School District* in which a federal court ordered the desegregation of a school district near Corpus Christi, in the late 1960's he was one of the co-founders of MALDEF, which last week recognized Mr. Arturo Michel, in 1979 President Jimmy Carter appointed Judge De Anda a Federal Judge in the Southern District of Texas and retired in 1992 after serving four years as Chief Judge, he would be remembered as an humble man, a tireless fighter for everyone despite race, ethnicity, sex and nationality, that he was survived by his wife, Joyce, a son and two stepsons, a stepdaughter and a sister and brother, that she was honored to be at the wake and rosary for Judge De Anda, that a lot of articles had just now been coming out since his death in the New York Times and various publications around the Country and they did not hear much about him when he was alive and how people were recognizing the great giant that they had living in their City and she asked for a moment of silence for Judge De Anda. Council Members Garcia, Lovell and Berry absent.

CONSENT AGENDA NUMBERS 1 through 35

MISCELLANEOUS - NUMBERS 1 through 6

1. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **AUTOMOTIVE BOARD**, for a one-year term:
 - Position One - **MR. WILLIAM C. SMITH, III**, reappointment
 - Position Two - **MR. BILLY H. JONES**, reappointment, and to serve as Chair
 - Position Three - **MS. SHELLY E. RICHARDSON**, appointment
 - Position Four - **MS. ERMA PALMER**, appointment
 - Position Five - **MR. MAZEN ALLAHAM**, appointment
 - Position Six - **MR. KEN W. ULMER**, appointment

Position Seven - **MR. BENJAMIN K. SANCHEZ**, appointment
Position Eight - **MR. OWEN C. WANG**, appointment
Position Nine - **MR. TIMOTHY STRANEY**, reappointment

- was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Lovell and Berry absent. MOTION 2006-0803 ADOPTED.

3. REQUEST from Mayor for confirmation of the appointment or reappointment of the following, as recommended by the District Board of Directors, to the **NEAR NORTHWEST MANAGEMENT DISTRICT**:

Position 1 - **MR. KENNETH K. MILLER**, reappointment, for a term to expire June 1, 2009
Position 2 - **MS. DOROTHY A. MILLER**, reappointment, for a term to expire June 1, 2009
Position 3 - **MR. DAVE BAKER**, appointment, for a term to expire June 1, 2009
Position 4 - **MR. WAYNE L. NORDEN**, reappointment, for a term to expire June 1, 2009
Position 5 - **MR. MIKE CARPENTER**, appointment, for a term to expire June 1, 2009
Position 10 - **MR. KAMAL HUSSEIN**, appointment, to a term that commenced May 11, 2004, and will expire June 1, 2007

- was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Lovell and Berry absent. MOTION 2006-0804 ADOPTED.

6. RECOMMENDATION from Chief of Police for approval of Law Enforcement Agreement between **HARRIS COUNTY** and **LYNN PARK CIVIC ASSOCIATION** for law enforcement services of one (1) deputy from Harris County Constable Precinct 1 - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Lovell and Berry absent. MOTION 2006-0805 ADOPTED.

Mayor White and Members of Council congratulated the new appointees and thanked them for their service to the City. Council Member Lovell absent.

ACCEPT WORK - NUMBERS 8 through 11

8. RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$6,963,694.08 and acceptance of work on contract with **W. W. WEBBER, LLC (previously known as CHAMPAGNE-WEBBER INC, TEXAS)** for Airfield Pavement Rehabilitation at Ellington Field (EFD) Project No. 568, CIP A-0153 and 0388 - 02.87% under the original contract amount - **DISTRICT E - WISEMAN** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Lovell absent. MOTION 2006-0806 ADOPTED.

11. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,574,517.82 and acceptance of work on contract with **LONE STAR CONSTRUCTION, LTD.** for Bertner Bridge and Paving, Package II, Bertner Bridge, GFS N-0722-02-3 (SB9089-2) - 12.88% over the original contract amount - **DISTRICT D – EDWARDS** – had been pulled from the Agenda by the Administration, and was not considered. Council Member Lovell absent.

PURCHASING AND TABULATION OF BIDS - NUMBERS 12 and 13

12. **J. TYLER SERVICES (Bid Nos. 1 and 13)** - \$247,943.33, **DYLUX TECHNOLOGY, LLC (Bid No. 1)** - \$165,095.70 and **CORPORATE EXPRESS OF TEXAS, INC (Bid No. 8)** - \$139,885.20 for Ergonomic Seating Contract for Houston Airport System - \$564,208.30 minus a commission fee for Internet-based reverse auction services for a net award not to exceed \$552,924.13 Enterprise Fund - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Lovell absent. MOTION 2006-0807 ADOPTED.
13. **FERRARA FIRE APPARATUS, INC** for Ferrara Truck Replacement Parts and Repair Services for the Houston Fire Department - \$453,960.00 - General Fund - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Lovell absent. MOTION 2006-0808 ADOPTED.

ORDINANCES - NUMBERS 27 through 35

27. ORDINANCE awarding contract to **MOTIVA ENTERPRISES LLC** for Low Emission Diesel Fuel and Unleaded Gasoline for Various Departments; providing a maximum contract amount 3 Years with 2 one-year options - \$125,000,000.00 - Central Service Revolving Fund – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.
28. ORDINANCE awarding contract to **OIL PATCH-BRAZOS VALLEY, INC** for Fuel Transportation Services for Various Departments; providing a maximum contract amount - 3 Years with 2 one-year options - \$2,371,500.00 - Central Service Revolving Fund – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.
32. ORDINANCE finding and declaring public convenience and necessity for the acquisition of rights-of-way in connection with the public improvement project known as the Market Street Reconstruction Project from North Wayside to Lockwood; 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 for and in connection with the acquisition of 12 parcels of land, as they abut and are aligned adjacent to, Market Street between North Wayside and Lockwood Streets, situated within the W. P. Harris and Robert Wilson Two League Grant, A-32 in Harris County, Texas, and being more specifically located within Block 21, Liberty Heights Addition, Subdivision No. 2, Block 22, Liberty Heights Subdivision No. 3, Block 22 Houston Harbor Annex No. 1, Block 30 Liberty Heights Subdivision No. 4, Blocks 88, 89, 92 Houston Harbor Addition, Re-subdivision of Blocks 1, 2, 3, 4, 85, 88, 89 and 92, Blocks 86, 87, 90, 91 Houston Harbor Addition, Harris County, Texas - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Lovell absent. ORDINANCE 2006-0928 ADOPTED.
35. ORDINANCE appropriating \$780,420.00 out of Police Consolidated Fund; awarding construction contract to **ARROW SERVICES, INC** for Asbestos Abatement and Demolition, HPD Garage at 1202 Washington Avenue (WBS G000101-0001-4-01); 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 project management, construction oversight, air monitoring and contingencies relating to construction of facilities financed by Police

