

## City Council Chamber, City Hall, Tuesday, April 10, 2007

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, April 10, 2007, Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Ada Edwards, Adrian Garcia, Carol Alvarado, Peter Brown, Sue Lovell, Ronald C. Green and; Mr. Don Cheatham, Division Chief, General Counsel 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. Council Member Addie Wiseman absent due to being ill. Council Members M. J. Khan, P. E. and Pam Holm out of the city on city business. Council Member Michael Berry absent on personal business.

Note: Council Member At-Large Position 3 vacant.

At 2:04 p.m. Mayor White called the meeting to order and called on Council Member Alvarado who invited Rev. Leslie Smith, founder and executive director of FUUSA, Families Under Urban and Social Attack, to lead all in the prayer and Council Member Alvarado led all in the pledge. Council Members Garcia and Green absent.

At 2:07 p.m. the City Secretary called the roll. Council Member Wiseman absent due to being ill. Council Members Khan and Holm out of the city on city business. Council Member Berry absent on personal business. Council Members Garcia and Green absent.

Council Members Edwards and Lawrence moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Members Khan and Holm out of the city on city business. Council Member Berry absent on personal business. Council Members Garcia, Alvarado and Green absent. MOTION ADOPTED.

Council Member Edwards moved that the rules be suspended for the purpose of hearing Ms. Carmen Mandujano at the top of the Non-Agenda speakers list, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Members Khan and Holm out of the city on city business. Council Member Berry absent on personal business. Council Members Garcia and Green absent. MOTION 2007-0350A ADOPTED

Council Member Alvarado moved that the rules be suspended for the purpose of hearing Mr. Bill Crosier after Ms. Carmen Mandujano, seconded by Council Member Johnson. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Members Khan and Holm out of the city on city business. Council Member Berry absent on personal business. Council Members Garcia and Green absent. MOTION 2007-0350B ADOPTED

At 2:08 p.m. the City Secretary began calling the public speakers. Council Members Garcia and Green absent.

Ms. Jill Brooks, 5220 Maple, Bellaire, Texas 77401 (713-501-3500) appeared, presented information and stated that she was a member of the Daughters of the American Revolution, a nonprofit, charitable organization founded in 1890 and supported the U. S. Armed Forces and veterans and were active in women's issues, education and rights of children; that they had over 15,000 members statewide with over 1,500 in the Houston area and the largest in the world with over 550 members originated out of River Oaks; that their mission was to educate the public about historic preservation and strive to preserve cultural heritage and its environment; that their magazine American Spirit this month related to the current crisis in Houston regarding the River

Oaks, Landmark and Alabama Theaters and information on how communities throughout the U. S. were protecting such historic theaters and turning them into centers; and Council Members were respectfully requested to be inspirational and visionary leaders by being good stewards of the city's past historic culture. Council Members Garcia and Green absent.

Mayor White and Council Members Lovell, Lawrence and Brown thanked Ms. Brooks for serving on the History Task Force as well as the work she did for the cemeteries; and thanked all members of her organization for supporting preservation within the community. Council Members Garcia and Green absent.

Ms. Carmen Mandujano, 1919 Smith #1180, Houston, Texas 77002 (713-655-0050) appeared and presented a letter from Congresswoman Sheila Jackson Lee from which she read that she was a strong advocate of the mentally disabled and the Houston community had a moral and social responsibility to allow the Center Serving Persons with Mental Retardation to remain in its current location as they represented the most vulnerable and deserved unequivocal support; that mental retardation occurred in approximately 2.5% of the population which meant 85,014 Harris County residents suffered and 600 Houstonians relied on the Center and forcing the Center to move did not seem to be an optimal alternative. Council Members Garcia and Green absent.

Mayor White stated that he spoke to the Congresswoman within the last couple of days about this at length and he thanked them for their interest and support. Council Members Garcia and Green absent.

Mr. Mark Hogue, 9307 Meadow Glen, Houston, Texas 77063 (832-277-6000) had reserved time to speak but was not present when his name was called. Council Members Garcia and Green absent.

Ms. Margie Taylor, 3923 Cherly Lynn, Houston, Texas 77045 (713-721-2194) appeared and stated that she was present regarding heavy trash pickup; that she was in the Hiram Park Civic Club representing about 1,100 homes and with heavy trash pickup once a month all put their trash out no sooner than 3 days prior to pickup and rules were finally followed and if they went to 2 times a year they would again have a problem with furniture being dumped on vacant land; and urged the continuance of pickup one time a month. Council Members Garcia and Green absent.

Upon questions by Council Member Lovell, Ms. Taylor stated that she thought if everyone called 311 each time they had pickup it would pose a problem for those at the civic club having to call to see if it had been ordered for pickup and also more work for the City of Houston having to come maybe 5 times a month instead of once. Council Member Green absent.

Upon questions by Council Member Edwards, Ms. Taylor stated that her civic club would be willing to work with the committee putting the ordinance together, to give suggestions; and Council Member Edwards stated that she would get in touch with them. Council Member Green absent.

Mayor White stated that it was not the intention of this Administration to implement any particular change or recommendation until they had input by citizens like her; and upon questions, Ms. Taylor stated that when trees were cut down it would be good if the city had a way to grind them at the site and then recycle and if the driver of the truck made notes of people who had building materials in their yard every month it would let them know they were doing commercial business and having the city pickup. Council Member Green absent.

Mr. Steven Mueller, 527 Soft Shadow, Houston, Texas 77013 (713-678-4414) appeared and stated that he had a question for Council Member Lawrence regarding parking in yards and was also present on heavy trash pickup; that he was from the Songwood area and he felt homeowners needed educating; that he would put out signs advising of heavy trash pickup week and it really came out, but when contractors did work on a house they were supposed to haul it off, not the city and Council should go to civic clubs and let them know what was to be done whether they went to once every six months or not; that he was in favor of calling 311. Council Member Green absent.

Council Member Lawrence stated that she did not think people realized the damage which could be done by parking in yards and they were moving forward on it and the committee would be voting on something Thursday, April 19th and then it would be sent to the Mayor's Office; and on garbage as a landfill was filled they had to decide where the next would be and they had to start mulching, etc., to have good landfills; and Mr. Mueller stated that when HL&P cut branches off lines they always had a chipper truck and he wondered if the city could not do the same and then even sell the mulch, he would buy it. Council Member Green absent.

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. Council Member Green absent.

Ms. Janis Davis, 5724 Schevers, Houston, Texas 77033 (713-264-7214) had reserved time to speak but was not present when her name was called. Council Member Green absent.

Ms. Cynthia Bryan, 810 Marston, Houston, Texas 77019 (713-524-2076) appeared and stated that she was present concerning the Center for Mental Retardation; that she was not retarded but needed their services as she had cerebral palsy and did benefit from many services and lived as independently as possible and if forced to move it would present a major problem. Council Member Green absent.

Upon questions by Council Member Edwards, Ms. Bryan stated that she worked off campus and if she did not live at the Center she would not be able to live as independently; that it was on a METRO route and she was a part of the independent living program, the highest program at the Center, and they helped to prepare her for a job; that without the Center many would have to go into a group home for the disabled which she had been in two and conditions were deplorable; that no where in the city could such conditions be found as at the Center. Council Member Green absent.

Mayor White stated that each person at the Council Table felt a special obligation to citizens facing disabilities within the community and on a personal basis his wife spent 2 years working on a book where the hero/heroine had cerebral palsy so people would understand what they went through and he was proud the City of Houston had increased the support of grants and they worked 3 years trying to get a secure and predictable future for the Center and he would take whatever time it took to try and bring this to a resolution on a fair basis. Council Member Green absent.

Mr. Wilson Windle, 13167 Barryknoll, Houston, Texas 77079 (713-465-7792) appeared and stated that he was present regarding the City of Houston and its lease with the Center for Mental Retardation; that last Sunday he read the Mayor's article on being a good steward of this city's assets and he would ask him to reexamine the premise that there needed to be accountability for results measured by money, he did not say that in the article, but he was asking a charity to pay full market value in dollars and he was asking why did it need to be

measured in dollars, why not be measured by what it did for the community. Council Member Green absent.

Mayor White stated that he had been asking the board and United Way to help him; that no one said they judged charitable activity or law enforcement or other essential services on money they produced, but he needed help; that many in the community needed help and he was sympathetic to the aging adults who had older children who needed to know where those children would be when they were not around and there was funding for some programs, but with mental health and other special needs there were a huge number of requests for funds or property and they needed to come up with principles not based on how much money was made, but in what priority those should be allocated; and he thought the constructive engagement with Mr. Baldwin and the board would help to develop a set of principles to bring more services to more people which was his goal. Council Member Green absent.

Ms. Elizabeth Deluca, 3195 Inwood, Houston, Texas 77019 (713-899-2978) appeared and stated that she was vice president of the board and for her this was very personal; that she could not have possibly understood as they expected the Council to understand what the Center meant to them; that she could not have possibly understood until the birth of her daughter 9 years ago; that of the 2.5% of the world's population which was considered mentally retarded her daughter was in 5% of the profoundly retarded range and every day was a struggle; that the residents had taught her much about raising her child, who would forever remain a child, and how to help her other children; that 100 signatures an hour were being signed on their petition, but she knew they could not understand how important the Center was and invited all to come and take a tour and get a glimmer of what it took to do a job none of them would ever ask to do and of which those there did with so much love. Council Member Green absent.

Council Member Garcia stated until his Dad passed away he was careful to say to others in the situation that he understood, but he had met with others suffering from the chromosome 18 deficiency and their families and it had a particular importance to him as a Dad; that such resources for families like her and persons like her child were scarce and the wonderful resources at the Center was a commodity because there was not enough funding by government being given; that he thought Mayor White had a heart and the issue was not easy for him, but he would say if the Center and the Mayor could not come to an agreement on the issue he could not vote for it. Council Member Green absent.

Council Member Lawrence stated that she had gone and had a great tour and appreciated all coming to Council; that there were legal parameters they had been faced with regarding the charter and state law; and asked Mr. Cheatham to explain; and Mr. Cheatham stated that Council was balanced on the edge between its legal duty to be stewards of the city's assets and to use the assets in the best way possible for the greatest number of citizens and a longstanding service provided through the Center for the Retarded on city owned property and the problem faced from a legal standpoint was the fact the charter did prohibit any arrangement greater than 30 years at length and this lease was a much longer term; and the Council had to weight their duty to the community against the stewardship of their assets and it would not be an easy task but that was what they were facing; that he was sure the Mayor was looking for a win/win solution, but he and Council had a very real problem; and Ms. Deluca stated that she felt they were a large asset to the city by what they provided and she had many assets at home but she would not sell them and they were a jewel to this city providing services other cities did not have; and the city was a good steward hanging on to the property. Council Member Green absent.

