

City Council Chamber, City Hall, Tuesday, April 3, 2007

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, April 3, 2007, Mayor Bill White presiding and with Council Members Toni Lawrence, 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. Jo Wiginton, Division Chief, Contract Division, Legal Department; Ms. Claudia Vasquez, Director Citizens Assistance; Mr. Terence H. Fontaine, Deputy Chief of Staff for Operations; and Ms. Marty Stein, Agenda Director; present.

Note: Council Member At-Large Position 3 vacant.

At 2:02 p.m. Mayor White stated that they would begin with an important presentation by Council Member Garcia. Council Members Lawrence, Johnson, Wiseman, Khan, Holm, Brown and Green absent. (No Quorum Present)

Council Member Garcia stated that it was with great honor that he invites Mr. Jamie Roots to join him at the podium, that as they knew they had the Texas Bowl in Houston late last year and it was a phenomenal experience, they had 52,000 people attend and it was a tremendous success and there was a lot of excitement, that the success of that night had to do with the collaboration and the partnerships that were all part of that game and he wanted to thank the Houston Texans Organization in particular and Mr. Roots and Lone Star Sports and Entertainment and Mr. Tom Bellows, who was present representing the DePelchin Children's Center, that the success was that the fact that through the revenues of that game DePelchin Center came out the biggest MVP and winner of that game and asked Mr. Roots to fill in the details. Council Members Lawrence, Johnson, Wiseman, Holm, Brown and Green absent.

Mr. Roots stated that he wanted to thank Mayor White and the Members of Council for giving them an opportunity to talk about what was arguably the greatest sport stores in American, not just Houston, the turnaround of the bowl effort in Houston, Texas, the Texas Bowl, when they were asked about nine months ago to take over Houston's bowl entry, which previously had various names, there was a lot of skepticism and the most skeptical folks were themselves, but they asked themselves could anybody else here in Houston step up and make it a reality for Houston because they were the fourth largest City in America and had football rabid fans, there was no reason why they should not have a top tier collegiate bowl game and if it was going to happen they were going to make it happen, that they never wanted to go into battle without friends and one of the friends that stepped up from the very beginning was Tom Bellows, the Chairman of DePelchin Children Centers and that was one of the reason why the bowl game was so important to them, they wanted to positively impact an important local charity, a distinctively Texan charity and wanted to build positive perceptions for the City of Houston and economic impact for the City of Houston and a great experience for the student athletes and the schools and conferences, because they were going to go back and talk about Houston, and a great experience for the fans because that was what they do best, building great memorable experiences for the fans in Houston, and then fifth, they did not want to be a flash in a pan, to have a level of stability so that they could slowly ascend the collegiate bowl ranks in American so that Houston eventually could have a premier bowl game, and the results were phenomenal, the crowd of 52,000 fans was led by 15,000 local fans who bought tickets before the games participants were even announced, that was five times the previous high in Houston, which was really remarkable and key to their success, that \$30 million in economic impact, which was comparable to the top tier bowls in America, also comparable to the Off Shore Technology Conference, 30,000 hotel nights during the time between Christmas and New Year's when there was not a whole lot going on in Houston and they were able to fill those hotel rooms, the experience from TexFest to fireworks was really remarkable and the comments they heard had been it was a BCS like bowl, of people who went to the Orange Bowl and the Texas

Bowl, it was the BCS looking bowl, which was great, that the publicity for the City of Houston from Manhattan, Kansas to Manhattan, New York, positive stories about their community and how great it was to be a Texan and live in Houston, so the real winner was Houston and one of the real beneficiaries and the winner in every right were the folks at the DePelchin Children's Centers who did such fabulous work in the community, that they were able out of the proceeds from the game to make a contribution of \$50,000 for them to do their great work in Houston and Mr. Roots presented a ceremonial Texas size check to Mr. Bellows for the DePelchin Children's Centers. Council Members Lawrence, Johnson, Wiseman, Holm, Brown and Green absent.

Mr. Bellows stated that on behalf of the children, staff and Board of the DePelchin Children's Centers they thanked them for the generous gift and congratulated them on the way the bowl was run and they knew that they were looking forward to it becoming one of the preeminent sporting events in their Country. Council Members Johnson, Wiseman, Holm and Green absent.

At 2:09 p.m. Mayor White called the meeting to order and called on Council Member Garcia who led all in the prayer and pledge. Council Members Johnson, Wiseman and Green absent.

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

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

Council Member Lovell moved to suspend the rules for the purpose of rescheduling the continuation of the City Council meeting from 9:00 a.m. to 1:30 p.m. on Wednesday, April 4, 2007, seconded by Council Member Khan. All voting aye. Nays none. Council Members Wiseman and Berry absent. MOTION 2007-0329 ADOPTED.

Mayor White requested the City Secretary to call the list of speakers. Council Members Wiseman and Green absent.

Ms. Ramona Davis, 712 Main, No. 110, Houston, Texas 77002 (713-216-5000) appeared and stated that she was the Executive Director of Greater Houston Preservation Alliance and was present to address them on the proposed changes to the Preservation Ordinance, that it was ironical that they had to look to the past to create a City for the future that had all the beauty and the grace that the past brought them, but that was the case all around the Country, the economic benefits of Historic preservation were well stated, that she was present to encourage them to pass these ordinance changes, several years ago when they started trying to make changes to the ordinance the Greater Houston Preservation Alliance was adamant that the Planning Commission needed to stay in the process from the Archeological Historical Commission to the Planning Commission and into City Council because they knew that the Planning Commission was well aware of all the changes in the City and they dealt with all the development issues every day, these changes to the ordinance were passed unanimously by the Planning Commission and they urged them to do the same. Council Member Wiseman absent.

Ms. Sharie Beale, 316 W. 15th, Houston, Texas 77008 (713-594-2199) appeared and stated that she was a member of the Houston Archeological Historical Commission and chaired the committee that brought the revisions to the Houston Archeological Historical Commission, the Planning Commission and now to City Council and she thanked them for that opportunity,

that she wanted to thank Mayor White for caring about Houston's quality of life by forming the task force last year that came with the recommendations to enhance the Historic Preservation Ordinance, and also for supporting Historic preservation and seeing the larger picture in the future for Houston, that Historic preservation was not just popular with the citizens but cities like San Antonio and Galveston had found out how important it was to tourism, next to shopping visiting historic sites was the second most important things for tourists to do in a city, that she wanted to thank Council Member Lovell for chairing the subcommittee for historic preservation and for being active and meeting with groups and individuals and educating the public about the revisions proposed, and most of all she wanted to thank her hard working committee members, that as a realtor she was frequently showing historic properties to people relocating to Houston, that many were from cities who had historic districts and strong Historic Preservation Ordinances, they were looking for historic properties and she was happy to show those to them, that these were important assets to the City, the Houston Association of Realtors Board of Directors had supported the revisions to the Historic Preservation Ordinance as well as Jessica Farrar and Sheila Jackson Lee, that today the Council was considering only two meaningful changes to the ordinance, number one was the change from 67% to 51% of the number of home owners signing for historic districts, that it was a very important aspect for historic districts, it usually required more than one trip back to each homeowner, they had to have signatures from everybody on the deed, the PVLS and Setback Ordinance only needed one signature, that it was a 90 day ordinance in effect and these other ordinance were 20 years, they were asking for a level playing field for their homeowners, they did not want a super majority, the Historic Preservation Ordinance was a proactive tool to give neighborhoods self determination and a bit of a planning tool, the second thing they would be looking at today or tomorrow was the new penalty for illegal demolitions, these were demolitions that occurred outside of the Certificate of Appropriateness, that the second aspect was a penalty for illegal demolition and it was a five year freeze on building on the property, that it was a 90 day ordinance. Council Members Wiseman and Berry absent.

Council Member Lovell stated that she thought that they brought forward another step in preserving their history. Council Members Wiseman and Berry absent.

Ms. Leigh Hollins, 2009 Kane, Houston, Texas 77007 (713-861-4337) appeared and stated that she wanted to express strong support for two agenda items, first Item No. 12, Protective Landmark for the in the Old Sixth Ward, which belonged to her friend and neighbor Jerry Harper, and second was Item No. 14, on behalf of the Old Sixth Ward neighborhood Association they applauded the citywide amendments to the Historic Preservation Ordinance and urged each of them to vote in favor of them, and finally she was surprised and disappointed to read in Sunday's newspaper that the City intended to sell the land now occupied by the center serving persons with mental retardation because it had appreciated in value, that it seemed to her that the center's ability to provide services to the City's retarded population at a central location far outweighs any value that a sale of it's campus might bring to the City. Council Members Wiseman, Lovell and Berry absent.

Ms. Betty Chapman, 6166 Olympia, Houston, Texas 77057 (713-974-4970) appeared and stated that she was Chair of the Archeological and Historical Commission and wanted to thank Mayor White for giving them the opportunity to really focus on their City's history, because there were those of them who thought that was really important as they continued to build the City, that it was not just about saving buildings it was about saving their history, that she had written several books on Houston's history and she could assure them that no one would experience the history by reading what she had written like they would when they could walk among historic surroundings, whether it was a neighborhood, downtown or wherever it might be, they had not been very good stewards of their historic environment, those who built the City did so much to make it the great City that it was today, they had precariously erased that heritage and she

thought it was really time that they do something different, they had the weakest preservation ordinance of the entire Country, she had people say to her did they not value their history in Houston, they did not seem to affirm that by their actions, so what she would like for them all to do was to really give them the tools by which they could preserve the history, that she feared that future generations were not going to have anything to experience if they erased it now, whether it was a neighborhood that gave such sense of place to people or whether it was a building that had so much going in it that had engaged people in developing the City, they needed to be sure that it was here for the future. Council Members Wiseman, Lovell and Berry absent.

Mr. David Beale, 316 W. 15th, Houston, Texas 77008 (713-594-2199) appeared and stated that he was present on behalf of the 51% amendment, the Historic Preservation Ordinance and historic preservation actions benefited all of Houston, not just those who lived in historic areas, it made little sense to put high barriers to their being able to start the threshold of a historic district at 67% of the property owners, that as Ms. Chatman said they had the weakest Historic Preservation Ordinance in the Country and here they made it the most difficult to use, the 51% threshold was shared by most cities in Texas or even less, that some of them their own designations were started by the City where no approval by the residents or property owners in the neighborhood were required, in the Houston Heights they were working to bring two historic districts to the City, 2.4 historic buildings per week had been demolished in the Houston Heights during the past year and a half, that it took time and they were all volunteers working to get the signatures, getting 51% would mean they could save possibly 50 to 100 historic buildings, it was that bad in the Houston Heights with the demolition, it was a little exaggeration but they would see what she was talking about, the 51% of the property owners was not 51% of the voters, in an election if they got 55% votes it was generally considered a landslide and 50% of voter turnout meant in essence they were getting 27% of the registered voters, that in a historic district every property owner was a registered voter to vote for or against the historic district, therefore they needed to get 51% of all the registered property owners, not only did they need to get 51% of the property owners, they had to get a unanimous consent of all of the property owners of each property, they did not get property recognized as signing on behalf of the district unless all the property owners of that particular property agreed to it, so these were some of the things they had been working on and they had been working for several months on it now in the Houston Heights and it would be a tremendous help to the Heights and the City of Houston with these historic districts. Council Members Wiseman and Berry absent.

