

City Council Chamber, City Hall, Tuesday, February 13, 2007

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, February 13, 2007, 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, Ronald C. Green and Michael Berry; Mr. Harlan Heilman, Division Chief, Claims & Subrogation Division, Legal Department; Ms. Claudia Vasquez, Director Citizens Assistance; Mr. Terence H. Fontaine, Deputy Chief of Staff for Operations; and Ms. Marty Stein, Agenda Director; present.

Note: Council Member At-Large Position 3 vacant.

At 2:13 p.m. Acting Mayor Pro Tem Berry called on Council Member Alvarado to begin presentations; and Council Member Alvarado appeared at the podium with Ms. Elma Barrera and stated that this was a special presentation; that everyone who watched the news knew Elma Barerra; that she had watched her since she was young and admired her, but she was retiring after many years with Channel 13, she was Houston's first Hispanic female television reporter; was one of the founders for Houston's first Spanish television station and served on many boards, she would be staying active with HISD; and she thanked her for paving the way for Hispanics in journalism; and presented her a Proclamation proclaiming February 13, 2007, as "Elma Barrera Day" in Houston, Texas; and Ms. Barrera stated that that this was a surprise and unusual and it was an honor; and thanked all for the recognition. Mayor White, Council Members Wiseman, Holm, Brown and Lovell absent. Acting Mayor Pro Tem Berry presiding.

At 2:24 p.m. Acting Mayor Pro Tem Berry called the meeting to order and called on Council Member Clutterbuck who stated that Father Hugh Cullen of St. Thomas More Catholic Church was present and would lead all in prayer and Council Member Clutterbuck led all in the pledge. Mayor White and Council Member Holm absent. Acting Mayor Pro Tem Berry presiding.

At 2:32 p.m. the City Secretary called the roll. Mayor White absent. Acting Mayor Pro Tem Berry presiding.

Council Members Garcia and Lawrence moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Mayor White absent. Acting Mayor Pro Tem Berry presiding. MOTION ADOPTED.

Council Member Johnson appeared at the podium with Evangelist Shondell Douglas and stated that it was his pleasure to bring today Evangelist Shondell Douglas of Divine Impact Ministries who would be hosting a conference February 15 – 17, 2007 at Isle of Hope Church of God in Christ located at 1505 Gregg Street and thousands were expected to convene in the heart of the Fifth Ward to hear the message delivered under the theme "It's a Whole New Thing"; that Evangelist Douglas was founder and president of International Ministries; and he thanked her for coming with her words of wisdom; and proclaimed February 15 through February 17 as "Divine Impact Ministries Days" in Houston, Texas; and Evangelist Douglas stated that she wanted to thank Council Member Johnson and Mayor White on the recognition of Divine impact Ministries which had a purpose to minister to the whole man; and Saturday they would be giving out clothes and food to the needy. Mayor White absent. Acting Mayor Pro Tem Berry presiding.

At 2:37 p.m. the City Secretary began calling the public speakers. Mayor White and Council Member Lovell absent. Acting Mayor Pro Tem Berry presiding.

Ms. Carol Caul, 685 N. Post Oak Lane, Houston, Texas 77024 (713-682-2500) appeared and stated that she was present to support the nuisance ordinance as proposed and commencement of legal actions against Texas Petro Chemicals, Valero and possibly seeking an injunction and advisory opinion from the Texas AG's Office; that a D. C. Federal Judge ordered the EPA to begin writing clean air act regulations and Judge Friedman noted the EPA acted only when prompted by litigation; that the Texas Health and Safety Code 382.113 authorized the city to adopt nuisance laws and she asked Council to consider seeking an AG opinion or possibly injunction enjoining the enactment of any laws. Mayor White absent. Acting Mayor Pro Tem Berry presiding.

Council Member Green moved that the rules be suspended for the purpose of hearing Mr. Charles X. White, Mr. Richard Cowan, Mr. Michael Holt and Mr. Mohammed Bedru out of order, seconded by Council Member Khan. All voting aye. Nays none. Mayor White absent. Acting Mayor Pro Tem Berry presiding. MOTION 2007-0142 ADOPTED

Ms. Joyce Searcy, 2127 Maximilian, Houston, Texas 77039 (281-216-0517) had reserved time to speak but was not present when her name was called. Mayor White and Council Member Lawrence absent. Acting Mayor Pro Tem Berry presiding.

Mr. Dula Abdu, 3307 Ripplebrook, Houston, Texas 77045 (713-446-5222) appeared and stated that he was present to speak on behalf of shuttle bus drivers; that he was present before expressing his concern of firing 9 people in the Planning Department many of who were African American and the Mayor and Council took their concerns into account and addressed the problem and now the Africans were faced with the issue of the shuttle bus where many had jobs at issue, many had fled their motherland because of dictatorship and came for freedom, but the American dream was just a dream to many because of all the obstacles and that was why many were involved in driving taxis and the shuttle bus had created them jobs; and he appealed for due consideration as it would have a serious impact on their community. Mayor White absent. Acting Mayor Pro Tem Berry presiding.

Mr. Charles X. White, 8607 M. L. K., Houston, Texas 77033 (713-292-3436) appeared, presented information and stated that he was present regarding the landuse issue which cut across the LARA Board and Planning Commission; that the Sunnyside area had two civic club presidents and one builder who were bidding on lots supposed to be in the landbank, but the price was driven up by thousands; that previously he and others came to invite the Mayor to Sunnyside to speak and he presented the Mayor with a plan for developing a plan but he had not come and today he was again inviting him and there would be between 1,000 and 2,000 citizens present for a workshop for every department including his Legal Department, Planning and Planning Commission and for anyone he wanted to bring and their team of architects, etc., would be present so they could sit and see if they could avert from becoming like Fourth Ward. Mayor White and Council Member Wiseman absent. Acting Mayor Pro Tem Berry presiding.

Upon questions by Council Member Brown, Mr. White stated that he wanted the Council to encourage a comprehensive plan and an area plan for the City of Houston and to encourage the Mayor to accept their workshop in the Sunnyside/South Park area so they could finish a plan connecting to the City's vision. Mayor White and Council Member Wiseman absent. Acting Mayor Pro Tem Berry presiding.

Mr. Adate Wolde-Kirkos, P. O. Box 711427, Bellaire, Texas 77271-1427 (832-731-7298) appeared and stated that he was present in support of Texans Shuttle and he was director of an Ethiopian organization in Houston; that he would not repeat what was already said but he believed something should and could be done for Texans Shuttle and he held the Mayor and Council to be very effective in their works and they were asking in full confidence for them to

help the people who would not be able to support their families if not given medallions. Mayor White, Council Members Wiseman and Lovell absent. Acting Mayor Pro Tem Berry presiding.

Upon questions by Council Member Edwards, Mr. Kirkos stated that they were not asking for a reversal of decision by the Mayor and Council, but were asking for medallions so they could continue in their service and support their families. Mayor White, Council Members Wiseman and Holm absent. Acting Mayor Pro Tem Berry presiding.

Ms. Belaynesh Andarge, P. O. Box 711427, Bellaire, Texas 77271-11427 (713-776-4700) appeared and stated that she was chair person of the Ethiopian organization in Houston and they presented their request with great expectation for positive and helpful response regarding Texans Shuttle request for medallions; that they were a Houston based organization owned 100% by Ethiopians who resided in Houston and provided employment for 70 individuals since 2002; and urged they be presented the medallions so they could support their families. Mayor White absent. Acting Mayor Pro Tem Berry presiding.

Mr. Bisong Bisong, 8002 Bellaire #1146, Houston, Texas 77036 (281-235-3448) had reserved time to speak but was not present when his name was called. Mayor White absent. Acting Mayor Pro Tem Berry presiding.

Ms. Cherry Breckenridge, 13875 Ella Blvd., Houston, Texas 77014 (281-570-7200) had reserved time to speak but was not present when her name was called. Mayor White and Council Member Wiseman absent. Acting Mayor Pro Tem Berry presiding.

Mr. Deepak Sulakhe, 7328 Mimosa, Dallas, Texas 775230 (214-632-1565) appeared and stated that he did not want to take up Council's valuable time and would relinquish his time to Ms. Carolyn Turner who would speak on their behalf. Council Member Wiseman absent.

Mr. Richard Cowan, 8155 Hartford, Houston, Texas 77017 (713-649-2000) appeared and stated that he was owner of City Cab Company and first wanted to give his condolences to Council Member Edwards on the loss of her Mother; that he was present to speak on ordinance changes to be before Council and as he said last week he did hope they would look at them, his question was on all drivers having to take credit cards, it sounded simple but there were consequences and he would ask they look at it again. Council Member Holm absent.

Council Member Khan stated that what they would like would be his suggestions in writing and all Council Members would have them and be able to view them; and Mr. Cowan stated that he would ask it be tagged tomorrow and he be given the chance to do so. Council Members Edwards and Holm absent.

Mr. Michael Holt, 2425 Greens Road, Houston, Texas 77032 (281-821-8989) appeared, presented information and stated that he again was present speaking on the Texans Super Shuttle issue; that they bid a contract and was not awarded it, but in researching the company they were three years behind in their ad valorem taxes and did not think anyone behind in taxes should be awarded any contract; and there was a rumor the permits would be coming out of permits to be issued in 2007 to taxicab companies and he would like to know if that was so. Council Members Edwards and Holm absent.

Mr. Mohammed Bedru, 5 Greenway Plaza #C-670, Houston, Texas 77046 (713-459-3442) appeared and stated that he was speaking on behalf of Texans Shuttle as he was one of the partners and they had paid taxes and it was public record; that today they were asking for fairness and would like to stay in business. Council Members Edwards, Holm and Berry absent.

Upon questions by Council Member Khan, Mr. Bedru stated that he did not have exact number of drivers right now but they had close to 70 employees; that he did not know why Council came up with the figure of one on one but one shuttle could be rented for \$300.00 a day and a taxi could be rented for \$300.00 a week; and Council Member Khan stated that legally the city was under no obligation to award any medallions but on the other hand they appreciated that people were connected with the business and had no way to make a living and that was why the program was coming about; and Mr. Bedru stated that they were in big debt and a one on one medallion would not really help. Council Members Clutterbuck, Holm, Lovell and Berry absent.

Mr. Craig Robinson, no address (823-858-8094) had reserved time to speak but was not present when his name was called. Council Members Clutterbuck, Holm, Lovell and Berry absent.

Ms. Ruby Sanchez, 330 Viceroy, Houston, Texas 77034 (832-465-0744) had reserved time to speak but was not present when her name was called. Council Members Holm, Lovell and Berry absent.

Ms. Annette Garcia, 9603 Edgeworth, Houston, Texas 77093 (713-694-0890) had reserved time to speak but was not present when her name was called. Council Members Khan, Holm, Lovell and Berry absent.

Ms. Belenda Schaefer, 9603 Edgeworth, Houston, Texas 77093 (713-694-0890) had reserved time to speak but was not present when his name was called. Council Members Khan, Holm, Lovell and Berry absent.

Mr. Kenton Pate, 158 Outlook, Houston, Texas 77034 (713-946-5816) appeared, presented a list of crimes in their neighborhood for the period of June through December and stated that he was representing the security committee of the Arlington Heights Civic Association to request a police storefront be placed on Edgebrook between Hwy. 3 and Shaver, the community had about 500 families but were surrounded by apartments who gave free rent for a year and they were having to form their own security service and he and others patrolled as civilians at night and with a storefront they may be able to keep some intrusions out of the community. Council Members Johnson, Khan, Holm, Garcia, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Wiseman stated that she knew the issues facing the community in that section and they had been working for increased police presence and had additional patrols, but more was needed and a storefront would go a long ways; and Mr. Pate stated that across Edgebrook at St. Barnabus Episcopal Church, they had empty buildings and wanted to rent them; and Council Member Wiseman stated that she hoped the Administrations would agree it was a good thing and they had to documentation to prove it was a growing problem and so did the department, they really did need more presence and that was an excellent request which she would support. Council Members Johnson, Holm, Garcia, Lovell, Green and Berry absent.

Council Member Brown stated that he had been to meetings and there was a police storefront in Chavez High School and the community felt it was not a good location because it was shutdown on weekends and HISD had their own officers in the school; that he mentioned it to Chief Hurtt and he thought it would make sense to find a community location for the police storefront and he felt that was opportunity waiting to happen. Council Members Johnson, Holm, Garcia and Lovell absent.

Council Member Edwards stated that she would encourage Mr. Pate to work with his Council Member and her office would support them in any way they could. Council Members Johnson, Holm, Garcia and Lovell absent.

Mr. Minor Payne, 11503 Fawngrove, Houston, Texas 77048 (281-788-8612) had reserved time to speak but was not present when his name was called. Council Members Johnson, Holm, Garcia and Lovell 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 Johnson, Holm, Garcia and Lovell absent.

Mr. Barry Klein, 1509 Everett, Houston, Texas 77009 (713-224-4144) appeared and stated that he was president of the Houston Property Rights Association and resident of the northside where METRO intended to place the BRT/light rail line; that he was present to ask Council to send a message to the METRO Board to not issue contracts to design, build, etc., because they were in violation of the 2003 proposition voted on by voters that year; that there was controversy regarding Richmond and the northside where an alignment was proposed for North Main and Fulton and now they changed and were using part of Boundary Street and less of North Main and more of Fulton and it was to be light rail and now was BRT and maybe light rail in the future and the change was even more dramatic in the southeast corridor where the voters contract was for Dowling and Griggs and they did not meet but that was on the ballot and now METRO said they wanted the BRT on Scott and Wheeler and MLK before Griggs and all of that was significant changes among others; and urged Council to take position and urge METRO to take no more steps until there was a new referendum. Council Members Johnson, Holm, Garcia and Berry absent.

Council Member Edwards stated that for the record changes were done on the southeast side under the auspices of a community taskforce which met and worked with METRO for about 1-1/2 years and they were the primary leaders in those changes, but she did appreciate Mr. Klein's concerns and efforts. Council Members Johnson, Holm, Garcia, Lovell and Berry absent.

Mr. Klein stated that Council Member Edwards was confused and would like to correct the record; and Mayor White stated that they were not in debate and he did appreciate him coming and he felt he was genuine in his belief that traffic congestion was not a problem the government should address. Council Members Johnson, Holm, Garcia, Lovell and Berry absent.

Mr. Steve Canniff, 102 Coronation, Houston, Texas 77034 (713-508-8414) had reserved time to speak but was not present when his name was called. Council Members Johnson, Holm, Garcia, Lovell and Berry absent.

Mr. Roger Harris, 2601 Cartwright Road #D161, Missouri City, Texas 77459 (281-208-0656) appeared, presented information and stated that he was present last week addressing a problem of Rudy's Contracting who did work for Underground Technologies on a city contract and the city had now awarded Underground another contract in January and they met with Public Works and found Underground Technologies had been paid in full for their contract work and yet the company he was representing was not, they had submitted invoices to the prime and yet was not paid and now they were asking the city do something about the company and they would like arbitration with Underground; that they owed approximately \$247,000.00 and most small businesses could not stay in business with that; and urged Council take interest and

explain why they had not come to the table and resolved the conflict. Council Members Clutterbuck, Khan, Holm, Garcia, Lovell and Berry absent.

Mayor White stated to Mr. Norman that he was interested in the result because they had made inquiries as he remembered. Council Members Khan, Holm, Garcia, Lovell and Berry absent.

Council Member Edwards stated that this issue had been before Council time and time again and she thought when Mr. Ellis was on Council there was a resolution as he did a process on tax zone and contractors, etc., and felt it was an insult to integrity; that there was an implied responsibility and people who worked for the city should be paid; and upon questions, Mr. Harris stated that the particular contract they were awarded was in January and that was another \$4,000,000 contract and they still had outstanding issues with subcontractors over the past years; and Council Member Edwards stated that she would work with Mr. Johnson to see that he received the money. Council Members Khan, Holm, Lovell and Berry absent.

