

City Council Chamber, City Hall, Tuesday, April 24, 2007

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, April 24, 2007, Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Ada Edwards, M. J. Khan, P. E., Pam Holm, Adrian Garcia, Carol Alvarado, Peter Brown, Sue Lovell, Ronald C. Green and Michael Berry; Mr. Harlan Heilman, Division Chief, Claims & Subrogation Division, Legal Department; Ms. Claudia Vasquez, Director Citizens Assistance; Mr. Terence H. Fontaine, Deputy Chief of Staff for Operations; and Ms. Marta Crinejo, Assistant Agenda Director, present. Council Member Addie Wiseman absent on personal business.

Note: Council Member At-Large Position 3 vacant.

At 1:58 p.m. Mayor White called the meeting to order and called on Council Member Clutterbuck to begin presentations; and Council Member Clutterbuck invited Mr. Hunter Todd with the WorldFest Houston Film Festival to the podium and stated that Steven Spielberg, George Lucas and many others were all first recognized by the WorldFest Houston Film Festival and that credit went to Mr. Todd and many volunteers and supporters over the last 40 years; that the Mayor and each Council Member were presented a beautiful magazine regarding the Film Festival which promoted cultural publicity to Houston, developed film production in the region and enhanced the rich cultural fabric of this city and for those reasons presented Mr. Todd a Proclamation proclaiming April 24, 2007, as "WorldFest Houston Film Festival Day"; and Mr. Todd stated that in 1968 the first festival began with him founding director and it had been an amazing 40+ years; that their two main functions was they brought 140 films to Houston during their 10 day event with 37 nations were represented this year. Council Members Johnson, Alvarado and Green absent.

Council Member Khan moved the rules be suspended for the purpose of having the balance of the presentations after the prayer, pledge and roll call, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Wiseman absent on personal business. Council Members Johnson Alvarado and Green absent. MOTION 2007-0388 ADOPTED.

At 2:05 p.m. Council Member Khan introduced sixth grade students with St. Francis Catholic School who led all in prayer, and Council Member Khan led all in the pledge. Council Members Johnson Alvarado and Green absent.

At 2:09 p.m. the City Secretary called the roll. Council Member Wiseman absent on personal business. Council Members Johnson Alvarado and Green absent.

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

Mayor White called on Council Member Garcia for his presentation; and Council Member Garcia invited Mr. Andy Kahan and organizations doing work for crime victims to the podium and stated that they did a tremendous job and victims were much better served because of their existence and presented Mr. Kahan, Director of the Mayor's Crime Victim Assistance Office a Proclamation to accept on behalf of all the groups proclaiming the week of April 24, 2007, as "Crime Victim's Week". Council Members Johnson Alvarado and Green absent.

The Mayor and Council Members thanked Mr. Kahan and those organizations present. Council Member Green absent.

Council Member Brown invited Ms. Marie Flickinger to the podium and presented her a Certificate of Recognition for being a citizen leader and gifted journalist and for setting a new standard for environmental responsibility in Houston; and Ms. Flickinger stated that she was very honored, but it took a whole community and her's was a proud community which fought back; and invited Mayor White to their July 4th Parade. Council Members Lovell and Green absent.

Council Member Alvarado stated that on a point of personal privilege she wanted to recognize Ms. Claudia Rojas and Tiffany Travis with the American Heart Association and invited them to come forward and stated that she recognized them as tomorrow was the start of Walking At Work Day in Houston and at 2:41 p.m. workers were encouraged to begin walking as sitting still led to three of the most common killers, cardiovascular disease and stroke; that they were previously presented a Proclamation and thanked them for being present. Council Members Lovell and Green absent.

Council Member Alvarado moved the rules be suspended for the purpose of adding Mr. Elton Childs to the bottom of the three minute agenda speakers list and Mr. Dale Wortham at the top of the three minute Agenda speakers list and to hear Ms. Carolyn Webster at the top of the three minute non-agenda speakers list, seconded by Council Member Khan. All voting aye. Nays none. Council Member Wiseman absent on personal business. Council Members Lovell and Green absent. MOTION 2007-0389 ADOPTED.

Council Member Garcia moved the rules be suspended for the purpose of hearing Mr. Tommy Childress after Ms. Carolyn Webster, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent on personal business. Council Members Lovell and Green absent. MOTION 2007-0390 ADOPTED.

At 2:31 p.m. the City Secretary began calling the public speakers. Council Members Lovell and Green absent.

Mr. Dale Wortham, 2506 Sutherland, Texas 77023 (713-923-9473) appeared and stated that as President of the Harris County AFLCIO, healthcare was an important issue and he commended Council on leveling the playing field and reducing the costly health insurance burden for families; that Item 18 was a good start in going a long way and putting healthcare in Houston and Harris County on the front page. Council Members Green and Berry absent.

Council Member Alvarado thanked Mr. Wortham for the work he did and stated that if something was not done all continued to pay in the end; that other cities around the country were taking the initiative and doing this as nothing was being done on the federal or state levels; that legislation was pending to have school districts require contractors to do the same and hopefully all would come around and do the same; that Houston would be the first city in Texas to take the initiative and she appreciated him coming. Council Members Green and Berry absent.

Council Member Lawrence stated that she thought the ordinance should be stronger but this was a good start; and upon questions, Mr. Wortham stated that on most construction projects there were prevailing wages which already had insurance money built into the wages with exemptions for contracts under a certain amount and if he would change anything he would ask the exemption for the \$200,000 not apply to construction projects; and Mayor White stated that if they did not get other local government entities and private employers to joint them it would be an important and symbolic act and provide some level playing field to contactors but they would not have made as much progress as they could; it was not just what they did by ordinance, but those in broad leadership roles needed to be pressing to companies, etc.; and

Council Member Lawrence stated that she also felt each employee needed health insurance. Council Members Lovell, Green and Berry absent.

Council Member Khan stated that he too applauded all Mr. Wortham did and like the Mayor said all needed to do their parts in convincing the private and public sectors to participate; and a good business would always provide good benefits to their workforce to get their maximum productivity; and upon questions, Mr. Wortham stated that as elected officials they understood they needed a certain number for a vote to pass and now with this he felt they could go to the Hospital District and tell his fellow board members and say Houston took the first step and they needed to follow. Council Members Khan, Lovell, Green and Berry absent.

Mr. Jerry Nevlud, 3825 Dacoma, Houston, Texas 77092 (713-843-3700) appeared and stated that he was president and CEO of the Houston Chapter of Associated General Contractors and was present with comments on Pay or Play with the bottom line being the Houston AGC applauded the efforts of Council in addressing problems of the uninsured, however, their biggest concern was the unintended consequences associated with programs such as this and they believed the plan needed to be further vetted, some may forego city work to move projects with less rigorous requirements and they would like to meet with the taskforce and other owners and insurance representatives to develop a workable plan beneficial to all. Council Members Khan, Lovell, Green and Berry absent.

Upon questions by Council Members, Mr. Nevlud stated that there was a leveling of the playing field with the item, but with additional requirements it was the HGAC's contention the city would see less bids and in turn higher pricing; that if he was to change something, it would be to clarify and they would like to sit down and talk about how the program would work, but as long as the playing field was level and they knew what was expected of them they would do it. Council Member Green absent.

Mayor White stated that he supported this and it was a crisis of uninsured with the system and it would be a lot better if actions were broader than the City of Houston and they did a lot of analysis and because of the high percentage of employers who offered insurance to full time employees they did not believe there would be cost escalation and increases as they saw caused by diesel fuel and this was a simple straight forward process. Council Member Green absent.

Mr. Jerry Stevenson, 1155 Dairy Ashford #350, Houston, Texas 77079 (281-584-1676) appeared and stated that he was with HRH Insurance, a large national brokerage firm with 125 offices across the U. S. and represented 100,000 plus public employees and he was present to support the initiative and commended the City's efforts, but felt modifications could improve the draft; that what troubled him was for the source of money here they were using uninsured contract workers and also the delivery system under the pay scenario and they would advocate a layered program of primary care coverage delivered through most doctors, providers and hospitals in the community. Council Members Green and Berry absent.

Council Member Garcia stated that he would urge the Mayor to visit with Mr. Stevenson and his colleagues as they demonstrated through their client Fiesta Mart a very unique model; and Mayor White stated that they would follow-up on that. Council Members Green and Berry absent.

Council Member Alvarado stated that the issue of funding and working adults versus other individuals had not yet been worked out and what he suggested may be something they could adopt and she wanted her colleagues to know they were looking at a multi share program with Harris County. Council Members Green and Berry absent.

Mr. Herbert Rothschild, 849 Garvard #C, Houston, Texas 77007 (713-861-2494) appeared and stated that he was with the Houston Peace and Justice Center and today present speaking for the Coalition of Working People and the Poor; that they did support the ordinance because it added some insured people to coverage, but it was a patchwork system and what they supported was universal healthcare for all citizens and especially all children; that it was a much less costly system and other nations had it, that they did applaud the Mayor and Council for taking the initiative but wanted them to work toward universal healthcare coverage the only thing which would fix the system right. Council Members Green and Berry absent.

Mr. David Foster, 715 W. 23rd R., Austin, Texas 78705 (512-474-0605) appeared and stated that he was the Texas Program Director for Clean Water Action and present to speak on Item 15, treatment of certain wastes, they were a nonprofit organization with 700,000 members and currently Houston had an ordinance for grease traps but no ordinance requiring them to be emptied and this item would close that gap; that the ordinance as drafted was consist with the EPA policy and recommendations and the TCEQ policy and over 30 other cities in Texas which had similar ordinances and Houston was the last major city in Texas without such an ordinance in place; and urged passage of Item 15. Council Member Berry absent.

Council Member Alvarado stated that she was glad he pointed out the model ordinance issue, they did take it from TCEQ and kind of weakened it by adding a waiver which could allow them to go to two times a year, but this was a financial burden on the city when they had to go out and clean the sewers and the city had signed an agreed order with the TCEQ in 2005 and was one of the last cities to place something in ordinance form and she felt this was fair. Council Member Berry absent.

