

City Council Chamber, City Hall, Tuesday, May 8, 2007

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, May 8, 2007, Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Ada Edwards, Addie Wiseman, Pam Holm, Adrian Garcia, Carol Alvarado, Peter Brown, Sue Lovell, Ronald C. Green and Michael Berry; Mr. Don Cheatham, Division Chief, General Counsel Division, Legal Department; Ms. Claudia Vasquez, Director Citizens Assistance; Mr. Terence H. Fontaine, Deputy Chief of Staff for Operations; Ms. Stella Ortega, Agenda Office, and Ms. Marty Stein, Agenda Director present. Council Member M. J. Khan, P. E. out of the city on city business.

Note: Council Member At-Large Position 3 vacant; and Motion Nos. 2007-0432 through 2007-0439 were omitted in error.

At 1:54 p.m. Mayor White stated that presentations would begin with Council Member Brown; and Council Member Brown invited Ms. Marilyn Oshman with the Orange Show to the podium and stated that Ms. Oshman was present today regarding the Art Car Parade which was this weekend and a very exciting event and presented her a Certificate of Recognition; and Ms. Oshman stated that she thanked all for the recognition and the most exciting thing about the Orange Show and Art Car Parade was it continued to happen and this year they were celebrating the 20th Art Car Parade with 282 artists from 17 states commuting here to be a part of it and this year media coverage was being extended internationally, all over South America, Mexico, England, Australia and many in the U. S. and this showed what kind of city Houston was; that this year they lost their sponsor and went to individuals, businesses and the City of Houston and Ms. Christian and Ms. Jewett were invaluable and now the good news was it was being called the Houston Art Car Parade and was Saturday, May 12th, 1:00 p.m. Council Members Lawrence, Johnson, Wiseman, Holm, Alvarado, Lovell and Green absent. (NO QUORUM PRESENT)

Council Member Garcia stated that with the Mayor's leadership and his encouragement they were working to move the Old Sixth Ward forward with their living history, etc., and invited Ms. Larissa Lindsay and Ms. Jane Cahill to the podium and stated that the Old Sixth Ward was founded in 1877, listed historic in 1978 and designated as historic district by Council in 1998; and presented them a Proclamation proclaiming May 8, 2007, as "Old Sixth Ward Neighborhood Association Day" in Houston, Texas. Council Members Lawrence, Johnson and Wiseman absent.

Council Member Garcia stated there was an old saying "No rain, sleet or snow would keep mail from being delivered" and invited the letter carriers and those with the Houston Food Bank to the podium and stated that today they were recognizing the National Association of Letter Carriers and the Houston Food Bank as both were doing a tremendous service in public service and in being good neighbors; that the Houston Food Bank was a designation center in District H working to distribute food to those in need and the National Association of Letter Carriers would be conducting their residence to residence food drive on Saturday, May 12, 2007, to benefit the Houston Food Bank in its effort to feed low income; and presented them a Proclamation proclaiming May 12, 2007, as the "National Association of Letter Carriers/Houston Food Bank Drive" in Houston, Texas; and the Post Master stated that in honor of the National Association of Letter Carriers and the U. S. Postal Service they thanked all for the recognition and thanked all their sponsors and the Food Bank. Council Members Lawrence and Johnson absent.

Council Member Garcia stated that he had two Certificates of Recognition to present and invited Officer Cavilla and Officer Reyes to the podium and stated that the Houston Police Department was instrumental in knocking off 57 suspects involved in a tremendous organized crime operation and it all started on the shoulders of a street cop, Officer Craig Cavilla and

presented him a Certificate of Recognition for starting a chain of events which took 57 crooks off the Houston streets. Council Member Garcia continued that Officer Gilbert Reyes did a tremendous job on the SWAT Team and was off duty with his son when a suspect was attempting to rob a McDonalds and had to get involved in a gun battle and presented him a Certificate of Recognition for going beyond the call of duty on his own time. Council Member Johnson absent.