Mayor White stated to Mr. Norman that when the issue came up last week he thought there was a fair and useful recommendation and it was in the public interest that disputes be resolved expeditiously and if there was a label in the bad faith failure to pay, there were many reasons you would not pay a sub, a lot of reasons, but if it was just because they wanted to hold the sub's money then this was a public entity which had public responsibilities to make sure people conducted business in a good and orderly manner; and if there was a good faith dispute to make sure the dispute was resolved promptly even if the resolution was you did not do the work you said you would; that was where he needed input and it did seem there should be a process where somebody with construction management experience, not experience in reviewing invoices, but construction management experience, managed job sites, where they should be able to determine quickly if a dispute was in good faith or not in which case there should be a way to get it mediated or arbitrated within a reasonable time. Council Members Lawrence, Wiseman, Holm, Lovell and Berry absent.

Council Member Garcia stated that he had a discussion with Ms. Laws on the issue and it was like one line item in dispute but they were holding up payment for the entire thing; and Mr. Harris stated that there may be several line items; and Council Member Garcia stated that essentially it was a fraction of what was due to the sub; and Mr. Harris stated that was correct; and Council Member Garcia stated that he understood there was something underfoot to resolve this issue as well as other issues; and Mayor White stated that in 2002 and part of 2003 a study was done on late payment for subs in Ms. Laws office and when this issue came up two weeks ago she E-mailed him at this table and said within a period of time there would be a new set of procedures and recommendations. Council Members Lawrence, Clutterbuck, Wiseman, Holm, Lovell and Berry absent.

Upon questions by Council Member Brown, Mr. Harris stated that they met with Public Works Friday and were told the prim contractor was paid in full; and Council Member Brown stated that the procedure which triggered the final payment was the general contractor must get a release of liens from all subs that was the check and balance; and Mr. Harris stated that they were never asked for a release; and Council Member Brown stated that something was wrong; and upon further questions, Mr. Harris stated that there was a retainage by his client and that was part of the number he put on the spread sheet he had presented; and Council Member Brown stated that he would like an accounting of releases from various subcontractors and whether or not a final payment was made from Public Works or Building Services; and Mayor White stated that would be helpful. Council Members Lawrence, Clutterbuck, Wiseman, Holm, Lovell and Berry absent.

Council Member Johnson stated that this was an MWBE; and upon questions, Mr. Harris stated on this particular contract they were not MWBE, they did not become MWBE until October 2006; that they were just subs and he believed at some point other subcontractors they had working for them were no longer in business; and Council Member Johnson stated that he would like to know how they evaluated, how did they meet their criteria for participation in the MWBE portion of it and did they use that to get their full payment and then still not pay their subs. Council Members Lawrence, Clutterbuck, Wiseman, Holm, Lovell and Berry absent.

Mr. Richard Freeman, 121 Riggs Road, Houston, Texas 77022 (713-692-1196) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Clutterbuck, Wiseman, Holm, Alvarado, Lovell and Berry absent. (NO QUORUM PRESENT)

Ms. Carolyn Turner, 5105 Airline #5302, Houston, Texas 77022 (713-692-1196) appeared and stated that she was present to speak on affordable housing for seniors and asked those present with her from Primrose to stand to be recognized; and Ms. Turner further stated that Primrose was a wonderful and safe place to live, but sometimes horses rode around and pooped and they would ask if something could be done about that; and they were asking that more such complexes be added around Houston and more police protection in their area. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm, Alvarado, Lovell and Berry absent. (NO QUORUM PRESENT)

Mayor White thanked Ms. Turner and the others with her for coming and stated that he did hear what she said. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm, Alvarado, Lovell and Berry absent. (NO QUORUM PRESENT)

Council Member Garcia thanked everyone for coming and stated that an ordinance was passed for horse riders prohibiting some of the activity she mentioned and he would make sure the North Command Captain was aware; that he was proud of the work Ms. Turner and others did at Primrose; that before people from Primrose came to speak to Council and made allegations, but after looking they understood many were environmental issues around the facility and the security staff did their job and dealt with those who did not want to be a good neighbor or tenant of that property, so they did understand what was rumor, innuendo and fact and they had all been put in their respective places. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm, Alvarado and Lovell absent. (NO QUORUM PRESENT)

Council Member Brown stated that all Council Member were listening and he was proud they came and they would do what they could to make it the best it could be. Council Members Johnson, Clutterbuck, Wiseman, Holm, Alvarado and Lovell absent. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Ms. Turner stated that crime was not exactly at the complex but around the complex; and Council Member Edwards stated that in addition to all the support they had on Council she would like to find out if there was anything they could specifically do regarding crime; that she chaired the Housing Committee and she would like to get something clearly defined to the crime issues or concerns and certain areas like schools and churches you could not loiter around and she did not know if senior facilities would fit into that but she would like something more definitive; and Mayor White stated that he went out there himself and so did Mr. Wilson at this request, four times, and based on what was seen by those who went at night was the basis of support given to the complex and he hoped the HPD representative present..., maybe there was something in HPD, they could not harass somebody for loitering because there were Constitutional protections all enjoyed and he and Chief Hurtt believed in the Constitution good and bad, but if there was something the patrol could do to make it where if people wanted to loiter they would know they were much more

likely to get...; that they were much less likely to encounter a policeman if they did something which violated an ordinance if they were away from that place; and he would appreciate them taking a look at that situation, he was not condoning any harassment or unconstitutional behavior, but if someone was doing something they should not be and did not want to be caught then maybe they did not want to be in front and he felt there was a way to communicate that which was within the law. Council Members Johnson, Wiseman, Holm, Alvarado and Lovell absent.

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (832-453-6376) appeared and stated that he was the first Black official U. S. President; and continued expressing his personal opinions until his time expired. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Edwards, Wiseman, Holm, Alvarado and Lovell absent. Acting Mayor Pro Tem Berry presiding.

At 3:47 p.m. City Council recessed until 9:00 a.m., Wednesday, February 14, 2007. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Edwards, Wiseman, Holm, Alvarado and Lovell absent. Acting Mayor Pro Tem Berry presiding.

City Council Chamber, City Hall, Wednesday, February 14, 2007

The Houston City Council reconvened at 9:00 a.m. Wednesday, February 14, 2007, 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, Ronald C. Green and Michael Berry; Mr. Arturo Michel, City Attorney; Ms. Marty Stein, Agenda Director and Ms. Marta Crinejo, Assistant Agenda Director, present.

Note: Council Member At Large Position 3 vacant.

At 8:19 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:32 a.m. Mayor White called the meeting to order. Council Members Johnson, Garcia, Alvarado and Berry absent.

MAYOR'S REPORT - Benzene Reduction Plan

Mayor White stated that he hoped his colleagues would indulge him to speak about something that was very important to the Council, to each Council Member, and to himself, that they act best as civic leaders and law makers when they set in bold directions and do so deliberately, that created attention, they were impatient to get things done for the people they served, they were proud of the direction in which this community was going and their ability to get people in this community a voice, but doing so the more important the task the more it required deliberation and listening and using all the brain power around the Council table and within their community, that when he thinks about some of the things that had the most positive impact and long run and short run on people's lives that set forth in a new direction he could think of Council discussions and deliberations in which, from time to time, emotions became pitched and from time to time they stopped listening to each other and when they stopped listening and when he stopped listening then they risk making a mistake, for example, it took them four months with eight hearings, including big public meetings, for the first draft of SafeClear and then about five hearings or meetings and revisions and they came back and revisited it and even they were extremely proud, most of them, of the results that they had of the program and what it did, they had a patient chair and people who listened to each other but he could remember to this day that Council Member Carol Galloway pointing out something that he did not know exactly where she was coming from but if he had let it sink in he could have avoided a month of controversy,

and he could remember Council Member Wiseman making five legal points and he knew that she was opposed to the whole thing philosophically but one of the five legal points if they would have listened to and carefully they could have avoided some litigation so when they were dealing with the issues of cleaning the air in this community they should make sure that they balance, moving boldly in a particular direction but doing so deliberately where they get all the brain power they could about what they were trying to do and making sure they do so in the best possible way, that Council Member Clutterbuck the other day made a very good point, that this Council would authorize actions and look to ways to improve laws that would clean their air, that he had talked to people around the Council table and that was inevitable because they reflected the norms and values of the community, that was not a debate, it was what they did in a way that they could be proud of that endured and was effective, including effective legal challenge, that was going to be their test, that for the citizens and environmental groups who had been impatient, as had he, he wanted to tell them that he knew the Council was going to move the community in the right direction, that the Council understood that these issues were too important to be discussed behind closed doors, or to be decided by people who had no communication and little oversight by the elected representative of the people or the kids whose lungs breathed the air within their community, they did not need to doubt that, he could assure them that was the case, that he could not say what the vote would be on every issue, but he would say that they supported clearer air on the Council and there was nothing any special interest could say that would dissuade them from that commitment, to the industry he had to say and their colleagues who were fellow regulators, he would say do not hit panic buttons or make outrageous claims concerning the lack of trustworthiness or competence of the people of the community through their elected representatives that most people in a democracy would feel was an insult, that they take their words for what they mean, they would listen to concrete input and deal deliberately, that sometimes they would hear frustrations based on actions that had not been taken in the past and they knew they could not change the past, that sometimes there were frustrations if people say one thing in one form and other things behind close doors in others, they would find vigorous enforcement and commitment by employees whose mission and charge was cleaner air and they would expect no less from people who had a dedicated sense of mission for what they do as did the staff at TCEQ, that he did not want any policeman who did not have a real commitment to the mission of their job within the law and he did not want any employees dedicated to enforcing laws or to clean air who lacked a complete commitment to that goal and object and from that came a sense of vigor, to those employees he wanted to say that by moving deliberately and listening to all views and making sure that they did enhance and do not detract from their purpose of creating a civic commitment with legal norms and rules in their State and community that would lead to cleaner air in the future, and finally he would say to those who covered this for the mass media he did read one editorial and a local daily who had devoted a lot of coverage to this issue which he did not quite think had gotten it quite right, that it was not his point to critique editorials and they were all used to people disagreeing with them but he did not believe that the sense of this Council could be characterized as dragging one's feet, that they would act deliberately and the more deliberately they acted in a bold direction the more likely it was that they would be able to implement real change which would endure, which would not be overturned at other levels of government, that would be successful in light of court challenge and that would withstand the change of administrations and the people who sat around the Council table, for all those who dealt in the subject they may disagree, there were passions that many of them had, and he even shared a personnel story about one of his kids who was affected as was everybody, all those other kids who fell down in nausea over on Chancellors on the southwest side when something invisible came through the air and burned their lungs and sent most of them home for three days, that he was not pointing fingers but wanted to tell them that there were stories like that around the Council table by some of the Council Members and they had many people who were deeply conservative about the issue of property rights who knew that people did not have a right to chemically alter the air that they did not own that went into the lungs that they did not control, in any event he just wanted to make that statement. Council Members Wiseman, Garcia and Green absent.

Mayor White stated that as to the Benzene Reduction Plan, it was time for their region to have a plan to reduce benzene, the first people who come up with a plan, and there was not plan before this plan, that if people wanted to throw rocks they should show the plan that they had and they would not be able to show one, but they did have a plan, that this plan to be successful because in a multi jurisdictional approach and because they were dealing with major industries which were important to the economy, and not just Houston's economy, he was not just talking about their jobs, he was talking about their Nation, who had the technical and financial capabilities to help them implement this plan, they wanted to have a plan going forward, there would be plenty of opportunities for comments on this plan, they hoped that the plan would change based on their comments because that meant people would be engaged, the worse thing that would happen was if people ignored it, so they wanted questions, criticisms and they welcomed those because they learned from the questions of the plan and he would tell them that whatever he was doing after he got out of this job, just as what he was doing before he went into this job, that at least this one citizen says they would have a benzene reduction plan in this region, and it was just going to be a matter of what the plan was and how long it would take to implement that within the technical and economic capabilities, once they got that off of the table then they would have a plan, they would be happy if the TCEQ had a plan, that he trusted the staff at the TCEQ and by trust he had to see the plan, that they were very lucky to have Dr. Raun present today with a presentation.

Ms. Elena Marks and Dr. Lauren Raun reviewed the "Houston Regional Benzene Pollution Reduction: A Voluntary Plan for Major Resources", a copy of which is on file in the City Secretary's office for review. Council Member Berry absent.

Mayor White thanked Ms. Marks and Dr. Raun for their presentation and stated that Ms. Stein would circulate to all Council Members Dr. Raun's vitae.

Council Member Lawrence stated that she wanted to get a list of all of the monitors that they use in the City and which plant they get a reading from, and also who was doing anything to set up some kind of monitoring of the super corridor and I69 as far as checking it because it was really going to impact southeast Houston as that highway possibly come through, and Ms. Marks stated that they were watching it along with people from the TCEQ and people within HGHC and were very concerned because the primary impact that they expected was on ozone where they already had a huge problem and they were watching, talking and making their concerns known, frankly a lot of it was beyond their control but they were aware of it and hoping to be able to work through the issue so they did not aggravate a problem that already exists that they were working really hard to abate, and Council Member Lawrence asked that they keep them informed as a Council on the corridor and things that their research was doing because she thought it was real important.

Council Member Edwards stated that they were meeting with the Legal Department regarding I69 Corridor and emissions and what the City and State could do because California had issues with that and they lost, that she needed to have some real life people attached to the numbers and what did the numbers mean if they lived in the communities that were outlined, if they were everyday citizen, what consequences did it have for the people in those areas, and Dr. Raun stated that they had to separate their background of thinking in terms of Epidemiological studies which actually tracked the number of Cancer cases in a given time, it was a risk posed from inhalation of benzene, so it was a probability and the probability was based on very solid data and was actually what they called a Class A carcinogen which meant that benzene had been proven with human subjects to cause Leukemia and it turned out with carcinogen any exposure to carcinogen increases their risk or probability to developing Cancer, that it was impacting everyone, that it was actually everywhere but the benzene concentrations were above what they would expect to be diminimus everywhere in Houston, that EPA would like to see in the Clean Air Act and scientists had agreed that because any exposure to a carcinogen poses a probability of Cancer that they come up with a level of diminimus and that was one case in a million in probability terms. Council Members Holm and Lovell absent.

Council Member Alvarado asked if the TCEQ had a plan like this, and Ms. Marks stated that she did not believe so but believed they were looking at some of the benzene hot spots, the areas with the highest levels but did not believe there was a plan like this that addressed it comprehensively across the entire industrial sector, and Council Member Alvarado stated that was the thing that disturbed her, here they knew they had benzene as a known carcinogen, there were no ambient standards, EPA did not have it but yet somehow other states were able to come up with something, the plan was not directly a City government responsibility but they had taken the leadership and making it their responsibility, she did not understand where the accountability came in to people who had the direct responsibility to create policy, to create regulation and laws to protect their environment, if they had parts of the City that had concentrations of piled up trash all over neighborhoods people would be ringing their phones, coming to Council holding them accountable to clean it up, where was the accountability with the TCEQ with the State. Council Member Holm absent.

Ms. Marks stated that because the State had not set an ambient level it was somewhat hampered in what it could do about it and that was what they had heard from Ms. Rentz the other day in terms of taking enforcement action, secondarily the reason they put the plan out and the reason that a number of the facilities on the list were not within the City was because they were able to track the data that showed that what was coming out of those facilities wound up in Houston, they could track it through monitored and modeled data going backwards and forwards so that it was their attempt to clean the air that was in Houston, it would of course have the effect of cleaning the air more broadly than that. Council Member Holm absent.