Council Member Lovell stated that the one word that they used over and over was the right to self determination, that neighborhoods had the right to determine what they wanted to happen in their own neighborhoods, that she thought that 51% was a good number, it lowered it enough to where it was over a majority of the people that lived there and made it easier for people to get historic designation and then for neighborhoods to take advantage of some of the incentives and some of the benefits to having historic districts. Council Members Wiseman and Berry absent.

Ms. Susan Neal, Post Office Box 8092, Houston, Texas 77288-8092 (281-433-0821) appeared and stated that she was with the Midtown Civic Club and they were present to support the proposed revisions to the Historic Preservation Ordinance and were very supportive of the five year moratorium on illegal demolition of historic structures or contributing structures, their neighborhood had experienced a lot of illegal demolition and just the loss of revenue from no permits being pulled for houses being destroyed and torn down beyond that the notion of allowing a community to be able to have some say in whether a significant structure was being demolished or not was something they were excited about and they appreciated that, that they were especially excited about reducing the threshold from 67% to 51% for the required number of signatures from homeowners, that they were also aware that in neighborhoods where they

had not had their lots divided up that 51% of the land, which now the current ordinance required that 51% of the lots be represented by 67% of the owners, in communities where that had not been divided up 67% owners owning 51% of the land did not consider that fair and democratic, and they do recognize that asking for 51% was beyond democratic because in voting they just needed a majority, if they reduced the threshold to 51% there was also a process that they had to go through with Planning and a hearing for people that were opposed to creating a historic district could speak and their voice could be heard and that was not the case when a vote was taken for say City Council because the minority who did not vote did not also have an opportunity to voice their dissent, so they would ask that they support the current revisions of HAHC and honor the five year moratorium and the 51% reduction, that she had brought letters of support from Representative Garnett Coleman and Congresswoman Sheila Jackson Lee. Council Members Wiseman and Berry absent.

Mr. Stephen Hester, Bonhomme, Houston, Texas 77036 (713-974-4621) appeared and stated that he was present on behalf of the Houston Center for Independent Living, the most recent Housing Authority Needs Statement issued last year indicated that 39,500 families that included a person with disabilities needed affordable and accessible housing in the City of Houston, housing that was accessible to people who used wheelchairs, walkers and canes, the needs statement indicated that the Housing Authority had almost 700 people with disabilities who were already on the waiting list for the Housing Authority, that Houston Center for Independent Living, a 27 year old self advocacy organization on behalf of people with disabilities strongly advocated for any and all efforts to provide affordable and accessible housing for all people with disabilities, including the housing opportunities for people with AIDS project that was being discussed today, that the Houston Center for Independent Living on behalf of more than 39,500 Houston families who had a family member with a disability in their household advocated for and requested that tenant based rental assistance, utility and security deposit payments be included within the upcoming City of Houston Consolidated Plan and that the full City Council approve the inclusion in the Consolidated Plan, the City had proven that it could create many resources when it wanted to achieve something for it's citizens, the Houston Center for Independent Living respectfully request that the severe housing needs of Houstonians with all types of disabilities be a priority for the City Council Members and the Mayor. Council Members Lawrence, Johnson, Edwards, Holm, Lovell, Green and Berry absent. (No Quorum Present)

Mr. Richard Quoyeser, 7814 Redding, Houston, Texas 77036 (713-774-7259) appeared and stated that his son Edward, who was 40 years old and had Downs Syndrome started at the Center for the Retarded when he was six years old, he went through HISD and returned to the center some 20 years ago, he worked in the workshop, that Edwards problem was caused by bad luck, it just happened, this problem could strike anyone's son or daughter, that they opened their hearts to the Katrina victims, why not one of their own. Council Members Johnson, Holm, Lovell, Green and Berry absent.

Ms. Clare Nonmacher, 7706 Meadow View, Houston, Texas 77037 (281-999-2112) had reserved time to speak, but was not present when her name was called. Council Members Johnson, Holm, Lovell, Green and Berry absent.

Ms. Brenda Routt, 8404 South Course, No. 302, Houston, Texas 77072 (832-367-2742) had reserved time to speak, but was not present when her name was called. Council Members Johnson, Holm, Lovell, Green and Berry absent.

Ms Sheila Jordan, 6502 W. Montgomery, Houston, Texas 77091 (713-692-5981) appeared and stated that she was a citizen of Houston and her complaint was utilities, that she had been receiving high utility bills for the past three years, that her water had been running like

\$500 and \$400, she had checked for water leaks and they had the companies come out and they had not found anything yet, so she was present to ask for help, that she had received a gas bill for \$900, that was why she was present. Council Members Edwards, Lovell and Berry absent.

Upon questions by Mayor White, Ms. Jordon stated that her water bill was \$500 for one month, that her house was a six bedroom house, just an average house, that she did not have a swimming pool and Mayor White stated that Ms. Claudia Vasquez would help her get to the bottom of it. Council Members Edwards, Lovell and Berry absent.

Upon questions by Council Member Johnson, Ms. Jordon stated that she had a leak test in January and they fixed that, but this happens every year, and Council Member Johnson stated that he knew Ms. Jordon had been in communication with Mr. Gary Norman, Public Works, and they had given her some ideas on how to get caught up with the bill at this particular time, but he was also concerned with the leak test and if it came back that she did have a leak and certainly there could be something taken care of from that standpoint, and Ms. Jordon stated that she had several tests and she had read the meters and they had read the meters, and Council Member Johnson stated that he knew there had been some issue with her trying to catch up and knew they said if she went to the Utility Customer Service Office to try to get her on a payment plan to help her get caught up then certainly they could help her with that, but he wanted her to continue to speak with Mr. Norman. Council Members Edwards, Brown, Lovell and Berry absent.

Ms. Rose Garcia, 13802 E. Hardy Rd., Houston, Texas 77039 (832-882-7668) had reserved time to speak, but was not present when her name was called. Council Members Edwards, Brown, Lovell and Berry absent.

Mr. Khoa Nguyen, 14818 Hemlock Bridge Court, Sugarland, Texas 77478 (832-654-3624) had reserved time to speak, but was not present when his name was called. Council Members Edwards, Brown, Lovell and Berry absent.

Mr. Brandt Mannchen, 5431 Carew, Houston, Texas 77096 (713-664-5962) appeared and stated that he was present representing the Houston Sierra Club and they would like to give some additional input regarding the proposed Air Pollution Nuisance Ordinance, there had been a modification to the ordinance and it dealt with exceptions to the ordinance and the two exceptions dealt with a company having an agreement with the City of Houston to reduce hazardous air pollution levels and the other exception dealt with having less than 10 tons of one hazardous air pollutant or less than 25 tons of cumulative amount of hazardous air pollutants and what they were concerned about was what really mattered in the ordinance or Appendices 1 and 2, and the health based nuisance limits that were in those appendices and when those were exceeded it would seem to them that was when they would go into enforcement actions, that they not have exceptions, that currently the way those exceptions ran was that they could have a small company that could exceed the ordinance and cause health based problems for people and they were excepted from the ordinance and they thought that was a very dangerous precedent to set, so they would like to suggest that both of those exceptions be removed from the proposed modified ordinance, the other thing they would like to do was get a clarification, they had heard in public presentations that the City may have an ability to resort to legal action against companies that were outside the City but caused nuisance problems inside the City and they would like to get a response that gave them what the legal position was on that, because their understanding was that those particular complaints would have to be handled by either Harris County or Texas Commission on Environmental Quality, and finally there had also been some public statements regarding that some of the air pollutants listed in Appendices A and B were not monitored or monitored minimally and the Nuisance Ordinance could not possibly

protect public health unless the City of Houston monitored the air pollutants listed in those appendices, so they supported funding and implementation of a program that monitored the air pollutants that were listed on Appendices A and B, that he also had a copy of his statement for everybody. Council Members Garcia, Brown and Berry absent.

Council Member Edwards asked Mr. Mannchen if he had any position on the recent ruling by the Supreme Court regarding the EPA and what it might mean for Houston as a result of their air pollution issues, and Mr. Mannchen stated that it really dealt with the climate change problem and with the carbon dioxide and whether it was an air pollutant under the Federal Clean Air Act, so if he was understanding the Supreme Court's ruling the State of Californian and Massachusetts and those other States could go ahead and regulate and they could to if the Texas Legislature allowed them to implement the California Emission Control Standards and the US EPA was basically required now to state publicly why it would not regulate that or go ahead and regulate that, and Council Member Edwards asked if he could contact her office, she would like to figure out how it might assist them in what they were trying to do regarding air pollution issues in the City of Houston, and Mr. Mannchen stated that he would be more than happy to contact her. Council Members Lawrence, Garcia, Brown and Berry absent.

Mr. Mark Evans, 8588 Katy Freeway, Houston, Texas 77024 (713-255-4407) appeared and stated that he had passed out an exhibit to each Council Member, that he was a native Houstonian and a principal in First Harvard Group Local Benefits Consulting Brokerage Firm, that he was present to address a problem facing all employers, including the City of Houston, in the fall of 2005 he attended a meeting of the Local Chapter Society of Human Resources Managers, that Mayor White was a guest speaker, at the meeting he distinctly remembered Mayor White asking the question, "who can help me with my pharmacy spend", the question was asked to address the cost of pharmacy portion of the City of Houston's self funded health plan for it's employees, their research indicated that the cost of pharmacy spending in the United States was up over 500% in the last 10 years, it was an issue that had and would undoubtedly continue to be a problem for all employers trying to control the cost of quality benefit plan for their employees, that he was sure that Mayor White's question was a reflection of a similar problem at the City of Houston, every employer with a self funded health plan must be a Pharmacy Benefit Manager or PBM to help administer their plan, that currently the City of Houston had contracted with the services of Blue Cross Blue Shield of Texas, that while he had no specific answer for Mayor White in 2005 their firm had since begun introducing their clients to a PBM that they believed had a fresh revealing approach to answer the continuing problem, they would like to have the opportunity to introduce the PBM to the City to consider as a review for their plan in the future, as a rule of thumb they had found that for every 1,000 employees an employer covered in a health plan the employer would spend a million dollars per year in pharmacy cost alone, the analysis they had done for some of their clients and perspective clients had indicated these employees may save 20% to 25% in just the first year, for an employer the size of the City of Houston it could amount to millions of dollars of savings in just the first year alone, that they should please refer to the attached exhibit that had some examples of potential savings, for an estimated 20,000 employees, estimated \$4 million the first year and 40 million over 5 years, their firm was a consultant for Cypress Fairbanks Independent School District, and during a recent bid process Cyfair ISD selected this vendor because their savings were conservatively estimated to be \$1.5 million in the first year, that Lonsi Green with the City of Dallas had recently reviewed their presentation that had created significant interest in what their savings for their plan could be, their firm was asking for the opportunity to introduce this PBM to the City of Houston. Council Members Johnson, Garcia, Brown, Lovell and Berry absent.

