

City Council Chamber, City Hall, Tuesday, March 6, 2007

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, March 6, 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; Ms. Connie Acosta, Division Chief, Labor 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 1:53 p.m. Mayor White stated that Council Member Clutterbuck would begin presentations; and Council Member Clutterbuck stated that March 12, 2007, marked the 95th anniversary of the Girl Scouts of the U. S. A. founded by Juliette Gordon Low in 1912 in Savannah, Georgia and invited those representatives with the Girl Scout Council to the podium; and further stated that she herself was a Girl Scout and it meant so much to her showing her many opportunities; and because Girl Scouting took an active role in increasing girl's awareness of opportunities available today in so many areas and whereas there were 3.7 million current Girl Scout members nationwide she presented a Proclamation to them proclaiming the week of March 4th through March 11th, 2007 as "Girl Scout Week" in Houston, Texas; and Portia Davis, a Sr. Girl Scout, stated that her years as a Girl Scout had been dear with many memories, developing many skills and values and thanked all for the Proclamation; and two baskets of Girl Scout cookies were presented to Mayor White. Council Members Johnson, Holm, Alvarado, Brown and Berry absent.

Council Member Khan stated that it was a great day to honor outstanding young artists and the Volunteers of Houston Sixteen Sister City Associations undertook programs every year educating people through local programs promoting understanding of communities and since 1988 the Sister Cities International Annual Young Artist Competition had engaged youth with a Sister City mission to promote such through mutual respect, understanding and cooperation and young artists around the world ages 13 through 18 used their imagination to express their concept of the Sister City mission through competition and invited Ms. Ellen Goldberg to the podium; and Ms. Goldberg stated that on behalf of Sister Cities of Houston she would announce winners of the annual program for young artists whose theme was "Do We Live In An Open and Assessable World For All"; with first place being Patty Sung, second place was Amina Desalva, and honorable mentions were Rebecca Lee, Cathleen Rodriguez and Alan Penn and those present were presented Certificates of Recognition. Council Members Alvarado and Brown absent.

Council Member Lovell stated that when the city took on the fight against graffiti they were criticized about wanting to blame the victim, but because they put more stringent penalties and awareness on the issue two officers were able to get three graffiti taggers who had caused about \$20,000 in damages and invited Officers Edward DeJesus and Charles Overstreet to the podium; and the two officers described how they came upon and caught the taggers; and Council Member Lovell stated that because of their smart police work and high investigative skills today they were being presented Proclamations proclaiming March 6, 2007, as Officers Edward DeJesus and Charles Overstreet Day" in Houston, Texas. Council Member Brown absent.

Council Members congratulated the officers and thanked them for their daily police work. Council Member Brown absent.

Council Member Green invited the Scott family to the podium and stated that a new movie was opening next week titled "My Brother" and one of the stars was present; that Christopher Scott worked his way up to a movie star and was now starring with Vanessa Williams; that his debut was in Academy Award nominee writer/director Anthony Lovell's film and he was making cinema history by being the first African American actor with the disability down syndrome to play a leading role in a full length motion picture; and was presented a Proclamation proclaiming March 6, 2007, as "Christopher Scott Day" in Houston, Texas; and Mr. Scott stated that dreams did come true, but you had to make them happen. Council Members Johnson and Brown absent.

Council Member Lawrence stated as a point of personal privilege she wanted to honor and recognize firefighters and Local 341 on "Fill the Boot Day" and invited Chief Flannigan, Roland Chavez and Heather to the podium. Council Member Lawrence stated that all firefighters competed against one another in a great cause, again giving of themselves in more than their work, and members of Local 341 were highly trained and dedicated individuals who demonstrated daily an extraordinary caliber of character and courage and donated time and energy in supporting the battle against Muscular Dystrophy by filling the boot each year and in the past 11 years Houston Firefighters Local 341 raised more than \$3.8 million and 10 out of the last 11 years members of Local 341 raised more money for MDA than any other fire department in the country; and while the boot was passed at the Council table for donations by a firefighter and Caitlyn LaBleu, Muscular Dystrophy's Goodwill Ambassador, Chief Flannigan stated they were in a battle and wanted to be a part of winning the war with a final medication; and Mr. Chavez asked all firefighters to stand to be recognized and invited a representative with the Muscular Dystrophy Association, Heather, to speak and she stated that throughout the country they hear Houston Firefighters were number one and she thanked Mr. Chavez and all firefighters who got out there to fill the boot; and thanked the Mayor and Council Members and Fire Chief for all working together to become number one in the country and for providing hope for so many families; and Council Member Lawrence then presented a Proclamation to the group proclaiming March 10th, and April 7th, 28th and May 12th as Houston Firefighter Local 341 Fill the Boot Days" in Houston, Texas. Mayor White, and Council Members Johnson and Holm absent. Acting Mayor Pro Tem Berry presiding.

Acting Mayor Pro Tem Berry stated that he wanted to invite Miss Abbey Niezgoda to the podium; that she had been in an invitational and speech tournament in Massachusetts, it was the largest high school debate tournament in the country and 42 states were represented with over 3,000 students and in her event she was placed second in the nation and it was a pleasure to call her out; and presented her a Certification of Recognition congratulating and saluting her on her outstanding accomplishments as a winner in the Harvard National Invitational Speech and Debate Tournament. Mayor White, and Council Members Johnson and Holm absent. Acting Mayor Pro Tem Berry presiding.

Council Member Brown congratulated Miss Niezgoda and upon questions, Miss Niezgoda stated that her event was original oratory and it was not really a debate but a speech addressing an issue in society and what could be done about the issue in your opinion and hers was on the topic of social isolation and how though living in a city with a million people many felt more and more alone; and Council Member Brown stated that he would love for all Council Members to receive a copy as all were interested in the subject. Mayor White and Council Member Holm absent. Acting Mayor Pro Tem Berry presiding.

Council Member Khan congratulated Miss Niezgoda and all who were involved in a grassroots effort and all of Houston was proud of her. Mayor White absent. Acting Mayor Pro Tem Berry presiding.

At 2:33 p.m. Acting Mayor Pro Tem Berry called the meeting to order and called on Council Member Lovell who invited Pastor Randy Noell of Bering United Methodist Church to lead all in the prayer Council Member Lovell led all in the pledge. Mayor White absent. Acting Mayor Pro Tem Berry presiding.

At 2:37 p.m. the City Secretary called the roll. Mayor White absent. Acting Mayor Pro Tem Berry presiding.

Council Members Khan and Garcia 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 Garcia moved that the rules be suspended for the purpose of hearing the following speakers at the top of the three minute non-agenda list of speakers: Ms Alana Hill, Ms. Toni McElroy, Mr. Mario Umanzor, Mr. Ramon Garcia, Mr. Alfredo Santibanez and Mr. Cristobal Hinajosa, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2007-0242 ADOPTED

Council Member Brown moved that the rules be suspended for the purpose of adding Ms. Kathy Mathews to the list of speakers, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2007-0243 ADOPTED

Ms. Esther Francis, 2616 South Loop West #330, Houston, Texas 77054 (713-838-7108) appeared and stated that she was the chair for the National Association for Minority Contractors and co owner of CDIC Construction and Development, a general contractor and construction manager in Houston, and present regarding affirmative action and minority and women owned business goals set up and to reiterate they were in agreement with the new goals proposed and confident it was achievable to achieve in private and public work, but the pay or play policy had members concerned as they were worried it would drive up cost of construction and drive away minority participation from city projects and on the prompt payment issue many contractors said they had not sought city work because of past history on paying late and thought it would be good for the city to do a consorted marketing effort to contractors and let them know of the new payment policy. Council Members Lawrence, Clutterbuck, Holm, Garcia and Berry absent.

Council Member Edwards stated that she had a number of questions and concerns and would like to set up a meeting with her; and upon questions, Ms. Francis stated that she was in Houston and affiliated with the national association. Council Members Lawrence, Clutterbuck, Holm, Garcia and Berry absent.

Mr. Darryl Samuels, 3406 Endicott Lane, Pearland, Texas 77548 (713-754-8769) appeared and stated that he was president of the National Association of Minority Contractors, Houston Chapter, and to reiterate what was just said, ditto, they were supportive of the City of Houston's initiatives and they were meeting with those who opposed the disparity plan and working out strategies to work together and fill the contractor capacity; that they had worked a way to provide information on qualified members to do particular types of construction and were encouraging networking, joint venture, etc., on the pay to play clause they were concerned about providing health benefits and requiring smaller contractors to provide health benefits to employees and felt that issue needed to be explored and they needed to dispel the myth of slow pay. Council Members Holm, Garcia and Berry absent.

Council Member Johnson stated that when he met with Ms. Francis and Mr. Samuels he was encouraged as they were doing a tremendous service to all minority contractors and he thanked them; that a business symposium would be put on March 23rd to discuss such matters

and get more minority contractors and he would like them to stay in touch. Council Members Khan, Holm, Lovell and Berry absent.

Upon questions by Council Member Edwards, Mr. Samuels stated that the NNAMC believed their contractors should be pre-qualified in certain areas depending on the scope of the work and the City and their organization would work hand in hand on it, he thought additional information on dollar value or type of projects interested to bid on would make it easier to identify and locate them. Council Members Khan, Holm, Lovell and Berry absent.

Upon questions by Council Member Lawrence, Mr. Samuels stated that they were meeting with one group at a time and were trying to win battles they thought they could win and then would build momentum to talk with other groups, primarily what they saw proposed was achievable but they needed to change the mindset; and Council Member Lawrence stated that the biggest problem she had was coming up with a personal net worth statement, if there was a couple and one person was worth a million dollars and the other started a business with \$10,000 in the bank that was not part of the qualifications at this point, right now the city did exempt homes and businesses and that was where she hoped his organization would look so they could really help small businesses, when you exempted someone's home and money they put back in their businesses you had millionaires getting contracts the small guy should be getting and she thought a couple should have their net worth looked at as a couple instead of someone playing hide the money and she would welcome a conversation with him or anyone else on that; and Mr. Samuels stated that there was a size and income requirement and the question he would pose was did they want to enforce such rules and regulations in a certification program and he said that because there was benefit for size requirement, but when looking at income there were gaps in the minority community and it may be a situation where a larger company could perform and he would not want to eliminate that and would they investigate how it could work. Council Members Khan, Holm, Lovell and Berry absent.

Ms. Maria Isabel, 1518 Washington #H, Houston, Texas 77007 (713-524-0721) appeared, presented information and stated that she was representing 232 commercial and residential properties in District H and she was relaying concerns of property owners, last year they urged Council to investigate plans of TIRZ No. 13 and they thanked them for not approving their budget; that it was difficult to sit still when tax dollars were spent to support efforts to remove her rights as a property owner, she bought property with rights and now they wanted that to change, the irony was that by discontinuing the 90-day waiver it would not provide incentives for saving structures and put into play a temporary restriction forcing owners of property to submit to rules of others; that neighbors were questioning if it was a fair way of representing all parties, if saving historic houses was a public matter then they should step forward with meaningful incentives as opposed to forcing property owners into financial hardship and obligatory historical preservation and residents were requesting an opt-out for those who purchased their properties for land value and or investment purposes. Council Members Khan, Holm, Lovell and Berry absent.

Upon questions by Council Member Edwards, Ms. Acosta stated that she would check and get back with her if someone could legally opt out if you were in a neighborhood which would be changing its land use. Council Members Holm, Lovell and Berry absent.

Mr. Ed Cogburn, 3701 Kirby, Houston, Texas 77098 (713-987-7116) appeared and stated that he was present on behalf of the property owner of 1717 Lubbock, Mr. David Loftus, he was surprised of the ordinance and concerned he would not be able to do what he had done with several properties in the Sixth Ward which was to donate them to charities affiliated with the Old Sixth Ward Association where he donated them and they were moved and he had entered into an agreement to donate the structure at that address, but now he understood the ordinance would not affect someone who wished to donate it to be moved rather than demolition and he

was sure if that was so he would feel somewhat relieved. Council Members Holm, Lovell and Berry absent.

Mayor White stated that he would take a look and the intent was to address demolition and if he was working with the Old Sixth Ward Association they would know there would be stewards of the property and he would ask Legal to see how it was drafted and see whether it culminates his concern, it was the intent to make constructive rules that would during the period of deliberations avoid actions which were irreversible which would be acts of demolition, but he would see how it played into the structure. Council Members Holm, Lovell and Berry absent.

Mrs. Shelly Anello, 2205 Decatur, Houston, Texas 77007 (713-204-2520) appeared and stated that she lived in the Sixth Ward and there was an exciting change, people were saying they wanted stability and the short-term exclusion of demolition in the Old Sixth Ward was another step in stabilizing Houston's history, the measure helped to insure no homes were lost as all sides voiced their views; that her husband was accused of using the TIRZ to serve his personal interests, but this initiative had been pushed for at least 10 years and she thought they would be astounded at the amount of money which had to go into the homes, it was difficult to find architects and contractors at a reasonable price and the city could make it possible to insure the structures remained standing for rehabilitation and then that incentives existed. Council Members Holm, Alvarado, Lovell and Berry absent.

Council Member Garcia stated that they were working to develop a model to make sure they respected everyone and he thanked her and her neighbors for helping them work through issues. Council Members Holm, Alvarado, Lovell and Berry absent.

Upon questions by Council Member Brown, Ms. Anello stated that they had renovated two houses and they had a unique community because people put their heart and soul into their homes and others there assisted owners in their work to make them what they were. Council Members Holm, Garcia, Alvarado, Lovell and Berry absent.