Council Member Garcia stated that at the first roll out of this he had asked a question that if the goal was to reduce benzene and there by effectively doing that they were containing it and if they were containing it they were storing it and if they were storing it they eventually had to discard it, where was that plan, where did it get discarded, and Mayor White stated that unlike some level of NOX and people would disagree with him but nitrogen oxides which cause ozone, unlike that he thought most process and chemical engineers would say that benzene was a commercial product, they could sell benzene, so when they talked about leaks from pipes, when they talk about the incomplete burning in flares of benzene, if a plant shuts down and the power goes off they did not know what was in the tanks and they did not want to start up the plant without knowing exactly what was in the tank in a second because it could blow up so then they had to decide what to do with what was in the tank and if they flare it then they had to get pretty complete combustion or they were venting chemicals in the air, and Council Member Garcia stated that it sounded very operational but the question was if they were effectively asking the plants to reduce then they were containing and if they were containing they were storing and what was the plan or what would the direction be to that benzene that was contained, and Mayor White stated to sell it, so consider it to be like somebody was doing diesel, making diesel, and there were leaks in the pipes and they were spilling the diesel, then the plan was do not spill the diesel, and Council Member Garcia stated that if cancer risks were identified, in part the reason why they were suing, then were they suing or was there a plan to recover, have they attached medical conditions to these plants specifically and if they were filing a lawsuit why were they not filing a lawsuit to recover medical expenditures to those specific families along the corridor, and Mayor White stated that was a very good question, it was not a role the City had traditionally played but he knew, and it went to Council Member Edwards point, as Dr. Linder said the other day much of the data on cancer effects was taken from what he called occupational studies, which were studies of adult healthy workers in the workplace, so his inference was that for the vulnerable population the risk would be even greater of getting Leukemia, move over he said that when they looked at the cells of the workers that were exposed to benzene, even if they did not have Leukemia, and Council Member Garcia asked if they had done the research to look at what the effect to Houstonians in that corridor had been, and Mayor White stated that there was a study done through Rice during the last year, that Houston Endowment paid for it, which showed the following

things, that all it was some correlations and they said in the area of parts of the Eastside that they could demonstrate a sharply higher incidence of Leukemia that correlated with butadiene 1-3 exposure and on benzene it required further types of study and analysis to do, there were other studies which were occupational exposures but then remember that some of those neighborhoods were exposed to numerous different chemicals which made it a little bit difficult to attribute a particular to Leukemia.

Council Member Brown asked if there were grounds for a class action suit and if so would the City be a party to that suit, and Mayor White stated that what was important to do and what they were in the process of trying to do was to set clear guidelines and rules and standards that industry could comply with, that in fairness to the industry they could not get six or seven of these firms together in a room to develop this plant by plant benzene reduction plan, that probably would have violated the Anti Trust Laws and they had been advised that by their counsel, that there was a role for government in trying to be the facilitator that was why they came up with a plan on a facility by facility basis, that there needed to be some clear and transparent plan that was in writing that everybody could look at and that way if there were private litigants the industry could say here was a plan they complied with and this is what they did and if they did not then there could be a way that those private litigants could point to the fact that they did not adhere to a standard that was set by regulatory authority.

Upon questions by Council Member Khan, Dr. Raun stated that in the first question about the number of monitors versus the risk level, essentially the monitor locations were not random or independently distributed they were there because they suspected they needed to be there so more or less monitors the average was by location and not overall so it should not change the story what they saw was the highest concentrations being in East Houston and although they did not have data in some of the other places that was why they relied on monitoring so they put it where they expected it to be high, that she did not think it would change the answer in any way in terms of what area was important to focus on, in regards to the cumulative risk there were 188 hazardous air pollutants not all of them were carcinogens and not all of them did they have data regarding how toxic and the rate of cancer increase that they would have with each constituent, in the Houston region they traditionally had monitored for hazardous air pollutants specifically in terms of how they affected ozone formation, so they had limited constituents that they actually looked at so they could not take monitored data and tell someone their overall risk probability but they did know or were fairly certain that the definite risk, based on the reports and analysis and everything that they had given today that the two constituents which were opposing the largest risk were benzene and 1-3 butadiene, beyond that there were two other constituents which they did not have that much data on, carbon tetrachloride and chloroform which also posed some amount of risk and they had about seven other hazardous air pollutants that they monitored for that were carcinogens. Council Member Green absent.

Council Member Lovell stated that she noticed in the report that the industry self reported to the TCEQ and as part of their moving forward she would like for them to have a notification plan which they would notify the City when there were these incidents and that the City set the amount of time in which the City expected them to notify them and she did not mean 24 hours she was talking within a couple of hours, if they notified the Health Department they could let the neighborhoods know, they did that with ozone, then if they did not notify there was a penalty attached to non-notification, that she understood there would be accidents but the good and responsible thing to do was to report so they could insure the safety of those neighborhoods, and Mayor White stated that maybe they would discuss a little bit about that in connection with other items, that he would say that there were requirements for notification, there were violations and there ought to be an immediate consequence, that did not mean they were a bad company, the City should not have to pay a fine or penalty and that was one reason why they were considering two of the ordinances and he would urge the companies not to wait for threats of enforcement actions to come up with some consequence other than it would not happen a next time. Council Members Khan, Holm and Green absent.

After further discussion by Council Members, Council Member Wiseman stated that this was a matter for the State to take it's responsibility and they could ask that they be accountable and put the pressure on, they should be making it a priority to that respect, that the only thing she could imagine if the administration was so hard pressed to take on the responsibilities that belonged to other entities was because it felt it was in the community's best interest then she was going to assume that the administration was going to push forward to take responsibility for illegal immigration matters that they were facing as a community and other matters that were clearly outside of their authority, that they would deal with litigation in this and she did not want to see the taxpayers money go towards litigation on something where they clearly did not have a case because that money could be better used to support their quality of life in their communities, the SafeClear Ordinance was a prime example, federal courts said they were outside their authority in attempting to interfere in interstate commerce, they were outside of their authority here, they should work with the State and work with TCEQ, put the pressure where they needed to put the pressure but not take the law into their own hands, no good would result from that. Council Member Clutterbuck absent.

At 10:49 Mayor White stated that they would go to the next item.

Council Member Alvarado moved to suspend the rules to consider Item Numbers 47, 47a, 48, 48a, 43 and 44 out of order, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2007-0143 ADOPTED.

47. WRITTEN Motion by Council Member Lawrence to amend Item 47A below by adding the following language to the Resolution:
Section 4. That, notwithstanding the above, the City Attorney shall take legal action no earlier than thirty (30) days from the effective date of this Resolution – **(TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. Council Member Wiseman voting no, balance voting aye. MOTION 2007-0144 ADOPTED.
- 47a. RESOLUTION authorizing the City Attorney to take appropriate legal action against **TEXAS PETROCHEMICALS LP** to enforce the provisions of environmental laws and regulations **DISTRICT E – WISEMAN – (This was Item 43 on Agenda of February 7, 2007, POSTPONED BY MOTION #2007-134)** - was presented. Council Members Wiseman and Berry voting no, balance voting aye. RESOLUTION 2007-0008 ADOPTED AS AMENDED.
48. WRITTEN Motion by Council Member Lawrence to amend Item 48A below by adding the following language to the Resolution:
Section 4. That, notwithstanding the above, the City Attorney shall take legal action no earlier than thirty (30) days from the effective date of this Resolution – **(TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. Council Member Wiseman voting no, balance voting aye. MOTION 2007-0145 ADOPTED.
- 48a. RESOLUTION authorizing the City Attorney to take appropriate legal action against **VALERO REFINING TEXAS - L.P.** to enforce the provisions of environmental laws and regulations **DISTRICT I – ALVARADO – (This was Item 44 on Agenda of February 7, 2007, POSTPONED BY MOTION #2007-135)** – was presented.

Mayor White stated that he knew there had been a number of communications and the notice of violation went out months ago, but when did they make a specific demand on this company, and Ms. Marks stated that with respect to Texas Petrochemicals the conversations had been ongoing, the actual list was delivered to them yesterday, and Mayor White stated that on Valero when did they make a specific demand on that company, and Ms. Marks stated that the list of items that Council had in their packet she believed it was emailed to them yesterday,

there had been conversations with them through the City Attorney's office with their counsel prior to that but the actual list was emailed to them yesterday.

Mayor White stated that in other words there had been some contacts and negotiations prior to that time or there had been meetings prior to that time or not, and Mr. Michel stated that there were communications between the City and Valero up through the point of the time they issued the notice of enforcement, after that there had been no response by Valero at that point, that he thought what the City had done yesterday, and what the City expected, because they did not have access to the plant or the mechanics of how they would do it, was to have some sort of response, what the City did yesterday was went forward and said that there were specific things that they were requiring that they requested, that he also met with their outside counsel at the end of last week, on Friday, and also on Monday, telephone conversations.

After further discussion Mayor White stated that he would say for the record and just so everybody knew, who worked for him, through outside parties, that he would personally, when they authorized the action, they would not file an action unless if somebody had said they would comply with the City's demands or make a reasonable and specific counterproposal to the specific items; that he was telling everybody in the Council Chamber, on both sides of the table, including the City Attorney, that he wanted to see what the demand was and what the response was and he would give them his word, litigants, that he would make sure that there was a clear and specific demand and an unreasonable response before a lawsuit was filed.

Upon questions by Council Members, Mr. Michel stated that yesterday they were sent what the Mayor was talking about, specifically steps they were asking them to take, prior to that they had sent the letter of enforcement that identified the information and asked them to provide information including what they would do to remedy the situation, and Mayor White stated that their cause of action was based on the violation that they were notified about three months ago.

After further discussion a vote was called on Item No. 48a. Council Members Wiseman and Berry voting no, balance voting aye. RESOLUTION 2007-0009 ADOPTED AS AMENDED.

43. **ORDINANCE AMENDING CHAPTER 21 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Registration of Air Pollution Sources and Incorporation of State Rules regarding Air Pollution; containing findings and other provisions relating to the foregoing subject; providing for severability – **(This was Item 16 on Agenda of February 7, 2007, TAGGED BY COUNCIL MEMBERS WISEMAN and LAWRENCE)** – was presented. Council Members Wiseman and Berry voting no, balance voting aye. ORDINANCE 2007-0208 ADOPTED.
44. **ORDINANCE AMENDING SECTION 10-451 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Emission of Toxic or Hazardous Air Pollutants creating a nuisance; containing findings and other provisions relating to the foregoing subject; declaring certain conduct to be unlawful and providing penalties therefor; providing for severability – **(This was Item 17 on Agenda of February 7, 2007, TAGGED BY COUNCIL MEMBERS WISEMAN, JOHNSON and LAWRENCE)** – was presented.

Council Member Lawrence moved to postpone Item No. 44 for 6 weeks, seconded by Council Member Lovell.

After a lengthy discussion by Council Members, a roll call vote was called on Item No. 44.

ROLL CALL VOTE:

| | |
|---------------------------------------|------------------------------------|
| Mayor White voting aye | Council Member Garcia voting aye |
| Council Member Lawrence voting aye | Council Member Alvarado voting aye |
| Council Member Johnson voting aye | Council Member Brown voting aye |
| Council Member Clutterbuck voting aye | Council Member Lovell voting aye |
| Council Member Edwards voting no | Council Member Green voting aye |
| Council Member Wiseman voting no | Council Member Berry voting aye |
| Council Member Khan voting aye | MOTION 2007-0146 ADOPTED |
| Council Member Holm voting aye | |

CONSENT AGENDA NUMBERS 1 through 39

MISCELLANEOUS - NUMBER 4

4. RECOMMENDATION from Chief of Police for approval of Law Enforcement Agreement between **HARRIS COUNTY** and **CYPRESS CREEK HOSPITAL** for law enforcement services of one (1) deputy from Harris County Constable Precinct 1 - **DISTRICT A – LAWRENCE** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Holm absent. MOTION 2007-0147 ADOPTED.

ACCEPT WORK - NUMBERS 5 through 11

8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,145,058.31 and acceptance of work on contract with **R. K. WHEATON, INC** for Water Line Replacement in the Scarborough Area, WBS S-000035-00D4-4 - 05.15% under the original contract amount - **DISTRICT B - JOHNSON** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Holm absent. MOTION 2007-0148 ADOPTED.
11. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,072,847.03 and acceptance of work on contract with **TEXAS STERLING CONSTRUCTION, L.P.** for 48-inch Water Line and 30-inch Well Collection Line along Wickchester Lane, Moorwick Lane, Wickhollow Lane and proposed City of Houston Water Line Easements along Turkey Creek from Well Site No. 2 Private Access Drive to Katy Addicks Pump Station, WBS No. S-000900-0087-4 - 02.74% under the original contract amount - **DISTRICT A - LAWRENCE**– was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Holm absent. MOTION 2007-0149 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 12 through 18

13. ORDINANCE appropriating \$551,030.31 out of Water & Sewer Consolidated Construction Fund for 611 Walker Elevator Upgrade for Building Services Department (WBS R-000268-001-4), providing funding for construction management and contingencies relating to construction of facilities financed by the Water & Sewer Consolidated Construction Fund – had been pulled from the Agenda by the Administration, and was not considered.
- 13a. **AMTECH ELEVATOR SERVICES** for 611 Walker Elevator Upgrade for Building Services Department - \$503,224.00 and contingencies for a total amount not to exceed \$528,385.20 General Fund – had been pulled from the Agenda by the Administration, and was not considered.

14. **AMEND MOTION #2004-1119, 11/3/04, TO INCREASE** spending authority from \$686,916.79 to \$986,916.79, for Communication Cable and Supplies for Information Technology Department, awarded to **GRAYBAR ELECTRIC COMPANY** - \$300,000.00 - Central Service Revolving Fund – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. MOTION 2007-0150 ADOPTED.
16. **AMEND MOTION #2004-939, 8/25/04, TO INCREASE** spending authority from \$147,234.72 to \$184,043.32, for Security Badging Equipment Contract for Various Departments, awarded to **PLASTIC CARD SYSTEMS, INC** from \$44,446.33 to \$57,276.20 and **NEWBART PRODUCTS, INC** from \$102,788.09 to \$128,485.11 - \$36,808.60 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. MOTION 2007-0151 ADOPTED.
17. **RYAN HERCO PRODUCTS** for Pipe, PVC and Fittings for Various Departments - \$191,215.55 General and Enterprise Funds – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. MOTION 2007-0152 ADOPTED.
18. **WINDHAM MOTOR COMPANY, LLC** - \$101,079.00 and **PHILPOTT MOTORS, LTD.** - \$118,983.00 for Automobiles and Utility Vehicles from the State of Texas Building and Procurement Commission's contract through the State of Texas Cooperative Purchasing Program for Various Departments - Enterprise, Equipment Acquisition Consolidated and Houston Emergency Center Funds – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. MOTION 2007-0153 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 19 through 39

23. ORDINANCE approving and authorizing a lease agreement between the City of Houston and **CONTINENTAL AIRLINES, INC** for certain premises at George Bush Intercontinental Airport/Houston - **DISTRICT B – JOHNSON** – was presented. All voting aye. Nays none. ORDINANCE 2007-0209 ADOPTED.
24. ORDINANCE approving and authorizing the Mayor to execute and the City Secretary to attest to lease agreement between the **GREATER HOUSTON CONVENTION AND VISITORS BUREAU**, as tenant, and the City of Houston, Texas, as landlord, for space in the City Hall Building, 901 Bagby, in consideration of tenant's payment of \$275,873.00 annually due in monthly installments and other consideration to the City - 5 Years - Revenue - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. ORDINANCE 2007-0210 ADOPTED.
28. ORDINANCE appropriating \$583,795.35 out of Homeless and Housing Consolidated Fund and approving and authorizing agreement between the City of Houston and **HOPWA HOUSING CORPORATION** to provide a grant to pay eligible costs to rehabilitate the property located at 3939 North Freeway, Houston, Texas, to house low income residents - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. ORDINANCE 2007-0211 ADOPTED.
29. ORDINANCE appropriating \$10,500.00 out of Housing Special Revenue Fund and approving and authorizing amendment to contract between the City of Houston and the

EDUCATIONAL PROGRAMS INSPIRING COMMUNITIES, INC to provide an additional \$10,500.00 in Housing Special Revenue Funds and \$4,499.00 in Community Development Block Grant Funds for the continuing operation of the H.E.A.R.T. Demonstration Program – was presented. All voting aye. Nays none. ORDINANCE 2007-0212 ADOPTED.