Council Member Edwards stated that one challenge the City of Houston had was they had the largest population of 18 year olds and younger and of that number too many were in foster care and her district had the largest population of foster care children eligible and today she was recognizing an outstanding refuge for the children and that was Catholic Charities; that foster parents served an important role by helping children develop positive traits and to become productive citizens and there were more than 14,000 children residing in foster care in Texas; that there were more than 55 foster families operated by Catholic Charities of Houston and presented them a Proclamation for taking care of the most vulnerable people in the communities and proclaimed the month of May as "Foster Care Month" in Houston, Texas; and Ms. Sharon Georgeson stated that she supervised foster care services at Catholic Charities and introduced Ms. Karen Weaver, a foster parent, who stated that they foster parented 10 years now with about 55 children who went through their home and they kept babies up to 2 years old; that it was a joy and they loved them; that when it was time to give them up it was hard, you cried, but you knew you did your best and prayed for their best handing them into a forever home and it was a privileged experience, it had a great need and there was a need to say yes in taking care of those who could not. Council Member Johnson absent.

Mayor White stated to conclude he did not often give presentations, but this was special for Houston and invited Mr. Jim McIngvale and Mr. Herb Lisen to the podium and stated that Mr. and Mrs. McIngvale walked the walk as Houstonians and in too many ways to count, but in taking up mental health and fitness in Houston this Saturday, May 12th, noon to 9:00 p.m. there was the Houston Fitness Fest hosted at the Westside Tennis and Fitness Center and open to the public with many outdoor activities; and on behalf of all in Houston congratulated the McIngvales and the Westside Tennis and Fitness Center for initiating this program; and presented Mr. McIngvale a Proclamation proclaiming May 12, 2007, as "Houston Fitness Fest Day" in Houston, Texas; and Mr. Lisen, chairman of the Mayor's Wellness Council, stated that this event would be the biggest fitness party Houston ever had and was plain old fashioned fun with lots of music and activities and \$10.00 for the day; and Mr. McIngvale stated that they were proud of Houston Fitness Day; that they lost the title of Houston being the fattest city in the country last year and they wanted to change it to the fittest city in the country and this day would be one way to get started, Saturday, May 12th and all would have a great time. Council Member Johnson absent.

Council Member Edwards, Holm, Lawrence and Garcia thanked Mr. McIngvale for all he had done to serve the City of Houston. Council Members Johnson and Green absent.

At 2:26 p. m. Council Member Berry invited Mr. McIngvale to lead all in prayer; and Council Member Berry led all in the pledge. Council Members Johnson and Green absent.

At 2:28 p.m. Mayor White called the meeting to order and the City Secretary called the roll. Council Member Khan out of the city on city business. Council Member Green absent.

Council Members Lovell and Holm moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Member Khan out of the city on city business. Council Members Green and Berry absent. MOTION ADOPTED.

Council Member Wiseman moved the rules be suspended for the purpose of hearing Ms. Bessie Swindle after Mr. L. E. Chamberlain, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Khan out of the city on city business. Council Members Green and Berry absent. MOTION 2007-0440 ADOPTED.

Council Member Johnson moved the rules be suspended for the purpose of hearing Mr. Derick Muhammad at the top of the three minute non-Agenda speakers list, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Khan out of the city on city business. Council Members Green and Berry absent. MOTION 2007-0441 ADOPTED.

At 2:30 p.m. the City Secretary began calling the public speakers. Council Members Lovell and Green absent.

Ms. Lucinda Daniels, 3003 South Loop West #. 460, Houston, Texas 77054 (713-383-9234) appeared and stated that today she was present on behalf of Congressman Al Green to express his strong support of Item 55, the regulation of concrete crushing facilities. Council Members Green and Berry absent.

Council Member Edwards thanked Ms. Daniels for coming and Congressman Green for his long-term support in the effort. Council Members Green and Berry absent.