Upon questions by Mayor White, Ms. Anello stated that they did have a property on Sabine which was boarded, but her husband was putting his heart and soul into it; that sometimes things took longer than you thought, but a tremendous amount of investment was going into the property and it would help if the city insured an incentive for architects and builders, etc., to engage in such projects with their unique features; and Mayor White stated that was something they would be doing and in the spirit of moving forward he wondered what their expectation of a property owner should be when the property was boarded; and Ms. Anello stated that it was difficult to say because if surveyed they would find many people doing work themselves because of the nature of the projects and because of the time not at work it changed the pace of a project; and Mayor White stated that if he knew the answer he would not ask it, but thought she could understand that if someone said it was boarded indefinitely and it was not sold to someone who did have resources to do it she could understand why someone would say it did not contribute to the neighborhood; and Ms. Anello stated that she did understand and as they had conversations with all sides explaining what was happening and as they got to the heart and resolved issues they could start to talk about a reasonable time frame as he would understand issues better. Council Members Holm, Garcia, Green and Berry absent.

Mr. Claude Anello, 2205 Decatur, Houston, Texas 77007 (713-204-2520) appeared and stated that he was chairman of the Old Sixth Ward TIRZ and that Council was told previously historic preservation restrictions were unconstitutional and un-American and he would not dispute all the untruths as there was not enough time, etc., but restoration was much more costly than new construction and involved much time but they did it as it was right, they took

pride in owning the homes; that Mayor White established a working group to study the issue of historic preservations in the Sixth Ward but until the solution was finalized he asked an ordinance be passed which would for a short time restrict demolition in their area and members of the Sixth Ward working for historic preservation had seen house after house demolished and once gone they were gone and little remained of Houston's history and he asked Council Members heed the voices of the community; that 65% of the owners signed the petition in favor and 16% signed against and others remained in-between. Council Members Holm, Garcia, Green and Berry absent.

Upon questions by Mayor White, Mr. Anello stated that he thought they should look at the people voicing concerns, some don't want restrictions or to be told what to do with their property and then they say but go tell someone else what to do with their property and secondly, they were hearing from individuals and the association represented and were comprised of elected members voicing concerns of the community and knew the properties and knew owners were struggling to do the right thing; that 2100 Decatur had been boarded about 8 years and had broken windows and during summer weeds were 7 to 8 feet high and the owner was the City of Houston, it was the old fire station; and Mayor White stated that they were on the same wave length for the item on the Agenda, but he just heard him say a couple of neighbors were hypocritical and also that the City of Houston needed to do a better job with a fire station so no one should criticize him; and Mr. Anello stated what he was saying they were not homes boarded and abandoned but instead at various stages and undergoing development; and he felt the expectation on what should be considered on a boarded building should be left to members of the community as each case was different; and Mayor White stated that it was the issue about the rights of a minority within the neighborhood which bothered him, plenty of neighborhoods were ripped apart by people and he saw benefits to rules which had expectations and clarity and anything he and others could do to help he would appreciate . Council Members Garcia, Green and Berry absent.

Council Member Lovell stated that as they moved through historic preservation revisions she hoped one tool would be a preservation fund where the community would be asked to raise money and then through that they could make low interest loans which would allow them to do renovation, but for now she would like to stop demolition and adhere to the rules of weeds and boarded windows in effect at this time. Council Members Clutterbuck, Garcia, Green and Berry absent.

Mr. Thomas Birmingham, 1516 Beconshire, Houston, Texas 77077 (281-752-7928) had reserved time to speak but was not present when his name was called. Council Members Clutterbuck, Khan, Holm, Garcia, Alvarado, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Alana Hill, 8610 White Castle Lane, Houston, Texas 77088 (713-868-7015) appeared and stated that she appreciated Mayor White's comments in the Houston Chronicle today on the TXU plan and for his support on the affordable utility platform as well as utility center; that last year during the summer her light bill was \$500.00 a month and she could not afford another summer of such and knew the TXU buyout was a bad idea for the consumer, residents, commercial and municipalities and they were asking for a resolution of support from Houston and nine other cities across the state; that last week she testified before the Senate Committee on Commerce and at this time members from Acorn were testifying; and again urges support. Council Members Clutterbuck, Holm, Garcia, Green and Berry absent.

Mayor White thanked Ms. Hill for appearing and stated that they were urging the Public Utility Commission have authority to have a hearing so all interested parties could put issues on

the table and have criteria to protect consumers. Council Members Clutterbuck, Holm, Garcia, Green and Berry absent.

Council Member Alvarado thanked Ms. Hill for coming and stated that she hoped they read the article today by Mayor White where he gave specific suggestions on what they could do aside from giving the PUC more authority, specific recommendations, and the message was also being communicated to other Mayors throughout the state and to the state legislature so perhaps something could be passed this session and did highly recommend it be read. Council Members Clutterbuck, Holm, Garcia, Green and Berry absent.

Ms. Toni McElroy, 3307 Wentworth, Houston, Texas 77004 (713-237-7248) appeared, presented a resolution and stated that she was president of Texas Acorn, a grassroots organization of 27,000 low and moderate income families across the state, and as just mentioned they asked Council's in 10 cities to pass a resolution; that they realized Council was not responsible for the buyout but would like them to take a bold step to stand and be counted against a deal bad for Texans and it was bad as TXU was an investor and would no longer be a publicly held company, there would be a \$20 billion debt which could only be repaid by raising rates and TXU already had 30% of the market share now and in some areas more, it was a bad deal to have a privately held company provide public utility; and urged Council to say no, that Texas utilities should be held by Texas companies and not sold to the highest bidder to do what they wanted; and they would like to know what they could do next. Mayor White, Council Members Clutterbuck, Edwards, Holm, Garcia and Green absent. Acting Mayor Pro Tem Berry absent. Council Member Alvarado presiding. (NO QUORUM PRESENT)

Council Member Alvarado thanked Ms. McElroy for coming and stated that the article she referred to the Mayor had laid out specific recommendations and she was right that deregulation only led to higher prices despite what those said who advocated for it and it was the poorest who paid the highest prices. Mayor White, Council Members Clutterbuck, Edwards, Holm, Garcia and Green absent. Acting Mayor Pro Tem Berry absent. Council Member Alvarado presiding. (NO QUORUM PRESENT)

Council Member Brown stated that it seemed utility rates had run amuck and he felt Council had a responsibility to protect consumers who elected them to office; and he would support a resolution by the governing body which would send a message to the Texas Legislature and Utility Commission that they wanted to end up with the same deal as Austin and San Antonio, they had city owned utilities and it was half of what some paid here; and Council Member Alvarado stated that the Mayor had been pretty consistent about resolutions and it would probably become a part of their priority legislative package; that he had sent a letter out yesterday and this morning to the legislators with those recommendations and she, as president of TML, also sent the Mayor's recommendations to many other cities throughout the state, but it would take every other mayor and council to do their part; and Ms. McElroy stated that 10 different cities were doing this and they were testifying in Austin today and did so last week and would continue toward the end of session; and there was no guaranty the coal plants would be kept to three. Mayor White, Council Members Lawrence, Clutterbuck, Edwards, Wiseman, Holm, and Green absent. Acting Mayor Pro Tem Berry absent. Council Member Alvarado presiding. (NO QUORUM PRESENT)

Council Member Khan stated that he wanted to point out that they as Council Members could individually send letters and they did not have to have a resolution, but a letter could be signed individually or collectively and it was important for Houstonians to realize this was something they needed to get on board with during discussions or one day realize something terrible had happened; and he thanked ACORN for what they were doing. Mayor White,

Council Members Lawrence, Clutterbuck, Edwards, Wiseman, Holm, and Green absent. Acting Mayor Pro Tem Berry absent. Council Member Alvarado presiding. (NO QUORUM PRESENT)

Mr. Mario Umanzor, 1622 N. Main, Houston, Texas 77009 (713-227-6721) appeared and stated that his speech was addressed mainly to Mayor White and it was upsetting that it was his second time to come and the Mayor left each time before they were able to speak and they did not like being ignored; that they were working on the METRO Northside Project, they did not want it; that he also tried to set a community meeting with Mayor White and his office turned him down, it seemed he did not want to hear what they had to say and just wanted the project to go on; that many businesses on the Northside did not want the project for many reasons, one they did not see the need as many buses were empty and what they planned to do could be done with the same busses they had now, but they called for the smart BRT which would have 5 stations along the north corridor and reduce 35 bus stops they now had down to 5, why spend so much money when they needed other things in their area. Mayor White, Council Members Lawrence, Clutterbuck, Edwards, Wiseman and Holm absent. Acting Mayor Pro Tem Berry absent. Council Member Alvarado presiding. (NO QUORUM PRESENT)

Council Member Alvarado stated that Mayor White was in the back in a meeting, but he was listening and would be returning and hopefully would be in to catch some of their other speakers. Mayor White, Council Members Lawrence, Clutterbuck, Edwards, Wiseman and Holm absent. Acting Mayor Pro Tem Berry absent. Council Member Alvarado presiding. (NO QUORUM PRESENT)

Council Member Garcia stated that the Mayor was in a meeting but he did listen to comments; that he would thank him for attending meetings and would ask he continue so they could work through issues and concerns of the community and hold METRO accountable and make sure the project was done in a smart way so all would have access, he was looking for answers from METRO and was frustrated the same as they were and he wanted to know how they would stabilize businesses during the construction process; and again thanked all for coming; and Mr. Umanzor stated that there were other alternatives and those in the Northside deserved respect, they did count. Council Members Lawrence, Clutterbuck, Wiseman, Holm and Berry absent.

Mayor White stated to Council Member Garcia and all citizens he had spent an extensive amount of time reviewing community feedback plan with the president of METRO and expected to have a report back; that there were concerns of how to deal with people, who other people said their property would be taken and it would not be, how to deal with public easements and in every place in the city there was the issue of each place needing to be treated equitably, the same on business interruption and that was true whether it be a street, freeway, thoroughfare; and they needed to understand what to do on that; and he thanked them for coming. Council Members Lawrence, Clutterbuck, Wiseman, Holm and Berry absent.

Mr. Ramon Garcia, 5426 Fulton, Houston, Texas 77009 (713-227-6721) appeared and stated that he worked in Houston since 1957 and he tried for the "American Dream" in 1990 METRO called and said they were to expand the street and take only a few feet and pay fair market value, but they offered only 1/3 of that fair market value and they had to fight for the right price and on the corner of Fulton there was a gas station and tanks underground and they promised to pull the tanks and pay for all, but the last minute they said it was their tanks and they had to pay; and his main thing was could they trust what METRO offered, would they just say don't worry, he was worried because he had a business and he tried to protect it and he hoped it would be stopped as they did not need the BRT they already had busses. Council Members Johnson, Clutterbuck, Edwards, Wiseman, Holm and Alvarado absent.

Mayor White stated to Ms. Vasquez that METRO had 8 people who were assigned and Mr. Wilson was visiting; that he was not trying to deflect any responsibility of those he appointed but he was saying there were people who needed to hear specifics and he wanted to make sure they did get notes and worked with Council Member Garcia's office and on the issue of whether there would be a taking or not there was actually an environmental impact statement which was big and extremely detailed showing exactly where lines were, but there were 8 people and he knew their responsibilities and the first contact were the people where there was shown taking in the plan, but then he saw something where properties were taken which were not in the plan and he wanted someone to communicate the facts; and he did hear their concerns. Council Members Johnson, Clutterbuck, Edwards, Wiseman, Holm and Alvarado absent.

Mr. Alfredo Santibanez, 4000 Fulton, Houston, Texas 77009 (713-408-6902) appeared and stated that his concerns were simple, why was METRO building a light rail train down the Northside corridor, a train system crossing in front of many schools and which would affect clinics, businesses, etc., and take away many homesteads now or in the future, they were the silent majority working for minimum wage and the light rail would increase property values in the district and for them every cent did count and many would find they would have to relocate and where would they go, a generation of Houstonians would be forced out systematically and the BRT would reduce stops from 35 to 5 and that meant many senior citizens would have to walk further than ever before; that he worked there over 30 years and all wondered what would happen tomorrow, they were all worried; that he spoke with METRO and they indicated there would be property seized and they would be notified as it went but by then it would be too late; that they did not want to lose their roots and they were the silent majority because they were simple people who rode through the storm, but tomorrow they would be the silenced majority because they would not be around; that Russell Frank, a representative of METRO, stated to him at a meeting they would build the system whether they wanted it or not and the only entity to prosper because of this was METRO, but at what cost, a whole generation lost. Council Members Lawrence, Johnson, Clutterbuck, Edwards, Wiseman, Holm, Alvarado and Green absent. (NO QUORUM PRESENT)

Council Member Garcia stated that on the point just touched on, METRO and their staff needed to exercise extreme customer service, especially when there was a lack of information and exactness, to hear that statement was extremely poor taste and poor judgment and he would not tolerate it; that if it was not for the fact months ago he started a working group to bring all to the table so they could have access to technicians and engineers, etc., to provide transparency who knows where they would be; that he appreciated the demeanor of those who came and the statement made by METRO would not be what he expected to hear from taxpayer paid staff and he would ask the Mayor to communicate that to the president of METRO to make sure their staff understood those people were their customers and who they all worked for. Council Members Lawrence, Johnson, Clutterbuck, Edwards, Wiseman, Holm, Alvarado and Green absent. (NO QUORUM PRESENT)

Mr. Cristobal Hinajosa, 810 McDaniel, Houston, Texas 77022 (713-742-5458) appeared and stated that he wanted to thank all for allowing them to speak on such a crucial issue, it concerned each and every resident of the Northside, first they would like to invite Mayor White to see where the METRO ride would pass and to see how many properties, more than 250 businesses, would be affected; that they were told letters were not being sent as yet but many were receiving phone calls by METRO and those present could present facts which showed the majority of their area did not want the ride; that the American Constitution talked about equal justice for all and respect of the opinion, of the will of the majority; that METRO said they had 150 meetings with Northside residents, but that was a big lie; that most of the people were not from the Northside. Council Members Lawrence, Johnson, Clutterbuck, Edwards, Wiseman, and Holm absent.