Mr. Robert Ryan, 5311 Kirby Drive #117, Houston, Texas 77005 (713-523-1600 X207) appeared and stated that after Katrina he thought the Mayor's heart would be in the right place;

that he did have a judiciary obligation to the budget to maximize resources and to tend to all Houstonians especially the needy; that the six acres on West Dallas and Shepherd was the tuberculosis asylum which most had forgotten about, but when they all but cured TB the city elected once again to devote the land to charitable purposes and there was nothing saying they had to charge a market rate; that it was probably the least desirable tract in the city with ramshackle houses and open ditches and no one wanted it, but MHMR, thinking they had a good long-term lease, invested millions of dollars in infrastructure and he was the sixth mayor after this lease and now he was pushing to rescind it some 45 years later; that he should not attempt to compare sales of other unused city properties such as the Gillette tract or abandoned fire station 33 as those did not displace persons in need; that they could enter into a new 30 year lease and could charge \$1.00 a year. Council Members Clutterbuck and Green absent.

Mr. Don McConn, 3735 Durness, Houston, Texas 77025 (713-663-6442) appeared and stated that he came as a friend of the Center to say he felt they had a moral obligation as a city, society was measured as to how the underprivileged and disabled were taken care of and he had friends who used the Center and Lighthouse for the Blind and the central location was important; and urged Council to throw away the numbers and keep the Center where it was. Council Members Lawrence and Green absent.

Council Member Brown stated that he thanked all for coming down; that their serious concern was understandable and he thought the city had sent the wrong message; that he felt all at the Council table fully supported the Center and its future and they would not let them down, in his view this was the wrong place to look for savings and he thought they could get a win/win situation. Council Members Lawrence and Green absent.

Council Member Edwards stated that this was not about suffering, they could have just as many groups come tell Council they needed a city sponsored facility for people with HIV; that in some parts of Houston the HIV rate was 1 in 3, the same as in Africa, and she felt they sold the Mayor short when they implied he was not concerned and she believed he was, but they needed to find how to move this forward, maintaining the Center and also maintaining the integrity of the city and she felt this Council was committed to doing so. Council Members Lawrence, Clutterbuck and Green absent. (NO QUORUM PRESENT)

Rev. Levell Griffin, 8201 W. Bellfort #339, Houston, Texas 77071 (713-459-4465) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Clutterbuck and Green absent. (NO QUORUM PRESENT)

Mr. Juan Mancias, 1250 Roemer Lane, Floresville, Texas 78114 (830-393-3407) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Clutterbuck and Green absent. (NO QUORUM PRESENT)

Dr. Joseph Kaye, 9210 Carvel Lane, Houston, Texas 77036 (713-777-5903) appeared and expressed his right to freedom of speech and right to express it on freeway bridges; and stated that Council Member Berry took a stand which seemed to come out of fear and expressed his concern for safety; and urged that Council support their Constitutional rights. Council Members Lawrence, Clutterbuck, Edwards, Garcia and Alvarado absent. (NO QUORUM PRESENT)

Upon questions by Council Member Lovell, Mr. Kaye stated that Council Member Berry's comments were made in an interview with a Channel 11 reporter; and Council Member Lovell stated that those bridges were TxDOT and the city had no say; and Mr. Kaye stated that police seemed to be fine with this, but now it was becoming an issue and he would like statistics on accident reports and wanted to know if they were actually endangering people because as far as they knew they had seen no accidents; and Council Member Lovell stated that she would be

happy to get the statistics and Council Members had no right to say what when on there and the fact a Council Member made a statement outside the Chamber it would not affect anything. Council Members Lawrence, Clutterbuck, Edwards, Garcia and Alvarado absent. (NO QUORUM PRESENT)

Mr. Bob Carter, 7007 Edgemoor, Houston, Texas 77074 (713-771-9439) appeared and expressed his right to freedom of speech and right to express it on freeway bridges; and stated that he was with the Progressive Action Alliance and they obeyed all laws; that he understood Council Member Berry was proposing to restrict or ban their right to free speech by saying he wanted to prevent someone from being killed, but apparently he had not been to Mandel and Montrose between 5:00 p.m. and 6:30 p.m. to observe the painfully slow traffic. Council Members Lawrence, Clutterbuck, Garcia, Alvarado, Lovell and Green absent. (NO QUORUM PRESENT)

Upon questions by Council Member Johnson, Mr. Carter stated that they were individuals who were concerned about suffering people of the world; that they threw nothing onto the freeway and obeyed all laws, they attached nothing to the fence. Council Members Lawrence, Clutterbuck, Edwards, Garcia, Alvarado and Green absent. (NO QUORUM PRESENT)

Mr. Bill Crosier, 7445 Santa Fe Drive, Houston, Texas 77061 (713-641-4941) appeared and expressed his right to freedom of speech and right to express it on freeway bridges; and stated that Council Member Berry made remarks advocating a possible city ordinance regulating or prohibiting free speech on public property and where was this country going when a Council Member could say something like that, they should encourage people to exercise freedoms people who founded this country fought so hard for and felt so strongly on that it was the first amendment. Council Members Lawrence, Clutterbuck, Garcia and Alvarado absent. (NO QUORUM PRESENT)

Council Member Edwards stated that free speech was tricky; and upon questions Mayor White stated that he did not think there was any council action being taken, it was a Council Member exercising his free speech; that they were a community of diverse opinions and it meant sometimes they needed to be thick skinned. Council Members Lawrence, Clutterbuck, Garcia, Alvarado, Lovell and Green absent. (NO QUORUM PRESENT)

Mr. Nebeil Al-Oboudi, 14129 1/2Laterna Lane, Houston, Texas 77083 (281-575-9110) appeared and expressed his right to freedom of speech and right to express it on freeway bridges; and stated that they were a group of patriots who stood on an overpass over Hwy. 59 and educated people and had much positive response; that recently Council Member Berry abused his position as Council Member and used media to spread a lie claiming they endangered the public with their activity; and urged all Council Members uphold the constitution and reprimand Council Member Berry. Council Members Lawrence, Garcia, Alvarado, Lovell and Green absent. (NO QUORUM PRESENT)

Dr. David Michael Smith, 623 Westwood Circle, LaMarque, Texas 77568 (832-692-2306) appeared and expressed his right to freedom of speech and right to express it on freeway bridges; and stated that he was a professor of government at College of the Mainland in Texas City and in support of the peace activists holding signs over Hwy. 59; that he too became concerned when a Council Member raised questions about the activists who had protection of the first amendment; and urged Council to respect and safeguard their rights. Council Members Lawrence, Garcia, Alvarado, Lovell and Green absent. (NO QUORUM PRESENT)

Council Member Brown stated that Council Member Berry had a radio show and why did they not call in to his show; and Dr. Smith stated that was not a bad idea. Council Members Lawrence, Edwards, Garcia, Alvarado, Lovell and Green absent. (NO QUORUM PRESENT)

Mr. Walter Birdwell, 3323 Cloverdale, Houston, Texas 77025 (713-667-0553) appeared and expressed his right to freedom of speech and right to express it on freeway bridges; and stated that he was present regarding Council Member Berry's comments; that they said he had no authority over the freeways and bridges, but he would guess he thought he did; that first amendment rights were very important. Council Members Lawrence, Edwards, Garcia, Alvarado and Green absent. (NO QUORUM PRESENT)

Mr. Ron Graham, 2639 Palo Pinto Drive, Houston, Texas 77080 (713-988-2099) appeared and expressed his right to freedom of speech and right to express it on freeway bridges; and stated that he was a member of the group which freeway blogged on bridges and was glad to hear that if Council was ever presented with such an ordinance would knock it down and if TxDOT was in charge of freeways they also had no right to interfere with his freedom of assembly; and thanked Council Member Edwards for attending their event and Council Member Brown for coming to the bridge and Council Member Lovell for giving him information. Council Members Lawrence, Johnson, Edwards, Garcia, Alvarado and Green absent. (NO QUORUM PRESENT)

Mrs. Kris Graham, 2639 Palo Pinto Drive, Houston, Texas 77080 (713-460-0676) appeared, presented information and expressed her right to freedom of speech and right to express it on freeway bridges; and stated that Council Member Berry had challenged first amendment rights of Houston freeway bloggers by threatening to issue an ordinance banning the practice of holding signs on bridges over freeways with the reasons of traffic gridlock and danger to motorists and compared their holding signs to yelling "Fire" in a crowded theater which was ludicrous and she hoped Council Members would read what she presented. Council Members Lawrence, Johnson, Edwards, Garcia and Green absent. (NO QUORUM PRESENT)

Ms. Suzette Mouchaty, 1815 Tuam Avenue, Houston, Texas 77004 (713-571-7437) appeared and expressed her right to freedom of speech and right to express it on freeway bridges; and stated that she taught at a local university and was present with the same reason and the previous speakers; that she joined individuals on Hwy. 59 to express views and was urging Council Members to stand up for what they believed in and defend their constitution. Council Members Lawrence, Johnson, Edwards, Garcia and Green absent. (NO QUORUM PRESENT)

Mr. David Carter, 12827 Tosca Lane, Houston, Texas 77024 (713-973-9515) appeared, presented a picture of traffic stopped on Hwy. 59 and expressed his right to freedom of speech and right to express it on freeway bridges; and stated that it was brought up that the bridges were not under the city but TxDOT and he wondered why 3 HPD officers came to monitor a simple protest, it seemed to be intimidation; that Council Member Berry stated in his noble comment he wanted to keep highways safe and the reality was it was not true; and urged Council Members to protect liberty. Council Members Lawrence, Johnson, Edwards, Garcia, Alvarado and Green absent. (NO QUORUM PRESENT)

Council Member Lovell stated that officers were there for protection and not to intimidate or obstruct what they were doing and because someone at the table had a different forum in which to voice their opinion it did not mean it was something which would take place at the table; and upon questions, Mr. Carter stated that he had not contacted the Council Member, but in the interview he did say, "We are going to shut them down." and that was a fair assumption

Council may be involved in the effort. Council Members Lawrence, Johnson, Edwards, Garcia, Alvarado and Green absent. (NO QUORUM PRESENT)

Mayor White stated that Council Member Berry did raise the issue with him and he was familiar with the constitution and he would not think they would spend a lot of time on the issue of drafting an ordinance around the table; and he would also say that all had good and bad and regretted some things they said, but he listened to the radio shows and the first one he heard ask people questions such as to call in and express views on if they could support the troops and not support the war and have a civil discussion was Mr. Berry's show and he too had the right of first amendment freedom of speech. Council Members Lawrence, Johnson, Edwards, Garcia, Alvarado and Green absent. (NO QUORUM PRESENT)