Mayor White stated that Ms. Candy Aldridge worked with this and if he could get all the details of what they did different then that would help them sort through some of these and if he

could get to Ms. Aldridge the difference in approach they took, and refer to prices and strategies and that would be the opening. Council Members Johnson, Garcia, Brown, Lovell and Berry absent.

Ms. Jane Cahill, 2114 Lubbock, Houston, Texas 77007 (832-721-9080) appeared and stated that she was present on behalf of her brother Danny, who lived in Westbury, to implore them not to proceed with decisions to invalidate the City's leases with the center serving persons with mental retardation or to sell the land on which it operates, that Danny was a 45 year old with Down Syndrome who like many of his peers could not talk so he must rely on others to speak up for him in times like these, that on the local news last night she heard Mayor White attempt to justify these decisions on grounds that the center's board had not raised more private funds to fulfill it's mission, that social service agencies like the center would all like more private funding, so she was sure that the center's board shared the Mayor's wish but not the critical tone in which it was expressed, with rate exceptions individuals with cognitive disabilities were not able to support themselves by working in fulltime jobs widely available in the local or national economy, for this reason they were virtually all eligible for some type of Social Security benefit, surely the Mayor was not criticizing the center's clients for accessing Social Security or using those benefits to live, work and/or learn in the safe, clean and pleasant environment that the center provides, that organizations that served that population were also often eligible for government funding, she had long urged the City to fund programs for this group as it did for others like it whose members through no fault of their own were unable to care for themselves, such as the very young and the very old, the City had long declined parity of funding on grounds that caring for it's retarded citizens was not the City's responsibility, so therefore any government funding that the center drew down was by necessity State and/or Federal funding that but for the center and it's clients decisions to live, learn and work there, would not come to the City of Houston, that accessing government funding was a very arduous and competitive process, compliance with the maze of regulations required to keep these funds flowing had been a specialized field, one that the City itself struggled to master as evidenced by the freeze in Federal funding recently suffered by the Department of Housing and Community Development, an organization like the center that had mastered the art of drawing down State and Federal funding for it's clients and had been successfully serving one of the City's most vulnerable populations for almost 50 years should be applauded not criticized for it's success in drawing down these government funds to serve it's mission and the citizens of Houston, instead of attempting to sell the land out from under it the City should be working with the center to expand it's capacity, that she asked them all to please walk a mile in their shoes before they proceed with these decisions to sell the land and make the center disappear because that was what would happen, no social service agency could mount a capital campaign in the amount of time that the City had offered. Council Members Johnson, Garcia, Brown and Berry absent.

After discussion by Council Members, Council Member Wiseman asked when and would it be brought to Council, she knew that the action to sell the property would have to come to Council and that being a property matter would require 10 votes in order to pass, her question was this action to evict the residents of the community, would that action require Council action or would the administration just take that action independent of Council. Council Members Johnson, Garcia, Brown and Berry absent.

Mayor White stated that he agreed with the sentiments that Ms. Cahill had expressed concerning their responsibility to those who were clients of the center, that he applauded those people who worked with their lives and their time and the Board Members for what they had done and he had expressed that to Members of the Board personally, that they may be aware of the meeting that they had last August and his follow up correspondence on October 24, 2006, where there was a portion of the property that was not under a lease by the center but that was used by the center and he would like to have a way that they could come up with a principal or

policy concerning that lease that they could apply to other non profit activities which used the property of the City, it would be not accurate to say nor had it been in anybody's plans that somebody was evicted, which was why he made numerous offers to personally help figure out how the center could get some security because the issues concerning the title of the land had impeded, and the center had written that it had impeded the fund raising of the center, but he would also say that it took two parties who were willing to go about a mutual problem solving exercise together in order to come up with a solution to the issue and it took two people willing to listen to each other and understand the decisions they needed to make needed to be done openly and transparently as the amount of the lease subsidy had gone on from year to year, that he thought it was in the center's interest to have a long term ability to plan and to make improvements to build the capacity and he thought that there needed to be those who respected the fact that there needed to be some criteria by which they reviewed and evaluated sub market leases, that as they knew he did offer to have some rate paid for the land that was under one acre. Council Members Johnson, Alvarado, Brown and Berry absent.

Ms. Cahill stated that she was glad that Mayor White brought up the lease on the Cullen Residence Hall that they had for 30 years that expired in 2002 because the City sent the center a lease to sign to renew that for another 30 years, the center signed the lease and returned it to the City and Mayor White's administration refused to execute it, since then the Center had been trying diligently to work with the City and negotiate a win win outcome for both parties, that she believed that the center had taken a very patient and measured approach to it, they understood that the problems of the clients that they served were not necessarily the most pressing issues on Mayor White's desk, the fact that they had waited patiently for his attention and his help to come to a favorable resolution on it should not reflect poorly on them, it reflected their measured patience and their willingness to work as the venerable gentlemen that they were in a very civil and socially accepted manner, that the response this week after the article in the Chronicle could have been much greater than it was, it was very measured today and she hoped that Mayor White would take that into account, that she agreed that it took two parties, that until today her understanding was that there had not been two parties at the table. Council Members Johnson, Alvarado, Brown and Berry absent.

Mayor White stated that he was at a meeting where he specifically and later put in writing that they would like the center to determine if it could pay some rate and they could get the lease on that one acre where the term expired, and it expired before his administration, and their policy had been to try and make decisions concerning sub market leases and they discussed it at the Council table and his colleagues knew, he talked to them about it, that it took into account the public property and came to some fair resolution when people wanted to deal with those lands just like in the case of other taxing jurisdictions who had properties that were for good public interest and use, they had stepped up the table to do so, but he would say the invitation that he had in that letter of October 24, 2006 was open, that he had accounts of about 10 different meetings since 2004 and they would continue those meetings. Council Members Johnson, Alvarado, Brown and Berry absent.

After further discussion by Council Members, Mayor White stated that if there was a report that there was an offer on the table to purchase the property that was absolutely wrong, and he would circulate to Council Members something that followed a number of different meetings, many meetings including a meeting with him where he asked, because they did have to set policies and precedents, for a variety of programs that dealt with City properties and requests for City properties that came all the time, that there be for that portion submarket lease or anything and he would not characterize the response that he got and then he put it in writing in October and had not received a response so he wanted to work to do it, it was in all of their interests that they follow practices and procedures about the below market leases or zero leases to non profits, they talked about it around the Council table and was talked about in the

last administration when in 2002 because of Council concern about submarket leases the proposed lease was not put on the agenda, well before he came to Council, and he reviewed the memos, so it was important that they deal openly and transparently at a time where they were looking at the various needs and funding sources and he thought based on what the Board of the center had told him at the meeting that they had that there was a strong reason having to do with the regulatory permitting for the residential facility to remain there, which was why he had asked that they determine where their lease had expired and that they reach a new lease agreement with a rate for a lease, which they could apply to others in other circumstances. Council Members Johnson, Garcia, Brown and Berry absent.

After further discussion by Council Members, Council Member Edwards asked if someone could give her a cost benefit of what happens at the center on a day to day basis, if they moved it and it had to be replicated what would that cost be as opposed to the stated or alleged cost that had been reported in the newspaper for the property, that it would be helpful to her. Council Members Johnson, Holm, Garcia, Brown and Berry absent.

Ms. Connie Hollins, 6147 Bel Arbor, Houston, Texas 77023 (713-734-4404) appeared and stated that she was a resident of southeast Houston, out of Precinct 239, that she was present to complain about Reliant Energy and what they were doing to her and she had heard through the media that they were doing it to other people also but she was more concerned about herself because she was on a fixed income, her husband had Cancer and his doctor bills were out of this world, his medicine was \$2,600, that she had her light bills and as of November 2006 her usage was 720 and she paid them \$110.69, on December 2006 her usage jumped up to 2,010 and her bill was \$576.22, that in January 2007 her usage was 2,420 and her bill was \$572.78, in February 2007 her usage was 2,650 and her bill was \$413.42 and in March she had two bills, March 16, 2007 her usage was 2,910 and they sent her a bill for \$440.70 then on March 22, 2007 they sent her another bill and her usage was 2,720 and her bill was \$531.09, that there was something wrong, she got the first bill in December and she called them and they said they had not charged her for 3 months back so they had to go back 3 months and bring it up, that they should have charged her more 3 months ago, in January she called them again and they said she had a dog, that her dog stayed in the house, then in February they said that they read the meter right and she asked them to come out and reread the meter and they said they did, that her husband was in his bed which was right by the window and the meter, they were watching for them to come out to read the meter and they never did but they charged them for coming out 2 times. Council Members Lawrence, Johnson, Holm, Garcia, Brown and Berry absent.