Council Member Lovell stated that this was a serious issue but they were missing a bunch of offenders they never discussed, people with mobile units, and it was not fair they could act like a restaurant but not be regulated as one; and Mr. Foster stated that was a good point but most restaurants which had traps did not clean them regularly and they should get to the others but that should not stop them from doing what needed to be done now; and Mayor White stated that on her point he agreed with her issue, if someone was a food processing and delivery establishment there should be rules and on this issue there should be a level playing field with mobile food vendors treated just like restaurants; and Council Member Lovell stated that a year ago she raised the same issue and not one thing had been done. Council Member Berry absent.

Council Member Alvarado stated that she agreed with Council Member Lovell and tomorrow would welcome a tag; that grease was grease no matter where it came from and it was fair to include them and they were already with the Health Department to see how they could enforce it with mobile vendors. Council Members Garcia and Berry absent.

Mayor White stated that he wanted to make sure in the budget deliberations there was appropriate allocations for the dedicated inspectors in the Health Department. Council Members Garcia and Berry absent.

Council Member Lawrence stated that two years ago the city said to the state they would make a commitment and this was a baby step but it was sound. Council Members Khan, Garcia and Berry absent.

Upon questions by Council Member Edwards, Mayor White stated that there was discussion in detail with Council Member Alvarado present and they looked at statistics, but he would call on Council Member Alvarado on the issue of apartments; and Council Member

Alvarado stated that Mr. Jeff Taylor did a lot of research and found no other city addressed the issue as it related to apartments, the technology was not there, but they had worked with about 15,000 apartment units and given them grease containers. Council Member Khan absent.

Council Member Brown stated that they needed to change the environmental mindset of those they served and sensitize them to things they could do to be more responsible and he would like the city to promote this as an environmentally friendly recycling program. Council Member Khan absent.

Ms. Mary Wimbish, 2044 Bissonnet, Houston, Texas 77005 (713-520-8113) appeared and stated that she was Chief Executive Officer of Downstream Environmental and they owned and operated a grease trap and grit trap waste disposal facility and was the only company in the U. S. which had conducted a full fledged research and development program and invented and put into commercial operation technology which took grit trap waste and removed the pollutants and returned clean water to the sewer system; that she believed Council was confused on what grease trap waste was, all grease which came out of a cooking pot was not grease trap waste, that was rendering grease and sold to a market which cleaned it, resold it and placed it in animal feed, etc., but what grease traps retained was pure garbage, it had no value in the market place and restaurants did not put cooking grease down the drain; that this ordinance was simple and addressed those who owned a grease trap, restaurants, in Houston 60% of the restaurant owners had no maintenance and the voluntary system did not work; that the garbage went through the sewer system, apartments did not have them in their infrastructure and it was a whole separate issue which could never be addressed in this ordinance as it was two separate waste streams. Council Members Clutterbuck, Khan and Lovell absent.

Upon questions by Council Member Garcia, Mayor White stated that first they tried to comply with the law and have a cost basis for the fee and he wants to be sure there were good inspections and enough inspectors; and Council Member Garcia stated that stealing grease was a huge issue and they used those recycling centers the same as the scrap metal thieves used the recycling centers for stolen wiring and he would like their approach treated the in much the same way. Council Members Clutterbuck, Lovell and Green absent.

Upon questions by Council Member Edwards, Council Member Alvarado stated that the intent in the beginning was to address the grease trap issue and it comes from restaurants and residential, but they had to follow an agreed order signed with the TCEQ, they took the TCEQ's model ordinance and weakened it and created a waiver for two times a year for restaurants and they had to do this by law and if not would continue to be fined by the TCEQ and they could go back later on other issues; and Mayor White stated that he questioned the water/sewer professionals and their opinion was this was the single most effective thing they could do in terms of cost effectiveness. Council Members Clutterbuck, Lovell and Green absent.

Upon questions by Mayor White, Ms. Wimbish stated that the cooking pot grease which was what mobile vendors poured down the drain did have a market value and was sold and typically a restaurant took their cooking trap grease in a bucket with a lid and set it behind the restaurant and a different industry, the rendering industry, came and picked it up, took it to their plant, cleaned it and resold it and because it had a price she was not aware of it being disposed of illegally by any industry, mobile or in place restaurants, most restaurants sold it and this ordinance only dealt with people which had a grease trap and that was a permanent establishment with a sewer line because the grease trap was under the sewer line and basically the ordinance said if you had a grease trap you had to clean it four times a year which was the way to manage a grease trap, but the problem now was 60% of restaurants did no cleaning and as solids built up it had a cannonball effect and when overflowed created terrible problems; that

El Paso had a 75% reduction in clogged blockages and she could not even imagine how much money the city spent cleaning those lines; that Public Works was pushing this and Council needed to get behind them and pass Item 15; that this was only for grease traps and had nothing to do with mobile. Council Members Clutterbuck and Lovell absent.

Mr. Dan Noyes, 2044 Bissonnet, Houston, Texas 77005 (713-520-8113) appeared and stated that he was president of Downstream Environmental and he developed water treatment processes for pollution problems; that the city's infrastructure was in trouble and they were fined and one gallon of grease trap pollution equaled 500 gallons of sewage and blockages were unhealthy and when it got in the pipes it cause acid which destroyed the piping and that was a whole other problem; that the only way to handle it was to clean it on a regular basis and it was endorsed by the national restaurant associations; and highly endorsed the ordinance and urged its passage. Council Members Clutterbuck, Garcia, Lovell and Berry absent.

Mr. Elton Childs, who was previously added to the speakers list, appeared and stated that he hauled grease trap waste and the stink was unbearable because they neglect to maintain them properly and if one got his cleaned and one did not then he caused problems for the other and he even went in a restaurant because he saw the waste running across the parking lot and they just said the manager would be in Monday and that was three days later; that this was a health issue and urged its passage. Council Members Lawrence, Garcia, Lovell and Berry absent.

Upon questions by Council Member Edwards, Mr. Childs stated that out of the restaurants he served about 30% followed the rules and got cleaned out but 70% did not; and inspectors did a great job but if they could go in and see the paperwork where it was cleaned then they could move on to the next and not spend so much time; that places where the ordinance was already adopted their time was minimized because they did not need to do testing on the traps. Council Members Lawrence, Garcia, Lovell and Berry absent.

Ms. Joyce Searcy, 2127 Maximilian, Houston, Texas 77039 (281-216-0517) appeared and stated that she was present to speak because the Houston Airport System was requiring taxicab drivers be badged and to get it they had to sign a paper; that the badges were only for employees and people who went into certain areas and was for security, but cab drivers were not allowed to even go where John Doe could go and there was no need for the badge, they entered no area where the badge was required and though it said they had a choice whether they wanted the badge she heard if they did not get it they would not be able to post at the airport and would not be able to work the airport; that Blanton Daniels called her asking why she was opposed and she asked if they would be able to go inside the terminal to use the restroom, get a news paper, etc., and his answer was no so they were asking for an intervention on the badges, they did not apply to them. Council Members Lawrence and Berry absent.

Upon questions by Council Member Johnson, Ms. Searcy stated that the problem with the badge was they were required to sign papers which took away their rights, they were asked to sign away their right to privacy in order to get the badge, they were allowed to contact past and future employers, etc., and it was also up to the drivers to come up with the rules and she could not even get them; that right now to pick up at the airport you had to have a cab license and to get that you had to pass background checks, even FBI background checks. Council Members Lawrence, Holm, Alvarado, Brown and Berry absent.

Council Member Edwards stated that she would like to see her paper and know what privacy she was giving up. Council Members Lawrence, Holm, Alvarado, Brown and Berry absent.

Ms. Jessica Hulseley, 4809 Bradty, Houston, Texas 77011 (713-928-9936) appeared and stated that she wanted to thank the Mayor for coming and visiting with them in the Second Ward Area, him coming validated their efforts in cleaning their neighborhood; that city departments were wonderful and they were very appreciative for all who helped in their cleanup; and HPD was very supportive and the Southeast Chief John Trevino was very supportive and South Central Captain J. Jones was wonderful, she took him issues and he moved on it; and she looked forward to their continued support. Council Members Lawrence, Khan, Holm, Alvarado, Brown and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that on a related topic she was the one who got them moving on closing down some cantinas and after hour clubs and he thought they would get through the State House of Representatives a Bill which would impose a time, after the expiration of alcohol, that they would have to shut down, but the fate of the Bill depended on people and it was time now for citizens to make their desires known. Council Members Lawrence, Edwards, Holm, Alvarado, Brown and Berry absent. (NO QUORUM PRESENT)

Council Member Garcia stated that he thanked Ms. Hulseley for all she did and stated that it was an honor to work alongside her and Mr. Mesa. Council Members Lawrence, Holm, Alvarado, Brown and Berry absent.

Ms. Carolyn Webster, 6823 Reed Road, Houston, Texas 77087 (832-563-6155) appeared and stated that she was tired of her neighborhood; that the cantina on Westover was closed down, but they did nothing, they were still there and the neighborhood was worse now than before and a place burned up and it was still there; that she thanked God for HPD on Mykawa, she could not get home for 30 minutes Sunday and the Mayor and Council need to go out and see. Council Members Lawrence, Holm, Alvarado, Brown and Berry absent.

Council Member Alvarado stated that her neighborhood bordered her district and they had a captain and inspector going to their civic club meetings and they were tracking and following what was happening and they were on it. Council Members Lawrence, Holm, Alvarado, Brown and Berry absent.