Mr. Paul Myers, 219 Roy, Houston, Texas 77007 (713-696-3664) appeared and expressed his right to freedom of speech and right to express it on freeway bridges; and stated that he saw the report with the desire of putting a stop to freeway blogging because it interfered with traffic causing gridlock and was a safety concern, but ways to be distracted was holding signs to buy services or get a car wash, jay walkers, phones and the traffic signs telling you how long it would take to get where you were going and he found it strange their signs would be considered a safety concern. Council Members Lawrence, Johnson, Edwards, Garcia and Alvarado absent. (NO QUORUM PRESENT)

Mr. Robert Graham, 5319 Chenevert, Houston, Texas 77004 (713-528-0508) appeared and expressed his right to freedom of speech and right to express it on freeway bridges; and stated that he had been a peace activist and educator since 9/11 and was present as last Wednesday they were on the Mandel bridge protesting and 3 police cars showed up and it was right after Council Member Berry's article in the paper and he felt they were there for intimidation; that it was their first amendment right and obligation to be there; and asked that Council make such bridges a free speech zone. Council Members Lawrence, Johnson, Edwards and Garcia absent. (NO QUORUM PRESENT)

Mr. Don Cook, 7954 Glenheath, Houston, Texas 77061 (713-705-5594) appeared and expressed his right to freedom of speech and right to express it on freeway bridges; and stated that it was difficult to see police as benign when they approached and asked for ID and when 3 police cars came the day after Council Member Berry's comments and invited all to the bridge to blog together. Council Members Lawrence, Johnson, Edwards and Garcia absent. (NO QUORUM PRESENT)

Council Member Lovell stated that she would be happy to call HPD, but in her conversations the explanation was safety and again the city had no jurisdiction over the bridges; that she would call him to give him an answer. Council Members Lawrence, Johnson, Edwards and Garcia absent. (NO QUORUM PRESENT)

Mr. Ken Freeland, 8727 Kimwood, Houston, Texas 77080 (832-512-4751) appeared expressed his right to freedom of speech and right to express it on freeway bridges; and stated that last time he came before Council he asked they enlist to sign on to a declaration opposed to the President's military involvement in Iraq and since over 600,000 Iraqis had found early graves; that Council Member Berry was one of the leaders to the opposition of their proposal and he and his colleagues argued they had no business dealing with issues of foreign policy, but it seemed he changed his mind as he was wanting an ordinance passed prohibiting their free speech on freeways and he hoped they all saw the absurdity and hypocrisy in that and hoped they would protect their free speech rights. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Edwards and Garcia absent. Council Member Alvarado presiding. (NO QUORUM PRESENT)

Mr. William Simmons, 6427 Windfern, Houston, Texas 7040 (713-460-5921) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Edwards and Garcia absent. Council Member Alvarado presiding. (NO QUORUM PRESENT)

Mr. James Berry, 1611 Bernard Way, Houston, Texas 77058 (281-286-8092) appeared expressed his right to freedom of speech and right to express it on freeway bridges; and stated that he was a retired Lieutenant Coronel in the U. S. Army and he demonstrated with those who previously spoke; that they went during the hours they did because traffic was already slowed and it made better use of their signs and there had been no accidents and they were completely disciplined; and he believed Council Member Berry misused his office and it should stop. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Edwards and Garcia absent. Council Member Alvarado presiding. (NO QUORUM PRESENT)

Mr. David Butterworth, 18214 Marbudua, Nassau Bay, Texas 77058 had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Edwards and Garcia absent. Council Member Alvarado presiding. (NO QUORUM PRESENT)

Mr. Art Browning, 12446 Texas Army Trail, Cypress, Texas 77429 (281-728-6327) appeared expressed his right to freedom of speech and right to express it on freeway bridges; and stated that much of what he was to say was already said; that he was safety oriented and responses from drivers showed a higher percentage agreed with them; that he thought America was waking up and would like Council to take part. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Edwards and Garcia absent. Council Member Alvarado presiding. (NO QUORUM PRESENT)

Council Member Clutterbuck thanked Mr. Browning for coming and stated that Peter Ten Eyck was a scout and present and asked him to stand to be recognized and further stated that he was working on his citizenship badge and freedom of speech was the most basic of liberties and she was glad to see all those who came today and if this was one topic he was interested in she was sure Mr. Browning would speak with him. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Edwards and Garcia absent. Council Member Alvarado presiding. (NO QUORUM PRESENT)

Mr. Jim Schriver, 1808 Lubbock, Houston, Texas 77007 (713-882-1831) appeared expressed his right to freedom of speech and right to express it on freeway bridges; and stated that he came in support of the first amendment right guaranteed by the constitution; that at the Bush estate in Crawford he protested and in Crawford the President was guarded and they could not muster the force to prohibit protesting outside that estate and he hoped this Council had a smart City Attorney. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Edwards and Garcia absent. Council Member Alvarado presiding. (NO QUORUM PRESENT)

Ms. Debra Murray, 6202 Portal, Houston, Texas 77096 (713-771-9143) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Edwards and Garcia absent. Council Member Alvarado presiding. (NO QUORUM PRESENT)

Ms. Cindy Perez, 8501 Broadway, Houston, Texas 77061 (713-644-7581) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Edwards and Garcia absent. Council Member Alvarado presiding. (NO QUORUM PRESENT)

Ms. Samira Khan, 6527 Alisa Lane, Houston, Texas 77084 (832-782-3133) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Edwards and Garcia absent. Council Member Alvarado presiding. (NO QUORUM PRESENT)

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

Ms. Kristen Melton, 4407 Rose, Houston, Texas 77007 (713-515-4319) appeared and stated that she was president of the Cherokee Cultural Society of Houston which had been active in Houston over 14 years and whose mission was to build community and preserve Cherokee heritage, perpetuate their culture and build the future of their people; that their goal was to educate the community about Native Americans and be a bridge between stories told in history books, Hollywood dramatizations and real life to lesson misunderstandings and racial biases and they wanted to impact Houston in a positive manor and to increase that they needed Council's help; and proposed Houston sponsor a series of programs, lectures or events to provide information and by enlisting their services and those of other tribes they would be saying to Native Americans they were a valuable part of the community and to the world Houston was complete. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Edwards and Garcia absent. Council Member Alvarado presiding. (NO QUORUM PRESENT)

Council Member Lovell stated that was a great idea and she did not know where to start but she could contact her office and they would see if they could collaborate. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Edwards and Garcia absent. Council Member Alvarado presiding. (NO QUORUM PRESENT)

Ms. Sudaphon Kinney, 225 Aldine Bender #708, Houston, Texas 77060 (281-448-4190) appeared and stated that she received something in the mail over and over and needed Council to help her; that they did not want her to get the money and she got a lawyer, but she needed Council to help her get the police report, it was the same person, same thing. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Edwards, Garcia, Brown and Lovell absent. Council Member Alvarado presiding. (NO QUORUM PRESENT)

Council Member Alvarado stated to obtain a copy of the report an officer was present and would assist her. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Edwards, Garcia, Brown and Lovell absent. Council Member Alvarado presiding. (NO QUORUM PRESENT)

Ms. Andrea Charles, 2828 Collingsworth #45, Houston, Texas 77026 (713-223-0671) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Edwards, Garcia and Brown absent. Council Member Alvarado presiding. (NO QUORUM PRESENT)

Mr. Aschalew Mequanent, 5909 Fondren Drive #2303, Houston, Texas 77036 (832-283-1416) appeared and stated that this was not the first time he bought a medallion; that he drove 5 years in Houston and paid \$8,000 to \$9,000 a year only for permits and that was a lot of money; that he was told in 2000 the same people got the permits and this time he was told the same people would get them again; that over the past 5 or 6 years he paid more than \$55,000 or \$60,000 for permits and he needed the permit to save that money. Mayor White, Council

Members Lawrence, Johnson, Clutterbuck, Edwards, Garcia and Brown absent. Council Member Alvarado presiding. (NO QUORUM PRESENT)

Council Member Alvarado thanked Mr. Mequanent for coming and stated that Mr. Daniels was present and would be the best to assist him. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Edwards and Garcia absent. Council Member Alvarado presiding. (NO QUORUM PRESENT)

Mr. Brandt Mannchen, 5431 Carew, Houston, Texas 77096 (713-664-5962) appeared, presented information and displayed a plastic container and stated that he was present representing the Houston Sierra Club and they supported the regulation of fats, oils and grease, in particular a proposed ordinance in Chapter 47 of the Code of Ordinances, Article XI, which would require businesses with grease traps to pay a \$50.00 fee and cause them to cleanout and maintain the traps quarterly; that this issue first came up one year ago and they would like to see Council move on it which would send the message they were concerned about clean water and public health. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Edwards and Garcia absent. Council Member Alvarado presiding. (NO QUORUM PRESENT)

Council Member Alvarado stated that she could not agree with him more and had been working on it; that she had put it on the back burner for a while, but it was coming to committee next week on the 19th and they were working with the apartment Association who had distributed it to maybe 15,000 apartment units and it was working. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Edwards and Garcia absent. Council Member Alvarado presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Brown, Mr. Mannchen stated that Jeff Taylor with Public Works and Engineering was responsible for the device, it had a paper bag which you poured your grease in and then once filled you placed it in the trash and the drains would not be clogged; that he would like the city to give it out at events; and Council Member Brown stated that he thought all Council Members should have one. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Edwards and Garcia absent. Council Member Alvarado presiding. (NO QUORUM PRESENT)

President Joseph Charles, P. O. Box, 524373, Houston, Texas 77052-4373 (832-453-6376) appeared and stated that he was a Harris County Deputy representative and a crime victim; and the Mayor left and Carol Alvarado did not qualify for the Mayor Pro Tem; and continued expressing his personal opinions until his time expired. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Edwards and Garcia absent. Council Member Alvarado presiding. (NO QUORUM PRESENT)

Mr. Abdul Rajput, 6711 Hornwood, Houston, Texas 77074 (832-512-6059) appeared and stated that they were objecting to medallions being given to one person, they should be given to everyone; that they should be placed in a box and everyone pick; that he heard 100 would go to one person, 50 to another and it was wrong and he would like the problem solved. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Edwards and Garcia absent. Council Member Alvarado presiding. (NO QUORUM PRESENT)

Council Member Alvarado stated that she would direct him to Mr. Daniels who was just outside the Council Chamber. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Edwards and Garcia absent. Council Member Alvarado presiding. (NO QUORUM PRESENT)

At 4:32 p.m. City Council recessed until 9:00 a.m., Wednesday, April 11, 2007. Council Member Wiseman absent due to being ill. Council Members Khan and Holm out of the city on

city business. Council Member Berry absent on personal business. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Edwards and Garcia absent. Council Member Alvarado presiding. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, April 11, 2007

The Houston City Council reconvened at 9:00 a.m. Wednesday, April 11, 2007, with Mayor Bill White presiding and with Council Members Jarvis Johnson, Anne Clutterbuck, Ada Edwards, Pam Holm, Adrian Garcia, Carol Alvarado, Peter Brown, Sue Lovell, Ronald C. Green and Michael Berry; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Mr. Arturo Michel, City Attorney; Ms. Marty Stein, Agenda Director and Ms. Marta Crinejo, Assistant Agenda Director, present. Council Members Toni Lawrence and M. J. Khan, P. E. out of the city on city business. Council Member Addie Wiseman absent due to being ill.