Council Member Garcia thanked all for coming and stated that he was committed to working with the community to make sure their concerns were addressed and he would hold METRO accountable; and again was asking for the Mayor's help to sensitize METRO that those were the customers and who they worked for and he wanted to be sure they were not confused on a basic point; that most of those they heard on this spoke with an accent, but because they spoke with an accent did not mean they thought with an accent and he wanted to be sure METRO was in tune with that, they were the people who made the near Northside economy what it was and they employed many people over the years and gone about their lives without a lot of support from government, but that changed when he was elected and he also thanked the Mayor for working with groups like TMO to bring significant investments and housing in the immediate area and to support and repair homes for seniors; that this Mayor helped to establish \$3,000,000 into their homes and some of their fears may be at risk of coming true if they could not increase homeownership, commercial property ownership and he wanted to continue to work with him as he wanted to make sure the face of the near Northside would not be changed, he was adamantly opposed to it and he needed help in lifting up the community and wanted the process transparent. Council Members Lawrence, Johnson, Clutterbuck, Edwards, Wiseman, Holm, Brown, Lovell and Berry absent. (NO QUORUM PRESENT)

Mr/Coach R. J. (Bobby) Taylor, 3107 Sumpter, Houston, Texas 77026 (202-FA3-4511) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Johnson, Clutterbuck, Edwards, Wiseman, Holm, Brown, Lovell and Berry absent. (NO QUORUM PRESENT)

Ms. Gina Wiley, 6800 Buffalo Speedway, Houston, Texas 77025 (832-646-6331) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Johnson, Clutterbuck, Edwards, Wiseman, Holm, Brown, Lovell and Berry absent. (NO QUORUM PRESENT)

Mr. Nathaniel Rido, 6018 Nunn, Houston, Texas 77087 (713-640-2730) appeared and stated that he was on the board of directors of NAMC and CEO of a nonprofit organization Southeast Keller Corporation which provided jobs and opportunities to those with disabilities and they subcontracted through the City of Houston with TIBH; that they were in the fifth year of providing grounds maintenance services for Water Production in Public Works and they increased the contract adding properties to it in September, but someone made a gross miscalculation of placing money in it and allowing them to be paid so now they cut the contract and he had spent \$168,000 buying tractors and equipment and now they canceled due to budgetary matters; that everyone keeps telling him the problem is not with him, but it was affecting him to the note of losing \$168,000 plus the city was not being honest enough to pay for the work that had been done; and when someone asked why the property was not being cut he told them they had to provide so many cuts during growing season and so many out of growing season, but they were wanting them to cut once during growing season and that put much hardship on equipment and manpower and whoever made the mistake in calculations needed to be reprimanded and he hoped for restitution on their hardship. Council Members Johnson, Clutterbuck, Edwards, Wiseman, Khan, Holm, Brown, Lovell and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that he knew he had visited with Mr. Norman but he could visit with him as he was present and he had received a briefing on it; that he did not think they could resolve it here, but thanked him for coming. Council Members Lawrence, Johnson, Clutterbuck, Edwards, Wiseman, Khan, Holm, Brown, Lovell and Berry absent. (NO QUORUM PRESENT)

Council Member Garcia stated that he was ahead of him as he did want someone to speak with him and get answers on how it could be resolved. Council Members Lawrence, Johnson, Clutterbuck, Edwards, Wiseman, Khan, Holm, Brown, Lovell and Berry absent. (NO QUORUM PRESENT)

Mr. Larbi Ettahali, P. O. Box 460582, Houston, Texas 77056 (713-882-8014) appeared and stated that he was present regarding the upcoming distribution of the taxicab medallion, in the City Code of Ordinances Sec. 46-64(a)(1), that he applied the last two times the City of Houston offered medallions and the first time he was denied because he had not applied the previous year and in 1998 he applied again and was told he qualified but still did not get any and each time he appealed without success; that again he was trying to apply and felt more qualified than some existing companies and was asking his application to be considered. Council Members Lawrence, Johnson, Clutterbuck, Edwards, Wiseman, Holm, Garcia, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that Mr. Daniels was present and he handled some of those functions for F & A and he could speak with him; and he did appreciate him coming. Council Members Lawrence, Johnson, Clutterbuck, Edwards, Wiseman, Holm, Garcia, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Elsie Jefferson Finley, 3202 Ozark, Houston, Texas 77021 (713-747-7155) appeared and stated that she was present as she needed help from the Sanitation Division and did not get it; that she had yard waste lying out two weeks and no one had picked it up; that she called 311 for two weeks and still no results, but after signing up to speak on today's list they came out yesterday and it was a health and sanitation issue and she hoped it would not continue; that she did not have the time to keep calling and taking off work. Council Members Lawrence, Johnson, Clutterbuck, Edwards, Wiseman, Holm, Garcia, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that he appreciated her coming. Council Members Lawrence, Johnson, Clutterbuck, Edwards, Wiseman, Holm, Garcia, Alvarado and Green absent. (NO QUORUM PRESENT)

Mr. Griff Griffin, 5327 Winding Way, Houston, Texas 77091 (713-503-8064) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Johnson, Clutterbuck, Edwards, Wiseman, Holm, Garcia, Alvarado and Green absent. (NO QUORUM PRESENT)

Mr. James Vickery, 600 E. Medical Center Blvd., Webster, Texas 77598 (281-520-9576) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Johnson, Clutterbuck, Edwards, Wiseman, Holm, Garcia, Alvarado and Green absent. (NO QUORUM PRESENT)

Ms. Brenda Haynes, 5830 South Lake Houston Pkwy., Houston, Texas 77049 (281-458-8645) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Johnson, Clutterbuck, Edwards, Wiseman, Holm, Garcia, Alvarado and Green absent. (NO QUORUM PRESENT)

Mr. Morgan Hegman, no address (713-751-4190) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Johnson, Clutterbuck, Edwards, Wiseman, Holm, Garcia, Alvarado and Green absent. (NO QUORUM PRESENT)

Mr. Rufus Brown, 906 Marolin, Houston, Texas 77088 (281-570-5898) appeared and stated that he was born and raised in Houston and basically worked through the union and labor department and neighbors took them to work daily and they got crews together and brought them to the job, that was how they worked until 1988 when things began to change; that he had a job with the Texas Department of Transportation as a superintendent on the highway and he would take his brothers and cousins, etc., to work and one day he was told they wanted to hire Mexicans and that was what they did from then on and he was hired to a different job making \$3.00 less and so he went and applied for unemployment and got more money than that and the contractor now had a contract with the City of Houston at the park; that they started hiring illegal's before anybody and the Black man was delegated to selling dope; and continued expressing his personal opinions until his time expired. Council Members Lawrence, Johnson, Clutterbuck, Edwards, Wiseman, Holm, Garcia, Alvarado and Green absent. (NO QUORUM PRESENT)

Council Member Brown thanked Mr. Brown for coming and he appreciated his remarks; that they do what they can to break down barriers of racial discrimination in the city; and Mr. Brown stated that they wanted their fair share and they were now trying to call everybody minority and they wanted to be separated out. Council Members Lawrence, Johnson, Clutterbuck, Edwards, Wiseman, Holm, Garcia, Alvarado and Green absent. (NO QUORUM PRESENT)

Mr. Steven Williams no address (no phone) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Johnson, Clutterbuck, Edwards, Wiseman, Holm, Garcia, Alvarado and Green absent. (NO QUORUM PRESENT)

Ms. Starlotte Johnson, 2431 FM 1960 West, Houston, Texas 77068 (832-889-4874) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Johnson, Clutterbuck, Edwards, Wiseman, Holm, Garcia, Alvarado and Green absent. (NO QUORUM PRESENT)

Mr. Ray Paige, 3806 Keeland, Houston, Texas 77093 (713-631-3534) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Johnson, Clutterbuck, Edwards, Wiseman, Holm, Garcia, Alvarado and Green absent. (NO QUORUM PRESENT)

Mr. Trent Winters, 7967 W. airport, Houston, Texas 77071 (832-882-7761) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Johnson, Clutterbuck, Edwards, Wiseman, Holm, Garcia, Alvarado and Green absent. (NO QUORUM PRESENT)

Mr. James Hale, Jr., 10221 Rockawa, Houston, Texas 77016 (no phone) appeared and stated that he had been here two years and he was a construction worker, journeyman carpenter and retired member of the teamsters and he had no job, but he was present because something went wrong with the city's computers and when he was stopped by officers he had warrants show up which had already been settled and he was taken to jail and his vehicle impounded; that in court they threw out the charges and he had no money to get his vehicle, now he was informed it would be sold and he did not have the money to get it; that he filed a complaint against the arresting officer for having his vehicle towed from private property where he already had permission to leave it until he could remove it on his own and he had already made arrangements; that it was the manager of Burger King and he had written permission from him and witnesses; that he went to Internal Affairs and found out they spoke to Burger King two weeks ago, but when he spoke to Internal Affairs yesterday they said the investigation was on-going and how long did it take to know if he did or did not have permission to park there; and he

needed to know what could be done as his vehicle was his life. Council Members Lawrence, Johnson, Clutterbuck, Edwards, Wiseman, Holm, Garcia, Alvarado and Green absent. (NO QUORUM PRESENT)

Mayor White stated that someone would speak with him at this time; and Mr. Fontaine advised he would meet with him. Council Members Lawrence, Johnson, Clutterbuck, Edwards, Wiseman, Holm, Garcia, Alvarado and Green absent. (NO QUORUM PRESENT)

Pastor Archie Sauls, 10927 Sagevale, Houston, Texas 77089 (832-654-6631) appeared and stated that he saw an issue where people were losing property due to property taxes; that he used to work for the Dallas Central Appraisal District as a tax appraiser and today was a day many property owners had property sold at the court house steps because of non payment; that all knew the taxes was what funded city, county, schools, etc., and now those individuals had lost their properties and he was concerned as a pastor of a church he was getting ready to purchase as he received the same city services as those who lost their properties and now he wanted the City of Houston to know that his building would be under a 501c3 but he wanted to give up that tax exempt status and pay and hopefully they would take his money and perhaps set it aside on another issue of his which was the homeless; that he would like to be able to ask others with exempted properties to pay taxes as the word of God told him to pay taxes, "Render to Caesar what was due Caesar" and to paraphrase to the Government what was Government and "What was due God to God"; that driving to Austin he passed thousands of properties which paid no taxes or \$1.00 per \$100.00. Council Members Lawrence, Johnson, Clutterbuck, Edwards, Wiseman, Holm, Garcia, Alvarado, Lovell and Green absent. (NO QUORUM PRESENT)

Mr. Raymond Groves, P. O. Box 96280, Houston, Texas 77290 (832-236-4321) appeared and stated that he partnered with Mr. Wesley Nelson, who was present with him, Grey West Developments and they wanted to thank the Mayor and his staff who they had been working with and Council Members Edwards and Johnson on community development efforts ongoing in the community; that they heard much about delinquent tax properties, eyesores in the community, and they offered services to redevelop and worked with CDCs in the Trinity Garden Area and they were thanking all for the projects put together; and Mr. Nelson stated that in their efforts and communications in the community development attempts they ran into situations where people in position to provide assistance to the community and employees had been given resources by government, however, for whatever reasons it seemed to stop there and it was not always the city or government you could point a finger at; that they had gone to people to do something free for the community and it was bounced back to them where would they see their profit so it was not always the city or a Black/White issue, but more of an issue of a person's determination, will and desire to succeed and do better, you could not blame a system in place. Council Members Lawrence, Johnson, Clutterbuck, Edwards, Wiseman, Holm, Garcia, Alvarado, Lovell and Green absent. (NO QUORUM PRESENT)

Ms. Kathy Matthews, who was previously added to the speakers list was not present when her name was called. Council Members Lawrence, Johnson, Clutterbuck, Edwards, Wiseman, Holm, Garcia, Alvarado, Lovell and Green absent. (NO QUORUM PRESENT)

President Joseph Charles, P. O. Box, 524373, Houston, Texas 77052-4373 (832-453-6376) appeared and stated that again he was present to say he was the President of the United States; and continued expressing his personal opinions until his time expired. Council Members Lawrence, Johnson, Clutterbuck, Edwards, Wiseman, Holm, Garcia, Alvarado, Lovell and Green absent. (NO QUORUM PRESENT)

At 4:22 p.m. City Council recessed until 9:00 a.m., Wednesday, March 7, 2007. Council Members Lawrence, Johnson, Clutterbuck, Edwards, Wiseman, Holm, Garcia, Alvarado, Lovell and Green absent. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, March 7, 2007

The Houston City Council reconvened at 9:00 a.m. Wednesday, March 7, 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. Anthony Hall, Chief Administrative Officer, Mayor's Office; 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 8:28 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:11 a.m. Mayor White called the meeting to order. Council Members Lawrence, Wiseman, Khan, Holm, Brown and Berry absent.