Consolidated Fund - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. Council Member Lovell absent. ORDINANCE 2006-0929 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

2. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **HELICOPTER FACILITIES AND APPEALS BOARD** for two year terms:

Position One - **MR. JOHN S. BEESON**, and as Chair
Position Two - **MR. WILLIAM MICHAEL KNOX**
Position Three - **MR. MICHAEL CHOU**
Position Four - **MR. CLIFFORD O. WARD**
Position Five - **MR. WILLIAM H. WALDROP**

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

Council Member Brown stated that he wanted to acknowledge Mr. John Beeson for his service to the board and also Mr. Michael Chou and all the others who volunteered to make it a better city and asked that they stand and be recognized.

A vote was called on Item No. 2. All voting aye. Nays none. MOTION 2006-0808 ADOPTED.

At 9:56 a.m. Council Member Alvarado moved to recess for five minutes to cleanup the egg throwing mess, seconded by Council Member Garcia. All voting aye. Nays none. MOTION 2006-0809 ADOPTED.

At 10:07 the City Council reconvened and Mayor White stated that there were a number of different questions concerning the issue of Council security and integrity of public property, that he wanted various people to listen to what he had said before that it was the job of career professionals, especially HPD, to have policies and procedures about the individuals who were allowed to be in the Council Chamber and it was the role they had to do so with advice from the Legal Department, which they had received from time to time, and he would encourage the Legal Department to consider issues such as bright lines that were not based on speech concerning committing the offenses in the Council Chamber and he was perfectly willing to make decisions, there were legal rules that were designed to protect freedom of expression that made it better if elected officials did not participate in the decisions about who should be in the Council Chamber, it was not the first time he had made the comment and he hoped that the security professionals and the Council offices would do what he had asked them to do in the most professional way. Council Member Wiseman absent.

Council Member Edwards stated that in addition to the security professionals she would like to know if they had any support or advice from Mental Health professionals because they had a lot of people that needed that service who came to Council, that she did not have a problem with their coming to Council but she did not know if they had the responsibility but she felt compelled that they should at least see if they could get them some assistance if they were not getting it already. Council Members Wiseman and Holm.

Council Member Alvarado stated that she would ask that whatever decision was made that it be made quickly, she did not think it was something that they needed a committee meeting or study for it, that as Mayor White said it had happened twice, today it was an egg tomorrow it

could be something else, that they were used to people not agreeing with them but it was one thing when they had objects thrown at them, that people watching at home could say that that at City Council it was easy to come in and throw things at people and she did not think that was the kind of environment that they wanted, so she would ask that whatever decision the administration made and the HPD officers or whoever was handling it that it be made in a timely manner. Council Member Wiseman absent.

Mayor White stated that he had encouraged on at least two prior occasions and knew that he had seen a memorandum and report to HPD some advice from the City Attorney's office and there was even a memorandum on the particular issue because he delegated that, he did not see the memorandum, but he wanted his colleagues to know that at least he had been trying to get some kind of resolution on the situation, that he would act more forcefully except whatever decision was made would be stronger if it was not made at the direction of an elected official. Council Member Wiseman absent.

Council Member Sekula-Gibbs stated that although it was not a posted item she respected that it was a topical item and for the benefit of the public at home watching she thought that they should refer it to a committee, the Governmental Affairs Committee came to mind and there was an opportunity for them to then hash it out because it was something the public may have some consideration in, that on the other hand whenever she also thought when they did post it as whatever item it should come up at the Mayor's discretion that they should focus on punishing the criminal and not punishing the public and often that was what happens, everybody had to go through more scrutiny and more adherence to higher security alerts but they were reluctant to go after the perpetrator and she thought they had seen that they really needed to focus on the perpetrator and not the whole public at large, they should not bear the brunt of having more security placed on them when it was pretty obvious when they had a repeat performer, who the problem was, that she thought it was worth having a committee look into it and have an opportunity to discuss it because it had never been discussed that she knew of publicly. Council Members Edwards, Wiseman and Berry absent.

Council Member Lawrence stated that she knew the Mayor has expressed a concern and people who got angry without a cause did have Mental Health problems and when she saw children being brought in by that person she felt concern of their life and if anything they looked into she hoped a social worker at least would visit that home to see what was going on with those children that they had all seen at Council and they tried not to think of anything bad happening to those children, the only thing that she asked, if something did come forward, that they not change their process because of something like this, that if anybody that threatened, had a mental problem and that they saw fit that they not change where the police stand, the situation if they legally had to have people come to the Council she could see them standing at the corner and rightly standing in the corner should be applied and they usually had a police officer standing there and he would stand at the corner with the police officer, they had not stopped them from coming to Council, if Legal says they could not, but they were not going to change or add police officers off of the streets to Council, they were going to make him stand in the corner with the officer. Council Members Edwards, Wiseman and Berry absent.

Council Member Khan stated that he wanted to caution all of them, it was a slippery slope when they tried to even things of putting things in place with curtailed on people's rights, which were fought and struggled for generations before them, that he thought the Mental Health issue was the one which if they could provide some kind of Mental Health help to people had that kind of behavior but he would be very careful in monitoring or discussing policy as to who could come to the City Council and things like that. Council Members Edwards, Wiseman and Berry absent.

Council Member Lovell stated that clearly the gentleman had some problems and she hoped they could reach out and get him some help, but the behavior they saw today was not the first time that the behavior had been demonstrated in the Chamber and she was all for free speech, but free speech did not mean that they got to express themselves by assaulting someone and today was an assault, the definition of an assault was an attempt to inflict bodily harm so she hoped that they would take that into consideration that the kind of message that they would send to the City and to their children that they had every right to assault someone and say it was free speech was not correct and not something that they were going to allow in the Council Chamber and she hoped that until the gentleman could demonstrate that his behavior had changed and he could conduct himself in a better manner that he not be allowed to come to the Council anymore but that they certainly figure out some way to get him the help and assistance that he clearly needed. Council Members Wiseman and Berry absent.