Mr. L. E. Chamberlain, 12702 Murr Way, Houston, Texas 77048 (713-598-0203) appeared and stated that he was present on behalf of the Sunnyside South Acres Crestmont Park Super Neighborhood and for years they fought to establish legislation which would govern the air they breathed and the effort with this ordinance proposal they looked forward to, but they would also like to see something regulate the crushed concrete and dust elements around businesses and know how it would get to and from; and they looked forward to the passage of Item 55. Council Members Garcia and Green absent.

Mayor White stated that it was because of his efforts that they were able to move, knowing they had the support of the community. Council Members Garcia and Green absent.

Council Member Edwards thanked Mr. Chamberlain for his leadership in the effort, this was a fight of the people who were affected by the issue and showed the power of a democratic public. Council Member Green absent.

Council Member Brown stated that they had his support and he thought the support of the governing body. Council Member Green absent.

Ms. Bessie Swindle, 4103 Madden Lane, Houston, Texas 77047 (713-738-7902) appeared and stated that on behalf of the Southeast Coalition of Civic Clubs she was present to thank Council for all their efforts in getting Item 55, Council Member Edwards really fought for them and she appreciated the efforts of Council Member Alvarado and everyone; that the community was elated, every time they went to Austin they were told Houston had no zoning and this ordinance would really help. Council Member Green absent.

Council Member Berry stated that he too applauded Council Members Alvarado and Edwards; and Houston may not have zoning but it was an absurd notion that in communities you could have concrete crushing plants and for children to have to breath such particles, there was no place for such in the middle of communities. Council Member Green absent.

Council Member Edwards stated that if there was a mother of a movement Ms. Swindle was; that she was always wherever the need was and her leadership was an example; and

when ordinances such as this were passed they could be amended and amended and she needed to stay on top. Council Members Alvarado and Green absent.

Dr. Blaine Hollinger, 2124 Watt, Houston, Texas 77030 (713-798-4454) appeared, presented information and stated that he and his wife were members of Watts Street about 40 years and today he was speaking in opposition to the 9:00 a.m. to 4:00 p.m. signage being recommended for a residential parking program for the 2100 block of Watt and in support of the opposition he provided Members of Council with data tabulated from January to May 2007 validated by digital camera observations; that he disagreed the city had met conditions of Section 45-414 in the Code of Ordinances which stated the total number of spaces occupied must exceed at a minimum 60% of the number of curbside parking spaces on the street; that he and his wife were not opposed to restricted parking on that block regardless of the ordinance formula, but they were requesting the city to consider a creative proposal to allow a six month trial period of no parking from 8:00 a.m. to 10:00 a.m. which was when commuters appeared and the data strongly supported his proposal; that the city could always move to a more restricted time if necessary but reverse would never be an option since there would be no way to determine if a shorter time would be effective. Council Members Alvarado and Green absent.

Council Member Clutterbuck thanked Dr. Hollinger for his E-mails and passion on the subject; and upon questions, Dr. Hollinger stated that there was no recent meeting held, information was presented on January to March at a prior meeting. Council Members Alvarado and Green absent.

Upon questions by Council Member Berry, Dr. Hollinger stated he was trying to get permit parking in Southgate, that block face was the last that did not have permit parking and cars moved from one area to another; that the majority were MED Center employees coming in the early morning and leaving later in the afternoon and sometimes patients parked there; that he did not speak for the block. Council Members Alvarado, Brown and Green absent.

Mr. Rich Paroson, 2128 Watts, Houston, Texas 77030 (713-447-9970) appeared and stated that on behalf of the 16 out of 17 households he was present strongly supporting residential decal parking in the 2100 block of Watts and of which the recommendation was already approved; that parking problems were created by growth in the Medical Center and Rice University and a petition for permit parking was supported by residents with overwhelming support; a protest was made at a public hearing and Parking Management responded by conducting additional studies and as a result had recommended the block be approved and he was asking Council to please approve what the overwhelming majority of households requested. Council Members Alvarado, Brown and Green absent.