Council Member Edwards moved to suspend the rules to consider Item No. 1 out of order, seconded by Council Member Garcia. All voting aye. Nays none. Council Members Lawrence, Wiseman, Khan, Brown and Berry absent. MOTION 2007-0244 ADOPTED.

1. REQUEST from Mayor for confirmation of the appointment of **MR. RICHARD CELLI** as Director of the **DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT** – was presented, moved by Council Member Edwards, seconded by Council Member Lovell. All voting aye. Nays none. Council Members Wiseman, Khan, Brown and Berry absent. MOTION 2007-0244 ADOPTED.

Mr. Celli stated that he wanted to thank Mayor White and the Council Members, that he appreciated the opportunity to work for the City and thought they had a wonderful opportunity to do something good together for the City and for the citizens, especially in the affordable housing area, that Houston was just a treasure trove of opportunities in that area and looked forward to their support and help in doing that. Council Members Wiseman, Khan, Holm, Alvarado, Brown, Lovell and Berry absent.

Mayor White and Members of Council congratulated Mr. Celli on his appointment. Council Members Wiseman, Khan, Holm, Alvarado, Brown, Lovell and Berry absent.

MAYOR'S REPORT - Mobility Response Team

Lieutenant Jeff Rosenthal reviewed a PowerPoint Presentation titled "Mobility Response Team, A cooperative effort between the Police and Public Works & Engineering Departments" and stated that it would become operational on July 1, 2007 and the purpose was to respond to and mitigate significant traffic congestion resulting from malfunctioning traffic signals, accidents or other mobility issues throughout the City, a copy of which is on file in the Office of the City Secretary for review. Council Members Wiseman, Khan and Berry absent.

Lieutenant Rosenthal and Mr. Jeff Weatherford, Assistant Director Public Works and Engineering were questioned at length by Council Members, and Lieutenant Rosenthal stated that the only police officers would be supervisors, there would be three sergeants who would supervise

two shifts of twelve civilians each and no police officers, the program was designed to augment the police staffing and relieve them of the traffic control duties.

After further discussion Council Member Holm stated that she would recommend that the off duty officers that worked their garages have the same type of an organized program, that they passed Ordinance 2004-0798 and she requested that they look at that ordinance and enforce it.

Mayor White stated that the step they took with the ordinance was a step but all of them should remember where they came from where there was sort of no rules and hire a peace officer and it was okay to use a public right-of-way to do whatever they wanted to do as an exit ramp to their garages and so what they were trying to do was build up capabilities and they wanted to reserve their classified officers for those things that required classified officers, that not to say that civilian was a second class job, there were no second class job in the City of Houston, that they needed to do more with civilians on some of the mobility issues that had trainees and this was a step in the right direction. Council Members Wiseman and Berry absent.

Upon questions by Council Member Edwards, Lieutenant Rosenthal stated that the program would go on line July 1, 2007, that the mobility services officers were not police officers they were civilians and were being trained by the Houston Police Department, that the ultimate authority was the Chief of Police, that the Blue Form was a State form that was a driver self reporting form at minor accidents, it was something that a citizen could obtain either from the internet, receive it from a police officer on duty or from a substation, by allowing the mobility service officers to distribute those forms would expedite minor accident scenes cleared, that the citizen was required to mail the form in to Austin, that the definition of a minor accident was no injury, that their primary area would be non freeway, anywhere throughout the City, that when calls come in they will be directed to the Transtar, through Public Works and then through their dispatch facility at the Transtar building, they could also receive calls from on duty officers who stumble upon a location or see a location. Council Members Wiseman and Berry absent.

Upon questions by Council Member Edwards, Mr. Weatherford stated that this was passed separately under a separate ordinance prior to his arrival to begin the unit this past August, and Mayor White stated that they had sort of budgeted from a reprogramming of funds some amount for this year, about \$1.7 million which included some of the Capital expenditures and then it would be included and they did designate a source of funds which he was hesitant to bring up but because of Council Member Holm's leadership they were able to have more transparency and accountability of creating criteria in pots of funds in which the Fund 405 which had been two administration's ago created as a contingency type fund, they had allocated funds in various categories for that fund under subsidiary accounts and this was one, that it was funded out for five years, that it would not impact the Public Works & Engineering or the Police Department's budget. Council Members Wiseman and Berry absent.

Upon further questions by Council Member Edwards, Lieutenant Rosenthal stated that they would be additional positions, they were not taking people from one section to pull them into this program, they were in the process of doing hiring now for people to fill the spots. Council Members Wiseman and Berry absent.

Council Member Lawrence stated that as they moved forward and starting thinking about turning in and getting requirements she would very much like to get some information on what they were going to ask for in capabilities for the radios that they had to purchase. Council Members Wiseman and Berry absent.

Upon questions by Council Member Khan, Lieutenant Rosenthal stated that at this time they were preparing for response time by researching traffic signal outage locations that Public Works had

records on and were trying to determine where the best staging areas would be for the team prior to being dispatched to a location, that they were working towards being the most effective and efficient, and Mayor White stated that the purpose in the criteria was to use some limited resources in the absolute most and in ways that they could have the highest impact on removing bottlenecks, that the two basic causes of traffic congestions were things that interfered with the flow of traffic and too many people trying to get to the same place at the same time, that they probably could not use response time to a criteria because they did not have an infinite number of officers, but they could say that they needed to come up with criteria where they were attacking the worst bottlenecks and see whether that made a difference, and after further questions, Lieutenant Rosenthal stated that yes they did have to comply with all the traffic laws and to anticipate that other vehicles would yield to these marked vehicles to safely allow them passage to the scene, that if there was a traffic signal out and was piling up the traffic they could call 3-1-1 and it would be referred to their group. Council Members Wiseman and Berry absent.

Mayor White stated that if it was in the public interest that people whose job it was to de-bottleneck traffic should get to the site then he did not understand why, did they know if it was ordinance or State law that they could get these people to the site that they could not use the shoulders and Mr. Michel stated that he believed it was a State law issue, and Mayor White stated that he needed some advice, could they imagine somebody stuck in traffic trying to get to the site and they were trying to explain to the citizens that it was some law and they were lawmakers, the Legislature is in session and if they wanted something they needed to ask them now. Council Members Wiseman and Berry absent.

Mayor White stated that concluded the discussion on the topic and wanted to thank Lieutenant Rosenthal and Mr. Weatherford for their presentation. Council Members Wiseman and Berry absent.

9:00 A.M. - REPORT FROM CITY CONTROLLER AND THE CITY ADMINISTRATION REGARDING THE CURRENT FINANCIAL STATUS OF THE CITY including but not limited to, a revenue, expenditure and encumbrance report for the General Fund, all special revenue funds and all enterprise funds, and a report on the status of bond funds

At 9:38 a.m. Mayor White stated that they would move to the Monthly Financial Report and recognized Ms. Annise Parker, City Controller and Ms. Judy Gray Johnson, Director of Finance and Administration. Council Members Wiseman and Berry absent.

Ms. Parker stated that each Council Member should have before them a copy of the latest update on the Katrina Recovery and Aid Fund, they were just winding it down and there was still some money flowing through the City's coffers, there was nothing much to report unless they had a question, that she would now present the Monthly Financial Report for the period ending January 31, 2006, that thanks to stellar sales tax numbers the projected end of year surplus continued to grow, their office now estimated a \$13 million increase in Undesignated Fund Balance at year end which reflected a \$30 million increase in budgeted revenue over expenses, to keep in mind that the administration's budget anticipated drawing down the Fund Balance by about \$16 million, that the main reason for the change was that they had increased their projection for sales tax by \$12 million, the December check from the State Comptroller, which finally did include the majority of the holiday shopping season, was up almost 7% from the same month a year ago, based on year-to-date performance for the first half of the year they were estimating a 4% growth rate for the rest of the fiscal year, they had also increased their projection for property taxes by nearly \$3 million to reflect the latest values from HCAD, that offsetting these anticipated increases were decreases in Municipal Courts Fines and Forfeits and reduced Intergovernmental Revenues of \$2 million and \$1.4 million respectfully, the Municipal Courts was not something new, they were just catching up with something that Finance and Administration did last month, that Council Member Lovell asked her a question

yesterday and she answered the wrong question, the reason that Intergovernmental Revenues were down was reimbursements from Metro, they reimburse the City for asphalt, they were spending less on asphalt because of lower prices so the income was less, it was just a straight pass through, no real budgetary implications, other than the fact that asphalt was cheaper, they were recognizing \$1.4 million worth of increases in various departmental expenditures, the bulk of that was \$800,000 in overtime in the Fire Department and a \$600,000 increase in General Government, which was just a pass through of Sales Tax Revenue for the Limited Purpose Annexations, in the Enterprise Funds the Combined Utility System continued to feel the impact from higher than average rainfall, they had reduced that revenue by \$1.4 million, fortunately it was offset by decreased spending of \$3.6 million due to lower cost for electricity and natural gas and a decrease of nearly \$5 million in delayed equipment purchases, which were not expected to be received this fiscal year, but which should be reflected in next year's budget, in the Convention and Entertainment Facilities Budget they received \$2 million from the NBA for the City's cost of hosting the All Star game and a portion of that, \$1.2 million went through C&E's budget and they would see that reflected, that to update on the progress of the annual report the auditors had everything that had been requested from the City Department's, two months late and counting at this point but they were doing their best, they had received the information from the auditors and to prod the auditors to get it completed by the end of this month and they certainly thought they could do that, that throughout the delay they had kept the rating agencies and the Government Finance Officers Association informed as to why they were late, that she would emphasize again that primary problems were obtaining information about grants, which was Housing Department primarily, but also the Health and Police Departments and getting fixed asset information out of the Public Works Department, that two weeks ago she called a meeting of the top financial representatives of the Public Works Department, the Enterprise Funds and Ms. Johnson and her staff to request their attention and action in solving this problem, the problems they had this year were going to be different from the problems they would have next year but would be of equal magnitude because next year would be the first annual report under the new SAP Financial System, they had to get a handle on it now, she did not want to go through another annual report where they were delayed in getting it out, the base problem was that there was a critical lack of financial depth in all the City departments and she and the Mayor had discussed it several times but it was to the point where she was happy to see that Human Resources was putting on a Financial Literacy Class for the financial people in the departments, which was a little sad but there were a lot of folks who had learned on the job who did critical work for the City of Houston but did not have the educational background or financial background to see the larger picture and where they fit into the context of City processes and it was hard to implement the new system with the folks at the level they were so they needed to staff up but they also needed to retrain a lot of City employees and it had to be done as quickly as possible, that she would salute the Public Works Department, in response to the crisis situation the City was in they had hired in a number of temporaries to help them weigh through some of the financial data and she strongly encouraged Building Services to do the same, that Building Services handled the financial reporting for many of the smaller City Departments, and that concluded her report. Council Members Wiseman, Lovell and Berry absent.

Ms. Johnson stated that overall for the General Fund their estimate for this fiscal year had improved by about \$4 million from last month, the Controller talked about sales tax being the primary reason for the better revenues, that property taxes also continued to be a little bit higher as the final hearing losses were determined, it was amazing how many months it took, they got their certified role in early September but it still took several months, because of the large volume it was more months than usual this year to settle out all of those protests, that the number continued to come in just a little bit higher than anticipated as those were settled, so they had a 7/10 of 1% increase in the estimated appraised value, which did sound like much but resulted in \$3 million more coming into the City, that she mentioned in the letter that they had

settled the dispute that resulted from their audits of CenterPoint Electric and Entex, after reviewing all of that audit work that was done they had agreed that they underpaid and the City received checks of \$580,000 and \$970,000 each, so that effort that the Mayor asked them to do and they put into place had certainly paid off, that they had updated the actuary reports on the Pension and had included that, that Red Light Cameras they had the information here and would tell them they would be doing a different format on that next month and if there was information that the Council Members would like to see in this financial report in a different manner to let them know because they liked the feedback and continually tried to make a better presentation to be as clear as possible because they wanted everyone to understand, and that concluded her report. Council Members Wiseman, Alvarado, Lovell and Berry absent.

Council Member Edwards stated that she would request the administration to do a look at the budget of the City Council offices, that every department had the opportunity to come back and adjust their budget based on need, that the City Council offices based on the growth of population in the City, the number of problems they dealt with all the time had over an astronomical amount of calls in the District D Office from 3-1-1, in addition to what they took in the office and she just thought that the way they budgeted the City Council offices had to be reviewed, that she did not know who did the review or what it would look like but somebody really needed to look at it that could make a difference. Council Members Alvarado and Berry absent.

Mayor White stated that he agreed and said to Ms. Johnson that on all the issues involving things like the City Council budget and some other things, as they were getting to know each other and learning their jobs, what Council Member Edwards said reflected his own observations and as they put together the FY08 Budget he would undertake a responsibility and knew that Council Member Berry and others had some observations to share so they should put that on their checklist as they dealt with FY08, that they would address it. Council Members Alvarado and Berry absent.

Council Member Lawrence stated that she wanted to ditto what Council Member Edwards said, that they could not speak for the At Large Council Members, a lot of them were passionate about certain issues and they certainly appreciated that and taking on various things that district Council Members were not even capable of even looking at, that Council Member Edwards had done a fine job and spent many hours, her staff, on her committee and that took even more away from the staff, that right now she was paying a staffer full time out of her pocket because of the budget. Council Members Alvarado and Berry absent.