Mayor White stated that they did not run the light company or electric company and he knew there were a lot of people who's bills went way up, but their Citizens Assistance Office could put her in touch with some representative of the utility company who could try to help determine whether there was a billing error, in addition there were certain funds that they obtained for individuals with certain qualifications but there was criteria that was used administered by a non profit that may be available if there was some circumstance that was unusual and created economic hardship, so if someone could work with Ms. Hollins in order to try to work it out, that the utility company was going to have to make up it's mind, that he could not speak for them but they could help her deal with the utility company. Council Members Lawrence, Johnson, Holm, Garcia, Brown, Lovell and Berry absent. (NO QUORUM PRESENT)

After further discussion by Council Members, Council Member Edwards asked Ms. Hollins if she had someone check her home, to see if the weatherization of all the caulking was tight and asked if she would need someone to help her get that done, and Ms. Hollins stated that yes she would need help because financially she was not able to do that herself, and Mayor White stated that maybe there was something they could help her with on that, and Council Member

Edwards stated that she did not know who to call to find out how they verify estimated bills and if someone could help her find out how that happens, and Mayor White asked Ms. Vasquez if they could have one of their crews go out there he would appreciate it. Council Members Lawrence, Johnson, Holm, Garcia, Brown, Lovell and Berry absent. (NO QUORUM PRESENT)

Ms. Laura Hughes, 718 Enchanted, Spring, Texas 77388 (713-858-8680) appeared and stated that she was present with her mother and brother, who lived at the center, Cullen Hall, and she was present to ask them to consider the human aspect of it, that if it were not for her Jack, her brother, would have no one to defend him, that her mother had dementia and she could no longer defend her son, that this situation was the same situation for many of Cullen's residents, it was not just one, because their parents were this age because they read that the average age was 53 years old, her brother was 51 years old, that this was the age of most of the parents and that was why they were not present and that was why no one stood up for them, the responsibility of defending the helpless used to fall on the shoulders of the government, well it appeared that the government was more interested in the all mighty dollar than being able to do the right thing, that she had heard that they were going to do the right thing and she was going to hold them to it and she did not read it in print, and read a passage from the Bible, that she looked at the walls and saw Justice and The People were the City, were all the people the City, were they not oppressing the poor and needy by evicting them of their homes of 40 years because of the love of money or policy, that she would like to ask the Mayor and Council Members four questions, how many of them had a special needs person in their family, how many of them had been forced out of their home against their will, how many of them had ever been ostracized to the point that most people did not want to associate with them, and had they ever experienced having their family taken from them, never to see them again, that Cullen was not a building, it was a family, if they had not experienced all four of these situations then she would say they were not qualified, that as an educated decision of the future of Cullen Hall and it's residents she challenged each one of them to spend a day at Cullen, walk in their shoes, that she wanted them to remember that this would go down in history and they did not want to be the Mayor and the Council that evicted the mentally handicapped, shut down their jobs, discontinued their daycare and started the ball rolling on shutting down non profit organizations because they did not deem them worthy to occupy expensive land. Council Members Lawrence, Johnson, Holm, Garcia, Alvarado, Brown, Lovell and Berry absent. (NO QUORUM PRESENT)

Council Member Wiseman stated that she had questions about what was put in the newspaper and what the administration was now saying was inaccurate, if they were to fix it she would hope that it was something that was fixed at the Council table, that to sell the property required Council action and it required a vote of 10, not simply a majority because it was a property matter, the question that she had was the action to evict the residents and take possession of the property, she believed, did not require Council action and that was where she had some serious concerns so the decision for that would rest solely with the administration, unless she was incorrect she would like to see information on that from the City Attorney, and would like to see it in writing. Council Members Lawrence, Johnson, Holm, Garcia, Brown, Lovell and Berry absent. (NO QUORUM PRESENT)

Ms. Martha Esnaola, 8402 Leader, Houston, Texas 77036 (713-995-9917) appeared and stated that she was present to talk about the mentally retarded, that she had a 37 year old son who had been going to the center for 16 years, that she understood there were many economic advantages for the City and other interested parties to redevelop the established area, on the other hand there were many other public properties that she was sure could be developed instead of causing so much commotion to the hundreds of citizens affected by this measure, that they were taxpayers and parents that depend on the services provided by the center and they ought to be taken into consideration because there was something involved here, the

money and real estate, that this population could not speak for themselves and their rights as citizens had to be protect by their parents as well as supposedly the government, they believed it was the moral and social responsibility of the City to continue providing services and protect the disadvantaged Houstonian population, if the center had been a stable institution that had proven they could provide services and work opportunities to many that did not have any other choice there was no earthly reason to upset something that had served so far the mentally challenged and their families who were also taxpayers, that she proposed that the City consider the complaints of those parents and the individuals that would be severely affected by the action, that as the previous speaker stated, if the Members of the Council and the Mayor could walk in their shoes at least for five minutes they would understand the stress they were going through, they opened their arms to the Katrina victims, now take care of their own victims. Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Brown, Lovell and Berry absent. (NO QUORUM PRESENT)

Ms. Gudalupe Vasquez, 109 Carl Street, Houston, Texas 77009 (713-228-1103) appeared and stated that she was present to support the Cullen Center, that her son was also present and his name is Jose Vasquez and he attended the center, that her daughter helped her prepare her statement, that she would ask that the Cullen Center for Retardation stay open, that her son Jose went to the center Monday through Friday and got to interact with other children and did stimulating activities there, that she thought it was very important to leave the center open not just for her son but for other children like her son who needed centers like this, that as the primary caregiver for Jose the center allowed her and other parents to have time for errands, cleaning and for themselves, but most importantly for her son Jose to develop himself and interact with others, play games and to help keep him stimulated, please keep the center open. Council Members Lawrence, Johnson, Holm, Garcia, Brown, Lovell and Berry absent. (NO QUORUM PRESENT)

Ms. Dianne Richardson, 19242 Lakota Dr., Katy, Texas 77449 (713-876-2278) had reserved time to speak, but was not present when her name was called. Council Members Lawrence, Johnson, Holm, Garcia, Brown, Lovell and Berry absent. (NO QUORUM PRESENT)

Ms. Jodie Dornak, 4122 Deerfield Village Dr., Houston, Texas 77084 (281-639-4196) appeared and stated that she was present representing her sister who was born with mental retardation, she was prematurely born in 1954 in Austin, when she was 3 years old their father died and in 1975 their mother died, therefore she was literally an orphan and was her responsibility, not legally but morally, socially and every other way, that when her sister moved in with her in 1975 she realized it was very important for her to find a special place to meet her sister's needs, prior to that their mother had kept her home her entire life, that after entering into the Cullen Residence Hall they were able to educate her and she attended numerous classes on different things that they could teach her, that the things that they taught the adults had been valuable to her, that she was still unable to live on her own but she did have that bright hope that someday maybe she could but they had to be truthful about that and understand that what they thought and what people saw were actually two different things, that she had heard some excellent comments by previous speakers representing their families and she certainly concurred with everything she heard and appreciated the comments she heard by several of the Council Members, that she did have information that may be new to some of the Council Members, it was the history of the center lease with the City of Houston and the legal dispute regarding the leases, that it was broken down into several sections and talked about each lease and all the details about it, if they would like a copy she would be happy for someone to make them while she was in the audience, that she also had a copy of the Houston Chronicle article, that it was available off of the internet, that she also wanted to share with them the faces of many of these people, and demonstrated a brochure of the Cullen Center residents, that they were just people like any of them however for some unknown reason nature, during the birthing

process did not do what it did for others, they could not speak for themselves or many of them could not talk or get around, they depended on people to take care of them, that was what life was all about, taking care of other people, it really appalled her to think that money was more important than the lives of these dear sweet souls, that she challenged them to go down to the cafeteria and meet with the people and find out about their lives, that she had brochures on the center and also had information about the fund raiser with the cookies that they provided, and displayed a picture of her sister and stated that she did work manual tasks at the center and was paid a nominal fee, certainly not the Council's salaries, that she would never make it. Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Brown and Berry absent. (NO QUORUM PRESENT)

Mr. James Hale, Jr., 10221 Rockaway, Houston, Texas 77016 (No Phone) appeared and stated that this was the third time he had been present, that in sitting in the audience and hearing the previous speakers he felt that his problem dwarfed in comparison to what he had heard and it did so not because it was not important but because it was minute and it also did so because it was certainly unnecessary, that as they would recall he had his vehicle taken illegally by an officer who he felt was probably a little over zealous, he was taken to jail and charged for a crime that he had already had paid a fine for or served time for, that he had checked on his vehicle, which was a \$4,500 vehicle, that had sustained about \$7,850 worth of damage since it had been in the care of its new custodians, however, what he really needed was for somebody to explain to him how it could be that if they followed the rules and kept the law that the law itself could plunder something that they had worked for, something that they had earned by the sweat of their brow, that he was a journeyman carpenter and was certified and on that note he would volunteer his services to help the lady with any problems that she had in her home and the electric situation, and just take from him and ignore him repeatedly, that he did not know where else to go or who else to turn to, so why were they not paying attention. Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Alvarado and Brown absent. (NO QUORUM PRESENT)

Mr./Coach R. J. Bobby Taylor, 3107 Sumpter, Houston, Texas 77025 (202-FA3-4511) had reserved time to speak, but was not present when his name was called. Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Alvarado and Brown absent. (NO QUORUM PRESENT)

Ms. Manzar Olya, 12338 Barry Knoll Lane, Houston, Texas 77024 (832-755-7469) appeared at the podium with her son Navid Rezanejad who spoke for her. Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Alvarado and Brown absent. (NO QUORUM PRESENT)

Mr. Navid Rezanejad, 12338 Barry Knoll Lane, Houston, Texas 77024 (832-755-7469) appeared and stated that they owned a property on Tidwell adjacent to a slumlord, a property that was owned by a slumlord and it happened to be probably one of the worst eyesores in the City of Houston, and it so happened that recently the City took action to close down another dilapidated complex and what he wanted to bring to the attention of the City that for every one of the slums that was allowed to continue there was at least another dozen projects that would be willing to come into an area and bring up the tax base that would not come in because they were allowed to continue, that he had documentation that showed that not only did they run their properties into the ground and created problems both criminal and healthwise for the whole community but they also did not pay their taxes and he did appreciate the fact that the City had taken an affirmative step to close down the property on Shepherd but there were many more of them that continued to operate in the City and continued to give their City a bad reputation, that this whole section in the City that simply because of two little slums that existed within those areas, sure they were poor but it did not mean they had to be downtrodden like that and allowed

to run as slums, that a lot of these projects were funded by things like HUD, they should not be allowed to operate based on the City's Health and Occupational Codes because of the fact that they created safety problems for everybody and created health problems for everybody, for example they saw prostitutes and drug dealers walking around and wondered how the drug dealers, in a poor area, were finding clients with money to sell drugs to, and then they see every A/C unit in the area torn into to get \$20 worth of copper by destroying a \$5,000 A/C unit and that ran property owners away and did not increase the tax base, that in Council Member Garcia's district there was another property that was adjacent to a school and if they could remove them, and he could specifically give the Council information on the property, there was raw sewage and holes in the parking lots, there had been fires at the property, that it was very visible and he would be happy to take any of the Council Members through that property and any other area in Houston because he did real estate all around Houston, so he would turn it over to them. Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Alvarado and Brown absent. (NO QUORUM PRESENT)

Mayor White stated that he would like addresses and they would take a look at them because it was that combination of real safety concerns for the residents that they wanted to start addressing. Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Alvarado and Brown absent. (NO QUORUM PRESENT)

Council Member Kahn state that he would encourage the residents of the properties that Mr. Rezanejad was talking about that if they saw any violation to start reporting it because that was what they were looking for, that it was very easy to report the violation, they just call 3-1-1. Mayor White and Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Alvarado and Brown absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