Note: Council Member At Large Position 3 vacant.

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

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

Council Member Lovell moved to consider the Consent Agenda at this time, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Lawrence and Khan out of the city on city business. Council Member Wiseman absent due to being ill. Council Members Johnson, Garcia and Green absent. MOTION 2007-0351 ADOPTED.

### **CONSENT AGENDA NUMBERS 1 through 44**

#### **MISCELLANEOUS** - NUMBER 2

2. RECOMMENDATION from City Attorney for adoption of Alcohol-Free School Zone for St. Mark Lutheran School at 1515 Hillendahl - **DISTRICT A – LAWRENCE** – was presented, moved by Council Member Holm, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Lawrence and Khan out of the city on city business. Council Member Wiseman absent due to being ill. Council Members Johnson, Garcia and Green absent. MOTION 2007-0352 ADOPTED.

#### **ACCEPT WORK** - NUMBERS 4 through 7

4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$625,757.47 and acceptance of work on contract with **CHIEF SOLUTIONS, INC** for Sanitary Sewer Cleaning and Television Inspection in Support of Rehabilitation, WBS R-000266-00C2-4 - 8.37% under the original contract amount – was presented, moved by Council Member Holm, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Lawrence and Khan out of the city on city business. Council Member Wiseman absent due to being ill. Council Members Johnson, Garcia and Green absent. MOTION 2007-0353 ADOPTED.
5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,092,527.13 and acceptance of work on contract with **UNDERGROUND TECHNOLOGIES, INC** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Method, WBS R-000266-00S4-4 - 4.81% over the original

contract amount - **DISTRICTS A - LAWRENCE; B - JOHNSON; C - CLUTTERBUCK; D - EDWARDS; E - WISEMAN; F - KHAN, H - GARCIA and I - ALVARADO** – was presented, moved by Council Member Holm, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Lawrence and Khan out of the city on city business. Council Member Wiseman absent due to being ill. Council Members Johnson, Garcia and Green absent. MOTION 2007-0354 ADOPTED.

6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,853,056.22 and acceptance of work on contract with **CONRAD CONSTRUCTION CO., INC** for Glendale Avenue and Woodvale Street Sewer Relocation, WBS R-002011-0042-4 – 3.74% under the original contract amount - **DISTRICT I - ALVARADO** – was presented, moved by Council Member Holm, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Lawrence and Khan out of the city on city business. Council Member Wiseman absent due to being ill. Council Members Johnson, Garcia and Green absent. MOTION 2007-0355 ADOPTED.
7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$728,068.45 and acceptance of work on contract with **RWL CONSTRUCTION, INC** for Water Line Replacement in Azaleadell and Carlisle Subdivisions, WBS S-000035-00B4-4 - 4.92% under the original contract amount - **DISTRICTS A - LAWRENCE and I - ALVARADO** – was presented, moved by Council Member Holm, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Lawrence and Khan out of the city on city business. Council Member Wiseman absent due to being ill. Council Members Johnson, Garcia and Green absent. MOTION 2007-0356 ADOPTED.

**PROPERTY** - NUMBERS 10 through 13

10. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from H. A. Bradley, President, T.I.P.I.T.S., Inc, for sale of ±15,080-square feet of excess fee-owned Willowbend Boulevard right-of-way, adjacent to 4086 Willowbend Boulevard, located in the B.B.B. & C.R.R. Survey, A-173, Parcel SY7-044 - **APPRAISERS - DISTRICT C - CLUTTERBUCK** – was presented, moved by Council Member Holm, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Lawrence and Khan out of the city on city business. Council Member Wiseman absent due to being ill. Council Members Johnson, Garcia and Green absent. MOTION 2007-0357 ADOPTED.
11. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Alexander A. Valdez, for sale of ±1,781 square feet of excess fee-owned East 11th Street right-of-way, consisting of the remainder of Lot 2, Block 1, located in the Norhill Addition, out of the John Austin Survey, Parcel SY7-045 **APPRAISERS - DISTRICT H - GARCIA** – was presented, moved by Council Member Holm, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Lawrence and Khan out of the city on city business. Council Member Wiseman absent due to being ill. Council Members Johnson, Garcia and Green absent. MOTION 2007-0358 ADOPTED.
12. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Shelley Barrett of R. G. Miller Engineers, Inc., on behalf of Baylor College of Medicine (Steve Womack, Director of Construction and Project Management), for abandonment and sale of two 12-foot-wide

water line easements and a 10-foot-wide water line easement in exchange for the conveyance to the City of a 10-foot-wide water line easement, all located within a ±34.592-acre tract of land out of the D. W. C. Harris Survey, A-325, Parcels SY7-069A through C and KY7-239 - **APPRAISERS - DISTRICT D - EDWARDS** – was presented, moved by Council Member Holm, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Lawrence and Khan out of the city on city business. Council Member Wiseman absent due to being ill. Council Members Johnson, Garcia and Green absent. MOTION 2007-0359 ADOPTED.

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 14 through 16

14. **THERMO FISHER SCIENTIFIC d/b/a FISHER SAFETY** for Pandemic Flu Go-Kits through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for Health & Human Services Department - \$99,997.24 - Grant Fund – was presented, moved by Council Member Holm, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Lawrence and Khan out of the city on city business. Council Member Wiseman absent due to being ill. Council Members Garcia and Green absent. MOTION 2007-0360 ADOPTED.
15. **AZTECA SYSTEMS, INC** for Software Maintenance and Support Services Agreement for Parks & Recreation Department - 1 Year - \$30,000.00 - General Fund – was presented, moved by Council Member Holm, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Lawrence and Khan out of the city on city business. Council Member Wiseman absent due to being ill. Council Members Garcia and Green absent. MOTION 2007-0361 ADOPTED.
16. **NORIT AMERICAS, INC** for spending authority to purchase Chemical, Powdered Activated Carbon for the Department of Public Works & Engineering - \$604,800.00 - Enterprise Fund – was presented, moved by Council Member Holm, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Lawrence and Khan out of the city on city business. Council Member Wiseman absent due to being ill. Council Members Garcia and Green absent. MOTION 2007-0362 ADOPTED.

**RESOLUTIONS AND ORDINANCES** - NUMBERS 17 through 43

17. RESOLUTION designating a certain property located at 3223 Inwood Drive within the City of Houston as a Historic Landmark (John A. and Audrey Jones Beck House) - **DISTRICT G - HOLM** – was presented. All voting aye. Nays none. Council Members Lawrence and Khan out of the city on city business. Council Member Wiseman absent due to being ill. Council Member Garcia absent. RESOLUTION 2007-0014 ADOPTED.
19. RESOLUTION supporting Cut-back Curb Sections for Wells Fargo Bank Parking on Austin Street between McGowen Street and Dennis Street - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Members Lawrence and Khan out of the city on city business. Council Member Wiseman absent due to being ill. Council Member Garcia absent. RESOLUTION 2007-0015 ADOPTED.
24. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a portion of Haynes Lane, (also known as, Haynesworth Lane and Hayesworth Lane) between Old Genoa-Red Bluff Road and Pizzitola Road at Beltway 8, containing 40,203 square feet of land, more or less, situated in the H. C. Burnett Survey, Abstract No. 1063 and the H. T. & B. R. R. Co. Survey, Section No. 1, Abstract No. 387, Houston, Harris County, Texas, Parcel SY3-010 vacating and abandoning Parcel

SY3-010 to Waste Corporation of Texas, L.P., abutting owner, in consideration of the owner's dedication of two street right of way easements containing an aggregate of 11,471 square feet of land, more or less, a 55-foot-wide drainage easement containing 152,228 square feet of land, more or less and the construction of one cul-de-sac on each of the dedicated street easements; and payment of \$300.00 and other consideration to the City - **DISTRICT E - WISEMAN** – was presented. All voting aye. Nays none. Council Members Lawrence and Khan out of the city on city business. Council Member Wiseman absent due to being ill. Council Member Garcia absent. ORDINANCE 2007-0450 ADOPTED.

25. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use (i) a ±139-square foot portion of Providence Avenue, along the northeast boundary of Solo Street; (ii) a portion of Sharon Avenue, adjacent to Lot 21, Block 10 and Lot 12, Block 12; (iii) a portion of Vernon Avenue, adjacent to Lot 2, Block 8 and Lot 10, Block 10; and (iv - vi) three, 3-foot-wide sanitary sewer easements, all within Pinecrest Court, Second Addition, Houston, Harris County, Texas; Parcels SY4-030A through SY4-030F, respectively; vacating and abandoning said parcels to Houston Independent School District, the abutting owner, in consideration of its conveyance to the City of right of way to widen Finnigan Drive, and three utility easements, all within the Harris and Wilson Survey, A-32, Houston, Harris County, Texas; Parcels AY4-060, and VY4-014A through VY4-014C, respectively; and its payment of \$1,800.00 and other consideration to the City - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. Council Members Lawrence and Khan out of the city on city business. Council Member Wiseman absent due to being ill. Council Member Garcia absent. ORDINANCE 2007-0451 ADOPTED.
26. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a waterline easement, containing 2,828 square feet of land, more or less, being out of Block One, Unrestricted Reserve "A", Memorial Southwest Hospital, Houston, Harris County, Texas; Parcel SY5-053; vacating and abandoning Parcel SY5-053 to Memorial Hermann Hospital System, the abutting owner, in consideration of owner's dedication of two waterline easements and six fire hydrant easements containing an aggregate of 19,982 square feet of land, more or less, and payment of \$300.00 and other consideration to the City - **DISTRICT F - KHAN** – was presented. All voting aye. Nays none. Council Members Lawrence and Khan out of the city on city business. Council Member Wiseman absent due to being ill. Council Member Garcia absent. ORDINANCE 2007-0452 ADOPTED.
29. ORDINANCE amending City of Houston Ordinance No. 2006-1163 relating to rescheduling and postponement of City Council Meetings – was presented. All voting aye. Nays none. Council Members Lawrence and Khan out of the city on city business. Council Member Wiseman absent due to being ill. Council Member Garcia absent. ORDINANCE 2007-0453 ADOPTED.
30. ORDINANCE approving and authorizing Amendment No. 1 to Lease Agreement and approving and authorizing a Plant Cargo Treatment and Equipment License for certain space at George Bush Intercontinental Airport/Houston between the City of Houston and **THE UNITED STATES DEPARTMENT OF AGRICULTURE - ANIMAL AND PLANT HEALTH INSPECTION SERVICE DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Members Lawrence and Khan out of the city on city business. Council Member Wiseman absent due to being ill. Council Member Garcia absent. ORDINANCE 2007-0454 ADOPTED.