Upon questions by Council Member Edwards, Ms. Webster stated that the problems were trash, crime, disrespect of the community in general; that the addresses were 6845 Westover and the 6700 block of Bellfort and 6814 Bellfort; and Council Member Edwards stated hopefully they could get the area defined as a hot spot and get it cleaned up; and she asked HPD to have a meeting with them regarding the traffic and disrespectful way things were Sunday which she understood to be in conjunction with the Galveston beach parties. Council Members Lawrence, Khan Holm, Alvarado, Brown and Berry absent. (NO QUORUM PRESENT)

Mr. Tommy Childress, no address (281-447-2478) appeared, presented his petition to Ms. Vasquez and stated that he had 374 signatures on his petition to save his home for the retarded. Council Members Lawrence, Holm, Alvarado, Brown and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that they had made progress and he appreciated him coming with his concern. Council Members Lawrence, Khan, Holm, Alvarado, Brown and Berry absent. (NO QUORUM PRESENT)

Council Member Garcia thanked Mr. Childress for coming and expressing his concern and the concern of all those at the Center as all there were proud of his work; and he was excited to hear the announcement last week and thanked the Mayor for his work and helping cross the

threshold. Council Members Lawrence, Khan, Holm, Alvarado, Brown and Berry absent. (NO QUORUM PRESENT)

Ms. Billie Jones, 3261 Simmons, Houston, Texas 77004 (713-659-6945) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Khan, Holm, Alvarado, Brown and Berry absent. (NO QUORUM PRESENT)

Mr. Travis McGee, 4800 Peterson, Houston, Texas 77033 (832-488-7709) appeared and stated that in August 2006 their town hall meeting had over 100 residents and city officials attend and now nine months later all that was done was a bunch of pictures were taken and some grading of ditches, but in some cases it made matters worse as the grade was incorrect; that a week ago he met with officials because they were told work was completed but it was not; that in case of hurricane the city had too much focus on evacuation plan and not enough on the preparation plan, the Sims Bayou project was scheduled for completion in 2009 but what good if the water did not reach the \$340 million bayou project and instead remained in the neighborhoods; that August 2001 to present the Sunnyside neighborhoods had well over 20,000 311 service request calls about the same drainage issues; that they had the oldest African American community in southeast Houston and were 30 plus years behind in capital improvements and they were told to do a cleanup but had and they were told to call 311 but had and they filed CIPs for the last 20 years and drainage should be a number one priority; and Neighborhood to Standards was a good program which should not have ended. Council Members Lawrence, Khan, Holm, Brown and Berry absent.

Council Member Edwards stated that she had the information he asked for on the storm drainage work in his area and according to records they had done \$2 million in work and had another \$2 and a half million in progress; that she asked his group to call and stay in contact but if he wished not to all Council Members were available to him; that his CIP was submitted and she was disappointed they had not given him the service he thought was required but they did the best they could and would make sure whoever he worked with had the information he had; and Mr. McGee stated that Public Works told him only \$70,000 was spent in Sunnyside Gardens and that was not much money. Council Members Lawrence, Khan, Holm, Garcia, Brown and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that he heard Council Member Edwards and he was in Sunnyside when it was dry and when it was wet and met with Mr. Fontaine because they reviewed the 311 calls every two weeks and reviewed the progress of Sunnyside drainage with Public Works and specific drainage projects in the CIP were moved up in his area, but open ditch drainage was a tough issue and he needed people to stand by him when they started digging up people's yards. Council Members Lawrence, Khan, Holm, Garcia, Brown and Berry absent. (NO QUORUM PRESENT)

Ms. Dorothy Dawson, 5859 Hirondele, Houston, Texas 77033 (713-733-8734) appeared and stated that their area needed no cleanup, it needed total reconstruction; that in 1949 the area was built for Blacks, first time homeowners, and there were big ditches and no sidewalks and when it rained the streets flooded and the only thing done for their cleanups was the ditches were dug deeper; that they were a little forgotten community in the middle of this big city. Council Members Lawrence, Khan, Holm, Garcia, Brown and Berry absent. (NO QUORUM PRESENT)

Council Member Brown stated that he understood why they were present and he spoke before on drainage issues in Sunnyside and they needed a long range strategy with major capital improvements and an interim strategy for the transitional stage; and he would be willing to get with engineers and do a walk and come up with ideas for a transitional stage; and Mayor

White stated that he did not know there was an impediment to that but if there was anything preventing him as a Council Member from going to Sunnyside he would remove that barrier; that if the wrong size culverts were being put in they would be right there; and Council Member Brown stated that they did not have flow lines at intersections and did not have the technical data to know where to put them; and Mayor White stated that they had demolished over 100 dangerous buildings, foreclosed on 110 lots and 150 lots were bought by individual investors in the CDC and his next target was the hourly motels; that many neighborhoods had open ditch and wanted curb and gutter but if the gutters were blocked there was no flow and if there was something they could do to make the open ditch work better throughout the city they would try and improve it and they were willing to listen to ideas, but needed specifics. Council Members Lawrence, Clutterbuck, Khan, Holm, Garcia, Brown, Lovell and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Ms. Dawson stated that she was talking about Sunnyside Gardens and would like the ditches closed with gutters. Council Members Lawrence, Clutterbuck, Khan, Holm, Garcia, Brown and Berry absent. (NO QUORUM PRESENT)

Ms. Sandra Massie-Hines, 4425 Alvin, Houston, Texas 77051 (713-731-9806) appeared and stated that their neighborhoods were overrun with blight and progress, many elderly homes were in need of major repairs and new homes were overshadowing the humble needs of their community; that city repairs left drainage blocked and there were high weeds and civic leaders gathered today and their petition was for city offices to support them and give them results and not insults. Council Members Lawrence, Khan, Holm, Garcia, Brown and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that he heard what she said and they were on the drainage issue and it was a lot of neighborhoods in that situation and if people had specifics they would listen, but there was a standard form and they had bought the abandoned, weeded lots in most cases and they would be much protected if they went property by property asking for people to put deed restrictions on their lots and he would be there with them: and Ms. Hines stated that they were discussing petitioning for deed restrictions and appreciated his assistance. Council Members Lawrence, Khan, Holm, Garcia, Brown and Berry absent. (NO QUORUM PRESENT)

Ms. Beth Fairweather, 723 Main #505, Houston, Texas 77002 (713-749-3572) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Khan, Holm, Garcia, Brown and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she felt compelled to say that District D had a staff which worked 12 to 14 hours a day and she was proud of them as they were very committed. Council Members Lawrence, Khan, Holm, Garcia, Brown and Berry absent. (NO QUORUM PRESENT)

Mr. Trent Winters, 7967 W. Airport, Houston, Texas 77071 (832-882-7761) appeared, presented information and stated that his subject again was immigration and he had no problem with people coming and did not hate Hispanics but if they read his information 1.2 million people came over illegally with most from Mexico and whatever was done should be fair and if that many came illegally from Mexico then that many should be able to come illegally from Africa; that catch and release should be done away with and when INS caught children they were put with grownups who had criminal offenses and that was not done here and it was wrong to do there; that this was not racial but right and wrong. Council Members Lawrence, Khan, Holm, Garcia, Alvarado, Brown and Berry absent. (NO QUORUM PRESENT)

Mr. Matt Glaser, 2306 Jackson, Houston, Texas 77004 (206-992-1280) appeared and stated that he purchased a townhome at Hadley and Jackson and was being denied city garbage pickup; that it involved 9 other units and the premises of the argument for no pickup was they were behind a gate with property not directly on the street, however, Chapter 39 did not have anything which stopped him from having pickup, no mention of being excluded because of being behind a gate and he would like clarification on the official policy; and his neighbors did receive the services. Council Members Lawrence, Khan, Holm, Garcia, Alvarado, Brown and Berry absent. (NO QUORUM PRESENT)

Council Member Green stated that he would like to follow-up with him; that he used to be his neighbor and had private pickup on Jackson, but the taskforce was working on recommendations and he would follow-up with him and let him know how those recommendations would affect him; that all were aware of his plight and if he was to receive pickup they wanted him to have it and if not wanted him to know why. Council Members Lawrence, Khan, Holm, Garcia, Alvarado, Brown, Lovell and Berry absent. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that this was an important issue and they were eager to get this passed; that last week they heard recommendations from the taskforce and it was the intent of the Administration to bring it to Council in a rapid fashion because Solid Waste wanted to start picking up at those places which qualified and in going forward with properties which did not meet the test to receive city pickup it would be recorded with their deed and notice given so if someone moved in they would be on notice and hopefully this would happen in the next several weeks. Council Members Lawrence, Johnson, Khan, Holm, Garcia, Alvarado, Brown, Lovell and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that this was confusing and he knew he needed help; that a representative of Legal was taking notes about his particular situation and there were executive order instructions to Mr. Buchanan concerning operating procedures for the meantime, and then there were recommendations of the taskforce and they did want to move on them. Council Members Lawrence, Johnson, Khan, Holm, Garcia, Alvarado, Brown, Lovell and Berry absent. (NO QUORUM PRESENT)

Mr. Cedric Jefferson, 6126 Presidio, Houston, Texas (281-835-3378) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Johnson, Khan, Holm, Garcia, Alvarado, Brown, Lovell and Berry absent. (NO QUORUM PRESENT)

Mr. Clifford Harris, 2505 Fannin, Houston, Texas 77002 (832-887-5536) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Johnson, Khan, Holm, Garcia, Alvarado, Brown, Lovell and Berry absent. (NO QUORUM PRESENT)

Mr. Tommie Breedlove, 322 Booker, Houston, Texas 77373 (832-326-5591) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Johnson, Khan, Holm, Garcia, Alvarado, Brown, Lovell and Berry absent. (NO QUORUM PRESENT)

Ms. Cherry Breakenridge, 13875 Ella Blvd. #411, Houston, Texas 77014 (281-570-7200) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Johnson, Khan, Holm, Garcia, Alvarado, Brown, Lovell and Berry absent. (NO QUORUM PRESENT)

Mr. Bissong Bissong, 8002 Bellaire Blvd. #1146, Houston, Texas 77036 (713-988-6567) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Johnson, Khan, Holm, Garcia, Alvarado, Brown, Lovell and Berry absent. (NO QUORUM PRESENT)

Mr. Adane Alemu, 16402 Hidden Gate Circle, Sugarland, Texas 77478 (281-961-1222) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Johnson, Khan, Holm, Garcia, Alvarado, Brown, Lovell and Berry absent. (NO QUORUM PRESENT)

Mr. James W. Garrett, 12114 Sandrock Drive, Houston, Texas 77048 (713-991-4615) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Johnson, Khan, Holm, Garcia, Alvarado, Brown, Lovell and Berry absent. (NO QUORUM PRESENT)

Ms. Evette Martinez, 8501 Broadway, Houston, Texas 77061 (713-664-7581) appeared, presented information to Ms. Vasquez and stated that she was representing Crescent City Apartments; that crime activity had increased in their neighborhood and they had enough with break-ins, vandalism, etc., that they had 6 HPD officers patrolling the property working about 144 hours monthly and their budget was now increased to support 336 hours, but they wanted the City to help with the problems in the 8500 block of Broadway, near Rockhill and Bellfort. Council Members Lawrence, Johnson, Khan, Holm, Garcia, Alvarado, Brown, Lovell and Berry absent. (NO QUORUM PRESENT)