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

Ms. Carolyn O'Rourke, 19827 Atascocita, Humble, Texas 77346 (832-233-4212) appeared and stated that she was Houston Police officer and graduated from the Houston Police Academy in 1982, Class 106, that she was awarded the 100 Club Officer of the Year Award in 1986, that she was assigned to the Airport Division at Intercontinental Airport and was for better or worse in the Houston Municipal Employee Pension System, that she was requesting their help in resolving the issue regarding the TCLEOSE training pay, the Texas Commission on Law Enforcement Officers Standards and Education required training and yearly updates for all Texas peace officers to be licensed by the State of Texas, without this license a police officer could be removed from his or her job and forfeits his or her right to work as a police officer, that currently Houston police officer and the Houston Police Officer's Pension System, HPOPS, received training pay in their bimonthly checks and in their retirement pensions, that Houston police officers in the Houston Municipal Employee Pension System received the pay in their bimonthly checks but not in their retirement pensions, the inclusion of their training pay into the pension would not affect HMEPS officers that had already retired, there were approximately 50 officers still in the municipal pension system, it would translate into an amount not to exceed \$7,645.20 per year per officer and would be much less depending on the percentage of officers retiring, that personally she found it disheartening that the City was willing to pay a \$7,000 bonus to newly hired police officers but had yet to correct a training pay inequity for the 50 or so veteran officers still on the force, the same veteran police officers that had kept the streets safe for the City of Houston for over 20 years, what they were asking for was a correction to the Municipal Pension Retirement Fund, including TCLEOSE training pay as part of the retirement package, that she had been told that it was a costly endeavor because

any changes would include more than just the HPD officers in the Houston Municipal Pension System, that she believed that a simple solution to the problem was to redefine the term, base pay, to include HPD certification and TCLEOSE recurring training, it greatly narrowed the parameters, limits the cost and remedies the imparities, that she was aware that City Council could not make pension decisions, that what she was hoping for was that they could get the Houston Municipal Employee Pension Board together with the Houston Police Officers Union in a Meet and Confer to remedy the inequity, it was not something that just happened overnight they had been going at it for years, that the municipal pension people refer them to HPOU and HPOU refers them back to the City, the only way they could have any remedy whatsoever was to have them get together. Mayor White and Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Alvarado and Brown absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Lovell stated that they had a Council Pension Committee, which Council Member Holm was the chair of and her suggestion would be to make an appointment and sit down with Council Member Holm to see if there was a possibility that through that committee there could be some way to figure out a way to fix it. Mayor White and Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Alvarado and Brown absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Ms. Emily Nghiem, 1620 Robin, Houston, Texas 77019 appeared and stated that she was very moved by the community who came forth and asked to be respected as a whole and not to be broken up, and she realized these conflicts came up to teach them a lesson and so she would encourage all the City Council to learn from the lessons that they learned the hard way in the Fourth Ward, where she was from, they were still trying to recover from the damages of evictions back in 1996, that she was aware that last week the TIRZ for the Fourth Ward met without giving notice to the organizations and leadership organizations in Freedman's Town so there was already a wedge driven in and it just drove in deeper every time they kept excluding them from a process that effected their community, the issues in Freedman's Town went beyond the City's jurisdiction because not only was national history involved but also Galveston history, the freed slaves came up from Galveston so what joined them together was their spiritual history which again was beyond the scope of what the City had been addressing and so she was asking to set up a commission that would take into account the spiritual integrity history and values of the community in the process that had been left out, that she was submitted a list of representatives that were left out of the meetings and was asking to form a commission with them and would like to know which City Council Members, City staff and officials would be interested in forming a commission that would take not only the property issues into account but also the spiritual issues that had been missing from the equation. Mayor White and Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Brown and Lovell absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Edwards asked Ms. Nghiem what was her definition of spiritual healing for Freedman's Town, and Ms. Nghiem stated that it was the community that felt the connection with the land and the churches to include in the process and hear all of their grievances and work toward resolving the conflicts that had not been address, and Council Member Edwards stated that everybody had their own definition about what spiritual healing was and she was trying to figure what her definition was of spiritual healing since she was not obviously a part of that community from that spiritual connection, and Ms. Nghiem stated that there were different factors involved that she thought would bring healing and thought involving the churches equally as the State so they could come together and it would start to bring healing and that they recognize each other and there was no longer a hostile division that had been hurting the community, that she was from Galveston and believed that her spiritual history was tied to the issue, and Council Member Edwards stated that she was trying to figure out how they would do

it because there were so many groups in the Fourth Ward, that she believed that what Ms. Nghiem was saying was needed to be done but was not sure that the City Council could do it, that she thought the community needed to develop their spiritual countenance and then use it and bring it to the City Council and tell them to support it but she did not think they had the authority or ability to develop a spiritual healing process for another group of people. Mayor White and Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm, Garcia and Brown absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Ms. Thien An Vo, Post Office Box 66636, Houston, Texas (832-275-5465) appeared and stated that Houston Code 4664 limited the number of taxicab companies to 90, it states that a maximum of 90 medallions should be distributed at any given time, this year the City intended to distribute 144, it states that out of all the medallions offered by the City 10% should be reserved for new applicants, that this year the City intended to give out none, that Section 4665 required that new applicants have 5 years of taxicab experiences yet there were owners of medallions who had never driven a taxicab for a living, this implied that if she were to have the money to buy taxicab medallions that the City ordinances did not apply to her, if she did not, then they did, those codes regarding taxicab permits had not been enforced in the past, whether on the City Council or the individuals or business entities, please do not selectively enforce the codes on the drivers, give out medallions to new applicants. Mayor White and Council Members Lawrence, Johnson, Clutterbuck, Edwards, Wiseman, Holm, Garcia and Brown absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Ms. Laverne Fransau, 5716 Alba, No. 21, Houston, Texas 77018 (713-475-0278) appeared and stated that she wanted to thank Mayor White and Council Members Edwards, Green and Johnson for addressing the fact of the matter with the lady who was a senior citizen and they were still taking care that she is still in a home, that since then she had looked at some of the other issues that the Mayor had set before her and formed General Organization Development Foundational Services which would do rehabbing for senior citizens building homes, that she found Washington, D.C., Milwaukee and even in Dallas, Texas, where they did not have a whole lot of homeless on the streets because they had housing developments for them, they had shelters for them, and she talked to several different people, Reverend Paine from Paine Chapel, Seal Jackson and so many ministers who said they would back her, that the Mayor in turn said that if she had someone to back her then in turn she could buy some properties to place different things, that she had a million dollar developer who she had a meeting with, so at this time she would like to set a time to meet with the Mayor so they could devise north, south, east and west housing developments for their homeless as well as the senior citizens. Mayor White and Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm, Garcia and Brown absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

President Joseph Charles, Post Office Box 524373, Houston, Texas 77052-4373 (832-453-6376) appeared and stated that appeared that he was the official President of the United States; and continued expressing his personal opinions until his time expired. Mayor White and Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm, Garcia and Brown absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

At 4:28 p.m. City Council recessed until 1:30 p.m., Wednesday, April 4, 2007 in accordance with MOTION 2007-0329 ADOPTED. Mayor White and Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Holm, Garcia and Brown absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, April 4, 2007

The Houston City Council reconvened at 1:30 p.m. Wednesday, April 4, 2007, with Mayor Bill White presiding and with Council Members Toni Lawrence, Anne Clutterbuck, Ada Edwards, Addie Wiseman, M. J. Khan, P. E., Pam Holm, Adrian Garcia, Carol Alvarado, Peter Brown, Sue Lovell and Michael Berry; Mr. Arturo Michel, City Attorney; Ms. Marty Stein, Agenda Director and Ms. Marta Crinejo, Assistant Agenda Director, present. Council Member Jarvis Johnson absent on personal business. Council Member Ronald C. Green absent due to being ill.

Note: Council Member At Large Position 3 vacant.

At 12:48 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 1:44 p.m. Mayor White called the meeting to order. Council Member Johnson absent on personal business. Council Member Green absent due to being ill. Council Members Wiseman, Holm, Brown and Berry absent.

MAYOR'S REPORT

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 1:45 p.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, Holm, Brown and Berry absent.

Ms. Parker, City Controller, stated that this was the Monthly Financial Report for the period ending February 28, 2007, the economy continued to deliver good news and they adjusted upwards the projected end of year budget's surplus with current projection estimated at \$16.1 million compared to under \$13 million reported last month; that the primary reason for change was a \$1.9 million decline in projected spending with the majority tied to decreased electricity and personal cost within Public Works; that they also increased projection for electric and gas franchise fees by \$1.4 million to reflect settlements for prior year fees received in this fiscal year and her office was projecting a slightly higher end of fund balance than the Administration, they both raised projections and were fairly close, they estimated the general fund would end the year with a total unreserved fund balance of \$210 million as compared to the \$207 million projected by F & A and that included the \$20 million in Rainy Day Fund and about \$2 million in Sign Abatement Fund; and the Controller's Office believed the Rainy Day Fund should gradually be increased to the previously targeted number approaching \$50 million but perhaps a move to \$30 million would be more appropriate as an entrance step; that she distributed an update on Katrina recovery numbers with no substantive changes reported since last month and as a follow-up to Council Member Edwards's question yesterday, what they chose to put in the letter to Council and what she made note of in her written remarks was they looked at any major change, and they considered a major change over about \$250,000, if it was above that they would probably mention it to Council or if there was policy change or change in practice by departments they thought would have a financial impact they tried to include it, but other than that it was what they thought Council wanted to know about changes in the monthly budget, and that concluded her report. Council Members Wiseman, Holm, Alvarado and Berry absent.

Ms. Johnson, Director of F & A, stated that as the Controller mentioned the overall revenue estimates for this month were higher than last month primarily due to sales tax, again the last check received was a full 10% more than at the same time a year ago; that they kept thinking the double digit increases could not continue but were happy to take them and as a result they had increased their estimate for the fiscal year by two and a half million, again not counting on double digit increases going forward, the rest of the fiscal year unknown numbers were assuming at original budget; that they made a few changes in expenditure projections as the Controller mentioned with Public Works, and they adjusted the appraisal district estimated cost with a number a little lower than what they gave last time; and the one thing they expected to be different which they had not changed their official estimate on was the cost of the May election as Harris County would be conducting an election on the same date relating to senior citizen taxes and they would have opportunity to share those costs and it should decrease the amount for the May 12, 2007, election, but if a run-off election was needed there would be no shared costs so they had not changed their estimate at this time, but it should be a little lower than the \$4million they had previously talked about, and that concluded her report. Council Members Holm, Lovell and Berry absent.