Mayor White stated that because of legal reasons having to do with the presumptions that the courts gave them they were not adjusting the size of Council based on the census and his humble opinion, having looked at all the statistical series, probably in the last six years they had grown by 400,000 people in the City of Houston and it had just been phenomenal and they needed and he would give her some directions and they would work on it. Council Members Alvarado and Berry absent.

Council Member Green stated that in addition to the Council budgets, all of the reasons for increasing that budget were very valid, and the other thing that they had was that they could increase their budget but they were really faced with a space crunch on the Council floors and he thought they needed to start looking at how to allocate the space and whether it was time to move from one floor to more than one floor because they had staff members who were literally on top of each other and sometimes having to wait for a computer, that he had mentioned that to Mr. Dadoush before and maybe at some point as they talked about the budget itself they could talk about the actual physical space involved with that, that unfortunately they were in the situation where nobody wanted to be the first to say they needed more money, everybody

wanted to say cut the budget and they needed more space but the reality was that because of the population growth and because of the magnitude of what their committees were doing and to the defense of At Large Council Members they stayed just as busy as district Council Members, that they needed to look at it holistically, whether it was a General Fund issue or a CIP issue, that he thought it really needed to be looked at. Council Member Berry absent.

Council Member Green moved to accept the Monthly Financial Report, seconded by Council Member Khan. All voting aye. Nays none. Council Member Berry absent. MOTION 2007-0246 ADOPTED.

CONSENT AGENDA NUMBERS 1 through 33

MISCELLANEOUS - NUMBERS 2 through 6

2. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **HARRIS COUNTY IMPROVEMENT DISTRICT NO. 3 (UPPER KIRBY MANAGEMENT DISTRICT) BOARD OF DIRECTORS:**

Position One - **MR. ROBERT AXELSON**, reappointment, for a term to expire 6/1/2007
Position Two - **MS. PATRICIA ANN CHESNICK**, appointment, for a term to expire 6/1/2007
Position Three - **MR. WILLIAM T. "TOMMY" DICKEY**, reappointment, for a term to expire 6/1/2009
Position Four - **MR. ALBERT KELLER**, reappointment from Position Six, for a term to expire 6/1/2009
Position Five - **MR. ROBERT H. SCHULTZ**, reappointment, for a term to expire 6/1/2009

- was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Berry absent. MOTION 2007-0247 ADOPTED.

3. REQUEST from Mayor for confirmation of the reappointment of the following to the **HOUSTON LIBRARY BOARD OF DIRECTORS**, for terms to expire March 1, 2009:

Position Two - **DR. EUGENIO AGUILAR, III**
Position Four - **MS. CATHRYN RODD SELMAN**
Position Six - **MR. JESSE H. JONES, II**
Position Eight - **DR. J. S. STONE, II**
Position Ten - **MS. HARRIET CALVIN LATIMER**
Position Twelve - **MS. CYVIA G. WOLFF**
Position Thirteen - **MS. TINA ARIAS PETERMAN**
Position Fourteen - **MR. ROBERT B. TUDOR, III**
Position Sixteen - **MS. BONNIE GAYLE BROOKS**
Position Seventeen - **MS. JUANITA ELIZONDO**
Position Eighteen - **MS. ANNE SHEN CHAO**

- was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Berry absent. MOTION 2007-0248 ADOPTED.

4. REQUEST from Mayor for confirmation of appointment or reappointment of the following to **REINVESTMENT ZONE NUMBER THREE, CITY OF HOUSTON, TEXAS (MARKET SQUARE), BOARD OF DIRECTORS:**

- Position 1 - **MR. JAMIE MIZE**, reappointment, for a term to expire 12/31/2007
- Position 2 - **MR. PHILIP M. SCHNEIDAU**, appointment, for a term to expire 12/31/2008
- Position 3 - **MR. SAMUEL R. PINK**, reappointment, for a term to expire 12/31/2007
- Position 4 - **MS. MINNETTE BOESEL**, reappointment, for a term to expire 12/31/2008 and to serve as Chair for a term ending 12/31/2008
- Position 5 - **MR. CHARLES M. BUSH**, appointment, for a term to expire 12/31/2007
- Position 8 - **MS. DEBORAH KEYSER**, appointment, for a term to expire 12/31/2008
- Position 9 - **MR. RICHARD H. WILSON**, appointment, for a term to expire 12/31/2007

- was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Berry absent. MOTION 2007-0249 ADOPTED.

5. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **REINVESTMENT ZONE NUMBER ELEVEN, CITY OF HOUSTON, TEXAS (GREATER GREENSPPOINT) BOARD OF DIRECTORS:**

- Position 1 - **MR. RODERICK DAWSON**, reappointment, for a term to expire 8/31/2008
- Position 2 - **MR. CHARLES H. MOCK**, appointment, for a term to expire 8/31/2008
- Position 3 - **MR. ART MURILLO**, appointment, for a term to expire 8/31/2008
- Position 4 - **MS. ELLEN LAPOINTE**, reappointment, for a term to expire 8/31/2007
- Position 5 - **MR. ERVIN H. BAUMEYER**, appointment, for a term to expire 8/31/2008

- was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Berry absent. MOTION 2007-0250 ADOPTED.

6. REQUEST from Mayor for confirmation of the reappointment of the following to the **WASTEWATER CAPACITY RESERVATION REVIEW BOARD**, for terms to expire March 1, 2009:

- Position One - **MR. MURDOCK SMITH, JR.**
- Position Three - **MR. F. WILLIAM (BILL) OTHON**

- was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Berry absent. MOTION 2007-0251 ADOPTED.

ACCEPT WORK - NUMBER 7

7. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$3,156,300.00 and acceptance of work on contract with **R. HASSELL BUILDERS, INC** for Construction of New Fire Station 86, WBS C-000061-0001-4 - 5.00% over the original contract amount - **DISTRICT G – HOLM** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Berry absent. MOTION 2007-0252 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 11 through 16

11. **DYNAPAC USA, INC d/b/a DYNAPAC COMPACTION, PAVING AND MILLING** for Compaction Roller through the Interlocal Agreement for Cooperative Purchasing with the Texas Local Government Purchasing Cooperative for Houston Airport System - \$88,827.00 - Enterprise Fund - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Berry absent. MOTION 2007-0253 ADOPTED.
12. APPROVE spending authority for National Registry Testing Fees through the **NATIONAL REGISTRY OF EMERGENCY MEDICAL TECHNICIANS** the sole vendor for the Texas Department of State Health Services for the Houston Fire Department - 3 Years - \$195,000.00 General Fund - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Berry absent. MOTION 2007-0254 ADOPTED.
13. APPROVE spending authority for payment of Certification Fees to the **TEXAS DEPARTMENT OF STATE HEALTH SERVICES** for Fire Department - 3 Years - \$380,000.00 - General Fund - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Berry absent. MOTION 2007-0255 ADOPTED.
16. **RUSH TRUCKS CENTER OF TEXAS, L.P.** - \$351,992.00; **TEXAS UNDERGROUND, INC** \$417,037.12 and **VACTOR MANUFACTURING, INC** - \$196,505.02 for Cab & Chassis, Truck Bodies and a Trailer-Mounted Sewer Cleaner through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for Various Departments - Enterprise Fund - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Berry absent. MOTION 2007-0256 ADOPTED.

ORDINANCES - NUMBERS 23 through 33

23. ORDINANCE approving and authorizing Purchase and Sale Agreement between the **UNIVERSITY OF HOUSTON SYSTEM**, as purchaser, and the City of Houston, as seller, for the sale of a tract of land, containing 31,250 square feet of land, more or less, being out of the John Austin Survey No. 1, Parcel SY6-116, in consideration for the payment of \$1,431,652.00 to be paid at closing by the University of Houston System **DISTRICT I – ALVARADO** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2007-0280 ADOPTED.
26. ORDINANCE appropriating \$2,540,000.00 out of Fire Consolidated Fund; \$65,000.00 out of Public Health Consolidated Fund; \$67,000.00 out of General Improvement Consolidated Fund; and \$150,000.00 out of Police Consolidated Fund as an additional appropriation to the In-House Renovation Revolving Fund for Renovation/Reconstruction of various City facilities during FY 07, WBS C-000122-0003-4 – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2007-0281 ADOPTED.
27. ORDINANCE appropriating \$288,367.13 out of General Improvement Consolidated Fund; and \$135,308.75 out of Solid Waste Consolidated Fund, as an additional appropriation, under contract with **CHARTER ROOFING COMPANY, INC** for Roof Repair Services for the Metropolitan Multi-Service Center, D-000128-0001-4 and the Solid Waste Northwest Service Center - L-0000NA-003-4 - **DISTRICTS A - LAWRENCE and D - EDWARDS** –

had been pulled from the Agenda by the Administration, and was not considered. Council Member Berry absent.

30. ORDINANCE approving and authorizing Advance Funding Agreement between the City of Houston and the **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** for the Rehabilitation or Replacement of Groeschke Road Bridge at Mayde Creek, WBS N-001320-0002-3 - **DISTRICT A - LAWRENCE** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2007-0282 ADOPTED.
31. ORDINANCE approving and authorizing Advance Funding Agreement between the City of Houston and the **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** for the Rehabilitation or Replacement of Wynnwood Lane Bridge at HCFCD Ditch, WBS N-001320-0003-3 - **DISTRICT A - LAWRENCE** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2007-0283 ADOPTED.
32. ORDINANCE approving and authorizing Advance Funding Agreement between the City of Houston and the **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** for the Rehabilitation or Replacement of Farther Point Bridge at Buffalo Bayou, WBS N-001320-0004-3 - **DISTRICT G - HOLM** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2007-0284 ADOPTED.
33. ORDINANCE appropriating \$300,000.00 out of Water & Sewer Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **INFRASTRUCTURE ASSOCIATES, INC** for Design of 5 MG Ground Storage Tank at Bellaire Braes Water Plant, WBS S-000610-00A2-3; providing funding for contingencies relating to construction of facilities financed by the Water & Sewer Consolidated Construction Fund - **DISTRICT F - KHAN** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2007-0285 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

ACCEPT WORK

8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount and final payment of \$3,417,501.35 to the **Surety, HARTFORD FIRE INSURANCE COMPANY** and acceptance of work on contract awarded to **ZAKHEM-AJS CONSTRUCTION GROUP, INC** for Anderson Road Reconstruction from South Post Oak to Hiram Clarke, WBS N-000644-0007-4 and S-000521-00A2-4 (N-0644-07) - 2.05% under the original contract amount - **DISTRICT D - EDWARDS** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Berry absent. MOTION 2007-0257 ADOPTED.
9. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$6,106,627.93 payable to the **Surety, ST. PAUL FIRE AND MARINE INSURANCE COMPANY**, on contract awarded to **CONTRACTOR TECHNOLOGY, INC** and acceptance of work for Construction of 36-inch Water Line along Beamer Road from Dixie Farm Road to W. Bay Area Boulevard, WBS S-000900-0078-4 - 00.04% under the original contract amount - **DISTRICT E – WISEMAN** – was presented, and tagged by Council Member Garcia. Council Member Berry absent.

PROPERTY

10. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel AY3-589, in the 2000 block of McKinney Street, owned by Union Pacific Railroad Company, a/k/a Southern Pacific Transportation Company, Pat Moran, Real Estate Property Manager, for the **COLUMBIA TAP UNION STATION HIKE AND BIKE TRAIL PROJECT**, N-000420-0037-2-01 - **DISTRICT I - ALVARADO** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Berry absent. MOTION 2007-0258 ADOPTED.

PURCHASING AND TABULATION OF BIDS

14. **TEXAS DEPARTMENT OF PUBLIC SAFETY** for State Inspection Stickers for Police Department \$46,900.00 - General Fund - was presented, moved by Council Member Khan, seconded by Council Member Alvarado, and tagged by Council Member Holm. Council Member Berry absent.

Council Member Holm requested some information on Item No. 14, it was \$46,900 for State inspection stickers for 3,150 vehicles which averaged out to \$14 per vehicle plus their staff was doing it and she was trying to figure out where the dollars were, it seemed like it would be just as economical for them to run up to the gas station and pay them and not have to have employees doing it if there was no break for them, and Mayor White stated that they would find that out, that it was a legitimate question. Council Member Berry absent.

15. **ALTIVIA CORPORATION, INC (Bid No. 3)** for Chemicals, Inorganic Metal Salt Coagulant for Department of Public Works & Engineering - \$27,583,500.00 minus a commission fee for Internet-based reverse auction services under contract with the Texas Procurement Center, LLC, for a net award amount not to exceed \$27,563,500.00 - Enterprise Fund - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Berry absent. MOTION 2007-0259 ADOPTED.
17. **PHILPOTT MOTORS, LTD.** - \$4,055,515.00; **BABY JACK II AUTOMOTIVE, LTD d.b.a. CALDWELL COUNTRY CHEVROLET** - \$319,246.00 and **PFPP, L.P., d.b.a. PLANET DODGE** - \$1,298,916.00 for Automobiles, Vans, Utility Vehicles and Light-Duty Trucks for Various Departments - Grant, Enterprise, Equipment Acquisition Consolidated and Other Funds - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Berry absent. MOTION 2007-0260 ADOPTED.

ORDINANCES

18. **ORDINANCE AMENDING CHAPTER 28 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Massage Establishments - was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2007-0286 ADOPTED.
19. **ORDINANCE AMENDING CHAPTER 42 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to minimum building line and minimum lot size areas; containing findings and other provisions relating to the foregoing subject; containing a repealer; providing for severability; containing a savings clause – was presented, and tagged by Council Members Wiseman and Holm. Council Members Berry absent.