Council Member Clutterbuck stated that this was a difficult issue and the toughest part of her job was being someone who passed a vote and had to come on one set of neighbors against the next and she trusted all understood that, she appreciated the amount of work which went in on both sides and good common sense suggestions went in to it and she thought they could be considered in the future; and upon questions, Mr. Paroson stated that it was clear or fair to say after their meeting was held and Dr. Hollinger and his wife presented the other set of hours to the residents the majority were not in favor of such a proposal. Council Members Alvarado, Brown and Green absent.

Upon questions by Council Member Edwards, Mr. Paroson stated that they observed some student parking from Rice University and MED Center employees as well as people who come and work, various services; that providing no cost or low cost parking to employees at the MED Center would be an alternative to permit parking as it would not push parking into their

area; that the other streets with permit parking maintained their neighborhood feel. Council Members Alvarado, Brown and Green absent.

Mr. Derick Muhammad, 3003 South Loop West #460, Houston, Texas 77054 (713-851-5408) appeared and stated that on behalf of the Millions More Movement Ministry of Justice they were present with over 300 cab drivers, who stood to be recognized, who believed they were being marginalized by the new badging system put in place by the Airport System and they believed that new system to be very stringent and it would eventually put many drivers out of business, also the Airport System could not present one crime which would call for putting such in place; and today they were present reaffirming their support for those cab drivers and their quest for justice and were asking all to look again at that process which was to go into effect in July and consider the voices of those drivers; and displayed a petition signed by over 500 taxicab drivers. Council Members Holm, Alvarado and Green absent.

Council Member Johnson stated that laws were always put in place to protect citizens and he would be in support of that, especially with threats to the airport, etc., but he believed if they were to enact new rules and regulations then everyone who would be affected by it should be involved in creating those rules and he would like to see a list of things which were too stringent for them to follow to continue their lifestyle and protect their riders; that he suggested to Mark Mancuso they go back to the drawing board and look at the process and talk with those drivers and he had yielded to that; and Mr. Muhammad presented to Council Member Johnson a list of demands. Council Members Lawrence, Holm, Alvarado and Green absent.

Upon questions by Council Member Edwards, Mr. Muhammad stated that limousine drivers according to the Airport System also had to get the badge, but he believed they had more access to facilities; and Mayor White stated that they would have full discussion of this and the input was very useful. Council Members Lawrence, Holm, Alvarado, Lovell and Green absent.

Upon questions by Council Member Berry, Mr. Muhammad stated that he presented a copy of their specific concerns; that whether Mr. Massah would be a good spokesperson for independent drivers he felt he would need to ask the drivers, but from his understanding the answer was probably no; and Council Member Berry stated that he would charge him with a task, when they took independents of any type you could not have 500 people sitting in a room drafting and redrafting, but they would need a handfull of people or less who could speak and he would ask him to find someone who did have support of the independent drivers and they would be included in their working group. Council Members Lawrence, Holm, Alvarado, Lovell and Green absent.

Mayor White stated that to review where they were he felt there was a problem; that the City of Houston had an ordinance of longstanding which established criteria for getting a taxicab permit and it should be done in an open forum and they did so prior to them being on Council and when they were looking to do rules on wrecker drivers they looked to that as a model; that after 9/11 various airports enhanced security systems and made changes for people to use badges to get into sensitive areas, but if someone dropped off their relative at the airport they were not required to get a badge and probably came no closer than did some taxidivers and the he believed Council voted certain things and you needed to get a taxi permit and then Aviation had additional requirements which were never reviewed or approved by Council for what you needed to do to get a badge to get into the sensitive areas of the airport and the question then was from time to time they were subject to state or federal mandate which would supercede or replace a matter of law which was passed by ordinance, but when Council passed something there was the concern if that process was circumvented, shortcut or leapfrogged or undermined if a new set of rules and requirements came without public hearing, but if there was

something which was a real threat to homeland security then it should be taken into account; and he suggested somekind of hearing to address this. Council Members Clutterbuck, Holm and Brown absent.