Mayor White stated that to conclude as was previously made clear to him on a prior occasion that HPD shall and as they did in any other security, make judgments and it shall be based on prompt advice by Council, and prompt did not mean two months, that he did not remember the prior advice by Council but he would have thought that two different violations of law, both of which were criminal law, they were civil assaults, that there were two that he knew of having to do with the misuse of public property and potential destruction of public property and a misdemeanor assault, that he would have thought it would have done the trick, but those people would need to make a prompt decision. Council Members Wiseman and Berry absent.

At 10:18 Mayor White stated that they would go back to the agenda.

4. RECOMMENDATION from Chief of Police for allocation of additional funding for Forensic DNA Testing Services for Houston Police Department as follows - General Fund:
ORCHID BIOSCIENCES, INC - \$200,000.00
RELIAGENE TECHNOLOGIES, INC - \$100,000.00

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

5. RECOMMENDATION from Chief of Police for allocation of additional funding for Professional Structural Engineering Services between the City of Houston and **POLYTECH, INC d.b.a. PTI, INC** for Houston Police Department - \$400,000.00 - General Fund - was presented, moved by Council Member Khan, seconded by Council Member Alvarado, and tagged by Council Member Edwards.
7. ORDINANCE appropriating \$113,659.00 out of Water & Sewer Consolidated Construction Fund and \$1,246,530.33 from Metro Project Commercial Paper Series E Fund as an additional appropriation for contract with **TEXAS STERLING CONSTRUCTION, L.P.**, Contract No. C23764 (Outline Agreement No. 46000065380) for proposed 48-inch water line along Cambridge Street from Holcombe Boulevard to Old Spanish Trail (approved by Ordinance No. 2005-608); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer Consolidated Construction Fund and the Metro Project Commercial Paper Series E Fund **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Lovell absent. ORDINANCE 2006-0930 ADOPTED.
- 7a. RECOMMENDATION from Director Department of Public Works & Engineering for approval of Change Order No. 1 in the amount of \$1,360,189.33 on contract with **TEXAS STERLING CONSTRUCTION, L.P.** for proposed 48-inch water line along Cambridge Street from Holcombe Boulevard to Old Spanish Trail, GFS S-0900-98-3 (WA10448-02) -

DISTRICT D – EDWARDS – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2006-0810 ADOPTED.

ACCEPT WORK - NUMBERS 8 through 11

9. RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$14,657,493.54 and acceptance of work on contract with **W. W. WEBBER, LLC (previously known as CHAMPAGNE-WEBBER INC, TEXAS)** for Terminal B & C North Ramp Expansion at George Bush Intercontinental Airport/Houston, Project No. 555, CIP A-0393 and A-0397 - 00.72% 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. MOTION 2006-0811 ADOPTED.
10. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$965,504.55 and acceptance of work on contract with **A-TEC ENGINEERS AND CONTRACTORS, L.P.** for Bio-Safety Level 3 Laboratory (BSL3), GFS H-0029-02-3 - 08.64% over the original contract amount - **DISTRICT D - EDWARDS** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2006-0812 ADOPTED.

ORDINANCES - NUMBERS 14 through 35

14. ORDINANCE **AMENDING SECTION 6-126 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to location of Dog Kennels – was presented, and tagged by Council Member Wiseman.
15. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a 15-foot wide alleyway, adjacent to Lots 11 through 16, Blocks 21 and 22, Institute Addition, Harris County, Texas, containing 3,886 square feet of land, more or less (Parcel SY6-007); vacating and abandoning said tract of land to the Human Resources Development Foundation, the abutting owner, in consideration of owner's payment of \$163,212.00 and other consideration to the City - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. ORDINANCE 2006-0931 ADOPTED.
16. ORDINANCE approving and authorizing lease agreement between **ALICE AND GEOFFERY CHOW** as landlord ("Landlord"), and the City of Houston, Texas, as tenant (the "City"), for approximately 4,790 net rentable square feet of space at 6121 Hillcroft, Houston, Harris County, Texas 77081, for five (5) months at a monthly rental of \$9,580.00, for use by the Health & Human Services Department - **DISTRICT F - KHAN** – was presented. All voting aye. Nays none. ORDINANCE 2006-0932 ADOPTED.
17. ORDINANCE consenting to the addition of 7.50 acres of land to **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 2**, for inclusion in its district – was presented. All voting aye. Nays none. ORDINANCE 2006-0933 ADOPTED.
18. ORDINANCE consenting to the addition of 73.3192 acres of land to **LUCE BAYOU PUBLIC UTILITY DISTRICT OF HARRIS COUNTY, TEXAS**, for inclusion in its district – was presented. All voting aye. Nays none. ORDINANCE 2006-0934 ADOPTED.