Upon questions by Council Member Holm, Ms. Johnson stated that they had flexibility in how they could establish polling places and did not have to have it at all locations the county did; and Council Member Holm stated that she wanted to consolidate as much as possible so people had access to polling but not at a greater expense; and Mayor White stated that the City Secretary advised him there was a consolidation which was being done; and before the motion to close he wanted to say he was very lucky to have two independent minded, knowledgeable professionals in the positions which delivered the financial report; that there were differences and suggestions and the Controller's input was invaluable as a leader in showing financial discipline and the good news was though there were challenges in the next 24 months related to paying for the substantial increase they were committed to in HPD for retaining overtime without extent of federal grant support; the next year of the firefighters contract had a significant pay increase; meeting needs of a larger population they had with more services; the fact they made a prudent decision, but it would not be a decision forever, to close some of the pension debt with pension unfunded liability which was a debt; it was very prudent with the benefit of hindsight because those funds if borrowed were able to contribute to the system and given the stock market yield they performed well and helped to close the debt but it was not...; that they would be phasing out over time the use of that was a tool for bringing those lines together and the final challenge was the health benefit costs increase after the current contract year expired so while they were building some cash surpluses with the object they would be able to make commitments to voters on a level of services without having a balloon note of higher property taxes in the future to support the existing level of service. Council Member Berry absent.

Council Member Alvarado moved to accept the Monthly Financial Report, seconded by Council Member Khan. Council Member Johnson absent on personal business. Council Member Green absent due to being ill. Council Member Berry absent. MOTION 2007-0330 ADOPTED.

Council Member Garcia moved to suspend the rules to consider Item Numbers 42, 38, 14, 24, and 25 out of order, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Johnson absent on personal business. Council Member Green absent due to being ill. Council Member Berry absent. MOTION 2007-0331 ADOPTED.

Council Member Alvarado moved to suspend the rules to consider Item Number 13 out of order, seconded by Council Member Khan. All voting aye. Nays none. Council Member Johnson absent on personal business. Council Member Green absent due to being ill. Council Member Berry absent. MOTION 2007-0332 ADOPTED.

Council Member Wiseman moved to suspend the rules to consider Item Number 41 out of order, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Johnson absent on personal business. Council Member Green absent due to being ill. Council Member Berry absent. MOTION 2007-0333 ADOPTED.

42. ORDINANCE approving and authorizing one-year contract between the City of Houston and **PATRIOT ADVERTISING, INC** for Advertising Services for the Houston Police Department \$300,000.00 - General Fund – **(This was Item 48 on Agenda of March 28, 2007, TAGGED BY COUNCIL MEMBERS WISEMAN, LOVELL, KHAN, GREEN and GARCIA)** – was presented.

Council Member Garcia moved to postpone Item 42 for one week, seconded by Council Member Wiseman. All voting aye. Nays none. Council Member Johnson absent on personal business. Council Member Green absent due to being ill. Council Member Berry absent. MOTION 2007-0334 ADOPTED.

PROPERTY

38. RECOMMENDATION from Director Building Services Department that City Council draw lots to determine the successful bidder inasmuch as identical high bids were received from **WASHINGTON 4500, LP** and **MATT TABRIZI** in connection with the sealed bid sale of Parcels S98-46A and S98-46B, the 7,750-square foot former Fire Station No. 11 and Center Street Lift Station, located at 4520 Washington Avenue, Lots 6 and 7, portion of abandoned alleyway, all within Block 56, Brunner Addition, John Austin Survey - **DISTRICT H – GARCIA** – was before Council, and Council Member Holm drew Matt Tabrizi as the successful bidder. Council Member Berry absent.

Council Member Alvarado moved to accept Matt Tabrizi as the successful bidder, seconded by Council Member Khan. All voting aye. Nays none. Council Member Johnson absent on personal business. Council Member Green absent due to being ill. Council Member Berry absent. MOTION 2007-0335 ADOPTED.

14. ORDINANCE **AMENDING ARTICLE VII OF CHAPTER 33, OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Historic Preservation – was presented and tagged by Council Member Wiseman. Council Member Johnson absent on personal business. Council Member Green absent due to being ill. Council Member Berry absent.
24. ORDINANCE relating to proposed Citywide Wireless Network; approving and authorizing two contracts between the City and **EARTHLINK, INC** for 1) a Wireless Broadband Network License Agreement and 2) a Wireless Services Agreement; providing a maximum contract amount 5 Years - \$2,500,000.00 - Central Service Revolving Fund - was presented and tagged by Council Members Wiseman and Khan. Council Member Johnson absent on personal business. Council Member Green absent due to being ill. Council Member Berry absent.

Council Member Khan stated that this was the Wifi system they were working on and he looked at the criteria for performance checks and noticed they would be checking E-mail receiving and sending but did not find testing for audio/video downloads as a part of that test criteria and would like someone to look at it and let him know if it would be a part of the criteria for their performance; and Mayor White stated that he would ask Ms. Jefferson to get in touch with him. Council Member Berry absent.

25. ORDINANCE amending Ordinance No. 97-543, which authorized contract between the City and **ZUMMO & MIDKIFF, L.L.P. (Formerly ZUMMO & SCHIRMEISTER)** for Legal Services relating to the defense of the City's Sexually Oriented Businesses Ordinances - \$175,000.00 - Property and Casualty Fund – was presented. All voting aye. Nays none. Council Member Johnson absent on personal business. Council Member Green absent due to being ill. ORDINANCE 2007-428 ADOPTED.
13. ORDINANCE **AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Parking; containing findings and other provisions relating to the foregoing subject; containing a savings clause; providing for severability – was presented and tagged by Council Members Wiseman and Berry. Council Member Johnson absent on personal business. Council Member Green absent due to being ill.
41. ORDINANCE consenting to the addition of 28.099 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 460**; for inclusion in its district - **DISTRICT D – EDWARDS – (This was Item 26 on Agenda of March 28, 2007, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented.

Council Member Wiseman stated that she visited with Public Works on the issue, it was a matter of an inner city MUD and the annexation of noncontiguous tracks to this MUD, the property involved was in parts in Council Member Edwards's and her district as well and she had unanswered questions; and moved to delay Item 41 one week, seconded by Council Member Alvarado . All voting aye. Nays none. Council Member Johnson absent on personal business. Council Member Green absent due to being ill. MOTION 2007-0336 ADOPTED.

CONSENT AGENDA NUMBERS 1 through 37

MISCELLANEOUS - NUMBERS 1 and 2

1. RECOMMENDATION from Director Finance & Administration Department to authorize and grant a waiver of certain requirements under the City of Houston Ordinance No. 97-416 with respect to the terms and conditions of certain refunding bonds to be issued by **BEECHNUT MUNICIPAL UTILITY DISTRICT** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Johnson absent on personal business. Council Member Green absent due to being ill. MOTION 2007-0337 ADOPTED.
2. RECOMMENDATION from Director Department of Public Works & Engineering for payment of \$1,012,146.00 permit fees to the **HARRIS-GALVESTON SUBSIDENCE DISTRICT** for Permit Year 2007 aggregated Ground Water Withdrawal and accrual of Over-Conversion Credits Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Johnson absent on personal business. Council Member Green absent due to being ill. MOTION 2007-0338 ADOPTED.

DAMAGES - NUMBER 3

3. RECOMMENDATION from City Attorney for settlement of lawsuit styled **DAVID FALK v. City of Houston**; in the County Civil Court at Law Number Three (3) of Harris County, Texas; Cause No. 856,583 - \$110,000.00 - Property and Casualty Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Johnson absent on personal business. Council Member Green absent due to being ill. MOTION 2007-0339 ADOPTED.

PROPERTY - NUMBER 4

4. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Dan Bankhead, Rey De La Reza Architects, Inc, on behalf of Houston Community College, for abandonment and sale of Redwood Street from Palmetto Street to Rustic Lane, in exchange for the conveyance to the City of a full-width utility easement, both located in the Pecan Park Replat and Extension, out of the Jacob Thomas Survey, A-74, Parcels SY7-019 and VY7-031 - **APPRAISERS - DISTRICT I – ALVARADO** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Johnson absent on personal business. Council Member Green absent due to being ill. MOTION 2007-0340 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 5 through 11

7. **SHI GOVERNMENT SOLUTIONS, INC** for Maintenance Agreement and License Renewal of NETIQ Software through the City's Master Agreement with the Texas Department of Information Resources (DIR) for Texas CISV Master Catalog Purchases under Chapter 2157 of the Government Code for Information Technology Department - \$112,019.50 - Central Service Revolving Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Johnson absent on personal business. Council Member Green absent due to being ill. MOTION 2007-0341 ADOPTED.
8. **CHECKFREEPAY CORPORATION** for Automated Bill Collection and Payment Processing Services for the Department of Public Works & Engineering - \$162,000.00 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Johnson absent on personal business. Council Member Green absent due to being ill. MOTION 2007-0342 ADOPTED.
9. **AMEND MOTION #2005-1066, 11/9/05, TO INCREASE** spending authority from \$136,184.00 to \$170,230.00, for John Deere Tractor Replacement Parts and Service for Various Departments, awarded to **BROOKSIDE EQUIPMENT SALES, INC** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Johnson absent on personal business. Council Member Green absent due to being ill. MOTION 2007-0343 ADOPTED.
10. **PITTSBURGH PAINT COMPANY (Bid No. 2)** - \$240,100.00 and **SOUTHWESTERN PAINT & WALLPAPER COMPANY** - \$895,200.00 for Paints, Solvents and Supplies for Various Departments - General and Enterprise Funds – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Johnson absent on personal business. Council Member Green absent due to being ill. MOTION 2007-0344 ADOPTED.
11. **DALLAS DODGE CHRYSLER JEEP** - \$184,055.00 and **PHILPOTT MOTORS, LTD.** - \$39,104.35 for Vans and Pickup Trucks through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for Various Departments - Enterprise and Other Funds – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Johnson absent on personal business. Council Member Green absent due to being ill. MOTION 2007-0345 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 12 through 37