Upon questions by Mayor White, Ms. Martinez stated that 5 to 6 other properties on Broadway were having the same problem; and Mayor White stated that there was a program which would help people upgrade the apartments on Broadway and spent a lot of time on it and he was asking Council Members Green and Edwards and others on Council as he needed guidance and wisdom, but someone did a master plan with conceptual drawings a few years back and neighborhoods were told there should be high end retail and not apartments and now they said they wanted the apartments to go downhill so it could look like North Post Oak, but sometimes people pushed a button with him and he made a decision and thought they had a plan, but they were going to put money into the apartments and now neighborhood groups said no they did not want the apartments upgraded because they were told by people in prior administrations that the city had plans to take them down and put up hotels, etc., that when apartments ran down it created problems and he made the decision to do the wrong thing for the right reason, they were moving on past Broadway, but he wanted to do the right thing for the right reason and they would use the fast team and law enforcement resources; and asked Ms. Vasquez to follow-up. Council Members Lawrence, Johnson, Khan, Holm, Garcia, Alvarado, Brown, Lovell and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that Ms. Kathy Elec had some resolution regarding the Airport issue brought up earlier and would like to hear from her; and Ms. Elec stated that after the speaker on taxicab concerns they met in the back room with Mr. Mark Mancuso, Deputy Director of Security conferenced in, and aired out some of the taxi drivers concerns; that there would be a meeting tomorrow at 10:00 a.m. at the Administration Building for taxi drivers with concerns to meet with Mr. Mancuso and Mr. Tom Bartlett, Deputy Director of Operations and hopefully they could continue to address both security concerns as well as operational concerns the drivers had. Council Members Lawrence, Johnson, Khan, Holm, Garcia, Alvarado, Brown, Lovell and Berry absent. (NO QUORUM PRESENT)

Ms. Maria Reyna, 112 Weisenberger, Houston, Texas 77022 (832-466-7057) appeared and stated that she was present on behalf of the Coalitions in their community regarding

immigrant rights; that Saturday they were holding a march starting at Harrisburg near Mason Park and they were seeking Council's support for immigration reform, they were trying to put a stop to raids and deportation, it was not a matter of an immigrant's right, but human rights. Council Members Lawrence, Johnson, Khan, Holm, Garcia, Alvarado, Brown, Lovell and Berry absent. (NO QUORUM PRESENT)

Ms. Laura Boston, 6501 Almeda, Houston, Texas 77021 (610-742-7245) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Johnson, Khan, Holm, Garcia, Alvarado, Brown, Lovell and Berry absent. (NO QUORUM PRESENT)

Ms. Claudia Jaime, 409 Melbourne, Houston, Texas 77022 (832-466-7057) appeared and stated that she was also a part of the coalition and they were present today as they were doing a lot of the leg work for their event and as Council Members she asked they support the event and attend; that Council Members Garcia and Alvarado had been present in the past on supporting events and she was asking other Council Members to attend also; that as Ms. Reyna said it was human rights. Council Members Lawrence, Johnson, Khan, Holm, Garcia, Alvarado, Brown, Lovell and Berry absent. (NO QUORUM PRESENT)

Mr. Clifford Elmke, 34 Rillwood Place, the Woodlands, Texas 77382 (832-203-1626 x-109) appeared, presented information and stated that he was present representing veterans as he was a part of U. S. Vets; that they were inviting the Mayor back Memorial Day for their event and inviting all Council Members to come if they would like; that they were having a problem with many soldiers coming in and tight funds, they were so tight they could not feed the vets correctly and that was why he came; that they needed to raise about \$2 million and he and the director talked about getting help, today their breakfast was a biscuit and pancake and no butter or anything else; that these were not wounded soldiers but soldiers suffering from depression and they tried working with them to get them back into society; that they were federally funded but most funding came from grants and individual people, it was now at a crisis and he was out asking for help and if the Mayor and Council could help in any way they would appreciate it. Council Members Lawrence, Johnson, Khan, Holm, Garcia, Alvarado, Brown, Lovell and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that they were working with disabled vets to put together a group of 110 or so governmental faith based veteran organizations and they were among them to do something at the George R. Brown, they were preparing an Agenda, he wanted Houston to be the best in helping the soldiers who came back; and upon questions, Mr. Elmke stated that U. S. Vets was a non profit entity and they had no for profit affiliation. Council Members Lawrence, Johnson, Khan, Holm, Garcia, Alvarado, Brown, Lovell and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she congratulated the work U. S. Vets did not only in Texas but in other places; that one issue of homelessness in the City of Houston was a large percentage was veterans and U. S. Vets had one of the most highly respected success rates; that one issue was the FED's had cut so many veteran benefits and many young men and women were here in Houston and their parents could not get them out of their rooms; that she did not know how they could allow young people to be treated in the manner where when they come home they were a burden and she did not know how the city could assist, but they were a group to be proud of. Council Members Lawrence, Johnson, Khan, Holm, Garcia, Alvarado, Brown, Lovell and Berry absent. (NO QUORUM PRESENT)

Ms. Katherine Shorter, 5955 Ridgewaty, Houston, Texas 77033 (713-734-3863) appeared and stated that she represented the South Park Area Civic Club and was concerned about

flooding also from Bellfort to Wayside, from the 5700 block to the 6300 block of Wayside was where it flooded and on Bellfort; that they were working on it, but the problem came when they redid Sims Bayou, it caused more flooding than usual. Council Members Lawrence, Johnson, Khan, Holm, Garcia, Alvarado, Brown, Lovell and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that when he looked at the flood contours, the reports post flooding and this area was the one, he had gone door to door in Sunnyside asking what they thought should be done and heard a lot about crime, etc., and he was at her neighbor when it flooded and he would ask Council Member Edwards to make a report; that it was hard to get water out of some neighborhoods which were under designed, he was told they would have to rip out the streets and pipes and start all over; and Ms. Shorter stated that she was not saying they did not want ditches, but they would like something; and Mayor White stated that they would and asked Mr. Norman to work with them. Council Members Lawrence, Johnson, Khan, Holm, Garcia, Alvarado, Brown, Lovell and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she would call her and see about having someone from the Flood and Drainage Committee go out and see the area, hopefully next week and they may get indications to where the problems were. Council Members Lawrence, Johnson, Khan, Holm, Garcia, Alvarado, Brown, Lovell and Berry absent. (NO QUORUM PRESENT)

President Joseph Charles, P. O. Box, 524373, Houston, Texas 77052-4373 (832-453-6376) appeared and stated that he was the U. S. President and a national crime victim for many years and they refused him protection; and continued expressing his personal opinions until his time expired. Council Members Lawrence, Johnson, Khan, Holm, Garcia, Alvarado, Brown, Lovell and Berry absent. (NO QUORUM PRESENT)

Mr. Brandt Mannchen, 5431 Carew, Houston, Texas 77096 (713-664-5962) appeared, presented information and stated that he was representing the Houston Sierra Club and hoped Council would not wait on passing the fats, oil and grease ordinance and address other issue later as it was a public health issue; and encouraged them to pass Item 15. Council Members Lawrence, Johnson, Khan, Holm, Garcia, Alvarado, Brown, Lovell and Berry absent. (NO QUORUM PRESENT)

At 5:44 p.m. City Council recessed until 9:00 a.m., Wednesday, April 25, 2007. Council Member Wiseman absent on personal business. Council Members Lawrence, Johnson, Khan, Holm, Garcia, Alvarado, Brown, Lovell and Berry absent. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, April 25, 2007

The Houston City Council reconvened at 9:00 a.m. Wednesday, April 25, 2007, with Mayor Bill White presiding and with Council Members Jarvis Johnson, Anne Clutterbuck, Ada Edwards, Addie Wiseman, M. J. Khan, P. E., Pam Holm, Adrian Garcia, Carol Alvarado, Peter Brown, Sue Lovell, Ronald C. Green and Michael Berry; Mr. Arturo Michel, City Attorney; Ms. Marty Stein, Agenda Director and Ms. Marta Crinejo, Assistant Agenda Director, present. Council Member Toni Lawrence absent on city business.

Note: Council Member At-Large Position 3 vacant.

At 8:29 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:26 a.m. Mayor White called the meeting to order. Council Member Lawrence absent on city business. Council Members Garcia, Brown and Berry absent.

HEARINGS - 9:00 A.M.

1. Pursuant to Section 370.002 of the Texas Local Government Code, City Council will conduct a public hearing regarding the Juvenile Curfew Ordinance (Ch. 28, Art. V, City of Houston Code of Ordinances) to determine whether the Curfew Ordinance should be continued. Copies of the Curfew Ordinance and data provided by the Houston Police Department are available for inspection in the Office of the City Secretary. To reserve time to appear and testify call the Office of the City Secretary (713) 247-1840 prior to the commencement of the public hearing. Alternatively, written comments may be submitted to the Office of the City Secretary.

Chief Thayler gave an overview of the report presented to the Mayor and Council Members and stated that in keeping with the Texas Local Government Code which required there be a review every three years; that the curfew ordinance had been an effective tool for law enforcement and has had no legal challenges as stated; that the ordinance stood as was, however, to balance the ordinance they suggested making less stringent one provision which would change the curfew to those 16 and under and not 17 since the law recognized them as adult for other criminal violations and also that the curfew be reduced to 11:00 p.m. Sundays through Thursdays consistent with other municipalities and leave at midnight on Friday and Saturday nights and a day preceding a holiday the curfew would again be midnight if it fell on Sunday; and suggested passage of the ordinance with their suggested modifications. Council Member Berry absent.

Mayor White thanked Chief Thayler and Council Members who helped formulate what he thought was a consensus of a tool to protect citizens. Council Member Berry absent.

Council Member Garcia thanked Chief Thayler for his work, information and review and analysis; that many asked for something more stringent but he thought what was proposed was a fair balance. Council Member Berry absent.

Upon questions by Council Member Edwards, Chief Thayler stated that he did not know of a study in Houston on graffiti but he could research and see if there was one; that data on crime in the report was 2006 and circumstances would determine if they were tried as adult; and they were asking the curfew ordinance remain in effect to give officers the additional tool needed. Council Members Garcia and Berry absent.