Mayor White stated that on Item No. 19 there were a number of Council Members who wished to tag the item and Council Member Lawrence would like to offer an amendment which if

the Council Members would release the tags they would not record the tags until the amendment was offered. Council Member Berry absent.

Council Member Lawrence offered the follow motion to Item No. 19 as follows:

“Amend Section 3 of the Ordinance so that the introductory paragraph of Subsection 42-163(e) shall read as follows:

(e) The director shall determine the special building line requirement for each proposed special building line requirement area. The special building line requirement shall be constructed building line farthest from the street that the constructed building line of at least 70 percent of the structures in the area is the same as or farther from the street than. If the proposed special building line requirement area is included within an historic district designated pursuant to article VII of chapter 33 of this Code, the special building line requirement shall be the constructed building line farthest from the street that the constructed building line of at least 60 percent of the structures in the area is the same as or farther from the street than. The constructed building line shall be measured from the property line to the closest point of the building nearest to the property line. The director shall approve the application for establishment of a special building line requirement area upon determining that each of the following conditions exist”, tagged by Council Member Lawrence. Council Members Edwards and Berry absent.

Council Member Wiseman stated that she had not released her tag and Mayor White stated that he apologized, that he did not hear her objection.

After discussion by Council Members, Council Members Holm, Lovell and Wiseman stated that they would tag the amendment and the main item.

20. ORDINANCE authorizing the issuance of City of Houston, Texas Airport System Subordinate Lien Revenue Refunding Bonds, Series 2007A (AMT), City of Houston, Texas Airport System Subordinate Lien Revenue Refunding Bonds, Series 2007B (NON-AMT) and such other Series or Subseries as designated herein; authorizing the Mayor and City Controller to approve the amount, the interest rate, price, and terms thereof and certain other procedures and provisions relating thereto; providing for the payment thereof; authorizing the refunding and defeasance of certain Outstanding Airport System Senior Lien Commercial Paper Notes and Outstanding Subordinate Lien Airport System Bonds; approving the sale of the Bonds and authorizing the execution and delivery of one or more Bond Purchase Agreements; authorizing the execution and delivery of various Escrow Agreements by and between the City and the Refunded Note Escrow Agent and Refunded Bond Escrow Agent; authorizing the purchase of Bond Insurance and one or more Reserve Fund Surety Policies; authorizing a Co-Bond Counsel Agreement and a Special Disclosure Co-Counsel Agreement; authorizing the execution and delivery of a Paying Agent/Registrar Agreement, and other related and necessary agreements pertaining to the Bonds; and declaring an emergency - was presented. All voting aye. Nays none. ORDINANCE 2007-0287 ADOPTED.
21. ORDINANCE amending Exhibit “A” of City of Houston Ordinance No. 90-1292 (as amended by City of Houston Ordinance No. 2006-747), to amend the Master Pay Structure by increasing the pay grade maximums by eight percent (8%), to add, revise and/or delete certain classifications substituting the amended exhibits as part of the current Master Classification Listing; providing for severability – was presented, and tagged by Council Member Wiseman.

Council Member Wiseman stated that she had some questions with respect to the item and how if at all it would relate to the Meet and Confer item that Council approved entering into

negotiations with a labor union and she was interested in discussing how it would relate to that and therefore was tagging that item, and Mayor White stated that the short answer was that it did not but they would get a more thorough answer.

Council Member Khan stated that in the past the pay grades were used in lieu of giving employees any pay raises, that he did not think it was the right way of doing it and knew that in this administration they had not done it, so how was this going to be used in that context, and Mayor White stated that this helped them address the very issue that Council Member Khan was talking about, that 15 year old plus, the archaic personnel classifications within the Civil Service were based upon the premise of a different economy at a different time which was that it was a higher archival form of personnel classification and compensation where the idea was that the more people who were under them in the org chart the more money they would make, which had been abandoned, the firms that went by that model were all now bankrupt or out of business, that they were trying to make sure that the classifications reflected more realistic descriptions of jobs and responsibilities and were not tied to the sort of old system, that they were trying to modernize a little bit. Council Member Clutterbuck absent.

22. ORDINANCE approving and authorizing the Mayor to accept Federal Aviation Administration (FAA) Airport Improvement Program (AIP) Grant offers up to \$60,000,000.00 for various projects at George Bush Intercontinental Airport/Houston, William P. Hobby Airport, and Ellington Field; declaring the City's eligibility for such grants - **DISTRICTS B - JOHNSON; E - WISEMAN and I - ALVARADO** - was presented. All voting aye. Nays none. Council Member Clutterbuck absent. ORDINANCE 2007-0288 ADOPTED.
24. ORDINANCE approving and authorizing contract between the City and **CLAYTON LIBRARY FRIENDS** for a Renovation Agreement for the Repair and Renovation of the Clayton Family Buildings, WBS E-000156-0001-4 - **DISTRICT D - EDWARDS** - was presented. All voting aye. Nays none. Council Member Clutterbuck absent. ORDINANCE 2007-0289 ADOPTED.
25. ORDINANCE approving and authorizing contract between the City of Houston and **JACKSON LEWIS LLP**, for Legal Services to include representation of the City of Houston relating to negotiations with the Houston Organization of Public Employees (H.O.P.E.); providing a maximum contract amount - \$150,000.00 - General Fund – was presented, and tagged by Council Members Wiseman, Lovell, Garcia, Holm, Alvarado, Khan, Green, Clutterbuck, Edwards and Johnson.

Council Member Holm stated that she wanted to talk to somebody to figure out what it was about.

Council Member Garcia asked if there was a way to ask the administration if they could reconsider the contract with the firm because he thought philosophically they were on two sides of the world on the issue and was not sure if this firm could work in the interest of what they were trying to accomplish, and Mayor White stated that the negotiating team for the City was setting the policies and they would be openly discussed with the Mayor and Members of the Council and they would be negotiating with extremely experienced people who did repetitive labor negotiations using common strategy and they wanted to be briefed on what those were.

Council Member Brown asked as a point of information where did they get the \$150,000 from, what source did it come from and through what process was one particular legal firm as opposed to another one selected, and Mayor White stated that they would get him that information.

Council Member Edwards stated that she thought they needed to look at what was happening and also was there a way that there could be a collective briefing on the item, and Mayor White asked Mr. Hall for an overall briefing on the item.

Council Member Alvarado requested some history on the firm, maybe some work that they had done in other cities and what their history was with labor and negotiations like this.

Council Member Lovell asked for a point of information and stated that when they entered into negotiations with the Police and Fire Departments did they seek outside counsel and pay outside counsel, and Mayor White stated absolutely, in the Fire Department Collective Bargaining Agreement they did and they went through the same procedure and in that case the individual was actually a part of the negotiating team, they approved the Council contract to do that and there were various issues which they were confined to discussing because the City did not delegate policy, which there were a number of procedural issues in the Collective Bargaining that was why they wanted somebody who had been there, that was why it was not the individual City of Houston employees that were conducting the negotiations, they bring in individuals who conduct negotiations, in this case, throughout the world to do it, that they do not dictate who was going to be on the other negotiating team. Council Member Berry absent.

Council Member Holm stated that she would like to know how many municipal employees there were in the City right this minute and how many of them were members of HOPE and Mayor White stated that they would get her that information. Council Members Garcia and Berry absent.

Mayor White stated that Item No. 25 had been heavily tagged. Council Members Garcia and Berry absent.

28. ORDINANCE altering maximum prima facie speed limits in certain school zones in the City of Houston; making various findings and containing other provisions relating to the subject; declaring certain conduct to be unlawful and providing a penalty; providing for severability; containing a repealer; containing a savings clause - was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2007-0290 ADOPTED.
29. ORDINANCE approving and authorizing Advance Funding Agreement between the City of Houston and the **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** for the Rehabilitation or Replacement of Congress Avenue Bridge at Buffalo Bayou, WBS N-001320-0001-3 **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2007-0291 ADOPTED.

NON CONSENT AGENDA - NUMBER 34

MISCELLANEOUS

34. RECOMMENDATION from Director Finance & Administration Department to set a public hearing date regarding amendments to the Project and Financing Plan for **TIRZ #14 (FOURTH WARD ZONE) - DISTRICTS D - EDWARDS and I - ALVARADO - SUGGESTED HEARING DATE - WEDNESDAY - MARCH 28, 2007 - 9:00A.M.** - was presented.

Council Member Khan moved to set March 28, 2007 as the date for the public hearing regarding amendments to the Project and Financing Plan for TIRZ #14 (Fourth Ward Zone),

seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Berry absent. MOTION 2007-0261 ADOPTED.

MATTERS HELD - NUMBERS 35 through 41

35. 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 – (This was Item 44 on Agenda of February 21, 2007, POSTPONED BY MOTION 2007-199)** - was presented, moved by Council Member Khan, seconded by Council Member Lawrence. Council Member Berry absent.

Council Member Johnson stated that he wanted to thank Mr. Dan Krueger and Mr. Tim Lincoln for giving him the information on the contractor and based in the letter that he read the contractor gave some real clarity and certainly did not mean to say that Acres Homes was a difficult area, he understood that the project itself was a difficult project so he wanted to thank them for bringing it to his attention so they could get the matter resolved, it was a great project and brought a lot of help to the mobility in the area and good infrastructure. Council Member Berry absent.

A vote was called on Item No. 35. All voting aye. Nays none. Council Member Berry absent. MOTION 2007-0262 ADOPEd.

36. RECOMMENDATION from Director Building Services Department for approval to delegate authority to the Director Building Services Department to determine which alternative project delivery method for construction projects provides the best value for the City – **(This was Item 3 on Agenda of February 28, 2007, TAGGED BY COUNCIL MEMBERS WISEMAN, JOHNSON and GREEN)** – was presented.

Council Member Johnson stated that in light of the matter that they did not get any information on the item he moved to postpone Item No. 36 until March 21, 2007 so they could get a committee hearing on it to get more information, seconded by Council Member Garcia.

Council Member Garcia stated that he understood that there was going to be a hearing in the TIA and would like to ask if it would be possible to do a joint TIA and MWBE hearing on it.

Mayor White stated that the administration supported the delay.

After further discussion by Council Members, a vote was called on the motion to postpone Item No. 36. All voting aye. Nays none. Council Member Berry absent. MOTION 2007-0263 ADOPTED.

37. MOTION by Council Member Khan/Seconded by Council Member Green to adopt recommendation from Director Department of Public Works & Engineering for condemnation of Parcel AY7-368, owned by H. H. Clark and R. D. Clark, for the **PROPOSED BEALL STREET EXTENSION PROJECT between West 14th and Wynnwood Streets**, N-000663-00RE-2-01 **DISTRICT A - LAWRENCE – (This was Item 16 on Agenda of February 28, 2007, TAGGED BY COUNCIL MEMBER LAWRENCE)** - was presented. All voting aye. Nays none. Council Member Berry absent. MOTION 2007-0264 ADOPTED.

38. **ORDINANCE AMENDING CHAPTER 39 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Screening of Dumpsters; containing other provisions relating to the foregoing subject; providing an effective date; providing for severability – **(This was Item 25 on Agenda of February 28, 2007, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented.

Council Member Lawrence stated that she wanted to thank the Legal Department and all the work that a lot of people had done on it and as they looked at various architectural designs of apartments and then also look at design of strip centers they see they may actually need to divide the ordinance to make it fair for everybody and moved to postpone Item No. 38 until March 28, 2007, seconded by Council Member Green. Mayor White stated that they supported the delay. Council Member Berry absent.

After further discussion a vote was called on the motion to postpone Item No. 38. All voting aye. Nays none. Council Member Berry absent. MOTION 2007-0265 ADOPTED.

39. **ORDINANCE** discontinuing the applicability of Subsection 33-250(a) of the Code of Ordinances, Houston, Texas, relating to the demolition of historic structures in the Old Sixth Ward Historic District; making findings and containing other provisions relating to the demolition of historic structures in the Old Sixth Ward Historic District; providing for severability - **DISTRICT H - GARCIA – (This was Item 26 on Agenda of February 28, 2007, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. Council Members Wiseman and Clutterbuck voting no, balance voting aye. ORDINANCE 2007-0292 ADOPTED.
40. **ORDINANCE** establishing Minority Business Enterprise, Women Business Enterprise and Small Business Enterprise Goals for Non-Aviation City Construction Projects; containing other provisions relating to the foregoing subject; providing for severability – **(This was Item 27 on Agenda of February 28, 2007, TAGGED BY COUNCIL MEMBERS WISEMAN, LAWRENCE, HOLM, KHAN, GREEN and CLUTTERBUCK)** – was presented. Council Members Wiseman, Lawrence, Holm and Clutterbuck voting no, balance voting aye. ORDINANCE 2007-0293 ADOPTED.

Council Member Garcia stated that he wanted to thank Mayor White and the administration for moving forward on the item, that there were several issues that he and Mayor White had visited on, some of the concerns that had been raised by stakeholders and wanted to get Mayor White's thoughts on some of the issues relating to maximize local companies, ways to improve the process and methodology by which they implement the program, and Mayor White stated that he had asked the City Attorney and it would be with consultation with many people in particular on the procurement of professional services, as in the matter that they just voted on there were a host of very detailed and specific legal rules and constraints but certainly at the very first Council meeting that they attended he said that the criteria for procurement was going to be value for the taxpayer dollar, commitment to creating a diverse competitive group of businesses within the City and some commitment to the community and to Houston and those first two were things that could be done in a very formal and regular sense and the third they needed people to be aware of but in professional services he thought they ought to have some principles or policies that they articulate concerning what some of their objectives would be and certainly this gave them an opportunity, that he knew in the case of underwriters, law firms and engineering firms that the presence of employment in the region and commitment to this region had been and should be and they should discuss it explicitly and that they would do so and then bring it before Council Member Garcia's committee when they had a recommendation and he had asked Mr. Michel to help, working with him and many others to come up with some set of policies including input from the stakeholder departments but Mr. Michel might work directly with

him, it could be pretty close to what he just said as well as that component on diversity, they also wanted to take into account the commitment of firms which were large organizations to promoting diversity within their ranks and they would test that. Council Member Edwards absent.