33. ORDINANCE awarding contract to **RBM CAPITAL LLC DBA MIDAS AUTO SERVICE EXPERTS** for Exhaust Repair Services for the Houston Police Department; providing a maximum contract amount - 3 Years with two one-year options - \$307,625.00 - General Fund – was presented. All voting aye. Nays none. Council Members Lawrence and Khan out of the city on city business. Council Member Wiseman absent due to being ill. Council Member Garcia absent. ORDINANCE 2007-0455 ADOPTED.
34. ORDINANCE approving and authorizing contract between the City of Houston and **INFOSOL, INC** for Software Maintenance and Support Services on the Enterprise Environmental Operations Support System; providing a maximum contract amount - 3 Years with two one-year options \$243,075.00 - Enterprise Fund – was presented. All voting aye. Nays none. Council Members Lawrence and Khan out of the city on city business. Council Member Wiseman absent due to being ill. Council Member Garcia absent. ORDINANCE 2007-0456 ADOPTED.
35. ORDINANCE awarding contract to **TRIPLE D. SECURITY, INC** for Armored Car Services for Various Departments; providing a maximum contract amount - 1 Year with four one-year options \$1,022,288.80 - General, Enterprise and Park Special Revenue Funds – was presented. All voting aye. Nays none. Council Members Lawrence and Khan out of the city on city business. Council Member Wiseman absent due to being ill. Council Member Garcia absent. ORDINANCE 2007-0457 ADOPTED.
38. ORDINANCE appropriating \$200,000.00 out of General Improvements Consolidated Construction Fund and approving and authorizing Professional Architectural Services Contract for Services between the City of Houston and **STERN AND BUCEK ARCHITECTS, PLLC** for Miller Outdoor Theatre Pedestrian Walkway & Improvements, WBS D-000125-0001-3 - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Members Lawrence and Khan out of the city on city business. Council Member Wiseman absent due to being ill. Council Member Garcia absent. ORDINANCE 2007-0458 ADOPTED.
39. ORDINANCE appropriating \$470,013.00 out of Solid Waste Consolidated Construction Fund, awarding construction contract to **C.F. MCDONALD ELECTRIC, INC** for the Solid Waste S.W. & S.E. Facility Backup Generators; WBS L-000070-0001-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for construction management and administration and contingencies relating to construction of facilities financed by the Solid Waste Consolidated Construction Fund **DISTRICTS C - CLUTTERBUCK and I - ALVARADO** – was presented. All voting aye. Nays none. Council Members Lawrence and Khan out of the city on city business. Council Member Wiseman absent due to being ill. Council Member Garcia absent. ORDINANCE 2007-0459 ADOPTED.
40. ORDINANCE appropriating \$1,331,542.40 out of General Improvements Consolidated Construction Fund; awarding construction contract to **EAGLE CONSTRUCTION and ENVIRONMENTAL SERVICES, L.P.** for LPST Site 91472 - Soil Remediation and Underground Storage Tank Replacement; WBS D000073-0006-4; 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 services, project management and construction oversight services and contingencies relating to construction of facilities financed by the General Improvements Consolidated Construction Fund - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. Council Members Lawrence and

Khan out of the city on city business. Council Member Wiseman absent due to being ill. Council Member Garcia absent. ORDINANCE 2007-0460 ADOPTED.

41. ORDINANCE appropriating \$66,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Construction and Management and Inspection Services Contract between the City of Houston and **JVG INDUSTRIES, LLC. (JVG)** for Rehabilitation of Roark #1 Lift Station Project, WBS R-000267-00F9-4 - **DISTRICT C - CLUTTERBUCK** – was presented. All voting aye. Nays none. Council Members Lawrence and Khan out of the city on city business. Council Member Wiseman absent due to being ill. Council Member Garcia absent. ORDINANCE 2007-0461 ADOPTED.
  
43. ORDINANCE appropriating \$889,286.00 out of Water & Sewer System Consolidated Construction Fund, award contract to **TROY CONSTRUCTION, LLP** for Wastewater Collection System Rehabilitation and Renewal; WBS R-000266-00E5-4; 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 and testing, project management, and contingencies relating to construction of facilities financed out of the Water & Sewer System Consolidated Construction Fund – was presented. All voting aye. Nays none. Council Members Lawrence and Khan out of the city on city business. Council Member Wiseman absent due to being ill. Council Member Garcia absent. ORDINANCE 2007-0462 ADOPTED.

**MAYOR'S REPORT** - Project Houston Hope

Mayor White reviewed a presentation titled "Project Houston Hope", a copy of which is on file in the City Secretary's Office for review.

Members of Council congratulated Mayor White for the Project Houston Hope and Mayor White stated that he wanted to thank Council Members and they all may have some ideas and there were some that were part of the process, that he wanted them to help him think of what they could do to further institutionalize without jeopardizing the prerogatives of future City Councils, but his strategy had been was to get a large group of people invested in the success of the project and knowing the tools and skills that it took to succeed.

At 10:28 Mayor White stated that they would move to the agenda. Council Members Johnson and Holm absent.

**MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:**

**MISCELLANEOUS**

1. REQUEST from Mayor for confirmation of the reappointment of the following to the **HOUSTON ARCHAEOLOGICAL AND HISTORICAL COMMISSION OF THE CITY OF HOUSTON**, for terms to expire March 1, 2009:

Position One	-	<b>DR. ROGER G. MOORE</b>
Position Three	-	<b>MS. PHOEBE TUDOR</b>
Position Five	-	<b>MR. RAFAEL LONGORIA</b>
Position Seven	-	<b>MR. PAUL FRUGÉ, JR.</b>

– was presented, moved by Council Member Lovell, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Lawrence and Khan out of the city on city business. Council Member Wiseman absent due to being ill. Council Members Johnson and Holm absent. MOTION 2007-0363 ADOPTED.

Council Member Lovell moved to suspend the rules to consider Item No. 46 out of order, seconded by Council Member Garcia. All voting aye. Nays none. Council Members Lawrence and Khan out of the city on city business. Council Member Wiseman absent due to being ill. MOTION 2007-0364 ADOPTED.

Council Member Alvarado moved to suspend the rules to consider Item Numbers 45 and 20 out of order, seconded by Council Member Green. All voting aye. Nays none. Council Members Lawrence and Khan out of the city on city business. Council Member Wiseman absent due to being ill. MOTION 2007-0365 ADOPTED.

Council Member Berry moved to suspend the rules to consider Item No. 47 out of order, seconded by Council Member Garcia. All voting aye. Nays none. Council Members Lawrence and Khan out of the city on city business. Council Member Wiseman absent due to being ill. MOTION 2007-0366 ADOPTED.

Council Member Garcia moved to suspend the rules to consider Item No. 49 out of order, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Lawrence and Khan out of the city on city business. Council Member Wiseman absent due to being ill. MOTION 2007-0367 ADOPTED.

46. **ORDINANCE AMENDING ARTICLE VII OF CHAPTER 33, OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Historic Preservation – **(This was Item 14 on Agenda of April 4, 2007, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented.

Council Member Lovell offered the following written motion to amend Item No. 46:

“Motion to amend Item No. 46 on April 11, 2007 City Council Agenda by amending the first sentence of subsection 33-203(d) of the Code of Ordinances as set forth in Section 2 of the Ordinance that is Item No. 46 to change the period of time in which a permit shall not be issued from 5 years to 2 years so that the sentence reads as follows:

(d) If a landmark or protected landmark or a contributing or potentially contributing structure located in an historic district is demolished without a certificate of appropriateness required by this article or a 90-day waiver certificate issued pursuant to Section 33.250 of this code, the building office shall not issue a building permit, and no other person shall issue any other city permit, for the site where the landmark, protected landmark or structure was formerly located for a period of 2 years after the date of the demolition.”

Council Member Lovell stated that they would be watching and they hoped it was a signal that illegal demolition would not be tolerated but if it did happen then could always come back to the Council table and stiffen the penalty backup and there could be a fine attached, which they did not attach today, that they hoped it would be a signal to the neighborhoods that they did not want to put an eyesore.

Mayor White stated that the administration supported the amendment.

Council Member Brown stated that he thought they needed to say something about the reconstruction that occurred on the lot, that the best he could come up with was “that any reconstruction shall be deemed a contributing structure by the Houston Archeological and Historic Commission”, that if they were going to break the law they had to build a structure that fits in with the neighborhood, that he would defer to Council Member Lovell on this.

Council Member Lovell stated that it was an interesting thought but would like to go ahead and pass her amendment just as it was, that they were also passing a 51% lowering to become a historic district and understood that there was an email that was sent out to vote against it and to vote for property rights but the truth was that they determined through this whole process that they wanted to give the neighborhoods the right to self determination and to her that was the strongest form of property rights, for someone to be able to determine what sort of district they would live in and what they could do with their property, she wanted everyone to understand that the whole ordinance was around neighborhoods having the right to self determination.

After further discussion a vote was called on Council Member Lovell motion to amend Item No. 46. All voting aye. Nays none. Council Members Lawrence and Khan out of the city on city business. Council Member Wiseman absent due to being ill. MOTION 2007-0368 ADOPTED.

A vote was called on Item No. 46 as amended. Council Member Berry voting no, balance voting aye. Council Members Lawrence and Khan out of the city on city business. Council Member Wiseman absent due to being ill. ORDINANCE 2007-0463 ADOPTED AS AMENDED.

45. 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 – **(This was Item 13 on Agenda of April 4, 2007, TAGGED BY COUNCIL MEMBERS WISEMAN and BERRY)** – was presented. All Voting aye. Nays none. Council Members Lawrence and Khan out of the city on city business. Council Member Wiseman absent due to being ill. ORDINANCE 2007-0464 ADOPTED.

Members of Council congratulated Ms. Liliana Rambo and the Parking Commission.

20. RESOLUTION of the City Council of the City of Houston, Texas requesting that the **MISSION ECONOMIC DEVELOPMENT CORPORATION** issue its Revenue Bonds for the Allied Waste North America, Inc Project and approving related public hearing - **DISTRICTS B - JOHNSON; D - EDWARDS and I - ALVARADO** – was presented. All

Voting aye. Nays none. Council Members Lawrence and Khan out of the city on city business. Council Member Wiseman absent due to being ill. RESOLUTION 2007-0016 ADOPTED.

47. 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 – **(This was Item 24 on Agenda of April 4, 2007, TAGGED BY COUNCIL MEMBERS WISEMAN and KHAN)** – was presented. All Voting aye. Nays none. Council Members Lawrence and Khan out of the city on city business. Council Member Wiseman absent due to being ill. ORDINANCE 2007-0465 ADOPTED.

Council Member Berry stated that the City was not paying to build the infrastructure and that was the deal they negotiated, they were a customer using that platform for public service uses and that was going to save the City a lot of money and improve the way they deliver their service.