Council Member Holm stated that the report was thorough and this was another tool to protect; that the goal was behavior modification and the numbers were down; and upon questions, Chief Thayler stated that many times an officer engaged a juvenile they would just take them home and hopefully it kept them from trouble, but when an officer got there and the parent said they did not care when they got home one parent would be required to go to court and deal with the curfew citation so it was a tool to encourage parents to be responsible and there be a consequence for not complying. Council Member Berry absent.

Upon questions by Council Member Johnson, Chief Thayler stated that there was a history since 1991 on enforcement activity relative to curfew and there was a great deal of concern whether they would be too onerous in their approach, too restrictive, but if Council Members had not received complaints their performance over past years showed they used discretion and he hoped Council Members would take that into consideration; that they were only changing the time frame to when they felt juveniles were at risk and it was to get them to their parents to a controlled and supervised environment; and they had a program where they met with civic clubs monthly and they would communicate changes to them and hopefully there

would be media coverage and Council Members could contact anyone and let them know of the changes. Council Member Berry absent.

Council Member Wiseman stated that she had questions with respect to defenses listed in the Code and what she did not see in there and she was looking at the youth who did everything right and would be committing an offense if changes were not made in the defenses; that the 9:00 a.m. to 2:30 p.m. hours was a concern as seniors who only needed so many hours to graduate were out at that time, and Humble ISD had Thursday as late arrival at 9:25, then some schools had flexible hours and also home schooled students would be out and it was a real issue and she did not know how it would be addressed; and Chief Thayler stated that he understood home schooling was an issue, but weighing the public good the vast majority were in school during those hours and he had not received a great deal of complaints; that with the seniors having early out it should not be an issue as they were suggesting the age be reduced to 16 and under and the home schooling was an issue and the only way it was dealt with was if an officer was not convinced and wrote a citation the Juvenile Court dealt with it, but the issue was juveniles and supervision. Council Member Berry absent.

Council Member Lovell stated that she thought lowering the age to 16 and 11 was a good suggestion and sensible approach but most schools wanted the children off campus immediately and it did not make sense to her that for a fifth grader you wanted to know where they were going and who was watching them and then two months later when they went to middle school it was though there was a big leap in maturity and no one was asking where they were going or who was watching them, the curfew would not apply and then those competing for them were the gangs and older youth in trouble and she thought no middle school child should be on the street after 7:00 p.m.. Council Member Berry absent.

Council Member Edwards stated that she would suggest Chief Thayler give a presentation to the Mayors Youth Council as she felt they needed to participate in a process which determined their behavior and maybe they could get the word to their peers; and Mayor White stated that they did so a year ago and felt with the modifications they should do it again. Council Members Lovell and Berry absent.

The City Secretary stated that no one had reserved time to appear at the hearing and asked if anyone was present who wished to speak on the subject and there being none, Council Member Garcia moved to close the public hearing, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Lawrence absent on city business. Council Member Berry absent. MOTION 2007-0391 ADOPTED.

Council Member Garcia moved to suspend the rules to consider Item Numbers 2 out of order at this time, seconded by Council Member Khan. All voting aye. Nays none. Council Members Johnson and Berry absent. MOTION 2007-0392 ADOPTED.

2. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **HOUSTON PARKS BOARD**:

- Position One - **MR. DON S. ARON**, reappointment, for a term to expire 1/1/2010
- Position Two - **MR. JOHN ODAM**, appointment, for a term to expire 1/1/2010
- Position Three - **MR. TERRY S. CHENG**, reappointment, for a term to expire 1/1/2010
- Position Five - **MS. TRINIDAD (TRINI) MENDENHALL**, appointment, for a term to expire 1/1/2009
- Position Six - **MR. S. REED MORIAN**, reappointment, for a term

- to expire 1/1/2009
- Position Seven - **MS. TERESE (TERRY) HERSHEY**, reappointment, for a term to expire 1/1/2008
 - Position Nine - **MR. BRADY F. CARRUTH**, reappointment, for a term to expire 1/1/2008
 - Position Ten - **MR. JAMES (JIM) A. ELKINS, III**, reappointment, for a term to expire 1/1/2010
 - Position Eleven - **MR. DON K. CLARK**, reappointment, for a term to expire 1/1/2009
 - Position Thirteen - **MS. YOLANDA BLACK NAVARRO**, reappointment, for a term to expire 1/1/2010
 - Position Fourteen - **MR. PHILLIP FRANSHAW**, appointment, for a term to expire 1/1/2009
 - Position Fifteen - **MR. MICHAEL Y. CHOU**, reappointment, for a term to expire 1/1/2008
 - Position Sixteen - **MS. VIVIAN R. KING**, appointment, for a term to expire 1/1/2010
 - Position Seventeen - **MR. BENITO GUERRIER**, reappointment, for a term to expire 1/1/2009
 - Position Eighteen - **MS. DONNA FUJIMOTO COLE**, reappointment, for a term to expire 1/1/2009
 - Position Nineteen - **MR. W. CHARLES "CHUCK" CARLBERG**, reappointment, for a term to expire 1/1/2010
 - Position Twenty - **MR. THOMAS G. BACON**, reappointment, for a term to expire 1/1/2010

- was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Lawrence absent on city business. Council Member Berry absent. MOTION 2007-0393 ADOPTED.

Council Members Holm and Garcia thanked all for serving on such an important board and the giving of their time. Council Member Berry absent.

Mayor White stated that the Parks Board had outstanding leadership and he thanked them for their services and asked they stand to be recognized. Council Member Berry absent.

MAYOR'S REPORT

Mayor White stated that today he wanted to recognize two unbelievable citizens, first was Council Member Khan who was given a national award in Washington, D. C., the Outstanding American by Choice Award, recognizing his leadership nationwide and all were honored to sit at a table with him; and another public servant, Ms. Phyllis Epps, who was present and was an example of people who worked with the city and was in large part responsible in having a fair and appropriate and nonintrusive balance for a full range of contractors wanting to do business with public entities and establish principles needed for a level playing field in the healthcare system. Council Member Berry absent.

Council Members Edwards, Holm and Alvarado congratulated Council Member Khan and Ms. Epps for their well deserved recognition. Council Member Berry absent.

CONSENT AGENDA NUMBERS 2 through 40

ACCEPT WORK - NUMBERS 7 and 8

7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,716,820.95 and acceptance of work on contract with **RELIANCE CONSTRUCTION SERVICES, L.P.** for Wastewater Collection System Rehabilitation and Renewal Contract, WBS R-000266-00E2-4 - 0.07% under the original contract amount – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Lawrence absent on city business. Council Member Berry absent. MOTION 2007-0394 ADOPTED.
8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$941,449.64 and acceptance of work on contract with **ALLCO, INC** for Sanitary Sewer Rehabilitation by Point Repair Method, WBS R-000266-00T1-4 - 24.40% under the original contract amount – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Lawrence absent on city business. Council Member Berry absent. MOTION 2007-0395 ADOPTED.

PROPERTY - NUMBER 9

9. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Don B. Sheffield, President, Emanon Facilities, Ltd., for sale of ±15,000 square feet of fee-owned land out of the North Side Disposal Plant site, in the west half of Lot 16, out of the Harris and Wilson Survey, A-32, Parcel SY7-061 **APPRAISERS - DISTRICT H – GARCIA** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Lawrence absent on city business. Council Member Berry absent. MOTION 2007-0396 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 11 through 13

11. **TYLER MOTOR CO., INC d/b/a HALL BUICK PONTIAC GMC VOLVO** for Pumper through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for the Fire Department - \$449,674.00 - CDBG Fund – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Lawrence absent on city business. Council Member Berry absent. MOTION 2007-0397 ADOPTED.
12. **SHI GOVERNMENT SOLUTIONS, INC** for Microsoft Enterprise License Agreement through the City's Master Agreement with the Texas Department of Information Resources (DIR) for Texas CISV Master Catalog Purchases under Chapter 2157 of the Government Code for Houston Airport System - \$505,026.00 - Enterprise Fund– was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Lawrence absent on city business. Council Member Berry absent. MOTION 2007-0398 ADOPTED.
13. **VF IMAGEWEAR, INC** for Uniforms and Accessories from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for the Police Department - \$360,517.50 - General Fund – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Lawrence absent on city business. Council Member Berry absent. MOTION 2007-0399 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 19 through 39

19. ORDINANCE approving and authorizing contract between the City of Houston and **HARRIS COUNTY** relating to Joint Elections to be held on May 12, 2007; providing a maximum contract amount - \$400,000.00 - General Fund - was presented. All voting aye. Nays none. Council Member Lawrence absent on city business. Council Member Berry absent. ORDINANCE 2007-0500 ADOPTED.
20. ORDINANCE appointing Presiding and Alternate Judges for the Early Voting Ballot Boards, Central Counting Stations and Voting Precincts for the City of Houston Special Election to fill the unexpired term for Council Member, At-Large Position 3, to be held on May 12, 2007, and any required Runoff Election; prescribing the maximum number of Election Clerks for each voting precinct - was presented. All voting aye. Nays none. Council Member Lawrence absent on city business. Council Member Berry absent. ORDINANCE 2007-0501 ADOPTED.
21. ORDINANCE authorizing the Mayor to make certain arrangements and procure certain supplies and services not provided under Election Services and Translation Agreements in connection with the City of Houston Special Election to be held in 2007; authorizing the payment of certain costs of such election - \$250,000.00 - General Fund - was presented. All voting aye. Nays none. Council Member Lawrence absent on city business. Council Member Berry absent. ORDINANCE 2007-0502 ADOPTED.
22. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of 2.0274 acres, more or less, of public street right-of-way known as J. W. Peavey Drive (Formerly known as South Harbor Drive), Parcel IT6-001, lying between the easterly right-of-way of 70th Street (60 feet wide), as shown on the map of the Central Park Area of the City of Magnolia Park, a subdivision of the City of Houston, Harris County, Texas, and the westerly right-of-way of West Hedrick Street (40 feet wide), as shown on such map; vacating and abandoning such parcel to the City of Houston in order to incorporate such parcel into Hidalgo Park and allow for safe pedestrian access from such park to the hike and bike trail planned for Buffalo Bayou and the new Harris County Precinct Two Park along Wayside Drive - **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. Council Member Lawrence absent on city business. Council Member Berry absent. ORDINANCE 2007-0503 ADOPTED.
25. ORDINANCE consenting to the addition of 4.5029 acres of land to **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 92**, for inclusion in its district - was presented. All voting aye. Nays none. Council Member Lawrence absent on city business. Council Member Berry absent. ORDINANCE 2007-0504 ADOPTED.
26. ORDINANCE consenting to the creation of **MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 120** - was presented. All voting aye. Nays none. Council Member Lawrence absent on city business. Council Member Berry absent. ORDINANCE 2007-0505 ADOPTED.
27. ORDINANCE consenting to the addition of 10.7999 acres of land to **TRAIL OF THE LAKES MUNICIPAL UTILITY DISTRICT**, for inclusion in its district - was presented. All voting aye. Nays none. Council Member Lawrence absent on city business. Council Member Berry absent. ORDINANCE 2007-0506 ADOPTED.
28. ORDINANCE approving and authorizing first amendment to Loan Agreement and modification of Note and First Lien Leasehold Deed of Trust, Security Agreement and Financing Statement between the City of Houston and **100 VICTORY, L.P. - DISTRICT I** -

ALVARADO - was presented. All voting aye. Nays none. Council Member Lawrence absent on city business. Council Member Berry absent. ORDINANCE 2007-0507 ADOPTED.