19. ORDINANCE consenting to the addition of 46.39 acres of land to **SPRING CREEK UTILITY DISTRICT**, for inclusion in its district – was presented. All voting aye. Nays none. ORDINANCE 2006-0935 ADOPTED.
20. ORDINANCE establishing the north side of the 2300 block of Southgate Boulevard 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. ORDINANCE 2006-0936 ADOPTED.
21. ORDINANCE relating to the fiscal affairs of the **MEMORIAL CITY REDEVELOPMENT AUTHORITY** on behalf of **REINVESTMENT ZONE NUMBER SEVENTEEN, CITY OF HOUSTON, TEXAS (MEMORIAL CITY ZONE)**; approving the FY 2007 Operating Budget for the Authority and the FY 2007-2011 Capital Improvement Budget for the Zone - **DISTRICTS A - LAWRENCE and G - HOLM** – was presented, and tagged by Council Member Holm.
22. ORDINANCE approving and authorizing an agreement between the City of Houston and **COVENANT NEIGHBORHOODS, INC** to provide a \$1,850,000.00 Performance-Based Loan of Federal "HOME" Funds for costs to construct a Senior Living Community at 435 Northpines, Houston, Texas, to be known as Kingwood Senior Village to house low income residents **DISTRICT E - WISEMAN** – was presented. All voting aye. Nays none. ORDINANCE 2006-0937 ADOPTED.
23. ORDINANCE approving and authorizing an agreement between the City of Houston and **STAR OF HOPE MISSION**, to provide \$400,000.00 in Community Development Block Grant Funds to assist with the repair of the Women and Family Emergency Shelter located at 419 Dowling Street, Houston, Texas - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. ORDINANCE 2006-0938 ADOPTED.
24. ORDINANCE approving and authorizing letter agreement between the City of Houston and **CONTINENTAL AIRLINES, INC** for design, construction and construction management services related to the Installation of the In-Line Baggage System, utilizing explosive detection systems and explosive trace detection equipment at George Bush Intercontinental Airport/Houston (Project 612J, A-0486); and authorizing and allocating the funds to be accepted by the Mayor from the Transportation Security Administration approved by Ordinance No. 2006-0851 to be used for Reimbursement to Continental for its services - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. ORDINANCE 2006-0939 ADOPTED.
25. ORDINANCE approving and authorizing an agreement between the City of Houston and **MASON TILLMAN ASSOCIATES, LTD.** for a Disparity Study and related services; providing a maximum contract amount – was presented, and tagged by Council Members Lawrence, Wiseman and Sekula-Gibbs.

Council Member Lawrence stated that she would ask that when they had agenda items where there was a disparity study if there was a case involved that they put the name of the case in the item so there was no misunderstanding as far as what was going on.

26. ORDINANCE amending Ordinance #2005-1272 to provide a maximum contract amount for contracts between the City and Various Tow Company Operators for the Safe Clear Program \$1,882,414.00 - Police Special Services Fund (From METRO) – was presented, and tagged by Council Member Wiseman.

Council Member Sekula-Gibbs stated that she wanted to add her tag and ask the people who were involved with the SafeClear Program what the extra money was going for, she saw there was an increase from \$3.177 million in 2006 to \$3.38 million in 2007 and that was an increase of a little over \$120,000 real cost to the City but Metro was still contributing about \$2.5 million, that she wanted to know beyond the money that was given to the tow truck operators for the SafeClear Program what was the rest of the money going for, and Mayor White stated that they would get that information to her.

Council Member Brown asked if there was a policy statement or some piece of information that tells them currently what they were doing with the funds that were transferred from Metro, and Mayor White stated that Metro under the terms of the original referendum creating Metro and under the terms of a contract that extended through FY2009, which they did intend to ask Metro to extend, had 25% of the revenue collection on sales tax, it had nothing to do with fare box revenues, dedicated to general mobility projects which was an essential element building the public consensus and support for the sales tax, the uses for those amounts were set forth in both the CIP under the sources of funds on the CIP project, if they saw Metro that would be Metro and if they asked Mr. Dadoush or James they could probably sort those CIP projects by source of funding and then there were some also which had been in the operating budget of the City on traffic signal maintenance and the like, he did not have that exact breakdown and they were made based on the cost effectiveness in providing mobility to their community, so that was how they got a general source.

Council Member Lawrence stated that they talked to some of the tow truck drivers that were doing so much in the SafeClear Program and in the last 24 hours they let them know that in the statistics over the last year they actually had a drop in the free towing so she thought that was a very good sign that the program was working and things were being done properly.

29. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **AIR PRODUCTS AND CHEMICALS, INC** (#C53147) for Operation and Maintenance of the Oxygen Plant at the City of Houston 69th Street Wastewater Treatment Facility for the Public Works & Engineering Department – was presented. All voting aye. Nays none. ORDINANCE 2006-0940 ADOPTED.
30. ORDINANCE appropriating \$80,576.00 out of Houston Airport System Consolidated 2001 AMT Construction Fund (8201); authorizing the purchase of land and improvements thereon out of the McAuley Survey, A-577, Houston, Harris County, Texas, for a Noise Compatibility Program at Bush Intercontinental Airport, CIP A-0476-75.1; approving Purchase and Sale Agreement with the owner of the land (Vincent M. Kazmiroski) - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. ORDINANCE 2006-0941 ADOPTED.
31. ORDINANCE finding and declaring public convenience and necessity for the acquisition of rights-of-way in connection with the public improvement project known as the Buffalo Speedway Paving Extension Project from W. Orem to W. Airport Boulevard; 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 for and in connection with the acquisition of 7 parcels of land containing a total of 9.1364 acres more or less and situated in the Joseph Kopman Survey No. 435, A-186, and being more specifically located within the Settegast Partition as recorded in Volume 33, Page 26 of the Map Records of Harris County and/or Volume 33, Page 2 of the Deed Records of Harris County, Texas - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. ORDINANCE 2006-0942 ADOPTED.

33. ORDINANCE approving and authorizing Professional Artist Services Agreement between the City of Houston and **ELENA CUSI WORTHAM** for design and creation of a work of art to be sited at the Ronald E. McNair Police Station; accepting the artwork into the City's permanent art collection \$48,600.00 - Police Department Civic Art Fund - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. ORDINANCE 2006-0943 ADOPTED.
34. ORDINANCE appropriating \$200,000.00 out of Fire Emergency Alerting System Fund and \$2,416,000.00 out of Fire Bond Consolidated Fund; awarding Construction Contract to **3D/INTERNATIONAL, INC** for the New Fire Station Number 105 (WBS C-000166-0001-4); setting a deadline for the proposer's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the proposer in default if it fails to meet the deadlines; providing funding for engineering and testing services, construction management, Civic Art Program, and contingencies relating to construction of facilities financed by Fire Emergency Alerting Fund and Fire Bond Consolidated Fund - **DISTRICT E - WISEMAN** – was presented. All voting aye. Nays none. ORDINANCE 2006-0944 ADOPTED.

NON CONSENT AGENDA - NUMBER 36

MISCELLANEOUS

36. RECEIVE nominations for Position 7 on the **PORT OF HOUSTON AUTHORITY OF HARRIS COUNTY** for a two-year term – was presented.

Council Member Alvarado stated that she wanted to submit the name of Janiece Longoria for reappointment for Position 7 on the Port of Houston Authority of Harris County.

Council Member Alvarado moved to close nominations for Position 7 on the Port of Houston Authority of Harris County, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2006-0813 ADOPTED.