Mayor White stated that he wanted to thank the representatives of Earthlink who were working with them, that he had worked this morning on the last remaining agreement and knew that they did not want their Letter of Credit drawn down, which it would be if the CenterPoint agreement was not negotiated in accordance with the terms of what they signed with the City because they wanted to go on with the project, that he thought they were going to make a lot of progress with it.

Council Member Edwards stated that she wanted to thank the IT Department and Earthlink, that District D communities were very excited about the opportunity of WiFi for the City and she looked forward to working with Nicole Robinson to get the how and why out to the community.

49. 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 42 on Agenda of April 4, 2007, POSTPONED BY MOTION #2007-334)** – was presented.

Council Member Garcia stated that he had offered a written amend and distributed a copy; that there was a line that was not included and it would now read as follows:

“Amend Agenda Item No. 49 on the City Council Agenda of April 11, 2007 to add in Exhibit ‘A’ Scope of Services –

Patriot Advertising include efforts other than periodical items, including but not limited to advertising within online entities and include a diverse group of decorated HPD veteran officers in the promoting of HPD.”

A vote was called on Council Member Garcia motion to amend Item No. 49. All voting aye. Nays none. Council Members Lawrence and Khan out of the city on city business. Council Member Wiseman absent due to being ill. MOTION 2007-0369 ADOPTED.

Council Member Edwards asked if the vendor had the right to use the property with other police agencies and Mr. Michel stated that for marketing purposes and to present what it was doing he thought it would but they would not have the right to use any logos of the City or any information but how they presented the information that they would, the advertising format or

scheme, and Mayor White stated that they did not want somebody to use the same program that the City developed with them to compete in the same market against the City, that he thought it was a reasonable thing operationally to do.

Council Member Alvarado stated that she had concerns, that in listening at the discussion at committee she asked for a breakdown on how they were going to advertise or what the strategy was and she would stress that the days of just putting an ad in the newspaper were over, that news paper subscriptions were down, and 30% of their budget was going to newspaper and 15% to internet, but their own research showed that 53% of their respondents got the information from the internet, that they had to do things different, there had to be more creativity, especially in diverse communities, and Mayor White stated that he would ask the representative of the Police Department to have a more detailed explanation that they could get he would appreciate it.

Council Member Holm stated that she did not question the need for them to have contracts and solicit and try to grow their force, but she did question with a department that already had such a significant part of their budget that each week they were asking for more things to come out of the General Fund and she thought that the \$300,000 if it was money well spent and a high priority ought to come out of the budget that they had been appropriated, and asked if it was coming out of their line item budgeted.

Mayor White stated that it did come out of the Police Budget and by the appropriation in this fiscal year the Police Budget was out of the General Fund between \$2.5 million and \$3 million over what was budgeted at the beginning of the year principally as a result of special overtime programs that were done and instituted in response to some of the crime hot spots, that to be precise it came out of the police budget, that at the beginning of the fiscal year they decided to make recruiting a higher priority, and Council Member Holm asked if they could give her the line item that it would be coming out of.

Council Member Lovell asked if the money was coming out of the Police Department's recruitment budget and was it an increase in their recruitment budget, and Mayor White stated that it was, and Council Member Lovell stated that she concurred with Council Member Alvarado that it was a lot of money, \$300,000 to pay someone to put an ad in the newspaper, and asked when did the contract start.

Mayor White stated that it was paying for the ad that was placed in the newspaper, it was not their commission for placing the ad, that they had heard some concern at the Council table that they make sure that the money was well spent and targeted, that they had been working on it for 9 months, that he thought there ought to be some back and forth dialog with City Council Members in coming up with the overall operating plan on how they were going to spend the money, and Council Member Lovell asked if they as Council could have a report as to the recruitment and how well it was going, if it was a year contract then maybe quarterly how well it was doing and if it was money that was well spent, and Mayor White asked Council Member Garcia if he would consider having a committee meeting and the vendor should also be there to answer questions.

Council Member Garcia stated that he would and in talking to these folks he did have an appreciation that they did understand what was at risk and at stake, they were expressing very creative concepts and the department had indicated that they had utilized some of their recommendations and had netted some results.

After further discussion Council Member Alvarado moved to postpone Item No. 49 until the end of the agenda, seconded by Council Member Garcia. All voting aye. Nays none. Council

Members Lawrence and Khan out of the city on city business. Council Member Wiseman absent due to being ill. MOTION 2007-0370 ADOPTED.

### **ACCEPT WORK**

3. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,365,535.85 and acceptance of work on contract with **TOTAL SITE, INC** for Neighborhood Street Reconstruction Project No. 430A, WBS N-000362-0002-4 7.90% under the original contract amount - **DISTRICT A – LAWRENCE** - was presented, moved by Council Member Clutterbuck, seconded by Council Member Holm. All voting aye. Nays none. Council Members Lawrence and Khan out of the city on city business. Council Member Wiseman absent due to being ill. Council Member Berry absent. MOTION 2007-0371 ADOPTED.
8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$9,495,494.14 and acceptance of work on contract with **PEPPER-LAWSON CONSTRUCTION, L.P.** for East Water Purification Plant Complex Miscellaneous Rehabilitation and Improvements at Plants 1, 2, and 3 (Package 3), WBS S-000056-0033-4 8.97% under the original contract amount - **DISTRICT E - WISEMAN** - was presented, moved by Council Member Clutterbuck, seconded by Council Member Green. All voting aye. Nays none. Council Members Lawrence and Khan out of the city on city business. Council Member Wiseman absent due to being ill. Council Member Berry absent. MOTION 2007-0372 ADOPTED.
9. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,381,380.32 and acceptance of work on contract with **HUFF & MITCHELL, INC** for Construction of 36-Inch Water Line along Westview and Wisterwood from Clarborough to Old Katy Road, WBS S-000900-0085-4 - 0.37% over the original contract amount **DISTRICT A - LAWRENCE** - was presented, moved by Council Member Lovell, seconded by Council Member Green.

Council Member Brown stated that he thought they were going to be reimbursed by TXDOT and was curious about the status of reimbursement and asked if somebody could let him know, and Mayor White stated that Mr. Medina would get that information to Council Member Brown. Council Member Berry absent.

A vote was called on Item No. 9. All voting aye. Nays none. Council Members Lawrence and Khan out of the city on city business. Council Member Wiseman absent due to being ill. Council Member Berry absent. MOTION 2007-0373 ADOPTED.

13. RECOMMENDATION from Director Department of Public Works & Engineering for condemnation of Parcel AY5-188, located at 2400 block of Synott Road, owned by Ashford Point II, Ltd., a Texas limited partnership (dissolved partnership), for the **SYNOTT #2 LIFT STATION REHABILITATION PROJECT**, R-000267-0085-2-01 - **DISTRICT G – HOLM** – was presented, moved by Council Member Holm, seconded by Council Member Clutterbuck. All voting aye. Nays none. Council Members Lawrence and Khan out of the city on city business. Council Member Wiseman absent due to being ill. Council Member Berry absent. MOTION 2007-0374 ADOPTED.

### **RESOLUTIONS AND ORDINANCES**

18. RESOLUTION designating the Broadacres Area within the City of Houston as an Historic District - (All of Lots 1 through 26 and Tracts 6A, 9A and 13A, Broadacres Subdivision) -

**DISTRICT C – CLUTTERBUCK** – was presented. All voting aye. Nays none. Council Members Lawrence and Khan out of the city on city business. Council Member Wiseman absent due to being ill. Council Member Berry absent. RESOLUTION 2007-0017 ADOPTED.

21. RESOLUTION approving the creation of the **LELAND WOODS REDEVELOPMENT AUTHORITY**; approving the Articles of Incorporation and the Bylaws thereof; confirming the appointment of the Initial Directors and Chairperson - **DISTRICT B – JOHNSON** – was presented, and tagged by Council Member Johnson. Council Member Berry absent.
22. ORDINANCE approving the Project Plan and Reinvestment Zone Financing Plan for Reinvestment Zone Number Twenty-two, City of Houston, Texas (Leland Woods); authorizing the City Secretary to distribute such plans - **DISTRICT B - JOHNSON** – was presented, and tagged by Council Member Johnson. Council Member Berry absent.
23. ORDINANCE relating to rates for Contract Treated Water Service; **AMENDING CHAPTER 47 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**; containing findings and provisions related to the subject; providing a repealing clause – was presented. All Voting aye. Nays none. Council Members Lawrence and Khan out of the city on city business. Council Member Wiseman absent due to being ill. Council Member Berry absent. ORDINANCE 2007-0466 ADOPTED.
27. ORDINANCE approving and authorizing amendments to the 1994 Final Statement of Community Development Objectives and Projected Use of Funds and the 2002, and 2005 Consolidated Plans, including the grant applications for the Community Development Block Grant Program submitted to the United States Department of Housing and Urban Development under Title I of the Housing and Community Development Act of 1974, as amended; making various findings and provisions relating to the subject – was presented, and tagged by Council Member Lovell. Council Member Berry absent. (Note: Council Member Lovell released her tag later in the meeting.)
- 27a. RECOMMENDATION from Director Building Services Department for approval of Change Order 7 in the amount of \$756,527.00 on contract with **MORGANTI TEXAS, INC** for library services to the community - **DISTRICT F - KHAN** – was presented, and tagged by Council Member Lovell. Council Member Berry absent. (Note: Council Member Lovell released her tag later in the meeting.)
- 27b. RECOMMENDATION from Director Library Department for approval of Change Order in the amount of \$144,260.00 on contract with **MINNESOTA MINING AND MANUFACTURING COMPANY (3M)** for Materials Security Systems and Maintenance Contract for Library Department - **DISTRICTS A - LAWRENCE; B - JOHNSON; D - EDWARDS and I - ALVARADO** – was presented, and tagged by Council Member Lovell. Council Member Berry absent.
28. ORDINANCE approving and authorizing amendments to the 1993 and 1994 Final Statement of Community Development Objectives and Projected Use of Funds and the 1996, 1997, 1998, 1999, 2000, 2001, 2002, 2003 and 2004 Consolidated Plans, including the grant applications for the Community Development Block Grant Program submitted to the United States Department of Housing and Urban Development under Title I of the Housing and Community Development Act of 1974, as amended – was presented, and tagged by Council Member Lovell. Council Member Berry absent.

31. ORDINANCE approving and authorizing contract between the City of Houston and **FELDMAN & ROGERS, L.L.P.**, for Legal Services to include representation and counsel to the City of Houston relating to Thomas P. Nixon v. City of Houston and Harold Hurtt; in the United States Court of Appeals for the Fifth Circuit; providing a maximum contract amount - \$35,000.00 - General Fund – was presented. All Voting aye. Nays none. Council Members Lawrence and Khan out of the city on city business. Council Member Wiseman absent due to being ill. Council Member Berry absent. ORDINANCE 2007-0467 ADOPTED.
32. ORDINANCE approving and authorizing contract between the City of Houston and **MITRE CORPORATION** for Professional Services to assess the performance of the City's Integrated Case Management System located at the Municipal Courts - \$125,000.00 - Municipal Courts Technology Fund – was presented. Council Member Berry absent.