31. ORDINANCE approving and authorizing the submission of an application for grant assistance to the State of Texas through the Criminal Justice Division, Office of the Governor ("CJD") for the Police Storefront Crisis Team Grant/15 Program; declaring the City's eligibility for such grant; authorizing the Mayor to act as the City's representative in the application process; authorizing the Chief of the Houston Police Department to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program - was presented. All voting aye. Nays none. Council Member Lawrence absent on city business. Council Member Berry absent. ORDINANCE 2007-0508 ADOPTED.
32. ORDINANCE approving and authorizing submission of an application for grant assistance to the Texas Automobile Theft Prevention Authority ("ATPA") for the Major Accessory Shop Enforcement/16 Grant Program; declaring the City's eligibility for such grant; authorizing the Mayor to act as the City's representative in the application process; authorizing the Chief of the Houston Police Department to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program - was presented. All voting aye. Nays none. Council Member Lawrence absent on city business. Council Member Berry absent. ORDINANCE 2007-0509 ADOPTED.
33. ORDINANCE appropriating \$18,900.00 out of Drainage Improvement Commercial Paper Series F Fund and approving and authorizing an Advance Funding Agreement between the City of Houston and **THE TEXAS DEPARTMENT OF TRANSPORTATION** for Construction of White Heather Street and Storm Sewer Improvements, WBS M-000262-0001-3 - **DISTRICT D – EDWARDS** - was presented. All voting aye. Nays none. Council Member Lawrence absent on city business. Council Member Berry absent. ORDINANCE 2007-0510 ADOPTED.
35. ORDINANCE appropriating \$50,000.00 out of Police Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **PERSOHN/HAHN ASSOCIATES, INC** for Police Headquarters Upgrade - Elevator Modernization and Code Upgrades, WBS G-000118-0001-3 - **DISTRICT I – ALVARADO** - was presented. All voting aye. Nays none. Council Member Lawrence absent on city business. Council Member Berry absent. ORDINANCE 2007-0511 ADOPTED.
36. ORDINANCE appropriating \$590,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **OTHON, INC** for Design of Reconstruction for Sampson Street from Navigation Boulevard to Polk Street, WBS N-000717-0001-3; providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund **DISTRICTS H - GARCIA and I – ALVARADO** - was presented. All voting aye. Nays none. Council Member Lawrence absent on city business. Council Member Berry absent. ORDINANCE 2007-0512 ADOPTED.
37. ORDINANCE appropriating \$2,649,232.00 out of Fire Consolidated Construction Fund; awarding construction contract to the **GONZALEZ GROUP, LP** for the Val Jahnke Fire Training Academy Simulator Building, WBS C-000068-0005-4; setting a deadline for the proposer's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the proposer in default if it fails to meet

the deadlines; providing funding for engineering and testing services, construction management, Civic Art Program, and contingencies relating to construction of facilities financed by Fire Consolidated Construction Fund - **DISTRICT E – WISEMAN** - was presented. All voting aye. Nays none. Council Member Lawrence absent on city business. Council Member Berry absent. ORDINANCE 2007-0513 ADOPTED.

38. ORDINANCE appropriating \$867,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding construction contract to **MOMENTUM CONTRACTORS, INC** for Burress, Japhet and Dalton Fleet Maintenance Facilities, WBS R-000268-0002-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for material testing and inspection services, construction management, Civic Art Program, and contingencies relating to construction of facilities financed by Water & Sewer System Consolidated Construction Fund - **DISTRICTS H - GARCIA and I – ALVARADO** - was presented. All voting aye. Nays none. Council Member Lawrence absent on city business. Council Member Berry absent. ORDINANCE 2007-0514 ADOPTED.
39. ORDINANCE appropriating \$553,100.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **INDUSTRIAL TX CORPORATION** for Tanya Circle Lift Station Renewal, WBS R-000267-00D3-4; 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 A – LAWRENCE** - was presented. All voting aye. Nays none. Council Member Lawrence absent on city business. Council Member Berry absent. ORDINANCE 2007-0515 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

3. ORDINANCE appropriating \$79,000.00 out of Water & Sewer Consolidated Construction Fund and \$237,202.36 out of Drainage Improvement Commercial Paper Series F, Fund No. 4030 as additional funding for contract with **JFT CONSTRUCTION, INC** for Construction of Crane/Englewood Project, WBS M-000210-0001-4, (approved by Ordinance No. 05-711) **DISTRICT B – JOHNSON** – was presented, and tagged by Council Member Johnson. Council Member Lawrence absent on city business. (Note: Council Member Johnson released his tag later in the meeting)
- 3a. RECOMMENDATION from Director Department of Public Works & Engineering for approval of Change Order No. 7 in the amount of \$333,261.03 on contract with **JFT CONSTRUCTION, INC** for Construction of Crane/Englewood Storm Sewer Project, WBS M-000210-0001-4 - **DISTRICT B – JOHNSON** – was presented, and tagged by Council Member Johnson. Council Member Lawrence absent on city business. (Note: Council Member Johnson released his tag later in the meeting)
4. RECOMMENDATION from Director Solid Waste Management Department for additional funding for contract with **WASTE MANAGEMENT, INC** for Solid Waste Disposal for Solid Waste Management Department - \$540,000.00 - General Fund – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays

none. Council Member Lawrence absent on city business. MOTION 2007-0400 ADOPTED.

ACCEPT WORK

5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,783,705.79 and acceptance of work on contract with **TEXAS STERLING CONSTRUCTION, L.P.** for Construction of El Dorado Paving Extension from Beamer Road to 3,000 feet east, WBS N-000712-0001-4 - 8.38% under the original contract amount **DISTRICT E – WISEMAN** – was presented, moved by Council Member Berry, seconded by Council Member Wiseman. All voting aye. Nays none. Council Member Lawrence absent on city business. MOTION 2007-0401 ADOPTED.
6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$10,309,234.40 and acceptance of work on contract with **BOYER, INC** for Construction of Buffalo Bayou Hike and Bike Trail - Bagby to Sabine, WBS N-00420T-0038-4 3.88% over the original contract amount - **DISTRICT I – ALVARADO** – was presented, moved by Council Member Khan, seconded by Council Member Berry. All voting aye. Nays none. Council Member Lawrence absent on city business. MOTION 2007-0402 ADOPTED.

PURCHASING AND TABULATION OF BIDS

10. **SILVA CONTRACTING COMPANY, INC** for Runway Pavement Repair for Houston Airport System - \$412,269.00 and contingencies for a total amount not to exceed \$432,882.45 Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. Council Member Lawrence absent on city business.

Council Member Wiseman stated that the request was made for the item to not be tagged, but there was an issue with the runway and she understood the need to move forward but Council Members had a need to have all information before them so they could make decisions based on that information and it was not given in sufficient time and she would vote no on the item.

A vote was called on Item 10. Council Member Wiseman voting no. Balance voting aye. Council Member Lawrence absent on city business. MOTION 2007-0403 ADOPTED.

14. **BAYOU CITY PUMP WORKS** for Emergency Pump Repair Services for Department of Public Works & Engineering - \$44,716.00 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Lawrence absent on city business. MOTION 2007-0404 ADOPTED.

RESOLUTIONS AND ORDINANCES

15. ORDINANCE **AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to transportation and treatment of certain wastes; establishing a schedule of fees for permits issued in connection therewith; containing findings and other provisions relating to the foregoing subject; providing an effective date; providing for severability – was presented and tagged by Council Members Khan, Lovell and Johnson. Council Member Lawrence absent on city business.

Council Member Wiseman stated that this would require lifting the tags but she had a written motion to amend the item and would request they lift the tags and allow the written amendment to be considered, and Council Member Alvarado stated that she would tag the amendment.

Council Member Alvarado stated that she was going to release her tag to discuss this; that they had four or five hearings and they knew everyone was on it and she would release her tag though she knew the main item was tagged, but this was her first time to see this and felt the item could be passed with no amendments, so she was urging the tags be released on the main item so the amendment could be offered, but would oppose the amendment.

Council Members Khan, Lovell and Johnson released their tags on Item 15.

Council Member Wiseman presented the following written motion:

"I would like to make a motion to Amend Item 15 to read as follows:

AMENDMENT TO ORDINANCE NO. 47-512

1. Purpose and Intent

Section 47-512 of the City of Houston Code of Ordinances would require generators to change their operations while waiting for the approval of an exemption. Section 47-512 currently does not define the period in which a health officer is required to grant or deny an exemption. It does not outline a method for a generator or the city to demonstrate the requirements of section 47-512(4)(a) and (b). Section 47-512 subjects generators to the costly and burdensome expenses of unneeded grease trap evacuations and demonstrating the requirements of section 47-512(4)(a) and (b). In the interest of fairness, generators who, in good faith, are meeting the requirements for an exemption should not have to pay for an increased frequency in evacuating their grease traps while waiting for a health officer's approval of their exemption.