30. ORDINANCE approving and authorizing contract between the City of Houston and the **EDUCATIONAL PROGRAMS INSPIRING COMMUNITIES, INC** to provide \$200,000.00 in Community Development Block Grant Funds for the administration and operation of the H.E.A.R.T. Program, which is a program that will provide job training and placement for developmentally disabled low and moderate income individual adults – had been pulled from the Agenda by the Administration, and was not considered.
31. ORDINANCE approving and authorizing second amendment to Untreated Water Supply Contract between the City of Houston and **BAYTOWN AREA WATER AUTHORITY** - Revenue – was presented. All voting aye. Nays none. ORDINANCE 2007-0213 ADOPTED.
32. ORDINANCE approving and authorizing Cost Sharing Agreement between the City of Houston and **BUFFALO LAKES LTD.** for Design and Construction of the Paving Extension of Buffalo Speedway from West Bellfort Boulevard to the extended Willowbend Boulevard and Willowbend Boulevard from its present terminus to Buffalo Speedway (WBS No. N-000622-0001-3) **DISTRICT C - CLUTTERBUCK** – had been pulled from the Agenda by the Administration, and was not considered.
33. ORDINANCE appropriating \$779,900.00 out of Water & Sewer Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **CAMP DRESSER & MCKEE, INC** for Design of Sims Bayou North Wastewater Treatment Plant Improvements, (WBS No. R-000265-0056-3); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer Consolidated Construction Fund - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. ORDINANCE 2007-0214 ADOPTED.
35. ORDINANCE appropriating \$109,000.00 out of Water & Sewer Consolidated Construction Fund as an additional appropriation for Professional Engineering Services Contract between the City of Houston and **PEPE ENGINEERING, LTD.** for Design of Lyerly Sewer Tunnel from Airline Dive to Fulton Street (approved by Ordinance No. 00-0269) (WBS No. R-002003-0003-3); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer Consolidated Construction Fund - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. ORDINANCE 2007-0215 ADOPTED.
36. ORDINANCE appropriating \$350,000.00 out of Water & Sewer Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **CHIANG, PATEL & YERBY, INC** for Design of On-Call Engineering for Water/Wastewater Utility Facilities Improvements (WBS No. S-000019-0039-3/R-000019-0039-3); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer Consolidated Construction Fund – was presented. All voting aye. Nays none. ORDINANCE 2007-0216 ADOPTED.
37. ORDINANCE appropriating \$754,400.00 out of Solid Waste Consolidated Fund, awarding construction contract to **SPRING EQUIPMENT CO., INC** for Neighborhood Solid Waste Depository (WBS No. L-000043-0001-4); setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to

the City; holding the bidder in default if it fails to meet the deadlines; providing funding for material testing and inspection services, construction management and administration, Civic Art Program, and contingencies relating to construction of facilities financed by the Solid Waste Consolidated Fund **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. ORDINANCE 2007-0217 ADOPTED.

39. ORDINANCE appropriating \$636,800.00 out of Water & Sewer Consolidated Construction Fund, awarding contract to **R & B GROUP, INC** for Roark #1 Lift Station Rehabilitation, WBS No. R-000267-00F9-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering testing, project management, and contingencies relating to construction of facilities financed by the Water & Sewer Consolidated Construction Fund - **DISTRICT C - CLUTTERBUCK** – was presented. All voting aye. Nays none. ORDINANCE 2007-0218 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

1. RECOMMENDATION from Director Parks & Recreation to change the name of Metropolitan Multi-Service Center located at 1475 West Gray to **WEST GRAY ADAPTIVE RECREATION CENTER - DISTRICT D – EDWARDS** – was presented, and tagged by Council Member Brown.

Council Member Edwards moved to postpone Item No. 1 for two weeks, that there had been very little external discussion on the item and she did not think a week would give them an opportunity so she would ask for the delay, seconded by Council Member Khan.

Mayor White stated that they would support it and asked if Council Member Brown wanted to release his tag so Council Member Edwards could delay for two weeks, and Council Member Brown stated yes.

A vote was called on Council Member Edwards motion to delay Item No. 1 for two weeks. All voting aye. Nays none. MOTION 2007-0154 ADOPTED.

2. RECOMMENDATION from Chief of Police for approval of Law Enforcement Agreement between **HARRIS COUNTY** and **BRAEBURN VALLEY WEST CIVIC ASSOCIATION, INC** for law enforcement services of one (1) deputy from Harris County Constable Precinct 7 - **DISTRICT C - CLUTTERBUCK** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2007-0155 ADOPTED.

Council Member Garcia moved to suspend the rules to consider Item Numbers 49 and 49a out of order, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2007-0156 ADOPTED.

49. ORDINANCE appropriating \$600,000.00 out of Airports Improvement Fund for Purchase of Blast Protection Window Film for the Houston Airport System, (WBS A-000486-23-6, A-00486-37-6) – **(These was Item 46 on Agenda of February 7, 2007, POSTPONED BY MOTION #2007-123)** – was presented.

Council Member Lawrence stated that the airport had worked very closely with her on this and they would be doing some remodeling within 10 years, major remodeling and offered the following motion to amend Item No. 49:

"I would like to make a motion to amend Item 49 to reduce the appropriation amount to \$211,200, and amend Item 49A to change the scope of work to 14,000 sq. ft. at Terminals A, B and C only at George Bush Intercontinental Airport. Scope of work at Hobby airport is unchanged.", seconded by Council Member Garcia.

Mayor White stated that the administration supported the amendment. Council Member Alvarado absent.

Council Member Brown stated that he understood the funds were coming from HGAC and if they did not use them they would just go back to HGHC and asked if that was the case and then it did not seem like a very good deal for the City if those funds would be given to someone else and then secondly could they reallocate, that it was about \$400,000, to another worthy cause. Council Member Alvarado absent.

Mayor White stated that on the RCA it was identified as the Airport Improvement Fund, that he was not disagreeing with him because the issue just came and he did not know if anybody else had other information, and asked Mr. Mancuso, the Airport representative if he knew the answer. Council Member Alvarado.

Council Member Khan moved to suspend the rules to hear from Mr. Mark Mancuso, Aviation Department, at this time, seconded by Council Member Brown. All voting aye. Nays none. Council Member Alvarado absent. MOTION 2007-0157 ADOPTED.

Mayor White requested that Mr. Mancuso help him on the issue, and Mr. Mancuso stated that the funding was from the Airport Improvement Program Funding, it was not HGHC Funds, that there was a contract with HGHC that the purchase was going to be made through but the funding was coming from the Enterprise Fund at the Airport, there were no HGHC dollars involved.

A vote was called on Council Member Lawrence's motion to amend Item No. 49. All voting aye. Nays none. Council Member Alvarado absent. MOTION 2007-0158 ADOPTED.

49. ORDINANCE appropriating \$211,200.00 out of Airports Improvement Fund for Purchase of Blast Protection Window Film for the Houston Airport System, (WBS A-000486-23-6, A-00486-37-6) – **(These was Item 46 on Agenda of February 7, 2007, POSTPONED BY MOTION #2007-123)** – was presented as amended. All voting aye. Nays none. Council Member Alvarado absent. ORDINANCE 2007-0219 ADOPTED AS AMENDED.

49a. RECOMMENDATION from Finance & Administration to award to **WINTEC SECURITY, INC** for Purchase of Blast Protection Window Film through the Interlocal Agreement for Cooperative Purchasing with Houston Galveston Area Council – **(These was Item 46z on Agenda of February 7, 2007, POSTPONED BY MOTION #2007-123)** - was presented as amended, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Alvarado absent. MOTION 2007-0159 ADOPTED.

3. RECOMMENDATION from Chief of Police for approval of Law Enforcement Agreement between **HARRIS COUNTY** and **COLONY CROSSING HOMEOWNERS ASSOCIATION, INC** and **GESSPORT PATIO HOMES OF FONDREN SW HOMEOWNERS**

ASSOCIATION for law enforcement services of one (1) deputy from Harris County Constable Precinct 5 - **DISTRICT C – CLUTTERBUCK** – was presented, moved by Council Member Khan, seconded by Council Member Clutterbuck. All voting aye. Nays none. Council Member Alvarado absent. MOTION 2007-0160 ADOPTED.

ACCEPT WORK

5. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$6,069,057.00 and acceptance of work on contract with **STEWART-MATL, LTD** for Renovation of Jones Plaza, GFS B-0015-03-3 - 03.39% over the original contract amount **DISTRICT I - ALVARADO** – was presented, moved by Council Member Khan, seconded by Council Member Clutterbuck. All voting aye. Nays none. Council Member Alvarado absent. MOTION 2007-0161 ADOPTED.
6. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$758,353.00 payable to the **Surety, GUARANTEE COMPANY OF NORTH AMERICA**, on contract awarded to **PRIMIS CORPORATION** and acceptance of work for Roof Replacement and other improvements for the Houston Center for the Arts, GFS B-0049-01-3 - 03.89% over the original contract amount - **DISTRICT D - EDWARDS** – was presented, moved by Council Member Khan, seconded by Council Member Clutterbuck. All voting aye. Nays none. MOTION 2007-0162 ADOPTED.
7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$8,220,857.85 and acceptance of work on contract with **REYTEC CONSTRUCTION RESOURCES, INC** for Ella Boulevard from Pinemont to West Little York, WBS No. N-000546-0001-4 - 04.64% under the original contract amount - **DISTRICTS A - LAWRENCE and B – JOHNSON** - was presented, and tagged by Council Members Johnson, Lawrence, Garcia and Khan.

Council Member Lawrence stated that she had brought this up before and if the Council Members would look at their backup there was a letter from Mr. Pena and it was a big concern with her, as they had projects done in District A many times she had talked to the contractors and many times when they try to reach certain goals there was only one or two choices and she would like to see Public Works on rating subcontractors, that the company had to take over part of the project themselves because they were trying to meet a timeline, Mr. Pena said it very nicely but they would see there were some major problems with meeting their goals and the company that they obviously, so when there were only two MWBE contractors out there she thought that goal may need to fluctuate some, they needed to look at how those subcontractors were rated, were they cooperative, did they walk off of the job, did the contractor have to take over, and then bring it to committee and talk about it because certainly they wanted their MWBE program to shine, but when contractors did not have any choices, that one contractor in District A had used the same subcontractor for 10 years and he was not happy but there was nobody else for that category, so that was where she saw making exceptions, and she had talked to Ms. Laws about it, and really rating those subcontractors and they were not doing that, bottom line, so they were forcing contractors to use people that they had to take over the job, they walk off of the job and yet they wanted to have a contract finished on time so they were forced to do that because the City was not rating their subcontractors.

Council Member Johnson stated that he appreciated what Council Member Lawrence had stated, but it did not just sit well with him that the contractor had the notion to say he did his very best without any evidence to show what actually took place on that job, that he was concerned because it sounded similar to what one of their constituents came down yesterday to talk about where a sub simply kind of thumbed his nose at his subcontractors and did not pay

them, that he had asked for some information and certainly hoped that this contractor could come back to the table and give them more information because he talked about that it was a challenge to do work in the Acres Homes area, that he never heard about the challenges and never got any calls from the particular contractor or Public Works to say that there was a challenge and he was a little concerned if they say there was a challenge to work in Acres Homes as opposed to any other community or what was he trying to say in his letter, that it was not good justification as to why he did not meet his MWBE requirements.

Council Member Edwards stated that in the last MWBE Committee meeting she asked Ms. Laws when do they know that a contractor was not meeting his goal, was it at the end or was there any place during the process that there needed to be some intervention so that they did not just get notified when they got the RCA, that Ms. Laws said that in the process itself they knew when they had information as to whether or not the contractor was meeting the goal, that she would like to suggest that they look at some kind of process, that she was not talking about it at this point and time, but while the contractor was in the process could they have some discussion, that she thought there needed to be some kind of remedy looked at as to how they solve the problem or was it solvable, that for the one in District D she was going to ask for a two week delay because they needed to decide how they were going to handle these instead of taking it one week and voting for it the next week, that did not solve the problem, that she would like to suggest to Chairman Garcia that they have a committee meeting that included some of the contractors, not just Ms. Laws, and how could they be better partners in this thing they were calling Affirmative Action goals and how could they not just be punitive at the end and say they were going to hold their money for a week because they did not perform satisfactorily, how could they help the process move forward.

Council Member Garcia stated that he was tagging the item because he wanted to make sure that the program was respected and effective and he asked Ms. Laws for some feedback on the particular item and she indicated that the contractor did request a deviation from the original subcontracting plan and they stated that when they picked a new MWBE that they would be able to meet their goal, but they did not, thus the unsatisfactory rating, the same contractor had done another project and their rating at that time under the MWBE was unsatisfactory, that he was not taking exclusively on the unsatisfactory rating, that he had learned a lot of Troy Construction that the work that they did subcontract or were able to subcontract was very specialized and there was not that much capacity, that he was tagging the item just to gather more information, talk to the contractor to understand why they were not able to achieve it and as a matter of exploratory information gathering, but by the same token if the contractor was negligent in achieving their goal, and understanding why they were previously negligent in achieving their goal, then it was information that he needed so he could work with Ms. Laws to further improve the program.

Mayor White stated that he did not know the facts about this particular item, but he did know that some people had more control over their schedule when they did the work themselves, that he would take some responsibility to say that he did not care what the contractor or subcontractor said they should get the blocks done as fast as they could and get out of there, and if they had to do it themselves, to do it, and Council Member Garcia stated that it was his understanding that they were not getting a timeline on the project as to where the scope of work of the subs correlated with the work and whether that was legitimate, that he had asked for a timeline to be a part of the bid process so that way their in house experts could look at it and they would have some oversight at the frontline level.

Council Member Edwards stated that she would like to suggest that before the RCA's were submitted for the agenda that they go through the committee so that they could have a discussion and then they would know before, that she did not know if it was legal, that she

thought it was something that they could not allow to just happen, they kept doing the same thing and expecting different results, and she would like to have more time to discuss and talk with people as to what was going on.

Mayor White stated that they would meet with Ms. Stein and get some formal feedback on that and then they would respond.

9. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,684,405.81 and acceptance of work on contract with **D. L. ELLIOTT ENTERPRISES, INC** for Water Line Replacement in Corder Area, WBS No. S-000035-00A5-4 07.95% under the original contract amount - **DISTRICT D – EDWARDS** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado, and tagged by Council Members Khan and Garcia.

Council Member Khan stated that this was another example where MWBE goals were not met and for D. L. Elliott enterprises in the last five years they had worked on 14 projects where there were some goals identified for MWBE and they missed goals on 6 projects, that the discussion on the previous item also applied to this item also, that he wanted to tag the item and maybe in one week he and Chairman Garcia could look into why there was a consistency in their not meeting their goals. Council Member Berry absent.

Council Member Edwards requested that her colleagues remove their tags so that she could ask for a two week delay because she thought they needed to not only talk about this one issue but the issue was symptomatic of a lot of other issues. Council Member Berry absent.

Council Members Garcia and Khan stated that they would release their tags on Item No. 9. Council Member Berry absent.

Council Member Edwards moved to postpone Item No. 9 for two weeks, seconded by Council Member Garcia.

Council Member Garcia stated that on this item it was different from the previous, there was evidence that the firm had been non responsive and there would be some discussion as to whether or not some effective sanctioning needed to take place, that it was on a different scope than the others, there seemed to be more information on this one. Council Member Berry absent.

A vote was called on the motion to postpone Item No. 9 for two weeks. All voting aye. Nays none. MOTION 2007-0163 ADOPTED.

Council Member Green moved to suspend the rules to extend the meeting beyond the scheduled noon recess to complete the agenda, seconded Council Member Lovell. All voting aye. Nays none. MOTION 2007-0164 ADOPTED.

10. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$7,522,066.65 and acceptance of work on contract with **E. P. BRADY, LTD.** for Construction of 66-inch water line along Old Greens Road and Greens Road from West Hardy Road to Aldine-Westfield, WBS S-000900-00A2-4 - 02.40% 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 2007-0165 ADOPTED.

PURCHASING AND TABULATION OF BIDS

12. **SANITARY MATTRESS CO. dba KING KOIL SLEEP PRODUCTS** for Bedding Sets for Building Services Department - \$422,000.00 - General Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2007-0166 ADOPTED.

15. ORDINANCE awarding contract to **COGENT, INC., D/B/A COGENT SYSTEMS, INC** for an Automated Fingerprint Identification System for the Houston Police Department; providing a maximum contract amount - 3 Years with three one-year options - \$1,815,945.44 - General, Grant and Asset Forfeiture Funds – was presented, and tagged by Council Member Wiseman.