MATTERS HELD - NUMBERS 37 through 40B

37. RECOMMENDATION from City Attorney for settlement of lawsuit styled **MCBRIDE, HOWARD** v. City of Houston and Therone Pitre, Jr. in the 113th Judicial District Court of Harris County, Texas; Cause No. 2005-56799 - \$36,500.00 - Property and Casualty Fund – **(This was Item 1 on Agenda of September 6, 2006, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2006-0814 ADOPTED.
38. ORDINANCE amending Ordinance 2005-0241 to increase the maximum contract amount; providing for an allocation of funds from the Central Service Revolving Fund for contract between the City of Houston and **FULCRUM POWER SERVICES, L.P.** for Professional Energy Management Services relating to the City's Electricity Contract - \$500,000.00 – **(This was Item 25 on Agenda of September 6, 2006, TAGGED BY COUNCIL MEMBERS WISEMAN and HOLM)** - was presented. All voting aye. Nays none. ORDINANCE 2006-0945 ADOPTED.
39. ORDINANCE **AMENDING ARTICLE III OF CHAPTER 44 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Hotel Occupancy Tax Transaction Records; containing other provisions relating to the foregoing subject; providing for

severability – **(This was Item 35 on Agenda of September 6, 2006, POSTPONED BY MOTION #2006-797)** – was presented.

After a lengthy discussion by Council Members, a roll call vote was called on Item No. 39.

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 no	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 no
Council Member Holm voting aye	ORDINANCE 2006-0946 ADOPTED

40. ORDINANCE **AMENDING SECTION 9-54(a) OF THE CODE OF ORDINANCES, HOUSTON, TEXAS** relating to Commercial Carrier Service at the City's Airports – **(This was Item 38 on Agenda of September 6, 2006, POSTPONED BY MOTION #2006-798)** – was presented.

After discussion of procedures Mayor White stated that they had called Item No. 40 and he would suggest, so they were all clear on it was that he would recognize people if they wanted to announce or describe what they intended to offer as an amendment to Item No. 40b but would be offered at the time they would get to Item No. 40b.

After further discussion by Council Members, Mr. Hall stated that passing the ordinance, Item No. 40, which establishes the shared ride authority would do away with what they called and had called scheduled ground transportation, it had that impact, it was not a direct impact on the amendments but it would have that effect in an effort to have full disclosure, it would authorize shared ride instead of what they had today, which they called scheduled ground transportation.

Council Member Wiseman moved to amend Item No. 40 to read "Section 1A – Should be assured by contract(s) the director may recommend that the City enter into a contract(s)"

Mayor White stated that it should say "one or more" and Council Member Wiseman stated that if the Mayor would prefer to word it that way she could make that motion verbally, and asked why was it not appropriate in this manner if airport(s) was appropriate in this manner, and Mr. Hall stated that because from a legal drafting point it switches her point completely around, if she says contract(s) it implies that they had to have more than one, and Mayor White asked if they could by consent amend after the words "assured by" put "one or more contracts" and in lieu of "a" put in "one or more contracts", that "one or more" would capture it, if they looked at the fourth line under Section 1A, "one or more" would follow the phrase "assured by" and make contracts plural, and then the following line, "the director may recommend the City enter into one or more contracts", the fact that plural was contemplated talked about any such contract that was permitted, so the language should read, at the beginning of the fourth line down on Contract Service, "beneficial to the traveling public and should be insured by one or more contracts, the director may recommend that the City may enter to one or more contracts for such service", and Council Member Wiseman stated that was her verbal motion, seconded by Council Member Alvarado.

After discussion by Council Members, Mayor White asked Mr. Hall to make sure he would clarify what he said earlier, and Mr. Hall stated that he thought the issue needed clarification in

that they had to be extremely precise, the literal wording in the ordinance that for operative purposes was just Paragraph A, the other was important but did not change policy, that Paragraph A in itself would not prohibit scheduled ground transportation, which was what they had to do, but clearly the contract that was pursuant to it would.

After further discussion Mr. Hall stated that they had gotten a copy of the present ordinance provision and he wanted to correct what he said when he stated that the new language did not change that, it changed it by changing one word in the current ordinance to four words in the proposed change and they were these, in the current ordinance in place of what was in the proposal as “on demand or prearranged” in the present ordinance had the word “scheduled” so that they would replace the authorization for scheduled service with the words “on demand or prearranged” and they had definition, that there was a contract that was on the table pursuant to the change and it would preclude scheduled service.

After further discussion by Council Members, Council Member Holm stated that she would offer a friendly amendment to add the word “scheduled” in front of “on demand or prearranged”, and Mayor White stated that he believed in order to accomplish Council Member Holm’s purpose if they added the word “scheduled” before “on demand” and then go five lines down, flush to the right margin, where it said contract(s), after Council Member Wiseman’s amendment, it would say “one or more contract(s) for such service”, he thought if they put the word “any” in front of the word “such”, that it would work, that by substituting the words “any” and “scheduled” that would accomplish the purpose, and Council Member Holm so moved, seconded by Council Member Khan.

Mayor White stated that would be an amendment to Council Member Wiseman’s motion to amend Item No. 40.

After further discussion by Council Members, Council Member Edwards stated that she would tag the motion, and Council Member Wiseman moved to override the tag, seconded by Council Member Sekula-Gibbs, and after further discussion Council Member Edwards stated that she would release her tag on the motion and a vote was called on Council Member Holm’s motion to amend Council Member Wiseman’s motion to amend Item No. 40. Council Member Edwards voting no, balance voting aye. MOTION TO AMEND CARRIED.

A vote was called on Council Member Wiseman motion to amend Item No. 40 as amended. Council Member Edwards voting no, balance voting aye. MOTION 2006-0815 ADOPTED.

A vote was called on Item No. 40 as amended. All voting aye. Nays none. ORDINANCE 2006-0947 ADOPTED.

40a. WRITTEN Motion by Council Member Green to amend Item 40B below as follows:
Section 3.1.19 Agreement is amended to substitute \$100,000 in place of \$178,000 as the amount of the Minimum Annual Guarantee for the first year of the agreement and for each successive year, the greater of \$100,000 or eighty-five percent (85%) of the Percentage Fee paid to the City for the immediately preceding agreement year.
The first sentence of Section 5.1.1 of the Agreement is deleted in its entirety and replaced with the following:
This Agreement shall become effective on the Effective Date and unless sooner terminated in accordance with Article XII, shall expire three years after the Effective Date.