2. Amendment

1. The health department shall make available applications for exemption under section 47-512(e) via a website or world wide web-based form.
2. A generator, who has filed an exemption in good faith, as set forth in section 47-512 (e), shall be exempted from the requirement of section 47-512(c). In any event, a generator shall evacuate a grease trap or holding tank at least once every 180 days, as set forth under section 47-512(f)."

The motion was tagged by Council Members Khan, Wiseman, Alvarado, Lovell and Garcia. Item No. 15 was tagged by Council Members Khan, Lovell and Johnson.

Upon questions by Council Member Edwards, Mayor White stated that this would be another week, there may have been productive discussion yesterday; that Council Member Lovell got him worked up because she made sense, but then he received more information which he hoped she had benefit of too and there were other issues she raised which would be addressed in the Health Department budget this year, but he thought the questions could be resolved this week and they could take it up next week; and Council Member Alvarado stated that there would be no other hearings; that the question Council Member Lovell raised had to do with mobile vendors and that could not be attached or addressed with this issue this ordinance

had to be specific because it was a TCEQ model ordinance and they had to do it as a part of the agreed order, but they thought they could bring up something in the next week to address the issue of mobile food vendors and their waste.

Council Member Garcia stated that he saw no reason to tag this ordinance when it was not related to the mobile vendors which would be brought up next week; and Mayor White stated that he agreed it was a separate matter, but items were tagged all the time and he had confidence they would pass it next week as drafted.

Council Member Brown stated that he saw a memo from Jeff Taylor on a suggestion he made about online exemptions and it said they would not include that in the ordinance but may do it after it was passed and he thought as much substance as they could get in the ordinance giving director options to make the process more efficient was smart government, to leave it up to whoever it might be, a midlevel person, he did not have a lot of confidence in; and another suggestion he made which was not dealt with was the option that under a certain criteria to have health inspectors perform inspections of grease traps and grease interceptors and thirdly he did not think the ordinance made a good distinction between grease interceptors and grease traps.

Council Member Lovell stated that she was happy they were doing something on the mobile issue; that she sat in on other committees and they thought TCEQ did not have any credibility concerning air quality or crushed concrete and she did not see why they should follow their model on grease when they didn't on anything else; that it was an issue of fairness to restaurants; and Mayor White stated that they were talking here about grease traps, the majority of which were not maintained, and when filled up they could demonstrate the impact on the wastewater system; that there was an issue of what to do with cooking grease and that was a separate issue and they were not talking about it here and then there were rules and regulations which were passed on mobile vendors and the effectiveness of that enforcement and on the third issue he thought there was work which could be done when they take their grease pans in to be checked as well as the number of inspectors being reviewed; and he would encourage during the next week that all have the same base of information on what a grease trap was, what it collected, what was done with cooking grease which was something different, where people sold it and what mobile vendors did with it; that he was not agreeing with it because the TCEQ thought it to be a good idea it was also what he and Council thought to be a good idea.

Council Member Alvarado stated that the 78th Texas Legislature amended the Texas Water Code addressing standards for managing grease trap stoppages and utility sanitary sewer lines and after that the city engaged in an agreed order with the TCEQ where they committed to revising their current ordinance, disposal, transportation and certain treatment of certain waste, and she realized the city was spending about one million a year with 20 crews and the longer they put this off the more overflows they would have and they would continue to spend more money.

Council Member Edwards urged the ordinance be passed to comply with the state and in the long-term if they were to really deal with this she wanted discussion of garbage disposals.

16. **ORDINANCE AMENDING CHAPTER 39 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to screening of bulk containers; containing other provisions relating to the foregoing subject; providing an effective date – was presented. Council Members Wiseman and Clutterbuck voting no. Balance voting aye. Council Member Lawrence absent on city business. **ORDINANCE 2007-0516 ADOPTED.**
17. **ORDINANCE** adopting guidelines and criteria, making certain elections regarding eligibility, and **AMENDING ARTICLE IV OF CHAPTER 44 OF THE CODE OF**

ORDINANCES, HOUSTON, TEXAS relating to Tax Abatements – was presented, and tagged by Council Members Garcia Holm, Johnson, Clutterbuck, Khan, Green and Wiseman.

Council Member Holm stated that this showed there were guidelines and she would like to get the redline and see the changes.

Council Member Green stated that this would be brought up in Fiscal Affairs next Tuesday.

18. ORDINANCE relating to Health Benefits for Employees of City Contractors and Responsibility of bidders on certain City contracts – was presented and tagged by Council Members Holm, Johnson, Wiseman, Garcia and Brown.
 23. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of Florence Avenue from Merrill Street to Redan Street (Parcel SY5-020A) and Redan Street from Beauchamp Avenue to Rural Street (Parcel SY5-020B); vacating and abandoning said streets to Houston Independent School District (HISD), the abutting owner (“HISD”), in consideration of HISD’s conveyance to the City of a five-foot-wide strip of right-of-way to widen Rural Street (Parcel AY5-043A), a five-foot-wide strip of right-of-way to widen Quinn Street (Parcel AY5-043B), a one-foot-wide strip of right-of-way to widen Beauchamp Avenue (Parcel AY5-043C), and right-of-way to extend and construct Rural Street to Merrill Street (Parcel AY5-043D), all located in either Stinde’s 2nd Addition or Woodland Park Addition, and other good and valuable consideration; declining the acceptance of, rejecting and refusing the dedication of a portion of an alley contiguous to Lots 3, 4, and 7, Block 3, Stinde’s 2nd Addition (Parcels Nos. SY5-020C and SY5-026); approving the crediting of \$29,316 to HISD’s Credit Account - **DISTRICT H – GARCIA** – was presented. All voting aye. Nays none. ORDINANCE 2007-517 ADOPTED.
 24. ORDINANCE consenting to the creation of **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 507** – was presented. All voting aye. Nays none. ORDINANCE 2007-518 ADOPTED.
 29. ORDINANCE approving and authorizing an agreement between the City of Houston and **LANGWICK SENIOR RESIDENCES, L.P.** to provide an \$835,000.00 loan of Federal "HOME" Funds for eligible costs in connection with construction of a Senior Housing Apartment Complex to be located in the 900 block of Langwick Drive, Houston, Texas to house qualified low income elderly residents - **DISTRICT B – JOHNSON** – was presented, and tagged by Council Member Green. (Note: Council Member Green released his tag later in the meeting.)
- Council Member Johnson stated that this item had been in committee at least three times and he had a lot of information and it was a great project supported by the Greater Greenspoint Management District and four acres of land was donated for park space. Council Member Berry absent.
30. ORDINANCE approving and authorizing an amendment to the City of Houston’s Citizen Participation Plan – was presented, and tagged by Council Member Wiseman. Council Member Berry absent.
 34. ORDINANCE appropriating \$85,743.39 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Developer Participation Contract between the City of Houston and **KB HOME LONE STAR, LP** for Construction of Water &

Sanitary Sewer Lines to serve Section Six of the Sky View Park Subdivision, WBS S-000802-0048-4 & R-000802-0048-4 **DISTRICT D – EDWARDS** – was presented, and tagged by Council Member Brown. Council Member Berry absent.

Council Member Brown stated that this was another rubber stamp cookie cutter plans which had 105 lots and no usable amenities and no open space, the lots were all the same and too narrow and fire and police did not like driving down the cul-de-sacs and they needed a better standard for those developments; that affordable housing communities deserved the same kind of amenities and quality as anyone else and this city needed to send that message; and Mayor White stated that he brought this up on the DPC's and as they were doing with the parks on the greenspace and alley standards being considered and if there were proposed standards everyone was looking for help to standards which should apply to DPC as well as other development. Council Member Wiseman absent.

Council Member Edwards stated that she had no problem with what Council Member Brown proposed, but her question was how did they proceed, where they saying there would be no DPC contracts unless they went through a certain standard and then what was that standard so she could talk to contractors, but to tag each item as it came with no standard she did not see what they were accomplishing; and Mayor White stated that he thought they supported this and they would invite comments on whether there should be changes on standards with no significant increase in cost so they would not discourage development within the city limits; and Council Member Edwards stated that she would like Council Member Brown to give her his paper so she could show contractors what she would like them to do; and Mayor White stated they could put it through Council Member Lawrence's committee and have public discussion on what the standard ought to be; and Council Member Brown stated that here the city was reimbursing a developer and it was the principal that if they were paying the piper they should have the right to call the tune a little. Council Members Wiseman and Green absent.

40. ORDINANCE granting to **CENTERPOINT ENERGY RESOURCES CORPORATION, DBA CENTERPOINT ENERGY TEXAS GAS OPERATIONS**, the right, privilege and franchise to construct, install, retire, operate, and maintain its facilities within the public rights-of-way of the City of Houston, Texas for the transportation, delivery, sale and distribution of natural gas; containing other provisions relating to the foregoing subject; containing a repealer; providing for severability and providing an effective date - **FIRST READING** - was presented. All voting aye. Nays none. Council Member Lawrence absent on personal business. Council Member Wiseman absent. ORDINANCE 2007-0489 PASSED SECOND READING IN FULL.

NON CONSENT AGENDA - NUMBER 41

MISCELLANEOUS

41. **SET A DATE** for hearing on proposed amendments to Chapter 42, Code of Ordinances, Houston, Texas, requiring the filing of a solid waste collection plan with a single family residential subdivision plat **SUGGESTED HEARING DATE - WEDNESDAY - MAY 2, 2007 - 9:00 A.M.** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Lawrence absent on city business. Council Member Wiseman absent. MOTION 2007-0405 ADOPTED.

MATTERS HELD - NUMBER 42

42. RESOLUTION approving the issuance and sale by Houston Housing Finance Corporation of Single Family Mortgage Revenue Bonds (GNMA, Fannie Mae, and Freddie Mac

Mortgage-backed Securities Program) Series 2007A and approving the Preliminary Official Statement with respect to such bonds – **(This was Item 10 on Agenda of April 18, 2007, TAGGED BY COUNCIL MEMBER GARCIA)** – was presented. All voting aye. Nays none. Council Member Lawrence absent on city business. Council Member Wiseman absent. RESOLUTION 2007-20 ADOPTED

Council Member Johnson stated that in speaking with Mr. Gary Norman he received his information and would release his tag on Items 3 and 3a.