Council Member Holm stated that this item and the fees associated with it continued to concern her a lot, that initially she thought they offered a contract with Maximus for \$9 million and since then that they had added some \$3 million to \$9 million trying to make the system right, a few months ago it was brought back to them for \$635,000 to train their people who did not have adequate training and at that time she recalled specifically hearing it would either make or break it and they were going to make some decisions and it would work, and now they were coming back with another \$125,000, of which they say Maximus is paying half of it, but they were really not, what they were doing was the City was not going to pay them part of the fee and then they were using that money, so she had two questions, was their failure due to their own incapacity, either in their employees or management to make the system work, were they putting the money in so they were capable of using the system, or was it the system's fault and if so why was Maximus not paying it, and then second would it ever be a really great system or have they now paid about \$13 million and they have a new system but it was just going to be adequate, and she needed some answers and would tag the item. Council Member Berry absent.

Mayor White stated that the performance test, of which this was a part, was extremely important for those wanting to make sure the vendor was accountable for contract terms, it was critically important to them that they had all the help and assistance because the results of the performance test could be a finding of non compliance and therefore litigation and they needed to do what they could to document their case, that second, the opinion was that every time they had a massive computer conversion and especially if they deferred converting for so long there would always be human error, so users were always a "problem" in a conversion for every system every where every time, and third, there were very serious issues concerning the capacity of Maximus to perform, and at each point in the decision process no alternative had been taken off of the table including firing them, suing them and starting all over again, but on the decision 3 had been would it cost more and result in a better product if they went in one direction versus another and that decision making process, he thought, Mr. Lewis and others would need to brief her on and they would be happy to get some feedback, that he understood what she was saying and felt the same way. Council Member Berry absent.

After further discussion by Council Members, Council Member Holm stated that she would release her tag on Item No. 32 but would still want some discussion on the item.

A vote was called on Item No. 32. Council Member Berry voting no, balance aye. Council Members Lawrence and Khan out of the city on city business. Council Member Wiseman absent due to being ill. ORDINANCE 2007-0468 ADOPTED.

36. ORDINANCE amending Ordinance No. 2003-0447 to increase the maximum contract amount for the amended Interagency Agreement among the City of Houston, **HARRIS COUNTY, HARRIS COUNTY FLOOD CONTROL DISTRICT**, and the **TEXAS DEPARTMENT OF TRANSPORTATION** for Cooperative effort to implement provisions of U. S. Environmental Protection Agency's National Pollutant Discharge Elimination System Permit No. TXS001201 for the City's Storm Sewer System - \$1,900,000.00 – Storm Water Utility Fund – was presented. All Voting aye. Nays none. Council Members Lawrence and Khan out of the city on city business. Council Member Wiseman absent due to being ill. ORDINANCE 2007-0469 ADOPTED.
37. ORDINANCE appropriating \$535,000.00 out of the Street & Bridge Consolidated Construction Fund for the construction of the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT) COLUMBIA TAP UNION STATION TRAIL BIKEWAY PROJECT**; WBS N-000420-0037-4; providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT I - ALVARADO** – was presented. All Voting aye. Nays none. Council Members Lawrence and Khan out of the city on city business. Council Member Wiseman absent due to being ill. ORDINANCE 2007-0470 ADOPTED.
42. ORDINANCE appropriating \$10,089,184.00 out of Metro Improvements CP Series E Fund, \$2,088,816.00 out of Water & Sewer Consolidated Construction Fund awarding contract to **REYTEC CONSTRUCTION RESOURCES, INC** for Cook Road Paving Improvements; WBS N-000639-0001-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other require contract documents to the city; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering testing, construction management, project management and contingencies relating to construction of facilities financed by the Metro Improvements CP Series E Fund and Water & Sewer Consolidated Construction Fund - **DISTRICT F - KHAN** – was presented. All Voting aye. Nays none. Council Members Lawrence and Khan out of the city on city business. Council Member Wiseman absent due to being ill. ORDINANCE 2007-0471 ADOPTED.
44. ORDINANCE appropriating \$4,914,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **PACE SERVICES, L.P.** for Water Line Replacement in the Montrose South Area, WBS S-000035-00E4-4; 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 Members Lawrence and Khan out of the city on city business. Council Member Wiseman absent due to being ill. ORDINANCE 2007-0472 ADOPTED.

**MATTERS HELD** - NUMBERS 45 through 49

48. 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 41 on Agenda of April 4, 2007, POSTPONED BY MOTION #2007-336)** – was presented. All Voting aye. Nays none. Council Members Lawrence and Khan out of the city on city business. Council Member Wiseman absent due to being ill. ORDINANCE 2007-0473 ADOPTED.

Council Member Lovell stated that she would release her tag on Item Numbers 27 and 27a.

27. ORDINANCE approving and authorizing amendments to the 1994 Final Statement of Community Development Objectives and Projected Use of Funds and the 2002, and 2005 Consolidated Plans, including the grant applications for the Community Development Block Grant Program submitted to the United States Department of Housing and Urban Development under Title I of the Housing and Community Development Act of 1974, as amended; making various findings and provisions relating to the subject – was again before Council. All voting aye. Nays none. Council Members Lawrence and Khan out of the city on city business. Council Member Wiseman absent due to being ill. ORDINANCE 2007-0474 ADOPTED.

27a. RECOMMENDATION from Director Building Services Department for approval of Change Order 7 in the amount of \$756,527.00 on contract with **MORGANTI TEXAS, INC** for library services to the community - **DISTRICT F - KHAN** – was again before Council, moved by Council Member Lovell, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Lawrence and Khan out of the city on city business. Council Member Wiseman absent due to being ill. MOTION 2007-0375 ADOPTED.

#### **MATTERS TO BE PRESENTED BY COUNCIL MEMBERS**

Council Member Clutterbuck stated that she attended the University Place annual meeting, a combination of civic clubs that formed the Super Neighborhood in the Rice Village area, that she wanted to thank Tim Lincoln and Rod McCurry from the storm water management project at the City as well as Captain Jones for the South Central Division for taking time out of their home life to attend and to represent the City at the meeting, that it was a good meeting and one of the questions was Metro because they were all concerned about the extension of the Metro line; that she wanted to bring to their attention that they were having Urban Corridor Workshops, it was part of the Urban Corridor planning initiative that was looking at changes to be made to City Ordinances that would affect how they as a City regulate development and design of their streets and infrastructure along the various transportation corridors, that on Saturday the City of Houston would kickoff the Urban Corridor Planning Community meetings and everyone was invited and encouraged to attend, that it would be at the George R. Brown Convention Center at 1001 Avenida De Las Americas from 8:30 a.m. to 12:00 p.m.

Council Member Clutterbuck stated that she wanted to express on behalf of all of the citizens of District D who had read about Metro's latest activities her displeasure with Metro voting to purchase property being held possibly tax free so that a developer could buy 18 months of time to be able to get it's plans in place to develop property, that on one hand it could end up being loss of tax revenue for the taxpayers and on the other hand if the tax assessor collector determined it was no longer a tax free property then their tax dollars were going to end up paying for those taxes and she thought it was extremely disturbing and was the first time Metro had done something like this and was an example of what many constituents had feared that Metro was in the real estate development business after all and Metro needed to know that they were in the transportation business.

Mayor White stated that if the City were to purchase some property for redevelopment purposes that was private in nature that the taxes would be abated, that it was news to him that they would not pay taxes or that it was held for the benefit of somebody who was obligated to purchase from them, that because about 70% of things he heard about Metro, many of which

sound outrageous when he investigates appeared to be untrue, that he would find out what the facts were and would report back.

Council Member Johnson stated that he received a letter last week in regards to a great job that Public Works was able to do in providing services during a storm, that a citizen wrote in about trees being in the middle of the street and Right-of-Way Maintenance came out the same afternoon and was able to remove the debris out of the streets, so he wanted to thank them. Mayor White absent. Mayor Pro Tem Alvarado presiding.

Council Member Johnson stated that Spring Fling was a great event despite the weather, the weather held off long enough to have the Easter egg hunt and he wanted to thank the Northeast YMCA for allowing them to use their facility, that he wanted to thank the radio station 102 and 97.9 even though the weather was bad they still came out and held true to their commitment and to the NBA All Stars, they did not get a chance to play the game, that they still had a great time and he wanted to thank Todd Holloman and Alfred Brantley, they spent an hour setting up the stage and the rain came and they took an hour to break it down and move it into the gym and set it up again, that he wanted to commend them, that they had a lot of great organizations who came out and supported the vendors. Mayor White absent. Mayor Pro Tem Alvarado presiding.

Council Member Johnson that as they talk about building stronger communities and the Houston Hope Community and taking down vacant and abandoned properties one of the things that came to mind was the monies that they had set aside for the abandoned buildings and the teardowns for them he would like to get some information on where the money was coming from because they had done their drive through and windshield surveys and to no avail were they able to get some of the houses torn down that they knew were tax delinquent or abandoned and had many calls to service, that they were looking for an answer as to what was going to be their timeframe, when were they going to start getting those homes on the roll. Mayor White absent. Mayor Pro Tem Alvarado presiding.

Council Member Johnson stated that there was a home in Pleasantville, on the corner of Candy and Laurentide that in his opinion was in imminent danger from all the traffic and trucks that were coming through, the house on several occasions had probably come within five feet of large eighteen wheelers striking the home, that they as a City needed to do something to protect them, to build some valances that were a deterrent to trucks, that last week one of the trucks made a u turn in the yard of that particular home and tore out a stop sign, a water main and a fire hydrant so they were going out and having to repair it, that it was not the first time they had to repair the fire hydrant, that he would like for someone to give him a response on it. Mayor White and Council Member Clutterbuck absent. Acting Mayor Pro Tem Berry presiding.

Council Member Lovell stated that she thought it was good news that Houston Hope was up and running and that neighborhoods were being revitalized, and congratulations to Broad Acres who was becoming a historic district, that she wanted to thank everyone who worked with them on passing the Historic Preservation Ordinance and to all the stakeholders who sat down at the table and they had a very measured tone and constructive conversations on how they moved forward again in Historic Preservation, that she wanted to thank the people who served on the committees. Mayor White and Council Member Johnson and Clutterbuck absent. Acting Mayor Pro Tem Berry presiding.