(TAGGED BY COUNCIL MEMBERS WISEMAN, JOHNSON, LAWRENCE, ALVARADO, KHAN, GARCIA and GREEN) – was presented.

Council Member Johnson asked if he could get some clarity on the substation of \$178,000 to \$100,000 because in the grading of the particular contracts they had points based on the minimum guarantees, so he wanted to get some clarity as to why at this point they were now bringing the minimum guarantees back down to where the other bidders lost points on that, and Mr. Hall stated that the amendment proposed to reduce the primary term from five years to three years, the minimum guarantee that was put in the RFP was on the basis of some reasonable estimate of what it would take to amortize the investment that they were requiring, so it was fair if they were to cut the term to cut the minimum annual guarantee of how much money they were committing to it if they were cutting it from five to three years, that was why Council Member Green asked if that was a reasonable thing to do and the response from the Aviation Department was that it was, that if it had been three years in the beginning it would have been less.

Council Member Khan asked if the original RFP called for a five year contract could they change the term to three years by amendment and were they okay legally by calling an RFP for one term and changing it after they got the contract and Mr. Hall stated that yes they could and the only additional comment was that the contractor was not obligated to accept that because they accepted the contract that they presented to the City Council but in this instance they had indicated that they would, and Mr. Michel stated that was one of the features of a Request for Proposal as opposed to a bid that they could change some of the items and this particular change, he believed, was legally permissible.

A vote was called on Item No. 40a. All voting aye. Nay none. MOTION 2006-0816 ADOPTED.

40b. ORDINANCE approving and authorizing Shared Ride Concession Agreement by and between the City of Houston, Texas and **ADAMS SYSTEMS, L.L.C., d/b/a SUPERSHUTTLE HOUSTON** Revenue – **(This was Item 38A on Agenda of September 6, 2006, POSTPONED BY MOTION #2006-799)** – was before Council.

Council Member Lawrence offered the following motion to amend Item No. 40b:

“I move to strike 4.7.1 “The Director, in his sole discretion, shall have right to accept, reject or require modifications to the proposed fares” and replace with “The Director, with City Council approval, shall have right to accept, reject or require modifications to the proposed fares.” I further move to insert the following “Any Director and City Council approved adjustments to the fares shall automatically become a part of Exhibit “B” without any further action by the parties.”

Mayor White stated that they supported Council Member Lawrence’s amendment.

Council Member Edwards asked if the amendment they just passed and the amendment up for a vote have anything to do if whether or not there could be one or more vendors for the contracts, what was the consequence of the two amendments, and Mr. Hall stated that the RFP that was put out had a primary term of five years and Council Member Green offered an amendment that reduced it to three and it changed the minimum guarantee that the contractor would be required to pay from what they had proposed under five years to what was put in the RFP as a minimum which was \$100,000, and Council Member Edwards asked what the consequence of that action was and Mr. Hall stated that was it, and Council Member Lawrence’s amendment said that the proposed rates that were in the contract that they had could have been adjusted by the director and her amendment says that any adjustment in those rates had to be approved by City Council and the Mayor and administration was supporting that.

A vote was called on Council Member Lawrence motion to amend Item No. 40b. All voting aye. Nays none. MOTION 2006-0817 ADOPTED.

Council Member Johnson offered the following written motions to amend Item No. 40b which had been passed out to each Council Member

:

“I move to amend the Share Ride Concession Agreement with the following amendments:

Amendment 1

The awarding of this contract DOES NOT prohibit the renewal of existing Scheduled Ground Transportation Providers’ permits, so long as those existing Scheduled Ground Transportation Providers maintain their existing business model and/or operating procedures.

Amendment 2

The awarding of this contract WILL NOT prohibit any hotel, motel, or other lodging operator inside the city limits from providing its own scheduled shuttle service to and from any city airport.

Amendment 3

Amend Chapter 46 of the Code of Ordinances regarding taxi cabs to allow taxis to charge per head on trips to and from the airport as a shared-ride provider.”

Mayor White stated that while they believed the amendments were made in good faith by Council Member Johnson they understood the purposes that the administration opposed each of the amendments in the case of the first two, in the case of the one because that would probably eliminate the contracting option, which was the main item, as a practical economic matter, at least with this vendor, and number two they would support if it was for free but not if it was a commercial venture and on number three there was an issue on open meetings act when they started getting into taxi cab regulation and they would be happy for people to discuss that at the appropriate committee session, so they opposed all three of the amendments as drafted.

Council Member Green moved to suspend the rules to extend the meeting beyond the scheduled noon recess to complete the agenda, seconded by Council Member Khan. All voting aye. Nays none. Council Member Berry absent. MOTION 2006-0818 ADOPTED.

After a lengthy discussion by Council Members, a roll call vote was called on Amendments 1 and 2 to Item No. 40b, and Council Member Johnson stated that he would pull down Amendment 3.

ROLL CALL VOTE:

Mayor White voting no	Council Member Garcia voting aye
Council Member Lawrence voting aye	Council Member Alvarado voting no
Council Member Johnson voting aye	Council Member Brown voting aye
Council Member Clutterbuck voting no	Council Member Lovell voting no
Council Member Edwards voting aye	Council Member Sekula-Gibbs voting no
Council Member Wiseman voting no	Council Member Green voting no
Council Member Khan voting no	Council Member Berry voting no
Council Member Holm voting no	MOTION 2006-0819 FAILED

Upon questions by Council Member Khan, Mayor White stated that he would like to have it planned within the Aviation system to budget and hire an outside consultant and in some reasonable amount of time, like one year, that there be a study, analysis and report after that

year what the market shares were of the various types of services getting to and from the airport and what the facts were using normal criteria about the effect of the new service on competition, usually the effect of a new service was more on competition but if it turned out that all of the taxi drivers went under and there were not enough taxi drivers then they needed that kind of report to be made and they would have a commitment to do that in one year, an independent consultant, with market share data and a comparison of the ridership of the shared ride compared to the pro formas in their consultant reports and they could all take a look at those and see and use and make a basis for that decision, and Mr. Hall stated that they would do that.