Council Member Lawrence stated that if the Council Members would notice their packet on this particular thing they did not receive the RFP, that she thought it was a very obvious reason why they did not, all through the RFP it said turnkey, it was not turnkey there were blanks left, that HPD needed them to move forward and it was very important that they move it forward but as in other items in the past years that she had been at Council she was very concerned about process and to make sure that they were fair to everybody and if what it was really about was the interface, the interface was not achieved by Cogent, they did not turn that in on their bid, it was not a turnkey bid, especially on page number 61, that she thought in the long run that was why they got only two bids, it was the way it was handled, that she did not get the RFP until she asked four times and that was why she went forward with investigating it because she thought it was funny, that she finally got Terrence in the Mayor's office to tell the Purchasing Department that they needed to give her the RFP, when that happened they knew something was wrong, so if they looked over the RFP during the next week they would see that where he was now retired, somebody in Purchasing demanded that a vendor supply another vendor with the interface, that was unheard of that the City would enter in this, that in this particular item the City was buying the interface and then Cogent was paying them back, Cogent was a very good company, they checked them out, they were out of State, that the two companies were Motorola and Cogent and when they questioned Motorola on the process, and she had some disappointments in a lot of software situations and that was how she started looking at this because she wanted to see what was going on with the software because it was so important for HPD to line up with the County and that particular person with Motorola was told to not let him do any more business with the City, that person who made that statement conveniently retired, but the whole process, if they were talking about hold their nose, this was one of them, where the City threatened Motorola that they would give them the interface, that was their job to get that interface from the County if that fell through the interface should have been established before they sent the order out, when best and final bids came in, and she had addressed it on this page, and thought they could see that it set precedence for a vendor now to come through and leave blanks and say they would pay for that it was not in their bid, that was what they had here, it really did not smell good, that they had numbers of meetings with HPD, with Legal and Purchasing and they really could not satisfy the requesting of one vendor, a competitor, to provide something to another one or to the City, that they should please request the RFP and see what they think about it, she had highlighted some pages in that RFP that she finally got and she was anxious to see what others had to say.

Mayor White stated that Item No. 15 had been tagged.

- 15a. **PRINTRAK, a Motorola Company** for Six-Month Maintenance Agreement in the amount of \$138,246.00 and an Interface in the amount of \$356,000.00 for Police Department – was presented, and tagged by Council Members Wiseman and Lawrence.

RESOLUTIONS AND ORDINANCES

19. RESOLUTION establishing Multi-Family Revitalization Zones in the City of Houston, Texas ("City") and adopting a policy to encourage revitalization, rehabilitation, remodeling, and reconstruction of existing multi-family developments located in those revitalization zones – was presented, and tagged by Council Members Wiseman.

Council Member Garcia asked if Item No. 19 was the rehab component that Mayor White and Mr. Minberg talked about to assist the owners of apartment complex to help them get some of their properties upgraded, and Mayor White stated yes, and Council Member Garcia stated that he wanted to be sure on that because he was looking through the backup and could not find the item that he pointed out in that discussion, that he supported the item, but investing tremendous public dollars into some of these private properties, many of these were old properties as laid out in the backup, a lot of the properties did not have firewalls and all they needed was to have these facilities improve maybe aesthetically or maybe structurally to some degree, but all they would have to have was a fire come through and wipe out the entire complex, unless firewalls, fire upgrades were specific to the rehab, that was one thing that he thought was very responsible for the taxpayers as they do the rehab, and Mayor White stated that he would get a response on that.

Council Member Brown stated that he supported the item and thought it was a great idea and wondered how the specific boundary lines were drawn, they were not just the apartment areas they were much larger areas around the concentrations of apartments including some residential areas that had flooding problems so he was wondering if they had a concentrated improvement district or a plan or was that the intent, that it was a great mechanism to start improving the quality of life in that area beyond the apartments.

Mayor White stated that there was a difference between not having a plan and not knowing about the plan and yes they had a plan, and it should include some neighborhood improvements.

Council Member Khan stated that he appreciated Mayor White coming up with the great idea of improving the neighborhoods, it was not just going to improve those properties but it would improve the surrounding area, that the plan called for really improving the whole neighborhood, and Council Member Garcia's question was whenever they had a renovation it had to come up to the current standards, that was what his understanding was and he hoped they would get a response to that, that one question that he asked time and again since this was made public as to what were their plans for expanding it to some of the other blighted areas in town, especially in southwest Houston, and Mayor White stated that the idea would be that the faster they could get happening with the critical mass in these two areas, which probably had 22,000 apartments then they could move on to some of the other areas, that they had tried to concentrate on the areas that had the most serious problems with the intent critical mass within their budget.

Council Member Johnson stated that as they look at aesthetically fixing up the apartments they were not talking about fixing the people that lived inside of the apartments, that he was looking forward to putting some programs in place and thought if they were going to be giving these tax dollars he was looking at how could they put more social programs in place that would address the needs of the constituents that would live there, the programs would be after school programs for youth so they could cut down on some of the juvenile crime, certainly some workshops for job placement, those types of things, if they were going to give this money then they certainly needed to hold the owners more accountable for the product that they were holding, that he hoped when they came back to it that they could address some of those issues, because he thought when they addressed those issues then they did not look at the apartments

being run down and ragged within 10 years but would be well maintained because they had to be well maintained by the residents who lived there and not by the owners, that the owners did the best they could by putting officers in place and doing other things, but that did not solve the problem from within, so he hoped they could solve the problem from within and not just prettying it up on the outside. Council Member Alvarado absent.

Council Member Lawrence stated that they had a number of the tax credits looked at in the last two or three weeks and the thing that she was impressed with the program as they talked to the people applying for the tax credits they could really see which ones were going to tear it down to the slab and maybe two by fours and really build it back, that she thought that was what they needed to look at as they went forward and make recommendations to Mr. Don Sampley of what was actually being done and question these people who were applying for the tax credits so that they could really make something affordable to people who lived in those neighborhoods.

Council Member Garcia stated that he wanted the record to reflect his tag on Item No. 19.

Council Member Brown stated that given the discussion he would suggest that it might be useful, in order to send a larger message, to rename it the Multi Family Neighborhood Revitalization Zone, because it was not just multi family, it was the neighborhood and concerns that the other Council Members had raised.

Mayor White stated that Council Member Johnson had also tagged Item No. 19.

20. **ORDINANCE AMENDING CHAPTER 20 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Food Dealer's permits and inspection requirements; containing other provisions relating to the foregoing subject; providing for severability – was presented, and tagged by Council Member Lawrence.

Council Member Wiseman asked if they were doing anything in the way of including prepackaged foods like chips, candy and the like because they were still dealing with the issue of the youth groups who sold soft drinks and prepackaged foods at their events to raise funds to be able to support their activities and they were being subjected to \$60 per event fees and she was hopeful that they could find out that this item would be addressing that as well so she would like to visit with representatives to discuss that. Council Member Berry absent.

Mayor White stated that he thought it was a legitimate issue and so they all would know they had to apply rules across the board so he was the one who came in just willing to tear the place apart because they were over regulating people trying to sell a hot dog at a football game, but for some of these, foods that were processed there, the health professionals had enough cases of where people get in trouble from eating bad food that they backed him of, but they should try to be at least intrusive as they could and if there was not a health based risk for a bag of Fritos. Council Member Berry absent.

Council Member Lovell stated that she wanted to add her tag to the item and if they could get it resolved as Little League season opens up it was really important for some of their leagues to be able to sell packaged foods and unopened cans so they could make some money to support their leagues, especially since this year they upped the fees on the fields. Council Member Berry absent.

Council Member Wiseman stated that she would also tag Item No. 20. Council Member Berry absent.

21. ORDINANCE consenting to the addition of 8.571 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 390**; for inclusion in its district - **DISTRICT D – EDWARDS** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2007-0220 ADOPTED.
22. ORDINANCE consenting to the creation of **MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 103** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2007-0221 ADOPTED.
25. ORDINANCE appropriating \$800,000.00 out of TIRZ Affordable Housing Fund 2409; deobligating \$800,000.00 of Federal “HOME” Funds appropriated by Ordinance 2003-1259; amending Ordinance 2003-1259 to substitute the funds hereby appropriated for the funds hereby deobligated as the funding source in connection with the construction costs of an apartment complex in the 5000 and 5100 blocks of Airline Drive, Houston, Texas, to house low and very-low income elderly residents; approving a compromise and settlement agreement with **PRIMROSE HOUSTON 7 HOUSING, L.P.**, the owner of the apartment complex - **DISTRICT H – GARCIA** – was presented, and tagged by Council Member Wiseman. Council Member Berry absent.
26. ORDINANCE appropriating \$1,500,000.00 out of TIRZ Affordable Housing Fund 2409; deobligating \$1,500,000.00 of Federal “HOME” Funds appropriated by Ordinance 2004-562; amending Ordinance 2004-562 to substitute the funds hereby appropriated for the funds hereby deobligated as the funding source in connection with the construction costs of an apartment complex in the 100 block of Aldine-Bender Road, Houston, Texas, to house low and very-low income elderly residents; approving a compromise and settlement agreement with **TX ALDINE-BENDER HOUSING, L.P.**, the owner of the apartment complex - **DISTRICT B - JOHNSON** – was presented, and tagged by Council Member Wiseman. Council Member Berry absent.

Council Member Brown stated that in view of Item Number 25, 26 and 27 where they were taking tax increment reinvestment zone affordable housing set aside and putting it into what he believed in this cases were apartments, and he just got a note from Mr. Minberg that really the Housing Policy of the City of Houston should be homeownership not more apartments, that 56% of the household were apartments, that only 44% were homeowner homes, that he also got a package from the State board that approved tax credit projects and there were something like 25 tax credit apartment projects, some for families and some for seniors in the City of Houston alone 2,400 units pending, that he just wondered about the frenzy of apartment building when on the other hand they were concerned about putting a lot of dollars into remodeling apartments that were poorly built in the first place, that they were setting standards for air quality and why not set standards for apartments and the kind of neighborhood environment they were in and what they created. Council Members Wiseman and Berry absent.

Mayor White stated that their focus was on improving and increasing homeownership in the City of Houston and in rehabbing apartment complexes and not building new apartment complexes, that it had nothing to do with these two items but Council Member Berry was right about their policy, that the details of these policies had to do with long protracted discussions concerning a bonding requirement and the ongoing back and forth between HCD and HUD concerning certain matters and the need for the City to fulfill the obligations to the residents, many of whom they met and stood up to honor yesterday, that there may be some specialized senior need, but in general rehab was their deal. Council Member Berry absent.

Council Member Edwards stated that she respected her colleagues concerns, that these projects did come through the Housing Committee and they had hopefully had that discussion

but the ultimate thing of single home ownership as opposed to multi family when they were dealing with elderly residents, a lot of elderly residents had single family residents and now preferred to live in a unit that provided them with comfort and what they felt more to be more fellowship and so forth and they had made a decision to leave single family residences and move to these types of facilities, that she knew the issue with Primrose was not necessarily dealing with the residents but with other issues that she thought were being solved, that she was not clear as to what the tags would do for the week, that they tried to discuss these types of issues in the committee, but she thought the residents were very clear yesterday at public session regarding their need for this facility to be supported by the City of Houston. Council Members Lawrence, Johnson, Wiseman, Garcia and Berry absent.

Mayor White stated that Item No. 26 had been tagged. Council Members Lawrence, Johnson, Wiseman, Garcia and Berry absent.

27. ORDINANCE appropriating \$225,000.00 out of TIRZ Affordable Housing Fund and approving and authorizing Professional Services Contract between the City of Houston and **ESPA CORP** to perform Single-Family Home Re-Inspection and Cost Estimating Services – was presented. Council Members Johnson, Garcia and Berry absent.

Council Member Lovell stated that they were spending \$225,000 to look at 500 homes and if they had to look at 1,900 they were going to be spending close to a million dollars, that her question was for the contractors who did the work, were they in any way going to hold them accountable, were they in any way going to expect any payback on it and the people who were in charge of the program when it all happened, were they still there, that it was a pretty serious thing, that she wanted to know if they were going to go after any of the contractors who did the shoddy work and she would like to know the people who were in charge of the program, and Mayor White stated that they were not, that unfortunately a number of the things within home repair, that was exactly the issue, that the cost of trying to collect and then insolvency which was the very point they were trying to make with HUD. Council Members Edwards and Berry absent.

A vote was called on Item No. 27. All voting aye. Nays none. Council Members Edwards and Berry absent. ORDINANCE 2007-0222 ADOPTED.

34. ORDINANCE appropriating \$165,000.00 out of Water & Sewer Consolidated Construction Fund as an additional appropriation for Professional Engineering Services Contract between the City of Houston and **CHIANG, PATEL & YERBY, INC** for Design of Wastewater Lift Station Renewal and Replacement (approved by Ordinance No. 03-0585) (WBS No. R-000267-0016-3); providing funding for contingencies relating to construction of facilities financed by the Water & Sewer Consolidated Construction Fund - **DISTRICTS D - EDWARDS; F - KHAN and G - HOLM** – was presented. All voting aye. Nays none. Council Members Edwards and Berry absent. ORDINANCE 2007-0223 ADOPTED.

38. ORDINANCE appropriating \$327,539.00 out of Houston Airport System Consolidated 2001 AMT Construction Fund and awarding construction contract to **KOCH CORPORATION** for Greenbriar Townhomes Residential Sound Insulation near George Bush Intercontinental Airport/Houston (WBS#A-000476-0004-4-01, Project 617C); 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 contingencies relating to construction of facilities financed by such fund; containing provisions relating to the subject - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Members Edwards and Berry absent. ORDINANCE 2007-0224 ADOPTED.

MATTERS HELD - NUMBERS 40 through 49

- 40 MOTION by Council Member Holm/Seconded by Council Member Garcia to amend Item 40G as follows:

In Section 7 of the proposed Ordinance, amend Item (5) of Subsection (b) of Section 40-455 to read as follows:

“(5) A newsrack shall be attached to a concrete base or concrete base and pedestal, with a net weight of no less than 95 pounds, and the concrete base shall be 26 1/8 inches by 21 3/4 inches, with a height of 3 inches, and shall not be decorated or colored.” – (**POSTPONED BY MOTION #2007-96**) – was presented. Council Member Berry absent.

Council Member Holm stated that she had a substitute motion to amend Item No. 40g as follows and moved that she be allowed to substitute the revised motion for Item No. 40, seconded by Council Member Garcia. Council Member Clutterbuck absent.

“In Section 7 of the proposed Ordinance, amend Item (5) of Subsection (b) of Section 40-455 to read as follows:

“(5) A newsrack shall be attached to a concrete base or concrete base and pedestal, with a net weight of not less than 95 pounds, and the concrete base shall be 23 inches measured from front to back and no more than 1 1/2 inches beyond each side of the bottom of the newsrack, with a height of 3 inches, and shall not be decorated or colored.”

A vote was called on the motion to allow Council Member Holm to substitute language for Item No. 40. All voting aye. Nays none. Council Member Clutterbuck absent. MOTION 2007-0167 ADOPTED.

A vote was called on Item No. 40 as substituted. Council Members Wiseman and Berry voting no, balance voting aye. Council Member Clutterbuck absent. MOTION 2007-0168 ADOPTED.

- 40a. WRITTEN MOTION by Council Member Holm to amend Item 40G as follows:
Amend Subsections (c) and (d) of Section 8 of the proposed Ordinance to read as follows:
“(c) For newsracks located outside the central business district but within Interstate Highway 610 Loop as of the date of passage of this Ordinance, the effective date of this Ordinance shall be December 31, 2008.
(d) For newsracks located outside Interstate Highway 610 Loop as of the date of passage of this Ordinance, the effective date of this Ordinance shall be December 31, 2009.” – (**POSTPONED BY MOTION #2007-96**) – was presented.

Council Member Holm moved to table Item No. 40a, seconded by Council Member Lovell. All voting aye. Nays none. MOTION 2007-0169 ADOPTED.

- 40b. WRITTEN MOTION by Council Member Holm to amend Item 40G as follows:
In Section 7 of the proposed Ordinance, amend Section 40-451 to add, in the appropriate alphabetical order position, a new definition that reads as follows:
“Vending screen means any device constructed of metal or other similar permanent material installed by or with the approval of the city designed and used to obscure from view on an adjacent roadway the existence of newsracks.” - (**POSTPONED BY MOTION #2007-96**) – was presented. Council Member Wiseman voting no, balance voting aye. MOTION 2007-0170 ADOPTED.