41. ORDINANCE approving and authorizing first amendment to agreement between the City of Houston and **AVENUE COMMUNITY DEVELOPMENT CORPORATION - DISTRICT H - GARCIA** – (**This was Item 31 on Agenda of February 28, 2007, TAGGED BY COUNCIL MEMBERS EDWARDS and WISEMAN**) – was presented. Council Member Edwards absent.

Council Member Holm stated that it was her understanding that the purpose of requiring a bond was to insure that the product could be done and that should it run into some complications they would still be able to complete the project and it was a substantial, much needed process, and she needed to understand why they would wave that for one particular group because of the expense of it, and maybe it was not apples to apples but she knew since she had been in office more than once they had had to use that bond because of the caliber of work or the problems that a contractor ran into doing the work and she just wanted to make sure how was this beneficial to the City or more importantly what risk did the City take by waving this and why would they not do it for all if it was just a matter of being too expensive, and Mayor White stated that on the second point he thought there ought to be policies and what they wanted to do was reduce the cost consistent with their risk profiles unless he was told otherwise by somebody present they could get some kind of briefing to Council Members on it.

Council Member Holm moved to postpone Item No. 41 to later on in the Council meeting, seconded by Council Member Khan. All voting aye. Nays none. Council Member Edwards absent. MOTION 2007-0266 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Khan stated that he wanted to congratulate everyone who was involved in Item No. 18, which was an ordinance relating to massage establishments, that they had more calls from their constituents about the nuisance massage establishment coming into the neighborhoods in the residential areas and sometimes fronting for SOBs, that probably the City Attorney was tired of hearing from him on the SOB issues but he would again request when they start enforcement that they start with District F. Council Members Clutterbuck, Edwards and Holms absent.

Council Member Khan requested that they look into the Dangerous Dog Ordinance, they had several calls and email complaints from neighbors and right now it was his understanding that they were only covering if a dog bites a human but if a dog kills another pet then they were not fully up to speed on that, and secondly the response time when people complain about stray dogs the response time was in many cases so slow that by the time somebody gets there the dog is not there and they could not take any action on that complaint, that his neighbors had a lot of frustration about the issue so he would request that they take a look as to how they could enhance and strengthen that ordinance, it was a serious matter affecting a lot of neighborhoods. Council Members Johnson, Clutterbuck and Edwards absent.

Council Member Khan stated that on Monday the U.S. State Department had invited him to Washington, D.C. to do a webcast which was live around the world and was posted on their website, it was great to see that people were so interested in finding out about life in America and it was a great opportunity to clear up a lot of misconceptions that people had about American society, that he was proud to be a part of that and hoped they were able to clear up

some of those misconceptions. Council Members Johnson, Edwards, Garcia and Alvarado absent.

Council Member Wiseman stated that in respect to the dog ordinance and dogs attacking other dogs, Mr. Arturo Michel was so kind at her February 8, 2007 CIP, to share with the public that he would look into their Code of Ordinances and look into the possibility of amending the Code or Ordinances to allow for that and they certainly appreciated it and any information that they receive, and they eagerly await, from the City Attorney she would be happy to share with Council Member Khan. Council Members Johnson, Edwards, Garcia and Alvarado absent.

Council Member Green stated that Council Member Alvarado would have her Council Committee on Environmental and Public Health today at 3:00 p.m. in the Council Chamber, that they would be talking about the Benzene Reduction Plan and the revisions to the Nuisance Ordinance. Council Members Johnson, Garcia and Alvarado absent.

Council Member Green stated that the Budget and Fiscal Affairs Committee meeting would take place on Tuesday, April 3, 2007, in the Council Chamber, that they had a specially called joint committee meeting between Fiscal Affairs and the Pension Committee on March 20, 2007 at 10:00 a.m. in the Council Chamber to discuss the five year planning scenario, that he thought it was a very important meeting and would encourage Council Members whether they were on the Budget and Fiscal Affairs or Pension Committees as it was probably a meeting they would want to attend themselves. Council Members Johnson, Khan, Garcia and Alvarado absent.

Council Member Green stated that he had an opportunity to augment all of the fine work that was done by the District Council Member in District C last night, that he was in Council Member Clutterbuck's district and spoke before her Super Neighborhood 36 and wanted to let them know that they were having their Third Annual Garage Sale at the HPD Braeburn Store Front Center located at 10101 Fondren, that the group was very active in the community and were very serious about rebuilding the Fondren Southwest area and thought they should do all they could to support them, if they had any questions they could contact Barbara Hait at 713-882-4975. Council Members Johnson, Khan, Garcia and Alvarado absent.

Council Member Green stated that they not forget about Daylight Savings Time this weekend. Council Members Johnson, Khan, Garcia and Alvarado absent.

Council Member Green stated that yesterday they presented Christopher Scott with a proclamation but not to forget that his movie opens up on March 16, 2007 and they were going to have the red carpet premier at the Houston AMC Studio at Dunvale at Westheimer and the AMC Gulfpoint 30 at I45 South and Beltway 8, that he thought they needed to go out and support the young man who was a very dynamic young man and had a supportive family and had done wonders for the disabled community but also for the City and he thought they needed to get behind him just as much as they got behind all of their other entertainers and sports figures who do very well for the City of Houston, that this may open up some opportunities for other film industry experts to come and find talent in Houston and also shoot movies here, so they were growing in that respect. Council Members Johnson, Khan, Garcia and Alvarado absent.

41. ORDINANCE approving and authorizing first amendment to agreement between the City of Houston and **AVENUE COMMUNITY DEVELOPMENT CORPORATION - DISTRICT H - GARCIA** – **(This was Item 31 on Agenda of February 28, 2007, TAGGED BY COUNCIL MEMBERS EDWARDS and WISEMAN)** – was again before Council. Council Members Johnson, Khan, Garcia and Alvarado absent.

Council Member Holm stated that she wanted to thank Mr. Sampley for his explanation on Item No. 41, that the RCA called for Avenue CDC to receive \$82,800 to renovate a residence when in fact that was for the purchase of a residence and the renovation was for \$12,500 and that was what they would secure the Letter of Credit for that amount. Council Members Johnson, Khan, Garcia and Alvarado absent.

A vote was called on Item No. 41. Council Member Wiseman voting no, balance voting aye. Nays none. Council Members Johnson, Khan, Garcia and Alvarado absent. ORDINANCE 2007-0294 ADOPTED.

Council Member Berry stated that on Thursday, March 8, 2007 was their regularly scheduled Transportation, Infrastructure and Aviation Committee meeting and some of them would want to know that the Alternative Delivery Systems or methods that they talked about it was their hearing on that, that was where they were going to have the discussion for Building Services and the Airport Department and he knew that several of the Council Members were interested in that, that they would be starting at 2:00 p.m., that they were also going to have Liliana Rambo from the Parking Division and Traci Calabrese from the Legal Department to talk about all the changes in the Parking Code. Council Members Johnson, Khan, Garcia, Alvarado and Green absent.

Mayor White stated that earlier they dealt with the very important issue of the Mobility Response Team and some understanding that they had the discussion that they had to stay in traffic, that he was reading the State statute and contrary to the interpretation by HPD which was repeated several times, that it said "the municipal department or public service corporation emergency vehicle that has been designated or authorized by the governing body of a municipality", so they ought to designate what ever was appropriate for the use of them and get on with it rather than having these people thinking they were going to have to stand in traffic so they should get it drafted, and Mr. Michel stated that he would see to that. Council Members Johnson, Khan, Garcia, Alvarado and Green absent.

Council Member Brown stated that he wanted to continue his discussions about what he called the physical framework of the City and how a coherent physical framework of their City supported economic vitality, community stability, social capital and a healthy environment, that it happened as they knew on a block by block, neighborhood by neighborhood, district by district basis, for better or for worse, that on the issue of neighborhood protection they took some good steps today but thought they still had a matter of urgency, that about 35% of their neighborhoods were stable by virtue of deed restrictions, some might call these neighborhoods over regulated, another 65% of their residential areas were decidedly under regulated and vulnerable to rapid change, often unwanted change, they needed to do a much better job of protecting their neighborhoods because the message he was hearing more and more was that they were letting their neighborhoods down, that he thought another word that would be good to add to their vocabulary was destabilization, it appeared that in some cases they were unwittingly destabilizing old neighborhoods, neighborhoods without deed restrictions, by driving up property values, subsidizing mediocre development, long term neglect resulting in physical deterioration and of course gentrification, it was a lot more complex than just buying up scattered lots in their poorer areas, that he had the opportunity this Sunday to drive with his wife through Sunnyside and where new homes were being built on scattered lots, which he must say buyers could not afford, the houses were selling for \$120,000, it was a very important issue he thought and was not an expert but sure got some insight this Sunday, there were new homes that were not selling, there were homes in the \$120,000 range that had sat vacant for three years and some have been converted to Section 8 rentals because there were no qualified buyers for them, and he talked at length with one realtor who said that she was trying to get people to do what they

call credit repair, but it cost \$250, they had to pay that to get their credit repaired, and none of these buyers were willing to pay the \$250, on the other hand middle class buyers who could afford a home of \$120,000 to \$140,000 did not want to live in these kind of neighborhoods because there were plenty of opportunities to go outside the city limits in a planned community and buy a single family small ranch home for \$125,000 to \$130,000, so they had to be very careful about facilitating a market that was not there and he would hate to think that they would be, two or three years from now, sitting there with a number of so called affordable homes for which they could not find qualified buyers, he thought it was a market issue that really needed to be studied, the other thing he would say was doing it on a scattered basis was not good public policy, they needed to aggregate properties for rehabilitation as well as new construction in blocks, he thought six to eight blocks and concentrate critical mass of improvement there rather than having scattered sites all over the City because again that discouraged buyers, nobody wanted to live across the street from a crack house or an area or a block that was really perceived as dangerous, he thought they could work their way out of this, that he thought he learned a lot from the tour, and also got some opinions from his wife, that he took on Sunday in Sunnyside. Council Members Lawrence, Johnson, Wiseman, Khan, Holm, Garcia, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Brown stated that since they had discussions of planning and planners he would like to explain his profession, he was a licensed planner with a Masters Degree in City and Regional Planning from a distinguished university, his work as a planner nationally had made a difference in twenty American cities, including Houston, Dallas, Miami, Fort Lauderdale, Philadelphia, Washington, Oklahoma City, Atlanta and so forth, they were obligated to pass a difficult professional exam to become accredited, a member of American Institute of Certified Planners or AICP, they did not try to tell other people how to live or what kind of City they should have, but rather through an interactive, transparent, participatory planning process they tried to help the citizens of a city or neighborhood define their vision, goals, set policies, standards and programs by which a City or a neighborhood could achieve it's unique potential and become a better place to live and work, there were sub specializations in the planning profession, economic, municipal, regional and environmental and social planners, there were land planners, neighborhood planners, urban planners, for example he had a specialization in environmental and land planning and was recognized as an expert in the courts of Texas, Florida, New Jersey and Pennsylvania, planners had a civic ethos much like an engineer doing his job or a surgeon or an architect, as in any enterprise consultant's capabilities vary and in most cases their effectiveness depended on how well they were managed by their client, professional planners based on a hard boiled practical experience understood how cities worked, grew and changed, they understood how the marketplace functions, how demographics, lifestyle choices and other factors impacted change, they made that critical connection between a coherent physical environment and a strong social fabric, they understood how to use the many tools to help a city and it's people achieve better outcomes, a higher quality of life, they were committed to the larger purposes of a civilized society, the mission of a planner was a more orderly, efficient, prosperous, livable and attractive city, in a complex city like Houston professional help made sense, whether it was in the environmental, legal, IT, engineering or planning fields, planning and building a great city was a team effort and could not be done per se, that no one person had all the answers but for sure in a city which seemed to be choking on it's own growth they needed more planning and talented planners. Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that as they were approaching the budget process and in following up about some of the conversations about their Council budgets she would like to urge Mayor White and the F&A Department to look at the fact that the City charges Council Members offices 5 cents handling fee per piece of mail and the procedure seems to be when