Mr. John Branch, 4430 Castor, Houston, Texas 77022 (832-880-0414) appeared and stated that his mother was present on her scooter and she wanted assessable sidewalks in Independent Heights; that down Crosstimbers and Main sidewalks looked like a fault line with sidewalks sideways; and he would like those corrected for Mother's Day. Council Members Clutterbuck, Wiseman, Holm and Brown absent.

Council Member Garcia thanked Mr. Branch and his mother for coming and stated that her present was on the way; that he worked with Public Works to prioritize that project; and Mr. Gary Norman walked the area with him and they saw the challenges, design was being done now and construction would start soon and it would be completed within 18 to 24 months, but Mr. Branch had also pointed out another issue, a county drainage system abutted a city ditch and the water power was so strong that the land between it and a business there was eroding and the county said it was the city's and the city map showed it was the county's. Council Members Johnson, Wiseman, Holm and Brown absent.

Mayor White stated that they would move this along. Council Members Johnson, Wiseman, Holm and Brown absent.

Council Member Edwards stated that through the years she had been on Council, Mr. Branch had represented Independence Heights in a very passionate way and she commended him for that. Council Members Johnson, Wiseman, Holm and Brown absent.

Mr. Joseph Ballard, 6302 Rocky Nook, Humble, Texas 77396 (281-850-0388) appeared, presented pictures to view and stated that today he was present to speak about the Fifth Ward, a historical district which also needed to be looked at and tightened up; that many abandoned buildings were torn down, but now it was being dumped on; that streets and ditches had slime, abandoned houses were there and on Crane 30 sex offenders lived in a house; that rats and opossums ran out of vacant buildings and it was a shame and he wanted something done in his community, the Fifth Ward. Council Members Lawrence, Johnson, Edwards, Wiseman, Holm, Alvarado and Brown absent. (NO QUORUM PRESENT)

Council Member Garcia stated that he looked at the photos and in some you could see there was progress, though he knew not fast enough, some pictures showed check marks on the houses and that meant the commitment to demolish abandoned buildings was well underweigh and he would be happy to work with his Council Member to continue those efforts. Council Members Johnson, Clutterbuck, Wiseman, Holm and Brown absent.

Mayor White stated that between about two blocks north of Lyons Avenue across Fifth Ward down to the south that some things he could do and they had torn down about 3,000 buildings so far, but he was going to concentrate on the southern part and do it comprehensively, they were going to clean it out and foreclose and they were trying to get more legal rights against neglectful property owners as it was costly; and Mr. Ballard stated that it would be good if they could come out and talk with people there. Council Members Johnson, Wiseman, Holm and Brown absent.

Council Member Alvarado moved the rules be suspended for the purpose of hearing Mr. Russell Lehrman out of order, seconded by Council Member Green. All voting aye. Nays none. Council Member Khan out of the city on city business. Council Members Johnson, Wiseman, Holm and Brown absent. MOTION 2007-0443 ADOPTED.

Mr. Russell Lehrman, 2901 Rusk, Houston, Texas 77003 (713-222-2295) appeared, presented pictures and stated that he had a sensitive problem regarding the election; that volunteers wanted to get their choice elected do it lawfully and the best way they could; that a city owned facility had early voting taking place and last Friday there were 64 campaign signs in front and unfortunately none were there legal, but he had not known it was illegal; that at the facility no one was allowed to place a sign within the fence because it was city owned and he consulted 4 departments and received different answers, but the bottom line was there was no legal place for a sign at the facility and he hoped they would consider doing something about it. Council Members Johnson, Wiseman, Holm and Brown absent.