- 40c. WRITTEN MOTION by Council Member Holm to amend Item 40G as follows:
Amend Item (7) of Subsection (a) of Section 40-454 in Section 7 of the proposed Ordinance to read as follows:
“(7) Be affixed with identifying information, which shall contain the name, address and telephone number of the newsrack owner and of the distributor of the publication contained therein. Such information shall be placed in a visible location on the front of the newsrack, and shall be legible. The size of the identifying information shall be no larger than three inches by five inches. – (**POSTPONED BY MOTION #2007-96**) – was presented. Council Member Wiseman voting no, balance voting aye. MOTION 2007-0171 ADOPTED.
- 40d. WRITTEN MOTION by Council Member Lawrence to amend Item 40G as follows:
In Section 7 of the proposed Ordinance, amend Item (2) of Subsection (b) of Section 40-456 to read as follows:
“(2) If multiple newsracks are permitted at the same location, all such newsracks must be placed together in a straight line and abutting adjoining newsracks; however, no group of newsracks shall extend for a distance of more than 10 feet; ~~and~~ no group of newsracks shall be closer than four feet to another group of newsracks; and no group of newsracks shall contain more than one newsrack of the same publication.” - (**POSTPONED BY MOTION #2007-96**) – was presented. Council Member Wiseman voting no, balance voting aye. MOTION 2007-0172 ADOPTED.
- 40e. WRITTEN MOTION by Council Member Lawrence to amend Item 40G as follows:
In Section 7 of the proposed Ordinance, in Subsection (b) of Section 40-456 redesignate Items (3) and (4) as Items (4) and (5) and add a new item (3) thereto to read as follows:
“(3) No more than two groups of multiple newsracks shall be permitted at or adjacent to any given street intersection.” - (**POSTPONED BY MOTION #2007-96**) – was presented.

Council Member Lawrence moved to table Item No. 40e, seconded by Council Member Holm. All voting aye. Nays none. MOTION 2007-0173 ADOPTED.

- 40f. WRITTEN MOTION by Council Member Wiseman to amend Item 40G as follows:
In Section 40-456 subsection (b) item (4) to add subsection “k,” to read:
“Within 20 feet of an entrance to any building” – (**POSTPONED BY MOTION #2007-96**) – was presented.

Mayor White stated that on this item the administration did not support.

Council Member Wiseman stated that the main focus was with the Central Business District, that a very important participant in any discussion that they should have gotten was BOMA, Building Owners and Managers Association, they represented a good number of the buildings that would be affected, that she had a very crude drawing that she showed to the Agenda Director explaining the concern she had and she knew the concern that BOMA had, that they were not raising an issue with these being placed on the right-of-way directly in front of the entrance to their buildings, that she was told there was no safety issue with their being placed there but she begged to differ, that also they were talking about the entrances to these high rise buildings, they were talking about a great number of businesses that were doing business in these buildings, they needed to have access to it and people who they did business with needed to have the kind of access that this would block, they were talking about truck

zones, deliveries that were being made and the like on top of the safety issue, that the green was not about safety it was about aesthetics so how attractive was it to have a row of newsracks sitting right in front of an entrance to the door, that yes it was the right-of-way but so was the right-of-way in front of someone's driveway and they did not allow anyone to block that, they did not allow anyone to block other areas like that, that she was supportive of the whole effort and the amendments that were brought forth and believed it was a minor issue and if they were going to be setting the distances that these could be placed from bus stops and the like certainly they could set specified distances from the passage entry way to these buildings, that she thought the fact that the administration was not even willing to look at that which was a legitimate concern raised by the business community and it was for that reason that she could not support any of these amendments.

Council Member Holm stated that this particular issue had been raised by BOMA and it absolutely was a very legitimate issue and had been reviewed repeatedly, that first of all they had addressed it as a safety issue in setting policies and standards and part of the time during the two weeks they had again asked the Fire Department to review the safety standards of it and to make sure that throughout the process they had participated but that it did not obstruct the entrances and they had assured them that they could and would if necessary remove any of those structures as they would anything that inhibited their entryway at this time, specifically though this issue was addressed in Section 40-456A3 and it trumped everything else in any other provision put forward and it read "a person may not install, use or maintain a newsrack on any public right-of-way if the newsrack interferes or impedes the entry or exit from a residence or business", so it absolutely had been addressed and the Fire Department would, that secondly the proposed amendment that her colleague had proposed came under Section 4-456B, those were additional footage standards that did apply to setbacks, that all of those setbacks were in the right-of-way, that entrances to buildings were on private property so anything that was listed here had strictly to do with the right-of-way and finally if they were to set standards that it could not be within 20 feet of an entrance anywhere in addition to going on to private property she thought they would have to address it for all structures, they could not single out just newsracks because someone did not want them in front of their building and she thought then they would have to address the fact that an entrance on any given block, there were some blocks that had a single entrance, however, it was very possible in a block they could have a restaurant, a specialty store, a building, a residence and another restaurant which would mean there would be no appropriate place at all for the racks and than additionally she thought if they were going to apply to the newsrack they would have to apply it to planters, to tables that restaurants had on patios, to anything that would be in front of, so that was the interpretation that had come through and she just wanted to assure everybody that it was not a lack of credibility they absolutely did believe it was a very credible question to be raised and it had been evaluated thoroughly. Council Member Brown absent.

Council Member Clutterbuck stated that she agreed with the underlying premise of the amendment but she got to thinking about her favorite donut shop, The Best Donut Shop, and they had only one or two newsracks out front and if they were to move it 20 feet beyond where they currently had it people patronizing the Best Donut Shop probably would not be able to enjoy their publication and perhaps the way it was currently drafted allowed a little more flexibility for vendors, patrons and business owners to decide on the placement of the newsracks. Council Member Brown absent.

Council Member Lawrence stated that she applauded what Council Member Holm stated, that they had a problem and she thought they were going to come back with an amendment concerning right-of-way so that they do not specify just newspapers and really talk about it, that she thought there was a lot of credence to the amendment, they say 20 feet, let's say 7 yards from an entrance and they had tried to get hold of Fire Marshal's and regretfully needed to try a

little bit harder, but if a truck pulled in front of an office building and they had ten feet of a wall that was concreted down then they had a problem getting hose, oxygen and various things out and in good faith that was what she saw putting on a high rise building that had residents living there, that fire truck drives up, hoses getting over the wall that they had concreted down and that was the problem that she saw and maybe it should be addressed in the right-of-way ordinance in certain ways but she did see some discussion and was glad they were having it because it was the same problem that she had once they got the items concreted down. Council Members Brown and Green absent.

Council Member Holm asked for a point of clarification and stated that none of them would be bolted down and that was the whole point, they were on a concrete base and were very movable, should someone decide to do so, that they were not bolted into the ground. Council Members Brown and Green absent.

Council Member Wiseman stated that it would be an interesting sight to see Fed Ex delivery men and UPS trying to move those things that were not bolted down so they could make their deliveries, that they were interfering with people's ability to engage in business and the comment that was made by Council Member Holm that it was addressed in Section 4456 that it could not be placed if it interfered or impeded entry or exit from a residence or business, that was what she was trying to do, spell it out, because it was so vague, what constituted impeding with that activity, they had to spell it out just like they spelled it out with every other situation whether it was a fire hydrant, a bus stop or a corner, they specified, and this should be specified also, that they would have problems and they had this discussion before at this table that they did not pass ordinances to say they would fix it later, that discussion was had a few weeks ago at Council and now here they were again saying they would fix it later, that they really needed to fix it when they passed the ordinance in the first place. Council Members Alvarado and Green absent.

Council Member Lovell stated that as a former Federal Express driver she could assure them that there was nothing that would stop anybody from delivering a package. Council Members Alvarado and Green absent.

Mayor White stated that the administration opposed the item because they believed that the passage of the item could lead to a successful legal challenge to the whole ordinance.

A roll call vote was called on Item No. 40f.

ROLL CALL VOTE:

| | |
|--------------------------------------|-----------------------------------|
| Mayor White voting no | Council Member Garcia voting no |
| Council Member Lawrence voting aye | Council Member Alvarado voting no |
| Council Member Johnson voting aye | Council Member Brown voting no |
| Council Member Clutterbuck voting no | Council Member Lovell voting no |
| Council Member Edwards voting no | Council Member Green voting aye. |
| Council Member Wiseman voting aye | Council Member Berry voting aye |
| Council Member Khan voting no | MOTION 2007-0174 FAILED |
| Council Member Holm voting no | |

40g. **ORDINANCE AMENDING CHAPTERS 22 AND 40 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to placement and maintenance of newsracks on public rights-of-way; containing findings and other provisions relating to the foregoing subject; containing a repealer; providing for severability – **(This was Item 84 on Agenda of January 31, 2007, POSTPONED BY MOTION #2007-95)** – was presented.

Council Member Lovell offered the following written motion to amend Item No. 40g:

“Amend Subsection (c) of Section 8 of the proposed ordinance to read as follows:

(c) For news racks located outside the central business district as of the date of passage of this ordinance, the effective date of this Ordinance shall be December 31, 2008.

And delete Subsection (d) of Section 8 of the proposed ordinance in its entirety.”

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

“In Section 7 of the proposed Ordinance, in Section 40-456 redesignated Subsections (d) and (e) as Subsections (e) and (f), and add a new Subsection (d) that reads as follows:

(d) Along a major thoroughfare, no newsrack shall be placed or maintained within ten feet of any transit shelter, bus bench or designated bus stop. The distance requirement shall be measured from the roof of any transit shelter, the edge of any bus bench, or the pole sign for any designated bus stop.

In Section 7 of the proposed Ordinance, amend the introductory paragraph of Subsection (b) of Section 40-456 to read as follows:

(b) Except as otherwise provided in subsections (c), (d) and (e) of this section, a newsrack requiring a permit under this article shall be placed or maintained on any public right-of-way in compliance with the following standards:”

Council Member Garcia asked if the Chair had heard any input on whether the rollout would be too aggressive financially for some of the smaller newspapers.

Council Member Holm stated that at their meeting they addressed that issue and in order for them to evaluate what that financial burden was they asked that the vendors and the stakeholders submit to them the number of racks that it would affect so they could figure out the financial impact and only one actually returned information to them and the others chose not to so their assumption was that they did not feel there was any or they would have responded so that they could help them come into agreement or compliance or address the issue.

After further discussion, Council Member Garcia asked what would be the appeal to their implementation and Mr. Michel stated that after 90 days they could amend and make a change, and Mayor White stated that they had this discussion and reviewed what they had done in a couple of other matters where they revisited things, reviewed and refined them and he thought that everybody heard loud and clear from him that they did not want to still alternative voices within the community and that they would take up the facts and the concrete, that they wanted to look at the facts but they would look at a situation.

Council Member Lovell stated that they did reach out and try to find out the number of racks they had and they only got one response because certainly she would have taken that into consideration but they took the fact that they did not respond that they did not think it was going to be a problem, that it gave them actually 22 months to be able to come into compliance and maybe now they would respond and if they did need some sort of extension or whatever then they would be able to get that number and move forward.

A vote was called on Council Member Lovell's motion to amend Item No. 40g. All voting aye. Nays none. MOTION 2007-0175 ADOPTED.

A vote was called on Council Member Lawrence's motion to amend Item No. 40g. All voting aye. Nays none. MOTION 2007-0176 ADOPTED.

A vote was called on Item No. 40g as amended. Council Members Berry and Wiseman voting no, balance voting aye. ORDINANCE 2007-0225 ADOPTED AS AMENDED.

41. RECOMMENDATION for approval of the **GREATER HARRIS COUNTY 9-1-1 EMERGENCY NETWORK** Budget for Fiscal Year 2007 - January 1, 2007 through December 31, 2007 – **(This was Item 1 on the Agenda of February 7, 2007, TAGGED BY COUNCIL MEMBER ALVARADO)** - was presented, moved by Council Member Khan, seconded by Council Member Holm.

Council Member Alvarado stated that late last year there were some efforts made to try to work with the 9-1-1 staff, that she did not want to delay the item but hopefully to get a commitment, that she saw the 9-1-1 folks in the audience and thought that it was last session or maybe the session before they were able to get an increase in their surcharge and she knew that Mayor White was hoping to get a \$10 million grant for radio upgrades for the 9-1-1 system and that effort that was made by one of their representatives, Paul Hobby, was not successful and the board at that time claimed a couple of different things that they could not do under their charter and there were some other claims as to why they could not do it, that she would like for them to commit that before their next budget that they revisit the issue and consider the request that Mayor White had made.

Mayor White stated that he thought it was very important and thought that a year ago they were at this place as they recalled but he believed it did not make any sense to have a system where they had to have call intake, dispatch, emergency responders available and the radio communication system linking dispatch to the emergency responders all part of that seamless system, they supported 9-1-1 and they asked for no favors for the City of Houston, that he thought all local government entities in response to population and calls for service should be working with 9-1-1 as a potential source of funding so they could use a broader tax base rather than a narrow tax base to have the local match, they supported legislation in the last legislative session allowing 9-1-1 to increase somewhat the amount of charges that it would have, the citizens would support that, and he did not know what was going to happen if it became a City County thing, but they were entitled as elected representatives for the majority of the people who had called for service for their emergency responders to have their request entitled to more careful consideration. Council Members Wiseman and Berry absent.

Council Member Garcia stated that he knew there had been some debate as to what the law allowed and would like to ask for Legal's support in getting an opinion as to what was the authority under the law that governed some of the use of the revenue out of the 9-1-1 so that they could make informed decisions and plan effectively based on the items that Mayor White touched on. Council Members Wiseman and Berry absent.

A vote was called on Item No. 41. All voting aye. Nays none. MOTION 2007-0177 ADOPTED.

42. ORDINANCE appropriating \$2,147,283.37 out of Limited Use Roadway & Mobility Fund and approving and authorizing Purchase of Data Services and Modems from the General Services Administration Federal Supply Schedule Contract – **(These was Item 7 on Agenda of February 7, 2007, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. All voting aye. Nays none. Council Members Wiseman and Berry absent. ORDINANCE 2007-0226 ADOPTED.

- 42a. RECOMMENDATION from Director Department of Public Works & Engineering to award to **VERIZON WIRELESS** for Purchase of Data Services and Modems – **(These was Item 7A on Agenda of February 7, 2007, TAGGED BY COUNCIL MEMBER WISEMAN)** - was presented. All voting aye. Nays none. MOTION 2007-0178 ADOPTED.
45. ORDINANCE **AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Vehicles for Hire – **(This was Item 18 on Agenda of February 7, 2007, TAGGED BY COUNCIL MEMBERS WISEMAN, JOHNSON, LOVELL, LAWRENCE, KHAN and BROWN)** – was presented.

Council Member Green offered the following written motion to amend Item 45:

“I move to amend Item 45 as follows:

In Section 15 of the proposed Ordinance, add a new Subsection H to read as follows:

H. Prior to issuance of a special permit(s), permittee shall surrender to the Director of Finance and Administration permittee’s SGT license(s) and cease operations as an SGT under such licenses(s).”

A vote was called on Council Member Green’s motion to amend Item No. 45. All voting aye. Nays none. Council Members Wiseman and Berry absent. MOTION 2007-0179 ADOPTED.

Council Member Green offered the following written motion to amend Item 45:

“In Section 15 of the proposed Ordinance, add a new Subsection H to read as follows:

That, notwithstanding the provisions of Chapter 46 of the Code of Ordinances, Houston, Texas, as amended by this Ordinance, to the contrary, the owner or operator of any company that held an SGT license, as defined in Section 9-51 of the Code of Ordinances, Houston, Texas, and provided scheduled ground transportation service within the required service area, as described in the contract passed and adopted by City of Houston Ordinance No. 2006-0948, as of September 13, 2006, may apply to the Director of Finance and Administration for a taxicab permit (“special permit”) not later than March 1, 2007.”

A vote was called on Council Member Green’s motion to amend Item No. 45. All voting aye. Nays none. Council Members Wiseman and Berry absent. MOTION 2007-0180 ADOPTED.

A vote was called on Item No. 45 as amended. All voting aye. Nays none. Council Members Wiseman and Berry absent. ORDINANCE 2007-0227 ADOPTED AS AMENDED.