After discussion by Council Members, a vote was called on Item No. 40b as amended. Council Members Johnson, Clutterbuck, Edwards and Brown voting no, balance voting aye. ORDINANCE 2006-0948 ADOPTED.

27. ORDINANCE awarding contract to **MOTIVA ENTERPRISES LLC** for Low Emission Diesel Fuel and Unleaded Gasoline for Various Departments; providing a maximum contract amount 3 Years with 2 one-year options - \$125,000,000.00 - Central Service Revolving Fund – was presented, and tagged by Council Member Wiseman.
28. ORDINANCE awarding contract to **OIL PATCH-BRAZOS VALLEY, INC** for Fuel Transportation Services for Various Departments; providing a maximum contract amount - 3 Years with 2 one-year options - \$2,371,500.00 - Central Service Revolving Fund – was presented, and tagged by Council Member Wiseman.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Brown stated that he wanted to announce the birth last Friday of his 13th grandchild, Sofia Katheryn Titan, and also wanted to compliment Council Member Holm who was a new grandmother. Council Members Lawrence, Edwards, Wiseman and Sekula-Gibbs absent.

Council Member Green asked for a point of personal privilege to wish his son, Christopher Green, a happy birthday. Council Members Lawrence, Edwards, Wiseman and Sekula-Gibbs absent.

Council Member Brown stated that it was important that they not only deal with the short term issues that faced their city but look at the longer term issues of how they build a great city and where they were going to be in the year 2025; that he had some photographs of Parker Road in District B, there were people walking in the street because there were no sidewalks and were walking next to an open ditch and they had been trying for the last year to get Metro bus service on Parker Road that would take folks to their homes and to Bonita House, which was one of the institutions in Houston who served women in need, that he wanted to find out what they could do about it, that this week a young woman was grabbed and pulled into the bushes and assaulted so whatever they could do to fill in the infrastructure. Council Members Lawrence, Edwards, Wiseman, Khan, Alvarado, Lovell, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Council Member Brown stated that as to his vote on the Shared Ride, he knew Yellow Cab and they were a great company and he supported Yellow Cab and Shared Ride but he had to make a decision based on what he felt was the greater public good, that he respected the Mayor and all who worked so hard on the item, that it was a tough decision for all of them. Council Members Lawrence, Edwards, Wiseman, Khan, Garcia, Lovell, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that she wanted to offer her congratulations to Council Member Brown on the birth of his granddaughter. Council Members Lawrence, Edwards, Wiseman, Khan, Garcia, Lovell, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that she wanted to thank Mayor White for allowing the discussion on Shared Ride and to Council Member Berry for having another committee meeting on it, that it shed light on the issue and ultimately she could not get away from her concern of what she perceived as a monopoly being granted to that particular company, which is an outstanding company and it was not to denigrate their service and she knew that Super Shuttle was going to end up providing really great service to the citizens of Houston, that she wanted to thank Mayor White for his offer to revisit the Taxi Ordinance to allow other consumer options in the market and looked forward to working with him on that. Council Members Lawrence, Edwards, Wiseman, Khan, Garcia, Lovell, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that she wanted to reiterate her concern, which she had expressed already and her thanks to Mayor White regarding efforts on crime, and she knew that Mayor White and the police force were extremely concerned about it and they looked forward to seeing what had worked in the past and using that to address their increasing crime in the future, that she attended a civic club meeting in Meyerland on Monday, that over 50 people in a very small room stayed there for several hours and most significant was the presence of the concerned police officers in the area, there were at least 10 there and she wanted to thank them for attending and being the support for the community, that she thought they were all on the same page they wanted to see crime addressed and she looked forward to working with Mayor White in announcing whatever initiatives there were to look at what had worked in the past, certainly in District 17, and applying in other hot spots. Council Members Lawrence, Edwards, Wiseman, Garcia, Lovell, Sekula-Gibbs, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that she wanted to extend her thanks to the Grand Prix of Houston and the General Manager of the Grand Prix, that it was a function held at Reliant Stadium in the area surrounding Reliant Stadium this past May and she lived probably the farthest from it in District C but she still heard it late at night and it caused a lot of consternation among District C residents who did live nearby the Grand Prix, it was extremely loud and disturbed the sleep of many District C residents and she expressed their concern to the Grand Prix and they had agreed to make a few changes and she was appreciative of that, that as a result the Grand Prix would take place on Friday, Saturday and Sunday rather than on Thursday, Friday and Saturday night and additionally they were scheduling only one evening race next year and would be on Saturday night and would end by 9:45 p.m. and there would be no on track activities after 9:00 p.m. on Friday and Sunday nights, that she wanted to express her profound appreciation to the Grand Prix of Houston for listening to it, that it showed they were good corporate citizens in responding to the concerns of the community. Council Members Lawrence, Edwards, Wiseman, Garcia, Lovell, Sekula-Gibbs and Green absent.

Council Member Johnson stated that as to the Shared Ride he wanted to thank Council Member Berry for his involvement and input in the process making sure that he made it as transparent as it possibly could have been, and certainly for all the support that the Legal and Aviation Department did he certainly appreciated that, but he still believed it was a sad day in the City of Houston because he was never against Shared Ride he was always for Shared Ride and certainly had nothing against Yellow Cab and Super Shuttle, he thought they were two great companies, he believed that it never should be their intention to destroy one particular market or company for another, even if they were trying to build a market, he believed it was the