Council Member Lovell stated that she wanted to discuss the insurance that they had through the City, Blue Cross Blue Shield, that this week one of her children needed to go for treatment and after three recommendations from three doctors that the treatment was needed Blue Cross Blue Shied decided that he did not need it, that it put her and her family in a very

stressful situation, that she wanted to thank the people who stepped forward and allowed the treatment to happen, if not it would have been very dire consequences for one of her children, that she was not happy at all about it happening and was sure that there were many people out there who had requested treatment from Blue Cross Blue Shield and had been denied, so she wanted it known that she thought it needed to be looked into. Mayor White and Council Member Johnson and Alvarado absent. Acting Mayor Pro Tem Berry presiding.

Council Member Edwards stated that at 2:00 p.m. in the Council Chamber there would be a special called Flooding and Drainage Committee Meeting where Council Member Brown would be presenting some suggestions and opinions regarding draining issues in the City of Houston so she encouraged people to come. Mayor White and Council Member Johnson and Alvarado absent. Acting Mayor Pro Tem Berry presiding.

Council Member Edwards stated that there would be a community meeting on the ordinance that was going to be dealing with concrete crushing, that she thought it was important for the community to be involved in the development of the ordinance, that it would be on Saturday, April 14, 2007 from 1:30 p.m. to 3:00 p.m. at the Sunnyside Multi Service Center. Mayor White and Council Member Johnson and Alvarado absent. Acting Mayor Pro Tem Berry presiding.

Council Member Edwards stated that she wanted to know the status of the DNA Crime Lab report was and where they were, had there been a conclusion and what were the recommendations. Mayor White and Council Member Johnson and Garcia absent. Acting Mayor Pro Tem Berry presiding.

Council Member Edwards stated that she would suggest that there be an analysis of their workforce in the Police and Fire Departments, that she would like to see why they were continuing to have so much overtime in those areas, that her concern was not that the departments existed but to look that they should be managed a little bit more efficiently or was the only answer just throwing more money and people and not looking at what kind of product they were getting, that she would like to have somebody tell her what they needed to do regarding that. Council Member Johnson absent.

Council Member Edwards stated that one of the outcry's from the community regarding when new maps were put out in the flooding and drainage was that there were a lot of issues, people felt that it was a real estate grab, that they told the community that they were going to set up a special Flooding and Drainage Committee meeting that would deal with how the maps were drawn and who had the authority to draw the maps and what the process was if they wanted to appeal the mapping process, that the other issue was compensation, they had people willing to come out and talk about the mapping, technically and policy wise, but they had not been able to find anybody who could come and talk about the compensation so she would ask the administration if they would allow someone like Mr. Hall to give an official position as to what the status was of the compensation, that they were going to try to have that meeting before the end of April and it would contend strictly with the mapping process. Council Member Johnson absent.

Council Member Edwards stated that Council Member Clutterbuck concern about Metro she would think that it would be proactive of the City Council to at least have board members who had been appointed to places like the Port Authority or Metro to at least give quarterly reports to the City Council as to what was going on and have the opportunity to have discussion, that it would be helpful to her and her office staff if they could have inside information from the people that they had appointed to those boards to be their emissaries and

their voice on those boards to come back and tell the Council what they were saying, that it was just an idea that she would like the Council to consider.

Mayor White stated that he took notes about what Council Member Edwards was saying and he agreed with her.

49. 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 42 on Agenda of April 4, 2007, POSTPONED BY MOTION #2007-334)** – was again before the Council.

Council Member Alvarado stated that she had a chance to visit with Council Member Garcia and did feel a little bit better about Item No. 49 but wanted to stress the point that they needed to come up with a little more creative ways of recruiting, that she wanted to make sure they were not duplicating efforts and also wanted to see what the success or results had been from the City doing business with them strictly in newspapers and magazines so if someone from HR could get that to her she would certainly appreciate it.

Council Member Lovell stated that she would support the item but did want to see a report and her concern was that there was not that much creativity to go after in this tough market, that she would like to see them at the high schools, that she wanted to see some cutting edge, creative ways of convincing people.

Mayor White stated that one thing that he and Chief Hurtt and the staff had done was to try to also internalize within the Police Department some of the expertise plans on recruiting and they greatly bolstered their efforts that were not covered by this contract and they ought to have a report on those at the same time so they could access and give feedback on what the upgraded recruitment had been over the past nine months.

Council Member Garcia stated that he wanted to thank Council Member Alvarado for raising the issue, the awareness on this item, and Council Member Lovell was right on point they needed to be cutting edge on it, that he had asked Patriot and Chief Munden was to establish a performance measure to see if they could measure effectively the boots that they were putting in the seats at the academy through this contract, that all the comments that had been made were right on point, that he had asked them to also work with him on the idea of a career path from HISD into their academy. Council Member Berry absent.

After further discussion a vote was called on Item No. 49. Council Members Edward and Holm voting no, balance voting aye. Council Members Lawrence and Khan out of the city on city business. Council Member Wiseman absent due to being ill. ORDINANCE 2007-0475 ADOPTED AS AMENDED.

Council Member Garcia stated that HPD would be holding their Leukemia Fund Raiser on Friday at 6:00 p.m. and he would encourage everyone to support this noble cause; that on Saturday morning would be the Second Ward Neighborhood Cleanup and he would encourage all of the neighbors to participate, that next Tuesday would be the Downtown Ben and Jerry's Ice Cream Day, that it was tied to the Work Source and was an economic development but an employment model to use for young people to learn how to work and how to apply for jobs and things of that nature, that it was a fantastic program. Council Members Clutterbuck, Lovell, Green and Berry absent. (No Quorum Present)

Council Member Garcia stated that as much information as had been released and much more information to be released about the tragic fire on the 610 Loop, there was much to be

said about the training that Houston Firefighters go through, that Captain Abbt could have been an unfortunate statistic and it would have reminded them about the tough job that the firefighters had, but he was doing well, that he wanted to take a moment of personal privilege to appreciate all of the firefighters. Council Members Clutterbuck, Alvarado, Lovell, Green and Berry absent. (No Quorum Present)

Council Member Garcia stated that a little bit like Council Member Lovell just recently his daughter had to go to the doctor and have some foot surgery that had previously been done and covered by Blue Cross, that they were told that the same procedure that she had and was covered was not eligible for coverage this time around; that Captain Jahnke, who had skin cancer, his wife has had to do the work of Blue Cross in case managing their situation, that he was very disturbed by that, that she had to research the internet and read the fine print and all the while come to find out there was supposed to be a case manager working with her through their particular case, that he knew they went through a vigorous last time they came to renew Blue Crosses contract but examples like these were working to invigorate him to work harder against them as they would discuss their contract for renewal, unless they got their act together or if they figured out a way to hold their feet to the fire, that he would like to ask as Mayor White was looking at innovative issues and approaches with Pay to Play and other healthcare related situations, that he would ask that they figure out how it was that they could better manage the contract or whether Blue Cross continued to be the best dog in the hunt. Council Members Clutterbuck, Lovell and Green absent.

Mayor White stated that to be friendly, responsive and cordial was the obligation of those doing customer service, that there were some things that may or may not be covered and it ought to be clear, and if they wanted to decide that they expand the coverage's that they do so with a cost number on the City Council because nothing was free. Council Members Clutterbuck, Lovell and Green absent.

Council Member Johnson stated that he would like to sit with Mayor White and the team that he had so they could discuss the Houston Hope Project process because he was still unclear what their process was and how they were able to do that, and Mayor White stated that they would get a briefing and it would start with Neighborhood Protection because they would be able to go through details. Council Members Clutterbuck, Garcia, Lovell and Green absent. (No Quorum Present)

Council Member Holm stated that yesterday she had the opportunity to be in Austin on some signage issues and some bills that Representative Murphy was carrying for them and members of the Legal Department were up there working, and all of their delegation had been incredible in working with them on a shared constituency, that the good news was that there was a lot of opportunity, that for whatever reason some of the perception was that other entities may sometimes be speaking on the City's behalf and she thought it was very important that they as a body take charge of their own destiny and be very clear that the City of Houston speaks for the City of Houston and no one else. Council Members Johnson, Clutterbuck, Garcia, Lovell and Green absent. (No Quorum Present)

Council Member Holm stated that while she was in Austin waiting to testify she had an opportunity to talk to Tom Jason, who was with the Governmental Affairs of Metro and as they knew that for many years she literally fell on the sword for Metro and believed in good transportation and where they needed to go and the issues before them but she had been concerned as some of her colleagues with the lack of accountability, communication, feedback and input from that, that she had shared with him that she had a stack of questions that she had submitted to Metro and in response she had a couple of sheets of paper, that she had sent some questions in December 2006 and Mr. Jason went home and by 9:00 p.m. had answered

all of those questions and she wanted to commend him. Council Members Johnson, Clutterbuck, Garcia, Lovell and Green absent. (No Quorum Present)

Council Member Holm stated with all the discussions that were going on with the Center serving persons with mental retardation she knew that while Mayor White was a very good businessman he did not make decisions just based on monetary facts, that this was such a vital issue to their City and to the people there and she was confused as to what the City's position was and would like to hear from the Mayor where they were and what their intent was and what their goal was. Council Members Johnson, Edwards, Clutterbuck, Garcia, Alvarado, Lovell and Green absent. (No Quorum Present)

Council Member Berry stated that he knew that a number of his colleagues were concerned with the issue of the Center for Mental Retardation, that the City was not run like a business they were a political entity, that he thought they had to be very careful that they were both passionate and fair. Council Members Johnson, Clutterbuck, Garcia, Alvarado and Green absent. (No Quorum Present)

Council Member Berry stated that he wanted to congratulate the Houston AAU Team who went to Las Vegas and won a national championship. Council Members Johnson, Clutterbuck, Garcia, Alvarado and Green absent. (No Quorum Present)

Council Member Berry stated that he wanted to thank a number of F&A employees who did a good job, Mr. John Silva and Ms. Bernita Jones, that they had been working to implement the SAP conversion, it was very difficult, that this Friday would be the first paycheck after the SAP conversion, that they appreciate the work of the F&A employees under Ms. Judy Johnson's direction in getting the conversion done and to Katy Dorfman for spending a lot of her time to make it happen. Council Members Johnson, Clutterbuck, Garcia, Alvarado and Green absent. (No Quorum Present)

Council Member Brown that as to Project Houston Hope he thought they all saw a growing excitement and optimism about the prospects for their great City. Council Members Johnson, Clutterbuck, Holm, Garcia, Alvarado and Green absent. (No Quorum Present)

Council Member Brown stated that last week a woman was run over by a car on Parker Road where there were no sidewalks and he would like to propose in their next budget a special sidewalk fund, allocated equally perhaps to each Council District for emergency repairs and extensions. Council Members Johnson, Clutterbuck, Holm, Garcia, Alvarado and Green absent. (No Quorum Present)

There being no further business before Council, the City Council adjourned at 12:44 p.m. Council Members Johnson, Clutterbuck, Holm, Garcia, Alvarado and Green absent. (No Quorum Present)

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

MINUTES READ AND APPROVED

/S/Anna Russell

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Anna Russell, City Secretary  
City Secretary