46. ORDINANCE **AMENDING SECTION 10-551 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Compliance with Deed Restrictions involving the orientation or fronting of structures – **(This was Item 19 on Agenda of February 7, 2007, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. All voting aye. Nays none. Council Members Wiseman and Berry absent. ORDINANCE 2007-0228 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Garcia stated that on Tuesday, next week, at 10:00 a.m. they would be having a specially called MWBE Committee meeting; that on Saturday would be the Conoco Phillips Rodeo run, it would start at 8:00 a.m. and would go through a significantly portion of District H; that on Tuesday at 6:30 p.m. he would be hosting a grand opening to a satellite office for District H at 1919 Cochran and would invite the residents to come by and get to know the office. Council Members Wiseman and Berry absent.

Council Member Garcia stated that today was Valentine's Day , that it was rumored that today was the day that birds and fowls select their mate and romantic folks keep the U.S. Postal service busy because approximately one billion Valentine Cards were sent throughout the U.S. on this day each year, that 50 million roses were also distributed on this occasion this year, that if his colleagues would indulge him a little bit he would tell them what Valentine's meant to him, that his dad and mom met in Mexico City many years ago, his dad came from a poor family and his mom was from a well to do family, both parents were opposed to their relationship for socio economic reasons but his dad could not convince his dad to broke the deal because back in those days the father had to go and do the horse trading and work out a relationship and ask for permission to court and his grandpa would not do it, he said that Ignacio, his dad, was crazy, it was a rich family and they would never have him, he had to come to his senses and his dad did not listen to that so he talked another friend of his named Adrian, and consequently that was where his name came from, to go on his behalf to negotiate the deal, that his grandpa on his mother's side refused to hear from the individual because he was not his father's dad but eventually Adrian negotiated a compromise that he agreed to the courtship, it would last for a year, that under the conditions of the courtship they would be allowed to visit for one hour a week and that his dad could call his mom for five minutes on the telephone and any additional contact would have to be done through letters so his dad abided by the rules, a year went by and Adrian and his dad went by to finalize the courtship and his grandpa said no, they were not going to get married because he said a year and according to his calendar it had been a year and one day so no, but Adrian went back to work and got the grandpa to come to his senses but then the grandpa said that his daughter came from a pretty good environment and he needed to know that Ignacio could take care of her so he wanted to see \$1,000 American dollars, know that he could earn \$1,000 American dollars otherwise no, so that was when his dad became a bracero, he came to the United States and worked on the rail lines in Los Angeles, California and saved money, sent it home and almost 2 years later went back home and went to his dad and said he was there to get the money so he could get married and the dad said all the money he sent him he spent it on taking care of the family because Ignacio was crazy, he was not going to get married to that family, that his dad got upset went back to the U.S. and worked a few more years, saved the money, went back and showed the grandpa that he had \$1,000 American dollars so they agreed that they could get married, his dad hired the Justice of the Peace to arrange the marriage but he did not show up for the wedding so his grandpa on his mom's side became furious and said they would never get married, so it left his dad broken hearted and he tried to find some solace in some tequila and about 3:00 a.m. he went knocking on the door of a retired military general, his dad was a mechanic and he had worked on his car, and said he always fixed his car and never asked for anything and asked for his help so the general put on his uniform and went with Ignacio to the judge's houses and knocked on the door and asked if Ignacio had arranged and made payment for him to do a wedding and the judge said yes, so the general told him to get in the car and they went to the grandpa's house and he almost refused to open the door but the general made his way into the house and asked if he had agreed to let the two kid's get married and he said yes he did so he told him and his wife to stand there, he told the judge to stand there, he told Ignacio and Maria to stand there and that he was the witness so to marry them, so they got married at about 4:30 a.m. in the courtyard and as a young kid growing up he would see his mom and dad holding hands and over the

years it was neat to see that kind of relationship from folks who had every reason to fail and had all the odds against them, so to all off them who have found a soul mate he celebrates this day with them and wished everyone a Happy Valentine's Day. Council Members Lawrence, Wiseman, Alvarado, Lovell, Green and Berry absent.

Council Member Brown stated that he wanted to wish his lovely lady colleagues a Happy Valentine Day and distributed a rose to each lady at the Council table. Council Members Lawrence, Wiseman, Alvarado, Lovell, Green and Berry absent.

Council Member Holm stated that she appreciated it because Valentine's Day meant so many different things to each of them since the time that she remembered going to school and giving out valentine's to everyone, it was a day of appreciation for everyone that was a part of their lives, that she wanted to wish all of her colleagues and Council staff on the floor and all City of Houston family a very special Valentine's Day and to share and show her appreciation for all that was done and for the independence the confidence and dedication with which all of them worked, particularly she wanted to say thanks because she knew at least seven of her colleagues had worked directly with the Legal Department as they had really looked to address an issue that was important and set some processes for their future. Council Members Lawrence, Wiseman, Alvarado, Lovell, Green and Berry absent.

Council Member Holm stated that last night District G had their CIP meeting and there were 53 City of Houston employees that gave their time, as she was sure they did in the eight other districts, to be there to represent the departments and answer all of the questions that came forward, regrettably there were 10 District G citizens, that it was the fourth year that she had respectfully questioned the purpose of the meeting in District G and she thought it was important that they make fiscally responsible decisions when they ask employees to attend meetings and when they tell citizens that they were focused on their quality of life and yet call them out if they did not have some type of a meaningful information to give them, so as they move forward she would just like to make sure that they did enter into discussions, that she continually advocate and believe that each of their districts were very unique and she thought they had district Council Members that understood the concerns and needs of their districts and she respectfully request that in the future they look to those Council Members to help them guide, to make sure that they hold meetings that were appropriate to each one of them and each one of their citizens that worked not necessarily within the system but to serve all of their citizens. Council Members Lawrence, Wiseman, Alvarado, Lovell, Green and Berry absent.

Mayor White stated that they needed to be careful about it but they now invested for two years in what they call Citizens Net, it was the cutting edge of local government, really government in this Country, that they had used a few times that allowed people to give and receive email and they had 56,000 citizens, the central nervous system of the City including all of the civic club leaders, PIP meetings, etc., and they ought to be thinking about ways that they could communicate to their citizens better what they needed to know, when they needed to know it, that Senator Ellis did something very innovative in the community and had a telephonic townhall meeting for people who could not attend the meeting, they were notified that they could call in and hear some discussions and he wanted to have this discussion because what she described should have never occurred and whatever problem they were trying to fix with that meeting they did not fix, and Council Member Holm stated that she agreed with him and her point is that from her district they initially discussed not having what they termed CIP meeting because they felt like they did have some methods which they would like to share and each district was unique in the way they communicate and she thought the reason they had gone from, initially four years ago 150 people coming to the meeting to 10, was that they were in the community so much, they had a good contact, that this particular meeting for District G may not be the appropriate way, for other districts it may be exactly it, and that was all she was asking

that they look within the City to make sure they were meeting the individual needs in the appropriate manner and not just carrying forth with a one picture fits all. Council Members Lawrence, Wiseman, Garcia, Alvarado, Lovell and Berry absent.

Council Member Khan stated that he wanted to clarify one point that his comments earlier were only addressed towards the editorial in the Chronicle on February 8, 2007 titled "Cold Feet" and the person who may have written that editorial, it was in no way addressed to anybody else either at the Chronicle or any of the journalists, that as a matter of fact the Chronicle had done a wonderful job in covering the environmental issues. Council Members Lawrence, Wiseman, Garcia, Alvarado, Lovell and Berry absent.

Council Member Khan stated that they would have the Southwest Multi Service Center opening on February 19, 2007 at 10:30 a.m. and he would request all of his colleagues to be there because it would not have been possible without the whole City Council supporting the project and voting for it. Council Members Lawrence, Wiseman, Garcia, Alvarado, Lovell and Berry absent.

Council Member Khan stated that there were a lot of celebrations going on for the Chinese Lunar New Year, there would be a celebration on Thursday and on Saturday on Bellaire Boulevard at the Chinese Newsgroup facility and a lot of people around town were celebrating and he congratulated everybody on that; that he wanted to wish a Happy Valentine Day to everybody including his wife and hoped she did not work too long today and would find some time to spend with him. Council Members Lawrence, Wiseman, Garcia, Alvarado, Lovell and Berry absent.

Council Member Khan stated that he wanted to wish condolences to Council Member Edwards on the loss of her mother, that there was a saying in his Pakistani language that the path to Heaven went through mother's feet, that he thought all mother's went to Heaven and he was sure Council Member Edwards mother was still wishing her all the best and the way Council Member Edwards had turned out was a role model for a lot of people and was one of the most outstanding public servants that he knew so her mother had done a wonderful job, and wished condolences to all of her family. Council Members Lawrence, Wiseman, Garcia, Alvarado, Lovell and Berry absent.

Council Member Green stated that next Budget and Fiscal Affairs Committee meeting would be on March 6, 2007 in the Council Chamber at 10:00 a.m., that they disseminated the list for the rest of the year for those Council meetings so they could schedule accordingly, that they were also working on getting together the budget hearings, that it would give them an opportunity to plan their schedules out. Council Members Lawrence, Wiseman, Khan, Garcia, Alvarado, Lovell and Berry absent. (NO QUORUM PRESENT)

Council Member Green stated that the Houston Community College was holding their Black History Gala with James Earl Jones who would be in town on February 24, 2007 at HCC and if they wanted more information it was www.HCCS.EDU/BlackHistory, that it was to benefit the Houston Community College Foundation. Council Members Lawrence, Wiseman, Khan, Garcia, Alvarado, Lovell and Berry absent. (NO QUORUM PRESENT)

Council Member Green stated that he had passed out a document entitled "The Law Firm Diversity Report Card", which was something that was put together by the local minority Bar Associations which were inclusive of the Houston Lawyer Association, the Hispanic Bar Association, the Mexican American Bar Association and the Asian American Bar Association, one of the reasons that he put it out was that it was always could to reexamine where they were as it related to diversity, as it related to their best practices and he applauded the Bar

Associations for putting together a very comprehensive survey in which 21 law firms participated and answered, that first of all his hat went off to those law firms that sent in responses to the report card because it was an opportunity to do some introspection and see where they had and had not made strides and at the end of the day many of them received not such a great score, the methodology was in the report and 14 law firms scored either C or below, one of the reasons why he brought it up today was because they as a client of some of these law firms he thought it was important for them to examine where they allocated their tax dollars, that historically many of the firms and the City itself had not done a great job of using diversity as a factor in choosing who did their professional services, he thought they had made some great strides, that he and Mayor White had talked about it and he would like the public and some of the law firms to know and Mr. Michel that they spent millions of dollars in outside legal fees and as their General Counsel he thought that they should use reports like this and even the own law firms information that they provide them when they pick some of the firms, and he was not saying that they just pick the firms that had more Hispanics, Blacks or Whites, that he thought they should look at what they were doing because as taxpayers held them accountable for the way they spent their tax dollars, the firms they use, they were in a majority minority City and he thought it said a lot when they had law firms that historically had not had and probably in the near future probably would not have a lot of minorities walking their halls yet he knew a lot of these law firms did not mind making money off of minorities and he thought it was something that they needed to be very cognizant of, it was an issue that he knew they looked at around here when it came to professional services, but it was very interesting to note that the firms who did the most bond work and that was not inclusive of any other type of work that they had at the City, but who did the most bond work received scores of C and below, that he could tell them that over the last three years that he had been in Council just these three law firms had done probably a little of \$3 million in billables for the City, that he thought what they needed to do, not only from the perspective of just good government, but since they were a major client of the law firms they needed to do what was being done nationally, when places like Wal-Mart, consumers were calling on Wal-Mart, consumers were calling on some of the big corporations to become a lot more diverse in their hiring and their promotional practices, they needed to, as clients, do the same thing when it came to these law firms, and not just on the diversity level but he did not like the fact that they were almost being held hostage by some of the law firms because historically they had done most of their work and if that meant they needed to do more research internally in whatever section, whether it was an environmental area, whether it was bond work, whether it was real estate, he thought historically they had some individuals who had worked within the Legal Department who were just comfortable with these firms and they did not want to do anything more, they did not want to do the research to find out other firms that did that type of work, but it all boiled down to whether they got the best bang for their buck, not just in diversity but were they really getting the services that they were paying for, so he would encourage Mr. Michel to have members of his firms who head up each one of those departments to do the appropriate research to determine whether these firms, and he was not picking out any particular firm, but if these firms were the only people who could do the City's work, and he was not saying they forego the big firms and go to a smaller firm because he did not think some of the smaller firms had the capacity to do it, but he did not think in the fourth largest City in the United States that they were the one's who should say that only those three or four or five firms could do their work, and that was not good, they had more than 500 oil companies here and they had lots of resources and it was time to make some bold decisions, as they talked about litigation for an hour and a half this morning it just went down to it, when they promote the universities in the City they always say it was a great place to live, work and play and learn, it was not good that they had three law schools but most of the students who were at those law schools could not work at those law firms, they would not work at those firms, and he knew that the paradigm was shifting and thought there were a lot of people who may say they only hire from Harvard and this that and the other but he could tell them that if he walked down some of the halls he could see a lot of average non minorities so if there was a different scale that

people were grading now once again he thought it was up to them to demand that they get citizens of Houston, hire people from outside, but they needed to demand the these firms wake up, it was changing, that was his issue and he had passed the report around and had disseminated it to about 23,000 of his closest friends and he suspected they would get some calls about it and he did want to say as well that there were some firms who did business with the City who actually had done fairly well according to the report, he was not saying that they use to work against them, he thought they needed to work with these firms because obviously they had people who worked in one of the largest law firms in the City and they had a pretty diverse law firm and he thought that now was the time for them to step up their efforts as they continue to hire outside counsel. Council Members Lawrence, Wiseman, Holm, Garcia, Alvarado, Lovell and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that he agreed with Council Member Green's comments and they had been conveyed to Mr. Michel and they were convening a number of general counsels on it so they could aggregate purchasing power and come up with criteria as they had discussed. Council Members Lawrence, Wiseman, Khan, Holm, Garcia, Alvarado, Lovell and Berry absent. (NO QUORUM PRESENT)

Council Member Brown stated that he wanted to second what Council Member Green stated so eloquently and wanted to commend that his report may actually affect the outcome of the presidential nomination of one of their major parties. Council Members Lawrence, Wiseman, Khan, Holm, Garcia, Alvarado and Berry absent. (NO QUORUM PRESENT)

Council Member Brown stated that wanted to pass out a flyer on their latest recycling program, but in all seriousness they had an ordinance pending about scrap dealers and he found it very interesting that the source of copper and other expensive metals were the bandit operations, and they had to do something about their sign ordinance, if it complied with their sign ordinance he thought they had a problem, that a lot of these were portable operations that were operating out of the back of 18 wheelers and he thought if they went out there and looked at what was actually happening it should be illegal, they should not allow anybody to operate that kind of business out of the back of an 18 wheeler and if they did not include that prohibition in the scrap dealer ordinance they were not going to put those guys out of business, what they would really like to have was real recycling as part of the effort to put those fellows out of business but he thought it was interesting and it was not any mystery why the largest information on those signs was in Spanish, it was kind of an underground activity that the thought they needed to get at the heart of and he hoped the Mayor would find it interesting; that the second handout had a Metro bus in it that hopefully makes the point in a more convincing manner but the whole idea was that he came across a quote from Yogi Berra, "if you don't know where you are going you might end up some where else", so he thought that was something they could all take note of. Council Members Lawrence, Wiseman, Khan, Holm, Garcia, Alvarado, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Brown stated that he and Mayor White had a very interesting discussion yesterday about housing and housing policies in the City of Houston and it prompted him to make a matrix of their housing programs in two categories, new construction and rehabilitation, that it was fairly complete and he would be happy to share with everyone, that he only had one that he would give to Mayor White but it took all of their programs and it talked about whether they were sale or rental and what type of product and what the funding source was and what the delivery goals were and what the actual delivery annualized and was and who the responsible parties were and what policies that supported and how they might rate the programs, that he thought it would be a very interesting chart to fill out and it would be a good mechanism for making decisions about where they invested their limited resources and whether it would be