3. ORDINANCE appropriating \$79,000.00 out of Water & Sewer Consolidated Construction Fund and \$237,202.36 out of Drainage Improvement Commercial Paper Series F, Fund No. 4030 as additional funding for contract with **JFT CONSTRUCTION, INC** for Construction of Crane/Englewood Project, WBS M-000210-0001-4, (approved by Ordinance No. 05-711) **DISTRICT B – JOHNSON** – was again presented. All voting aye. Nays none. Council Member Lawrence absent on city business. (Council Member Wiseman absent. ORDINANCE 2007-519 ADOPTED.
- 3a. RECOMMENDATION from Director Department of Public Works & Engineering for approval of Change Order No. 7 in the amount of \$333,261.03 on contract with **JFT CONSTRUCTION, INC** for Construction of Crane/Englewood Storm Sewer Project, WBS M-000210-0001-4 - **DISTRICT B – JOHNSON** – was again presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Lawrence absent on city business. Council Member Wiseman absent. MOTION 2007-406 ADOPTED.

Council Member Green stated that he would release his tag on Item 29. Council Member Wiseman absent.

29. ORDINANCE approving and authorizing an agreement between the City of Houston and **LANGWICK SENIOR RESIDENCES, L.P.** to provide an \$835,000.00 loan of Federal "HOME" Funds for eligible costs in connection with construction of a Senior Housing Apartment Complex to be located in the 900 block of Langwick Drive, Houston, Texas to house qualified low income elderly residents - **DISTRICT B – JOHNSON** – was again presented. All voting aye. Nays none. Council Member Lawrence absent on city business. Council Member Wiseman absent. ORDINANCE 2007-520 ADOPTED.

Mayor White stated that there had been good improvements in this particular proposal but on this particular matter there were important facts omitted concerning what had been done between the date of the initial review and the current date. Council Members Clutterbuck, Wiseman, Khan and Green absent.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Lovell stated that she brought sad news, Eleanor Tinsley's husband Jim Tinsley passed away yesterday and the service would be at 11:00 a.m., Saturday, April 28th at South Main Baptist Church and she would give sympathy to all the family; that it was a pleasure to know him and watch the partnership between him and Eleanor it was a great partnership and a pleasure to know him. Council Members Clutterbuck, Wiseman, Khan and Green absent.

Council Member Edwards stated that she would like Council to pass a resolution calling for an end to the genocide in Darfur, Sudan. Council Members Johnson, Clutterbuck, Wiseman, Khan and Green absent.

Council Member Edwards stated that regarding a study on tasing California was doing one and had been going on about two years now and according to Mr. Gary Wilke, who was in charge, if someone was not responding to the shock that lack of response needed to be viewed as a medical emergency and they should be taken into custody as quickly as possible and intervened as such; that they were getting grant funding to find the consequences and would encourage all to look at this. Council Members Johnson, Wiseman, Holm and Green absent.

Council Member Edwards stated that she was calling for two things a resolution against the genocide going on in Darfur and a medical study on the use of tasers in the City of Houston. Council Members Johnson, Wiseman, Holm and Green absent.

Council Member Edwards stated that as a result of the Galveston Beach Party Sunday afternoon on MLK at 610 and Cullen there were approximately 8,000 people driving up and down and parking in peoples yards and businesses and having picnics on sidewalks, etc., and what took about three minutes took twenty five and she did not know what the solution was but the citizens there should not have to bare it and she would like to know how they could better do this; and Mayor White stated that he would make a note and get their hands around it and see if next year they could do something. Council Members Johnson, Wiseman, Holm and Green absent.

Council Member Garcia stated that on the tasers he would be touching base with Chief Hurr as he understood the University of Houston's Center of Public Policy was selected to help review the taser policy and would have medical expertise on that body to review all elements; and he would bring that to the committee meeting once it was done for discussion. Council Members Johnson, Wiseman, Holm and Green absent.

Council Member Garcia thanked Mayor White and his Administration as tomorrow at 6:30 p.m. at the United Way building there would be a town hall discussion on historical preservation policies they were working on to bring forward; and he thanked all for their contributions to the process. Council Members Johnson, Wiseman, Holm and Green absent.

Council Member Garcia thanked the Fire Department as this Saturday in the Station 9 area the Fire Department would be working to install fire alarms. Council Members Johnson, Wiseman, Holm and Green absent.

Council Member Garcia stated that yesterday Tommy visited Council and tomorrow there would be a fun walk in the Katy Area, a Chromosome 18 Walk; that chromosome was a rare occurrence which affected a person's quality of life and he was not the Mayor's biggest fan when the discussion of the Center came up, but he was glad things worked out and the Center had given its endorsement to the proposed agreement; and he was drafting a letter to the State Legislatures and encouraged others to do so to encourage more funding to the area of mental retardation, to those agencies lifting up that cause; and Mayor White stated that as they approached the issue of Sixth Ward which was unique in the concentration of old houses they could help bring people together by focusing on facts and he thought almost all at the table believed in historic preservation and property rights and if they talked in the abstract sometimes facts took patience and if someone said historic preservation was costly that was correct but it did not mean you could do demolition by neglect and they needed a plan to respect the neighbors rights, but the good news was there were only about three or four structures in that condition and if they dealt with facts he thought they would have an amazing consensus. Council Members Johnson, Wiseman, Holm and Green absent.

Council Member Alvarado stated that the Start Walking At Work was beginning today and she encouraged all to take responsibility for their health and get at least one hour of vigorous exercise daily. Council Members Johnson, Wiseman, Holm and Green absent.

Council Member Alvarado stated that they would be holding a planned community meeting for District I tomorrow, April 26th, 6:30 p.m. at Mason Park. Council Members Johnson, Wiseman, Holm and Green absent.

Council Member Khan stated that the public forum on the Master Park Plan meeting in District F would be at the Sharpstown Community Center, Monday, April 30th, 6:30 p.m. to 8:30 p.m. and urged all to come. Council Members Johnson, Wiseman, Holm and Green absent.

Council Member Khan stated that they would be holding a deed restriction workshop Monday, May 7th, 6:00 p.m. to 8:00 p.m. at would also be the Sharpstown Civic Center and urged all to come. Council Members Johnson, Wiseman, Holm and Green absent.

Council Member Khan stated that the 15th Annual Gulfton Festival was titled "Strengthening the Community One Block at a Time" and done under the support and sponsorship of the Houston Police Department, Weed and Seed, Kroger, Gulfton Youth Development Program, Mayor's Office Anti Gang and Gulfton Citizens Advisory Council; Bayland Park, 6200 Chimney Rock at Gulfton, May 19th, from 11:00 a.m. to 3:00 p.m. and urged all to come. Council Members Johnson, Wiseman, Holm, Alvarado and Green absent.

Council Member Khan stated that they would be having a cleanup for District F on Saturday, May 19th from 8:00 a.m. to noon and all would meet at E. L. Crane Park, 9051 Triola near Gessner and would have free breakfast, lunch, gifts, etc., and urged all to come. Council Members Johnson, Wiseman, Holm, Alvarado and Green absent.

Council Member Brown stated that Council Member Edwards reminded all they lived in a global society and needed to think globally and act locally and much inspiration should come from their perception of their position in a global society and on that would support her recommendation to take some kind of resolute action about genocide in Darfur as it was appropriate. Council Members Johnson, Wiseman, Holm, Alvarado and Green absent.

Council Member Brown stated that on another aspect Houston was a great city and it was important to say why and it had to do with quality of growth and assets and one great asset was the Menil Museum, they were a cultural crown jewel recognized around the world and Mr. Menil expressed frugal beauty and that may be a way to approach raising quality in all neighborhoods. Council Members Johnson, Wiseman, Holm, Garcia, Lovell and Green absent. (NO QUORUM PRESENT)

Council Member Brown stated that Earth Day came and went in Houston but in other parts of the globe and with a growing concern for our planet it did not go unnoticed and the city needed to give civic clubs, etc., a mindset on environmental responsibility; that carbon credits now sold for about \$20.00 and a carbon credit equaled one ton of carbon dioxide put into the atmosphere; that his carbon footprint for the year and could offset it by planting trees or donations; that in his life it started with a book The Silent Spring written in 1962 by Rachel Carson who documented pesticides were destroying the environment and because of her the whole mindset on environmental responsibility changed. Council Members Johnson, Wiseman, Holm, Garcia, Alvarado, Lovell and Green absent. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that Monday District C residents attended the first of many public forums on the Houston Parks Master Plan and it was exciting and well attended

with wonderful suggestions and encouraged anyone with suggestions to submit them to the Houston Parks Board at www.houstonparks.org or call 713-845-1000. Council Members Johnson, Wiseman, Holm, Garcia, Alvarado, Lovell and Green absent. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that in southwest Houston the outstanding officers of HPD had been working diligently and filling in where other agencies were not able to pick up their own slack, specifically HPD conducted a series of sweeps a couple of weeks ago and picked up over 200 truants and returned them to high schools and burglaries decreased dramatically and she was told there was no proof the two were linked but she thought common sense showed when the youth were in school and off the streets they were unable to commit crimes and it was her hope they could continue this, it was not the obligation of HPD to do truant sweeps and would encourage colleagues at HISD to increase funding for those sweeps. Council Members Johnson, Wiseman, Holm, Garcia, Alvarado, Lovell and Green absent. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that this Sunday, April 29th, the Goldberg Towers open house would be conducted and they would be celebrating a new beginning of their new complex which was a massive renovation of over 300 mid-rise affordable housing apartment units which was able to occur because of support from a community development block grant administered through the City of Houston Community Development Department and U. S. Department of HUD and would be from 2:00 p.m. to 5:00 p.m. at 10909 Fondren Road. Council Members Johnson, Wiseman, Holm, Garcia, Alvarado, Lovell and Green absent. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that she was very excited about living in Houston as over the past weekend her family had a hard time deciding what to participate in with the Grand Prix Houston, Rice University baseball, concerts, cycling events, museum exhibits, International Festival, etc., and it was all very exciting. Council Members Johnson, Wiseman, Holm, Garcia and Green absent.

There being no further business before Council, the City Council adjourned at 11:43 a.m. Council Member Lawrence absent on city business. Council Members Johnson, Wiseman, Holm, Garcia and Green absent.

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

MINUTES READ AND APPROVED

/S/Anna Russell

Anna Russell, City Secretary