Ms. Kenyetta Tidwell, 5050 Sunflower, Houston, Texas 77033 (832-881-7093) appeared and stated that she was present on behalf of her daughter, a sixth grade student at Cullen Middle School, she was seeking sponsorship to allow her daughter to go to the Junior National Leadership Conference in Washington, D. C., she was nominated to represent her middle school, however, the school did not sponsor because they could not show favoritism and it was up to parents to fundraise; that she felt it would be a powerful experience and she had information on the conference and a reference letter for her daughter who was an honor society member and participant in the Houston Area Urban League. Council Members Johnson, Wiseman, Holm and Brown absent.

Mayor White thanked Ms. Tidwell for coming and upon questions, Ms. Tidwell stated that she was trying to raise \$2,140.00 it was for her tuition and plane ticket. Council Members Johnson, Wiseman, Holm and Brown absent.

Upon questions by Council Member Edwards, Ms. Tidwell stated that she needed it by May 16, 2007, and donations could be made payable to the Congressional Youth Leadership Council, but she did not know if they were a nonprofit. Council Members Johnson, Wiseman, Holm and Brown absent.

Mr. Chris Lara, 7002 Timber Post Lane, Humble, Texas 77346 (281-685-9017) had reserved time to speak but was not present when his name was called. Council Members Johnson, Wiseman, Holm, Alvarado and Brown absent.

Ms. Peggy Culton-Burnett, 5120 Rise, Houston, Texas 77007 (713-862-4559) appeared, presented information and stated that she was present as she had received a violation notice which she did not get on a piece of property which needed to be cut; that she received it and protested and it was reviewed and they said it was determined the lein was proper and valid so she then went to talk to Mr. Horace White and Ms. Linda Thornton May 3rd and the conclusion was the lein would stand as it was, but she had concluded the pictures sent probably belonged to a lein in 2004 which was before she acquired it and other 2004 information was in the file when she viewed it; that she also spoke with Mr. Norris Davis who ran down the process and said guidelines were through the state and she probably needed to go there to change them, but she was appealing to Council as she believed with a lein everything should match up and the information presented to her was not matching and she did not believe that violation was hers. Council Members Johnson, Edwards, Wiseman, Holm, Alvarado, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that he would like Mr. Norris Davis to meet with Ms. Burnett. Council Members Johnson, Edwards, Wiseman, Holm, Alvarado, Green and Berry absent. (NO QUORUM PRESENT)

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

Ms. Janice Gabriel, 5319 Hialeah Drive Houston, Texas 77092 (713-682-5774) appeared, presented information and stated that she was currently Beautification Chair Person of the Mangum Manor Civic Club and several years ago there was a severe erosion problem at Mangum Manor Park and they brought it to the attention of Council Member Lawrence who encouraged them to raise seed money to send to the Parks Board and after seeing their dedication Council Member Lawrence made sure they were placed on the CIP list for improvements and last May they celebrated their improvements including a beautiful new pavilion, sidewalks, entrance, etc., and one highlight was a retainer wall made of brick and placed there to hold back erosion of the park, but on Christmas Day 2006 there was a water leak and on December 27, 2006, a Public Work's crew came to repair the water main break and in the process knocked down the beautiful wall and even buried some of the bricks; that she had a letter stating Public Works saw to it the wall was restored by February 9, 2007, but that did not happen. Council Members Johnson, Edwards, Wiseman, Holm, Alvarado and Berry absent. (NO QUORUM PRESENT)

Council Member Lawrence stated that if Ms. Gabriel complained something was really wrong; that she was out every morning at 6:00 a.m. picking up trash on Antoine and she and her husband went every other day shoveling dirt back into the park before the retainer wall was there; that she had been in communication with Parks several times and this was five months, she was assured this would be corrected, but she did not want others going through this and Parks and Public Works should send inspectors to make sure things were done correctly, each department expected the other to do it. Council Members Johnson, Wiseman, Holm, Garcia, Alvarado and Berry absent. (NO QUORUM PRESENT)