TIRZ funds or other. Council Members Lawrence, Wiseman, Khan, Holm, Garcia, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Brown stated that his last subject had to do with understanding the demographics of the City of Houston which was something he was very interested in because he believed that they needed to plan their City and base their priorities on the facts, on real trends rather than reacting to abnormal deviations or operating without a full package of data and he thought under Mayor White administration and the Council they had made significant progress on a lot of issues, they were tackling a lot of challenges and they ranked high in a number of areas, but there were some issues where they were challenged and he thought it was important to discuss these issues and to work together to find solutions and he would mention a few of them now, property taxes was one and something that everybody was concerned about and in looking at some of these numbers he found that Houston had among the highest property taxes of any major city the County and when they discounted the State Income Tax they ranked around fourth, then they looked at the other side of the equation, median household incomes, they were at \$36,894 per year per household and that was about the same as Dallas, that interestingly enough San Antonio was higher, Austin, Phoenix and Denver were higher, that Houston was about \$10,000 below the national average in terms of median household income and he wondered whether that indicated that they had a disproportionate number of low paying jobs, in terms of median house prices, which was an asset for Houston, the median price of owner occupied homes was about \$113,000, which was similar to Dallas, which was about \$120,000 but quite a bit higher than San Antonio, which was interesting, there were other issues like housing vacancy rates that they needed to be concerned about, poverty rates, all rather high and he thought those were areas that they needed to work on, their growth rates, by the way the figures came from the Census Bureau, American Community Survey, they were net figures with a deviation factor of 3.5%, that he was not saying those were the actual numbers, but they were numbers that were available and that they had to go on, the growth rate, he thought was a huge issue for Houston, of the central city, not the Houston region, but the central city, over the past five years according to the Census Bureau, the net in migration, out migration, was about 60,000 people or about 12,000 per year, it was about 10.5% of the total growth of the region and cities like San Antonio, and he did not understand why, had a growth rate of 5 1/2 times the City of Houston in terms of what happened within their city limits and New York, Phoenix, San Diego, Austin, Sacramento, Las Vegas and Charlotte were all growing faster than Houston, and the region was growing but it was not growing as fast as say Los Angeles, Phoenix, Dallas, Fort Worth or Austin, that here to him was a very important issue, that Harris County was growing at a rate of 5 times that of the City and in his estimation the City provided about 50% of the County's ad valorem tax base so that pushes the County with all that growth to spend a disproportionate share of revenues outside the city limits and since most of the growth, more so with residential than employment growth, but they provided a lot of services to people who did not pay taxes in the City of Houston, he knew that they could not do much about that, they did not want to have a business tax like Philadelphia but he thought it was something that they needed to be concerned about, they needed to attract more growth, quality growth, jobs, housing of all sorts into the city limits of Houston, that he had spoken before about density and sprawl, another factor related to what he had talked about was the exodus of the middle class from Houston and what he was beginning to sense was that they had housing opportunities for the well to do and they had quite a bit of housing, a lot of it was substandard for people who lived or at the poverty level, but the supply of middle income housing was diminishing and there was a lot of net out migration in terms of middle class households to Harris County and outside the city limits so his question was what could they do to attract the middle class back to Houston, that he thought the bell had rung but he thought these were very interesting questions that he personally would like to find answers to and work with his colleagues to come up with strategies where they could influence the outcomes of some of those numbers and make them more favorable to the taxpayers to the City of Houston.

Council Members Lawrence, Wiseman, Khan, Holm, Garcia, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that was one of the more sustentative pop-offs, it really identified, he wished that they had it to put on a CD and give it to people because it was right at the heart of some of the things they were doing and he would say that it was right at the heart of some good faith conflict they were having because when he looked at that data and asked people about the things that would attract more housing that was affordable for middleclass families then making it easier to build responsibly in accordance with known rules within the City was one of the number one things that he could do and avoid driving up the cost and on that issue from time to time people who share his goals and objectives, so they know where he was coming from. Council Members Lawrence, Wiseman, Khan, Holm, Garcia, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that she wanted to salute Council Member Holm for her amazing hard work and persistence and patience over the last 18 months putting together a Newsrack Ordinance, that she had seven committee meetings on the subject, multiple stakeholder meetings and kept them all informed and she thought really crafted a tremendous ordinance that was a compromise of all of the issues yet was going to be very effective, she acted boldly and moved with great deliberation to create that and she thought that was an example of the quality of work that the Council was preparing and presenting and the Mayor's administration as well. Council Members Lawrence, Wiseman, Khan, Holm, Garcia, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that she wanted to applaud the Mayor's efforts at he Benzene Plan and efforts to improve the air quality in the City of Houston and hopefully their region, that she was very excited to be a part of a body who was going to produce an ordinance that was actually going to reduce the air pollution and do something, that she urged that they make a very strong law that was enforceable and specific and that would sustain legal challenges but more importantly that would actually result in cleaner air for their region, that she was very excited to be a part of it, not waiting for the Federal or State Government to take a leadership role in it and doing it themselves, it was one of the reasons she was honored to be a part of the City Council, that she happened to believe that local government was the best government and she was very excited to be a part of an organization that was going to tackle this in a fair but firm manner and looked forward to working with them over the next six weeks and would urge all of the stakeholders in the community, the people who knew what they were emitting into the air, to let them know what an attainable standard was, what types of things they could do over the next period of months and years to come into compliance if they did set a standard and to be a part of the dialog and the process, that she urged them to let them know in the next six weeks, if they had a six week deadline they needed to have substantive comment probably in the next two weeks so that the City Council could start reviewing and tweaking them and making changes. Council Members Lawrence, Wiseman, Khan, Holm, Garcia, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that she wanted to read an email that saluted the good people in the Public Works Department, that they had been receiving phone calls from a teacher in the district, Mr. Will Greer, who she spoke with one morning when he did not expect to reach anybody and he was extremely frustrated he had a sewage backup in his yard and because he was a teacher he thought he had to wait until spring break to be able to schedule the time to be at his house to deal with Public Works but he had given them an update on the nice experience he had and she read, "my happiness started returning when a man called to send a camera crew out after school one day in the cold rain, Mr. Vamp and Jose found a problem with the City connection then Entex was out real quick to mark the gas line, then this past Thursday a repair

crew managed by Mr. Tillis called to schedule the line repair for Sunday, February 11, 2007, all accommodating his schedule, Mr. Wallace, Mr. Rivers and "big man" showed up early and did a very nice professional timely job that made me the happiest man on Indicot, maybe in all of southwest Houston, the repair crew put the fence back up and would be sending a fence crew to do it up some more", that he wanted to thank them and wished that they pass the email along to the gentleman in Public Works that they had emailed earlier and many thanks to the men who were involved in a job well done, that he also thanked Barbara Hyatt in her office and to Mr. Gary Norman, Public Works, that it was yet again more praise for the people who were really doing the hard work in the cold rain on a Sunday dealing with sewer matters. Council Members Lawrence, Wiseman, Khan, Holm, Garcia, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that in her engagement on this he put five questions on that memo and another that he had dealt with industry representatives, do they monitor within their plan how much benzene they put in the air, was there a computer screen that showed that, what was their software platform, and whatever they say by hitting a few clicks they could put that on the internet so they could, would they do that, it was a substantive issue and he could understand that the reason why they did not was because people talked about class action suits and all that stuff so they did not want to put it on the web, but he was just giving them some ammunition because he thought that was where they wanted to go, he thought the industry would cut the benzene level like they did in butadiene if they knew what the consequences were, and the other question to ask was there was a lot of flaws in their plan, it just happened to be the best plan they had been able to develop and if it was not the benzene reduction plan then do they had a plan for their plant and if so would they share the plan at their plant with the City, these were some questions, he just went back and forth, they had some Council Members on there. Council Members Lawrence, Wiseman, Khan, Holm, Garcia, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Johnson stated that he wanted to wish everyone a Happy Valentines Day. Council Members Lawrence, Wiseman, Khan, Holm, Garcia, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Johnson stated that he wanted to acknowledge the work that the administration did on the Taxi Cab Ordinance, where he did appreciate the fact that they tried to move in the right direction by making some moves to help alleviate some of the financial woes that the particular company would have under the auspicious of losing their permit, not a contract, but losing their permit, and when they first brought up the shared ride he was 100% of the shared ride but certainly was not in favor of their destroying any business and where he knew they did offer a medallion for the companies that were affected inside the Loop by the shared ride he just thought they made a good gesture and he did not believe that the good gesture simply was enough to make the companies whole and where he had been told on many occasions that it was not their business to make the companies whole he disagreed because they made shared ride whole, they over and over and time and time again said that they had to give shared ride the entire market in order for the business model to work and so with that being said they made a company whole while destroying another and unfortunately they were MWBE businesses which he certainly looked very closely at, that these businesses were essentially left out in the cold, that again he got the part that they did a good job of providing the medallions but he truly believed that they could have gone a little bit further, he was not looking a gift horse in the mouth he just wished they could have done a little better job, that he did appreciate the gesture but hoped that at some point they might open up the doors and be able to help companies and not just these particular companies but the City should never be in the business of putting companies out of business. Council Members Lawrence, Clutterbuck, Wiseman, Khan, Holm, Garcia, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Johnson stated that he had been getting a lot of calls from many of his constituents in the area talking about Solid Waste, the guys at Solid Waste, he believed, had a tremendous job on their hands and they did a good job for the most part but he had been getting a lot of complaints, especially in the district where the infrastructure was not all that great and the trucks had to maneuver down very narrow streets with ditches on both sides and they were taking the cans, emptying the cans and then just simply dumping them in the ditches, a lot of the senior citizens were having a very hard time going in and retrieving the cans out of the ditches and therefore leading to other problems that were in the area, that he had made several calls to Solid Waste and had not gotten a return call and really believed that they must address it, certainly they were working diligently to fix the infrastructure problem that they had in the district but in the meantime he certainly would like to get some calls back from Solid Waste to discuss these particular issues and maybe come up with some remedies on how they might be able to address it, that he certainly knew that they had done a good job in the past but he did not know what was going on right now but certainly hoped that he could get a call back so they could address it. Council Members Lawrence, Clutterbuck, Wiseman, Khan, Holm, Garcia, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Johnson stated that he wanted to say Happy Valentine's Day to his wife, his daughter and to all the beautiful women in the City of Houston and City Council. Council Members Lawrence, Clutterbuck, Wiseman, Khan, Holm, Garcia, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that he wanted to thank everyone for their condolences regarding the transition of her mother, that their family appreciated it very much, that she would be funeralized in San Diego on Monday. Council Members Lawrence, Clutterbuck, Wiseman, Khan, Holm, Garcia, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that they had scheduled a Flooding and Drainage Committee meeting for Monday so they were going to rescheduled that meeting for those who had planned on coming. Council Members Lawrence, Clutterbuck, Wiseman, Khan, Holm, Garcia, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she was frustrated and needed some advice and support as to how to move forward, when they had committee meetings and the committee members recommend a piece be forwarded to Council with recommendation for approval and then it just kind of falls apart at Council she was beginning to question the validity of the committee meetings because when she talked to constituents about what was happening at the committee meetings and that should probably mean would happen at Council and then it was just blown apart, that she was not really clear, maybe she had the wrong appreciation of what committee meetings were for but for her she tried to have the ones that she was responsible for to have a forum for public input and departmental input and for Council Member input and if it was not ready to go to Council then they needed to keep talking about it, but she was very frustrated about the process right now so if she could have somebody help her to understand how to make the thing move forward and be more productive for the citizens and for their office she would appreciate it. Council Members Lawrence, Clutterbuck, Wiseman, Khan, Holm, Garcia, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that about two or three months ago with the Good Neighbor Program in the Houston Hope areas there was an amendment added that all of the applicants that were applying for assistance for home buying in those areas would be checked for sexual molestation and that was passed by the City Council and she asked if that was congruent with all of the other ways that they allocate or disburse City funds to citizens, do they

check all of those citizens for sexual molestation charges and she understood the uniqueness of perhaps somebody living next door to them but somebody lived next door to everybody so to her it was the same process, that she had talked to a member of Legal and they were not clear how they could do that for all contracts that the City lets where it involved City money being let to a person, did they check for that, but she did not think that poor people should be the only segment of this society that they scrutinize regarding that particular issue, it should be everyone, that it really irritated her because these were people that had already been scrutinized by somebody because they were firefighters, police officers, teachers and so forth and so she was not clear of what they were trying to do but if they were trying to build communities she did not think they should just keep hitting on the most vulnerable who were not organized, who did not have lobbyists, who did not come down to visit them but depending upon them with their vote that they gave them every time they went out to talk about how they were going to put a chicken in every pot and she was very uncomfortable with that, so to Mr. Michel she appreciated the work they had done on that but would really like to have an answer as to what they could do and how they could do it and if they could not do it for all why could they do it for people who were poor, she did not get that or appreciate that. Council Members Lawrence, Clutterbuck, Wiseman, Khan, Holm, Garcia, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she had sent in some requests to the Mayor's office and to Chief Hurr's office and to Chairman Garcia's office regarding requesting an independent investigation regarding the tasers and shootings and so forth, that she was not concerned if it was aye or nay but wanted to hear what their response was. Council Members Lawrence, Clutterbuck, Wiseman, Khan, Holm, Garcia, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that they had been getting a lot of calls to their office about why they did not have the Black History display, that there was another group that had been given that position on the floor, but she would encourage everyone in the districts to examine the history of their district, she thought they would be very surprised at what they could find and lift up to help rebuild and revitalize the community, that in District D they had a lot of historic districts that were African American and some were not, that Minitex had an awesome history of how it was developed by immigrants coming from Minnesota and so forth and how that culture was still there in that tight little community, and so she thought all of their communities had a lot of history that needed to be examined and lifted up, that at City Council they had a lot of history, that Council Member Clutterbuck's father, Don Urvebrock, was a Life Magazine photojournalist and they had on display in the District D office one of the photo's that he took of Dr. Martin Luther King when Dr. King was being arrested for the Birmingham situation and then they had in Council Member Clutterbuck office, Mr. Tim Douglas, the Harlem Hellfighters who were the 369th, the First African American regiment in World War I was commanded by Mr. Douglas's great grandfather and they had documents recognizing the work of the 369th Harlem Hellfighters and Mr. Douglas's great grandfather's work was also on display at the office and they were also showing Black History through film, they were showing all types of movies from the Stormy Weather's to the whole documentaries of the Civil Rights movement and more so they encouraged them to come by and see, they also had handouts available for them in that effort; that tying in Black History Month with Valentine's Day, when Al Haines was still with the City, and he was very important in the Mormon Church, they had released the latest census regarding the U.S. Census and in it he did a genealogy study for her family and one part that she felt was very interesting was that her paternal great grandfather had to pay \$100 in the late 1800's in order to marry her great grandmother, it was called a marriage bond and if they had an appreciation for what \$100 in that time and day meant, especially for a person who was a sharecropper, that she guessed it was called some real love going on there and she could understand why a lot of people did not get married in those days and times, but she would

encourage them from any ethnic group or any background when they looked at their history not to look at the obvious people that they read about and hear about, the George Washington's, Malcolm X's or the Martin Luther King's, but to look and find what their grandmamma did, how did they make it through the depression, how did their family cross over from where they came from originally and she thought they would find some things that would make them stand a little taller and dig a little deeper and not give up so quickly on what they called adversity today because when they saw what people had come through it was really amazing that they were all here on those people's shoulders, so she would encourage them not to take the history of Black America or any people's history as trivia, that when they talk about immunization, her paternal grandmother's family was involved in the Small Pox epidemic of the Country and in a thirty day period she lost 10 brothers and sisters and her mother and she and her father were the only ones that survived and when she would tell them stories about how people were just burying people, they were not funeralizing them they were just burying them then she understood a lot of things that she did as a person regarding survival, so she thought history would give them a lot of pointers for who they were today and who they represented today, so Happy Valentine's Day, Black History Month or whatever the day was celebrate who they were and whose they were and be accountable. Council Members Lawrence, Clutterbuck, Wiseman, Khan, Holm, Garcia, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 1:54 p.m. Council Members Lawrence, Clutterbuck, Wiseman, Khan, Holm, Garcia, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

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

MINUTES READ AND APPROVED

/S/Anna Russell

Anna Russell, City Secretary