wrong approach to take. Council Members Lawrence, Clutterbuck, Edwards, Wiseman, Garcia, Lovell, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Council Member Johnson stated that they would be having a golf classic at Brock Park on Saturday at 10:00 a.m., that they would be raising money to buy school supplies for their children and education supplies for the schools, that he would be hosting it with Representative Sylvester Turner, if they needed more information they could call his office at 713-247-2009. Council Members Lawrence, Clutterbuck, Edwards, Wiseman, Garcia, Lovell, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Council Member Johnson stated that he wanted to thank HPD, they had been calling from their office, there were some boarding houses in the area that were allowing the prostitutes to stay at their facilities for \$10 per day, they would often see six prostitutes using one house with in and out traffic, they made it known to HPD and they had done a great job and he wanted to thank Officers Harris, Warren Jones and Robert Smith, they had done a great job being responsive. Council Members Lawrence, Clutterbuck, Edwards, Wiseman, Garcia, Lovell, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Council Member Holm stated that she wanted to congratulate Council Member Brown, that her first grandson was born on Sunday morning, Hudson Cook Holm. Council Members Lawrence, Johnson, Edwards, Wiseman, Garcia, Lovell, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Council Member Holm stated that they had on the ballot in November some very serious issues for the government and the good representation for their citizens and one of those issues was Proposition G, which a lot of them on Council worked long and hard to have an understanding and make sure they were doing what their citizens needed in order for them to provide them with the opportunities to capitalize on local government, that she was really angered by some of the advertising that she was hearing about Proposition G and believed that they should educate people and they should make a good choice based on good information and at this point because of some of the advertising that was going on that had nothing to do with Proposition G it was just basically a scare tactic and she thought it undermined the intelligence of their community. Council Members Lawrence, Johnson, Edwards, Wiseman, Garcia, Lovell, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Council Member Holm stated that she knew on Thursday they were going to talk at the Transportation, Infrastructure and Aviation Committee meeting about some mobility issues and also some YFI and one of her concerns had to do with traffic control from private garages and lane closures and signal preemption by HPD, basically that they had hand held mechanisms and they preempt their mobility and life, that she thought they could continue to craft good ordinances and address the issues but if HPD was the enforcing body and if they did not themselves abide by the laws it really was ineffective for them to spend any more time on it and continually the City of Houston and HPD violate their own laws and ordinances put in place in order to enhance the mobility of their citizens, that she would like some direct input and involvement from the Mayor for some accountability that their commitment of mobility of their citizens and to the community was a priority and they would not compromise it by individual needs and their own agencies who did not adhere to their standards. Council Members Lawrence, Johnson, Edwards, Wiseman, Garcia, Lovell, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Council Member Alvarado stated that she too wanted to join in and congratulate Council Members Brown and Holm on the new additions to their family. Council Members Lawrence,

Johnson, Edwards, Wiseman, Garcia, Lovell, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Council Member Alvarado stated that they had a big problem in the Third and Fourth Ward Community where thieves were stealing copper at a very high rate, that it had happened with Project Row House, Blue Triangle Multi Cultural Center and then some housing developments in the Fourth Ward area, affordable houses in the Fourth Ward Community, that people were stealing copper and a lot of it came from air conditioning units and they were selling it, that she had asked if they needed some type of new ordinance to have some accountability on the other side when people go and sell the copper, that there be some type of checks and balances, some identification process but she was told by HPD, Lieutenant Conway, that they did not need a new ordinance, what they needed was more personnel to enforce the ordinance. Council Members Lawrence, Johnson, Edwards, Wiseman, Holm, Garcia, Lovell, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Council Member Alvarado stated that she wanted to thank Mayor White and the directors who came to the State of the District, they had nearly 400 precinct judges come to Drexler's last Saturday and it was a great event, that she wanted to thank her staff, everybody worked really hard, but wanted to give special thanks to Previn Jones who really put together a great program. Council Members Lawrence, Johnson, Edwards, Wiseman, Holm, Garcia, Lovell, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Council Member Alvarado stated that she would appreciate some feedback on the cooper issue and Mayor White stated that he would ask the HPD representatives and did send a memo to Chief Hurtt and Mr. Marcotte and others, that it was a large national issue, the copper theft, that to make sure within the next 24 hours one of the issues he needed a briefing on was the follow up from his memo to Chief Hurtt approximately four weeks ago. Council Members Lawrence, Johnson, Edwards, Wiseman, Holm, Garcia, Lovell, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Council Member Khan stated that the Houston Airport System would be holding a Business Opportunity Networking Fair on Friday, September 15, 2006 at the Humble Civic Center at 8233 Will Clayton Parkway in Humble, Texas; that on Saturday would be the 38th Annual Fiestas Patrias International Parade in downtown Houston that it would start at 10:00 a.m. and everyone was encouraged to come; that the Sister City Second Annual Soccer Tournament would be held on October 7 and 8, 2006 at Moody Park at 3725 Fulton Street. Council Members Lawrence, Johnson, Edwards, Wiseman, Holm, Garcia, Lovell, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Council Member Khan stated that he wanted to share with them one of the many complaints they got from constituents regarding what was happening in the Municipal Courts, that the complaint was very common, that the lady described that she showed up on time at 7:45 a.m. on August 31, 2006 to contest a traffic ticket and set a jury trial in the City of Houston Municipal Courts, that she was made to sit all day with others who also pled innocent, in the late afternoon she was told to return in March 2007 and do it all over again, that she was offended, she lost a day's pay only to be told she would have to return next year and go through it again, that one lady told her it was her fourth day in two years to sit in court for the same ticket she was pleading innocent to, that it was an egregious breach of justice, she was not being offered a speedy trial and it appeared the City was trying to force citizens to pay the fine to avoid going to court again and again, that he hoped they would have somebody take a look at what was happening. Council Members Lawrence, Johnson, Edwards, Wiseman, Holm, Garcia, Lovell, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Mayor White stated that there were better ways to handle the people who paid the taxes of the City, that he would like a joint report from Judge Mejia and Richard Lewis concerning the particular case and instance, first what were the facts and why could not somebody have communicated at some point when she walked in or by phone to give her a setting for jury trial, to make the report to him and a copy to all Council Members. Council Members Lawrence, Johnson, Edwards, Wiseman, Holm, Garcia, Lovell, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Council Member Khan stated that there was a nightclub called Esmeralda Night Club in District F and he was protesting their liquor license and the FAST team was aware of it and was working on the issue also. Council Members Lawrence, Johnson, Edwards, Wiseman, Holm, Garcia, Lovell, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

Council Member Khan stated that Dr. Satoon Faiz died yesterday and her funeral would be this afternoon, she served as the past President of the Pakistani Association, that he wanted to express condolences to the family and requested a moment of silence for her demise. Council Members Lawrence, Johnson, Edwards, Wiseman, Holm, Garcia, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 1:21 p.m. Council Members Lawrence, Johnson, Edwards, Wiseman, Holm, Garcia, Sekula-Gibbs and Green absent. (NO QUORUM PRESENT)

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

MINUTES READ AND APPROVED

/S/Anna Russell

Anna Russell, City Secretary