12. RESOLUTION designating a certain property at 2003 Decatur Street (Davies-Falk House) within the City of Houston as a landmark and a protected landmark - **DISTRICT H – GARCIA** – was presented. All voting aye. Nays none. Council Member Johnson absent on personal business. Council Member Green absent due to being ill. RESOLUTION 2007-13 ADOPTED.
15. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of 13,681 square feet of land (0.3141 acres), more or less, Parcel LY5-012 of Stassen Street (a/k/a Roosevelt Avenue) right-of-way from Bassett Street to Mariah Street, located in the Benton H. Freeling Survey, A-270 and as shown on the plat of the Grigsby Terrace Subdivision in Houston, Harris County, Texas; vacating and abandoning the parcel to the City of Houston, as abutting owner; in consideration of its agreement to construct a detention basin for the Sunnyside Court Storm Sewer Laterals Project - **DISTRICT D – EDWARDS** – was presented. All voting aye. Nays none. Council Member Johnson absent on personal business. Council Member Green absent due to being ill. ORDINANCE 2007-429 ADOPTED.
17. ORDINANCE releasing certain territory consisting of approximately .4634 acres in Montgomery County in the vicinity of the City of Shenandoah, Texas, from the extraterritorial jurisdiction of the City of Houston; containing findings and other provisions relating to the foregoing subject; providing for severability – was presented. All voting aye. Nays none. Council Member Johnson absent on personal business. Council Member Green absent due to being ill. ORDINANCE 2007-430 ADOPTED.
18. ORDINANCE consenting to the addition of 8.9967 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 220**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Johnson absent on personal business. Council Member Green absent due to being ill. ORDINANCE 2007-431 ADOPTED.
19. ORDINANCE consenting to the addition of 16.378 acres of land to **HARRIS-FORT BEND COUNTIES MUNICIPAL UTILITY DISTRICT NO. 5**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Johnson absent on personal business. Council Member Green absent due to being ill. ORDINANCE 2007-432 ADOPTED.
20. ORDINANCE consenting to the creation of **MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 119** – was presented. All voting aye. Nays none. Council Member Johnson absent on personal business. Council Member Green absent due to being ill. ORDINANCE 2007-433 ADOPTED.
21. ORDINANCE approving and authorizing first amendment to agreement between the City of Houston and the **VILLAGE LEARNING CENTER, INC** to provide an additional \$300,000.00 grant of Federal Community Development Block Grant (“CDBG”) Funds and to make other administrative changes - **DISTRICT E – WISEMAN** – was presented. All voting aye. Nays none. Council Member Johnson absent on personal business. Council Member Green absent due to being ill. ORDINANCE 2007-432 ADOPTED.
22. ORDINANCE approving and authorizing amendment to agreement between the City of Houston and **AIDS COALITION OF COASTAL TEXAS, INC**, providing up to \$384,999.00 in Housing Opportunities For Persons With Aids (“HOPWA”) Funds for the Administration

of a Tenant-Based Rental Assistance and Short-Term Rent, Mortgage, and Utility Assistance Program – was presented. All voting aye. Nays none. Council Member Johnson absent on personal business. Council Member Green absent due to being ill. ORDINANCE 2007-435 ADOPTED.

28. ORDINANCE appropriating \$1,118,547.00 out of HAS Consolidated 2001 NONAMT Construction Fund; approving and authorizing contract for Professional Consulting Services between the City of Houston and **CH2M HILL, INC** for Consulting Services relating to an Environmental Impact Statement at William P. Hobby Airport; WBS A-000540-0001-3-01 - **DISTRICT I – ALVARADO** – was presented. All voting aye. Nays none. Council Member Johnson absent on personal business. Council Member Green absent due to being ill. ORDINANCE 2007-436 ADOPTED.
30. ORDINANCE approving and authorizing Sanitary Sewer Service Agreement between the City of Houston and the **CITY OF GALENA PARK** – was presented. All voting aye. Nays none. Council Member Johnson absent on personal business. Council Member Green absent due to being ill. ORDINANCE 2007-437 ADOPTED.
32. ORDINANCE amending Ordinance No. 2006-1269, which awarded contract to **STANDARD CEMENT MATERIALS, INC** for Wastewater Collection System Rehabilitation and Renewal to correct the engineering and testing services contract number – was presented. All voting aye. Nays none. Council Member Johnson absent on personal business. Council Member Green absent due to being ill. ORDINANCE 2007-438 ADOPTED.
33. ORDINANCE appropriating \$7,385,625.00 out of Street & Bridge Consolidated Construction Fund, \$1,162,375.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **JFT CONSTRUCTION, INC** for Neighborhood Street Reconstruction Project (NSR) 446, WBS N-000378-0001-4, S-000500-0050-4, R-000500-0050-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering testing, project management, construction management, and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund and Water & Sewer System Consolidated Construction Fund - **DISTRICT C – CLUTTERBUCK** – was presented. All voting aye. Nays none. Council Member Johnson absent on personal business. Council Member Green absent due to being ill. ORDINANCE 2007-439 ADOPTED.
35. ORDINANCE appropriating \$2,399,300.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **D. L. ELLIOTT ENTERPRISES, INC** for Waterline Replacements in Northwood Manor Area, WBS S-000035-00F4-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management, construction management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT B – JOHNSON** – was presented. All voting aye. Nays none. Council Member Johnson absent on personal business. Council Member Green absent due to being ill. ORDINANCE 2007-440 ADOPTED.
36. ORDINANCE appropriating \$2,185,800.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **COLLINS CONSTRUCTION, L.L.C.** for Waterline

Replacements in Parker Road Area, WBS S-000035-00F5-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT B – JOHNSON** – was presented. All voting aye. Nays none. Council Member Johnson absent on personal business. Council Member Green absent due to being ill. ORDINANCE 2007-441 ADOPTED.

37. ORDINANCE appropriating \$4,913,900.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **BRH-GARVER CONSTRUCTION, L.P.** for 36-Inch Waterline along Eldridge Parkway, WBS S-000900-00AC-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management, construction management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT G – HOLM** – was presented. All voting aye. Nays none. Council Member Johnson absent on personal business. Council Member Green absent due to being ill. ORDINANCE 2007-442 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

PURCHASING AND TABULATION OF BIDS - NUMBERS 5 through 11

5. **E-ONE, INC** for Automotive, E-One Fire Truck Replacement Parts and Services for Fire Department - \$2,000,000.00 - General Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Johnson absent on personal business. Council Member Green absent due to being ill. MOTION 2007-0346 ADOPTED.

6. **TYLER MOTOR CO., INC d/b/a HALL BUICK, PONTIAC, GMC** for Firefighting Trucks through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for Fire Department - \$4,114,828.00 - Equipment Acquisition Consolidated Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Johnson absent on personal business. Council Member Green absent due to being ill. MOTION 2007-0347 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 12 through 37

16. ORDINANCE granting the petition of Grogan's Forest, Ltd. to include certain land in Montgomery County, Texas within the extraterritorial jurisdiction of the City of Houston; expanding and extending the extraterritorial jurisdiction of the City of Houston to include all of such land in accordance with section 42.022(b) of the Texas Local Government Code; containing findings and other provisions relating to the foregoing subject; providing for severability – was presented. All voting aye. Nays none. Council Member Johnson absent on personal business. Council Member Green absent due to being ill. ORDINANCE 2007-443 ADOPTED.

23. ORDINANCE approving and authorizing second amendment to Development Agreement between the City of Houston and **BUILDERS' COMMUNITY DEVELOPMENT CORPORATION** to Modify Development requirements for Leland Woods Subdivision -

DISTRICT B – JOHNSON – was presented. Council Member Johnson absent on personal business. Council Member Green absent due to being ill. ORDINANCE 2007-444 ADOPTED.

26. ORDINANCE approving and authorizing Concession Contract between the City of Houston and **WALTON GOLF MANAGEMENT** for the Operation of Melrose Golf Course - 8 Years with 2 two-year options - Revenue - **DISTRICT B – JOHNSON** – was presented. All voting aye. Nays none. Council Member Johnson absent on personal business. Council Member Green absent due to being ill. ORDINANCE 2007-445 ADOPTED.

27. ORDINANCE amending Ordinance No. 2005-0137 to increase the maximum contract amount for the Interlocal Agreement between the City of Houston and **HARRIS COUNTY DEPARTMENT OF EDUCATION** for Record Storage and Retrieval Services for Various Departments - \$2,322,169.08 General, Enterprise and Grant Funds – was presented. All voting aye. Nays none. Council Member Johnson absent on personal business. Council Member Green absent due to being ill. ORDINANCE 2007-446 ADOPTED.

29. ORDINANCE appropriating \$99,715.00 out of Public Library Consolidated Construction Fund and approving and authorizing Professional Services Contract between the City of Houston and **ENGLISH + ASSOCIATES ARCHITECTS, INC** for services related to the Kendall Neighborhood Library Replacement (WBS E-000094-0001-3); providing funding for the Civic Art Program **DISTRICT G – HOLM** – was presented. All voting aye. Nays none. Council Member Johnson absent on personal business. Council Member Green absent due to being ill. ORDINANCE 2007-447 ADOPTED.

31. ORDINANCE approving and authorizing Untreated Water Supply Contract between the City of Houston and **ROHM AND HAAS COMPANY-BAYPORT PLANT** - Revenue – was presented. All voting aye. Nays none. Council Member Johnson absent on personal business. Council Member Green absent due to being ill. ORDINANCE 2007-448 ADOPTED.

34. ORDINANCE appropriating \$4,810,000.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **R. K. WHEATON, INC** for Water Line Replacement in Buffalo Speedway Area, WBS S-000035-00E3-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering testing, project management and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT C – CLUTTERBUCK** – was presented. All voting aye. Nays none. Council Member Johnson absent on personal business. Council Member Green absent due to being ill. ORDINANCE 2007-449 ADOPTED.

MATTERS HELD - NUMBERS 39 through 43

39. APPROVE a motion giving the Director of the Houston Airport System the authority to determine which alternative project delivery method for construction projects provides the best value for the City as set forth in Chapter 271, Subchapter H of the Texas Local Government Code, as it may be amended from time to time - **DISTRICTS B - JOHNSON; E - WISEMAN and I – ALVARADO – (This was Item 3 on Agenda of March 28, 2007, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. Council Member Wiseman voting no. Balance voting aye. Council Member Johnson absent on personal business. Council Member Green absent due to being ill. MOTION 2007-0348 ADOPTED.

40. APPROVE a motion giving the Director Department of Public Works & Engineering the authority to determine which alternative project delivery method for construction projects provides the best value for the City as set forth in Chapter 271, Subchapter H of the Texas Local Government Code, as it may be amended from time to time - **DISTRICTS B - JOHNSON; E - WISEMAN and I - ALVARADO - (This was Item 4 on Agenda of March 28, 2007, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. Council Member Wiseman voting no. Balance voting aye. Council Member Johnson absent on personal business. Council Member Green absent due to being ill. MOTION 2007-0349 ADOPTED.

42. REVIEW on the record and make determination relative to the appeal from the decision of the General Appeals Board, filed by **TERESA ARGUETA** on the denial of an Application for a Manufactured Home Hardship Extension at 7911 Brays - **DISTRICT I – ALVARADO - (This was Item 58 on Agenda of March 28, 2007, TAGGED BY COUNCIL MEMBER ALVARADO)** – was presented.