they respond to a constituent they put it in their official envelope and put in the drawer to go out and they are charged 44 cents for that one piece of mail, 39 cents stamp plus a 5 cent handling fee and she had asked the Mayor Pro Tem's office about it because she was greatly concerned about the use of taxpayer dollars for excess 5 cent per piece handling fee and it had been her practice over the last 14 months to buy stamps personally and that was how they had been keeping their postage line item extremely low and also how they had been able to save taxpayer dollars and avoid the 5 cent per piece handling fee, that she would urge Mayor White to look at that personally and would think that perhaps they could pay a flat fee to support the Mayor Pro Tem's office out of their budget instead of having to pay a 5 cent per piece handling fee. Council Members Lawrence, Johnson, Holm, Garcia, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that she wanted to thank Mayor White for encouraging the meetings on health and environment, that she understood there were two community meetings to discuss the Nuisance Ordinance, but she wanted to speak to him about not just the policy but the practice of giving notice for the meetings, they received notice of the Health and Environment Committee meeting on Monday afternoon after her office approached the Chair's office asking if indeed the meeting was going to be held because she had it written as a tentative on her schedule and they ended up getting a copy of it, that it was filed with the City Secretary's office in accordance with the law but it was not distributed to Council Members until after she asked for it and certainly while they complied with the rule of law it was her opinion that it was bad practice that they not send notice to Council Members so that they could send it on to people who wanted to be involved in this extremely important and critical issue to their City at a very critical time, that likewise with the community meetings, she received notice of it because Ms. Elena Marks mentioned it at a public meeting and that probably satisfies but she did not receive notice of those meetings and was not able to encourage the good people from the Sierra Club or Lyondell Petro Chemical, the vast range of people who had contacted her about the matter, that certainly when they had people from that broad spectrum it showed that they had a tremendous interest in this community to be involved in the process, that likewise she was curious to know if Mayor White had any input back from the public answering some of the very salient questions that he posed in the memo that he sent out that framed the discussion for the debate, questions about if they were able to maintain these standards and what the impact on business would be, what the impact on the community would be, what the impact on jobs would be, those types of things that Mayor White asked and she would encourage people to give their input on but certainly if they did not have a practice of encouraging as many participants as possible to participate in these discussions then they were not going to get those answers and she feared they would not have a good product in the end and certainly it was something that they all wanted to be able to support and get behind. Council Members Lawrence, Johnson, Holm, Garcia, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that she wanted to thank Mr. Terrace Fontaine and Mr. Michael Moore for their amazing attention to the Shepherd Safe Sidewalk Project, which she spoke about last week with photographs, that she could tell on Thursday that something had happened because she drove out on Thursday and it was after they had cleaned up the worksite and it looked like Mr. Fontaine had given those backhoes a bath and tucked them in at night, they were lined up perfectly and looked like a couple of jets from maybe Continental Airlines, it was outstanding and that was the type of quality control that they needed on all of their City projects and she thanked Terrance and Michael for their person attention on it. Council Members Lawrence, Johnson, Holm, Garcia, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that he agreed on her comments about notice for the meetings. Council Members Lawrence, Johnson, Holm, Garcia, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Wiseman stated that she shared the sentiments of her colleague Council Member Clutterbuck with respect to the notices, it was important that they be informed directly as Council Members. Council Members Johnson, Holm, Garcia, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Wiseman stated that two weeks ago she had brought up something similar to that situation, that she had brought up a serious issue of officers responding to calls and complaints and need for service, actually letting the people that they were investigating know the identity of the person who had filed the complaint, that jeopardizes the safety of that individual and at that time, two weeks ago, she had asked for a written response from Chief Hurr as to the policy and that situation in particular and what actions, if any, that the Chief intended to take with respect to his policy, at this point in time she had not received anything to say from him in writing to say what the policy actually was, what officers were instructed to do or not do, and what action he was taking as a result of that, that it was for the benefit of their constituents that they have that information, it was important that information that was being requested of that nature be put in writing, she was very concerned that so much of the information that they were requesting, much of the communication that they were seeking was not being received in a formal, written response the way it should be, simply having someone make a phone call and say what they were doing or were going to do was not sufficient, a phone call conversation does not become an official document, it does not become something that a member of the public could request to have access to, it was important that the communication they were seeking in the way of formal communication be available to them, that they have that information, they could then have the paper trail, the file and the information readily for people who seek it, that she would ask for Mayor White's assistance in following through on the request two weeks ago and insuring that the written communication that was requested be provided. Council Members Johnson, Holm, Garcia, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Wiseman stated another constituent, Mr. Franklin Taylor, had received \$15 water bills for as long as he could remember, that he was a senior citizen and did not have need for much water and therefore did not use much water, that he received a water bill in November for \$457 for 59,000 gallons of water which he did not use, that he was told by the Water Department that he might have a possible leak, which contributed to the water bill being so high, it was investigated and it was determined that there was no leak and he had not been able to have the matter resolved with the department, that she had some concerns that they unfortunately were putting some senior citizens in financial hardship, it was important that if there was a malfunctioning transmitter, which what they understood from the department was the problem, that the City take the appropriate responsibility in that and act accordingly, so she would hope that they could have that item addressed as well. Council Members Johnson, Holm, Garcia, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Wiseman stated that she wanted to extend her congratulations to the Kingwood Boys Basketball Team, that a couple of years ago Mayor White took part in a celebration event for the team and even presented them with a proclamation which was most appreciated, that the team again under the coaching of Coach Huseman were now heading to the State tournament, the semifinals, it would be taking place on Friday, they were able to do so because they beat out Clear Lake and that was difficult for her, she could not go to the game because she figured they would not let her sit right in the middle, that she wished them well and was sure everyone extends best wishes for success on that, that also Kingwood Boys

Swimming had regained the State title, in a dominating fashion they won the 5A State title so congratulations went out to them. Council Members Johnson, Holm, Garcia, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she would like to thank the Public Works Department, especially Andy Icken, that at their first Flooding and Drainage meeting in a while, they were getting ready to start looking at changes and revisions to Chapter 9 and they encouraged everyone to come out, that the committee and the stakeholders group had responsible for bringing down the CRS rating for the City of Houston, that currently they were the largest City in the Country that had that lower rating and they were looking to go from a 7 to a 6 under the next audit and that was by the work of the committee, the work of their stakeholders group, that sometimes it got long and tedious but ended up being very productive so she wanted to thank Carol and Andy and Deann and everyone who had been a part of the process and as they went forward on Chapter 9 hopefully they would get even stronger in their determination and commitment to help mitigate the flooding and drainage issues in the City of Houston. Council Members Johnson, Holm, Garcia, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that on Item No. 19 she respected the process of the petition and the whole way they did Chapter 42 and just had two questions, if one was already living in a community and the change and petition was done could they opt out like people could opt out with deed restrictions, when deed restrictions were being revised or redeveloped in a community and secondly she had several constituents ask her how does changing the land use requirements affect the mortgage or did it affect the mortgage or the lien holder, was there any impact that, that she did not know the answer so she was asking the Legal Department to help answer those questions for the constituents who had asked. Council Members Johnson, Holm, Garcia, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she had asked several times, and she voted for the Good Neighbor Ordinance including the sexual molestation check that they do, that she did not like to be in a position where it seemed as though they were just checking poor people, the City gave money out to a lot of contractors, a lot of people, and who question had been and continued to be if it was right, legal, fair and equitable that they only check convictions in one part of their community, if it was about people moving into a neighborhood everyone lived in a neighborhood and if the City was going to be giving money to contractors and whoever else should they be under the same scrutiny and she did not think it was right that they just limit, it was not even a background check, it was a background check for sexual molestation and she thought it was very pointed and she was not very comfortable with that, and she really needed for somebody to tell her they could not do that across the board, if they could not do it across the board she was going to be asking that that part be rescinded from that policy because she did not think it was fair, it might be legal but it was not right and the people that were involved in the Good Neighbor Program were people who had already been checked for that, they were police officers and teachers, and yes they might have somebody who had gone astray even if they had been checked, but if they were going to check one group because they were giving them taxpayer dollars she was saying they needed to check all groups that they gave taxpayer dollars to, that she would like for somebody to tell her they could not do that legally or yes they could, and if they could not do it legally she would once again be saying that she would like to suggest that they re-look at the Good Neighbor Ordinance that included that particular point. Council Members Johnson, Holm, Garcia, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she had questions regarding the May election, she had not heard anything about it and did not know if they were going to have a voter registration

period or were they going to do early voting or was it just going to be one thing, that she was not hearing anything about it and thought it was an important election, that all elections were important, but she was not clear on when was it going to start, she knew they had to register 30 days out and wanted to remind the community that there would be an election in May for a City Council seat and everyone should be aware of that. Council Members Johnson, Holm, Garcia, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she would like to address the comments of her colleague, Council Member Brown, about Sunnyside, that almost every community in the City had crack houses in it, including River Oaks, Tanglewood and including downtown Houston, that she took umbrage with the fact that people may not want to move to Sunnyside because they did not want to live next door to crack houses, that was a myth that they had been trying to break, one of the reasons that they worked so hard on the Chocolate Bayou Festival was to give people a different view of what went on in Sunnyside, that Sunnyside had been maintained in a dignified way despite it's neglect from the City of Houston since it's annexation, they did the festival every year and last year they had close to 30,000 people who came to Sunnyside Park and saw Sunnyside, that she was building a midsize house in Sunnyside, that because of the houses that Mayberry Builders and Home CDC was building she knew of about 10 people who were going to build in Sunnyside, that families had lived in Sunnyside and were still living in Sunnyside for 50 to 60 years, it was not a unstable neighborhood, it had been a neglected neighborhood and they had stood and fought the fight anyway, that evidently it was not to bad, they tried to get the police out there to declare it a hot spot, she had asked Chief Hurtt what was the definition of a hot spot because Sunnyside did have problems, she never got a definition of what a hot spot was so she assumed that the City thought all the crime was in the Southwest, she did not have a problem with that, but if a builder was building homes that he could not sell he was not marketing them and that was not because Sunnyside was bad, that if anybody went to Sunnyside it was like Houston's own Mayberry, she was serious, the ambiance and the environment, yes there were some problems there and there were some bad people there, but that was in every corner of the community, that she was sure there was crack being sold right at City Hall somewhere, that she was serious, that she respected her colleagues expertise and would seriously encourage him to give them that expertise in a manner that they could use it to solve the problems, they knew the problems, at least she knew the problems and was sure all of them knew the problems, that they were working very hard to give people like Ms. Swindle and Ms. Hadnot and Pastor Nash and Pastor Jefferson a hand in what they were trying to do and to revitalize and she just could not for the image to be constantly put out there that something was wrong in Sunnyside, it was no more wrong in Sunnyside than it was in Montrose where they just busted those two places growing marijuana and there were problems everywhere and all she would do was ask colleagues who had the expertise and knowledge to help them develop solutions for what was going on, that a lot of people were seeing Sunnyside as the next Midtown and what she was telling people in Sunnyside on their radio show and every time she talks to them was if their mama had property there to save it, pay their taxes, clean up their lots and they were saying okay, that what she was saying was that they were trying to develop a revitalization of Sunnyside from the ground up, not from the top down, that she lived in South Park now and would be living in Sunnyside within two weeks on Teresa Street, next to two abandoned lots and one abandoned church and what they had done was talk to people, middle class and working people, to buy lots and build and they say it is really pretty out there, it was close to the Medical Center and downtown, that she would be the first to admit that in parts of Sunnyside they had 60% of the people whose primary transportation was public transportation, they had problems, but the most important thing was that they had people in that community that were willing to continue to roll up their sleeves and walk barefoot if necessary to revitalize and reclaim their community, so she just encouraged colleagues who would and could to help them because they sure could use all of the help they could get, but it was not a place to be afraid of, anybody who was looking for a good piece of land, her lot was 120 by 140, with trees

on it, that it was not being confrontational it was just that people out there were trying very hard to do the right thing and to be about revitalization, they had a lot of stuff working. Council Members Johnson, Holm, Garcia, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that she knew he was out there every month and they had meetings every two weeks on Sunnyside, to Council Member Brown, most of the houses they built had been pre sold out there in the last 18 months, the ones that they closed on in the last six weeks had been pre sold, that he knew what the monthly payment were and who was buying them, that he did understand and he heard the words and wrote them down, that the way to do it was not scattered sites, it was to do four or five blocks at a time, that he was not going to kick people out of their houses to develop neighborhoods but he did not think there needed to be alternatives as it was posed at the Council table, that he respected planners, his respect had gone up because of his association with him, because of his wisdom that they had acted on on a number of things, in part because of the value that his knowledge had shown on the Council table, that today they voted on the Fourth Ward Amendment to hire Bill Mayhouse and Rick Lowe, last week they did quarter planning to a greater extent that involved consultants, that some people who take the mike had not even read the plans, that on the Parks Master Plan, the Library Master Plan, the Major Thoroughfare Plan, the Turner Collie Braden two million dollar plan on drainage that had been revised periodically he loved what those folks had done and their work deserved respect, but the alternatives should not be, but what they were accomplishing in Sunnyside required care and respect and facts. Council Members Johnson, Wiseman, Holm, Garcia, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Lawrence stated that District A would be partnering with the White Oak Bayou Association for a very large townhall meeting on March 27, 2007, more details would follow, that it was not going to be about District A, it was going to be White Oak Bayou coming in from Jersey Village, retention, Harris County Flood Control would be there, City engineers, engineers from the County to talk about future projects, how it all tied in with Highway 290, just various things, Chapter 19 changes, getting variances, flood insurance, that it was not to be a District A meeting, she would invite anybody who had concerns for the changes in Chapter 19 to come. Council Members Johnson, Wiseman, Holm, Garcia, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Lawrence stated that if they asked somebody what cover on the Houston Press in the past they remember and one that probably was one that came forward quite often was called "Hammering Helen", that was done after she passed the Sexual Oriented Business Ordinance, so at this time she wanted to thank her colleagues who supported the Massage Establishment Ordinance, she thought it was going to be very big for the City and a number of the District Council Members, that it was very easy to enforce, it really covered the hours that these establishments would stay open and health certificates, that she thought it was a huge step forward in passing it as far as cleaning up their neighborhoods. Council Members Johnson, Wiseman, Holm, Garcia, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 11:20 a.m. Council Members Johnson, Wiseman, 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