Council Member Alvarado moved to postpone Item 43 for 60 days, seconded by Council Member Khan. All voting aye. Nays none. Council Member Johnson absent on personal business. Council Member Green absent due to being ill. Council Member Wiseman absent. MOTION 2007-0350 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS - Council Member Brown first

Council Member Brown stated that he wanted to thank the Greater Houston Builders Association in their efforts with Leland Woods and what they did at the city to help create a more mixed income neighborhood, it was a positive step; and in discussion with the two builders Gateway and Laurus Homes they would like the city to take the \$5,000 rebate for the homes not built and sold under the affordable category and use it to provide park space and perhaps a community center there; and he looked forward to talking to Richard Celli in Housing and Community Development. Council Members Lawrence, Wiseman, Khan, Holm and Garcia absent. (NO QUORUM PRESENT)

Council Member Brown stated that all were upset over their friend Mike Howard and the funeral was a beautiful service earlier today; and asked for a few moments of remembrance at this time. Council Members Lawrence, Wiseman, Khan, Holm and Garcia absent. (NO QUORUM PRESENT)

Council Member Brown stated that yesterday he went to Pleasantville who had a civic club meeting and it was not a HOPE neighborhood but had about 150 homes with a park and school and needed attention and even with deed restrictions it was reaching a tipping point and they needed a strategy to help such neighborhoods; that older homeowners were having to sell and suffered from poor air quality and urban blight was on the edges but it was a livable neighborhood and he felt there were other such neighborhoods around the city and they needed rehab and repair programs; and they also wanted him to bring back the message that they were not happy about the proposed solid waste fee and perhaps there should be a senior exemption for those on fixed incomes. Council Members Lawrence, Wiseman, Khan, Holm, Garcia and Berry absent. (NO QUORUM PRESENT)

Council Member Brown stated that last Saturday was the Blueprint Houston Leadership Conference and out of the citizen workshop came a refinement of the goals and guiding principles for the future of the City of Houston and he was their messenger for goals. Council Members Lawrence, Wiseman, Khan, Holm, Garcia and Berry absent. (NO QUORUM PRESENT)

Council Member Brown stated that he wanted to talk on the Houston Area Survey directed by Stephen Klineberg which just came out and of which he presented copies documenting changes in attitudes of the City of Houston; that it was important to know strengths and weaknesses and concerns and let citizens know how they as a governing body would facilitate reasonable and practical solutions to the issues of which he summarized and urged all colleagues to look into while giving an example of Mesa Road not having storm water capacity and runoff having to be discharged like on a residential street when it was a major thoroughfare and with no real answer as to where the storm water was going and of which needed to be taken into account in the planning process. Council Members Lawrence, Wiseman, Khan, Holm, Garcia and Berry absent. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that she had the great opportunity to attend Red Elementary School's 50th anniversary celebration of which a long list of famous alumni attended; and thanked all who welcomed her. Council Members Lawrence, Wiseman, Khan, Holm and Garcia absent. (NO QUORUM PRESENT)

Council Member Clutterbuck congratulated Captain Bruce Williams as Director of Public Affairs Division in HPD and Assistant Chief Brian Lumpkin and Assistant Chief Dorothy Edwards on their new positions also and welcomed Captain Martin who would oversee the Fondren Division; that the changes would not go into effect until summer but she was very excited about them. Council Members Lawrence, Wiseman, Khan, Holm and Garcia absent. (NO QUORUM PRESENT)

Member Clutterbuck stated that she wanted to share condolences with Mike Howard's family and for those who did not have the privilege of knowing him he was an outstanding person and chief of Staff for Council Member Lawrence; that they were all the better for him having shared his life with them; that he was an outstanding public servant who would be greatly missed here at City Hall. Council Members Lawrence, Wiseman, Khan, Holm and Garcia absent. (NO QUORUM PRESENT)

Council Member Lovell stated that she also offered condolences to the Howard family and was trying to think of what they could do to honor him, but he served the city very well and Council's work was easier because of him. Council Members Lawrence, Wiseman, Khan, Holm and Garcia absent. (NO QUORUM PRESENT)

Council Member Lovell stated that District B was holding their Spring Fling and Softball Tournament Saturday and she hoped to play well, April 7th at the N. W. YMCA, 7901 Tidwell from 10:00 a.m. to 2:00 p.m. and she hoped all would attend. Council Members Lawrence, Wiseman, Khan, Holm and Garcia absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she shared the Mayor's handout last week regarding prosperity happening in Houston and all were happy and excited about it and the challenge put out was what did it mean to someone and how could they get involved and one thing being looked at was an entrepreneur program. Council Members Lawrence, Wiseman, Khan, Holm and Garcia absent. (NO QUORUM PRESENT)

Council Member Edwards stated that regarding flooding and drainage the committee tried to involve community input into a plan and they used the CRS, Consumer Rating System, for a rating system and insurance was going down so they must be doing a good job, but again would say the City of Houston did not determine the maps for flooding they just used them as other institutions; that they would be revamping the stakeholders committee as they moved forward into revising Chapter 9 and the committee was developed in the past by asking Council

Members to give two persons and their suggestion was one community person and one professional person; that Chapter 9 dealt with flooding and drainage outside the floodway floodplain and chapter 19 dealt with inside; that at least 70% of the flooding took place outside the floodplain and they had much work to do; that the group met on Wednesday once a month from 6:00 p.m. to 8:00 p.m. in the Annex Chamber and in addition they were trying to teach staff members how to use SWMP, Storm Water Management Program, and would be holding training tomorrow at 8:30 a.m. in the large conference room and if departments could have a staff member present and they also encourage civic clubs; and the Flooding and Drainage Committee met every first Monday of the Month and committee meetings were very instructive. Council Members Lawrence, Wiseman, Khan, Holm and Garcia absent. (NO QUORUM PRESENT)

Council Member Edwards stated that Council Member Brown was doing a presentation on Planning and she was trying to work with a television station and would need the Mayor's advice and probably authority to get more media on flooding and drainage issues and was trying to get a program in schools so they would be more aware of what happened by throwing things down the drains and Parks and Recreation was setting up an outdoor program at McGregor Park. Council Members Lawrence, Wiseman, Khan, Holm and Garcia absent. (NO QUORUM PRESENT)

Council Member Edwards stated that on the 11th they would be holding a meeting regarding holding a cultural unity day in Houston; that cultural diversity was happening all over the city and they would be having a cultural unity day so they could come together on a proactive basis and she looked to Council Member Alvarado's help on the issue to get a plan and use it right. Council Members Lawrence, Wiseman, Khan, Holm and Garcia absent. (NO QUORUM PRESENT)

Council Member Edwards stated that the good neighborhood program they put into the ordinance with the stipulation they had to check for sexual molesters she was still waiting to hear if all would be checked who they awarded money and services; that she could not stand to see the one segment of population being projected to that kind of scrutiny and she wanted to know if they could not do that legally.

Mayor White stated that her flooding stake holders committee with support of staff he felt would be very helpful if they had some amount on the first stage of highest impact regional detention, where would it be and what would it cost; that he talked with Directors Marcotte and Vandenbosch and there were some sites and locations and if they had more lakes called lakes then they would not see as many lakes in what they called neighborhoods and it needed land acquisition and excavation in building it out and if that could be done it was a good and helpful way to start; and Council Member Edwards stated that they were trying to locate local detention areas and how it fit with the regional theme and she thought they had a good starting point and a will to use it as a major tool for what needed to be done. Council Members Lawrence, Wiseman, Khan, Holm, Garcia and Berry absent. (NO QUORUM PRESENT)

Council Member Brown stated that Council Member Edwards mentioned the other evening an idea of dual or triple purpose open space serving as detention and beautification and there were sites they could begin working on now and would like to nominate a few; and Mayor White stated that they had a plan showing regional detention and if they could start with the plans they invested money in, but it would be great for him to participate and then compare with the plans and to Mr. Norman he thought anything that could be done; that Council Member Brown made a good point in talking about multiple use facilities and he could bring the maps and show everyone. Council Members Lawrence, Wiseman, Khan, Holm, Garcia and Berry absent. (NO QUORUM PRESENT)

Council Member Holm stated that on behalf of all of District G she wanted to extend condolences to Mike Howard's family; that he was loyal and had hard good work ethics and all of District G, colleagues on the Council floor and friends would miss him. Council Members Lawrence, Wiseman, Khan, Holm and Garcia absent. (NO QUORUM PRESENT)

Council Member Alvarado stated that she would like to say that all in District A, especially Council Member Lawrence, would miss him; that you were only as good as the people who worked for you and you could see that with Toni and Mike; and the halls at City Hall would not be the same without him. Council Members Lawrence, Wiseman, Khan, Holm and Garcia absent. (NO QUORUM PRESENT)

Council Member Berry stated that this weekend was Super Spring Fest 2007 and there would be games, concerts and word empowerment and it was a wonderful program to be Friday from 3:00 p.m. to 9:00 p.m.; Saturday from noon to 7:00 p.m.; and Sunday from 11:00 a.m. to 4:00 p.m. at Finnigan Park, 4900 Providence and it should be fun. Council Members Lawrence, Wiseman, Khan, Holm and Garcia absent. (NO QUORUM PRESENT)

Council Member Berry stated that there had been loss in his office with Carl Davis losing his sister last week and he thanked all who gave their condolences; and also Mike Howard was a special person to his office and to him and the epitome of a City of Houston employee; that sometimes city employees got a bad rap not of their own making and it was a good reminder there were good people out there. Council Members Lawrence, Wiseman, Khan, Holm and Garcia absent. (NO QUORUM PRESENT)

Council Member Berry stated that he applauded the Administration and his colleagues, he enjoyed coming to Council now and working; that even when they disagreed they did so agreeably and the petty bickering which was for so long a part of City Hall had gone and it made them much more productive and on a day like today it made all proud, this was a good reminder none of them were here for very long and they could all work together for the greater goal of the citizens. Council Members Lawrence, Wiseman, Khan, Holm and Garcia absent. (NO QUORUM PRESENT)

Mayor White stated to city employees and his colleagues he learned from Mike and he never considered his job just office but also customer service and if he saw something going up in violation of deed restrictions he would get out of his car and tell them to stop and he was right, but he was respectful; that God made us frail, weak and flawed and they had to work hard and compensate for that and he did; and facts were more influential than opinions and opinions based on facts were even better; that he was enthusiastic and to visualize all that you would be a better public servant. Council Members Lawrence, Wiseman, Khan, Holm and Garcia absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 2:50 p.m. Council Member Johnson absent on personal business. Council Member Green absent due to being ill. Council Members Lawrence, Wiseman, Khan, Holm and Garcia 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