Upon questions by Mayor White, Ms. Gabriel stated that the information she received in February was an E-mail which stated that the main had been fixed and the wall restored, but bricks were missing and they would appreciate the wall being put back together; and Mayor White stated that he would say to Mr. Norman good management had a person by name, who was responsible for the job, the task, due date and everyone should understand the consequences; and in the city there should be a brick layer, mason, etc., and the numbers of layers one had to go through to get something done was a direct grade on management and such things should be lessons so as not to happen again, it was not cheaper or easier to do something four months later and it was usually more expensive, but this was being worked on. Council Members Johnson, Wiseman, Holm, Garcia, Alvarado and Berry absent. (NO QUORUM PRESENT)

Mr. Brett Mize, 2009 Kane, Houston, Texas 77007 (713-861-4337) appeared and stated that he lived and worked in the Sixth Ward for 17 years and he was speaking on sweat equity, the work a person put into their house which raised its value; that he was not speaking of someone who flipped houses and said they deserved credit for saving old houses; that in the 1990's banks would not lend money to carpenters like him or anyone who did not make much money and so the majority of houses available to them were in such bad shape owners had to finance them and in retrospect it was a good thing for the historic district because the ones in poor condition and most susceptible to demolition were saved, but the bad news was renovations usually took longer; that there were several kinds of sweat equity, such as volunteer neighborhood work; that he owned one of the houses on the blight list and would like to clear it up. Council Members Lawrence, Johnson, Wiseman, Holm and Garcia absent.

Mayor White stated that his time would come and thanked him for coming today. Council Members Lawrence, Johnson, Wiseman, Holm and Garcia absent.

Mr. J. D. Bartell, 2214 Kane, Houston, Texas 77007 (281-748-4077) appeared, presented information and stated that he was present to thank the city for its efforts in creating a protected district for the Old Sixth Ward; that the transformation of his block was similar to activity throughout the district which included an increase in popularity of house moves, since 1990 13 historic houses were saved from demolition by being relocated within their boundaries and it enhanced the historic charm and could create a win/win situation. Mayor White, Council Members Lawrence, Johnson, Edwards, Wiseman, Holm and Garcia absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. Jay Hamburger, 1817 State Houston, Texas 77007 (713-869-0869) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Johnson, Edwards, Wiseman, Holm and Garcia absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. Tommy Breedlove, 322 Booker, Spring, Texas 77373 (832-326-5591) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Johnson, Edwards, Wiseman, Holm and Garcia absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. J. W. Massah, P. O. Box 742713, Houston, Texas 77036 (713-545-4777) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Johnson, Edwards, Wiseman, Holm and Garcia absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. Kevin Breedlove, 3822 Franklin, Houston, Texas 77021 (832-888-8144) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Johnson, Edwards, Wiseman, Holm and Garcia absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. Reginald Anyichie, 5618 Ethaline, Houston, Texas 77039 (281-857-0725) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Johnson, Edwards, Wiseman, Holm and Garcia absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. Shaka Zulu, 8530 Glen Valley Drive Houston, Texas 77061 (832-882-2683) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Johnson, Edwards, Wiseman, Holm and Garcia absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. Rufus Brown, 906 Marcolin, Houston, Texas 77088 (832-230-3965) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Johnson, Edwards, Wiseman, Holm and Garcia absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

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

Mr. Brandt Mannchen, 5431 Carew, Houston, Texas 77096 (713-664-5962) appeared and stated that he was present representing the Houston Sierra Club and he wanted to ask Council to approve the concrete crushing plant ordinance tomorrow; that it would allow those now present to exist and operate at current levels and it provided health and welfare protection and he hoped it would push companies in neighborhoods now to good neighborhood agreements; and encouraged the City of Houston Bureau of Air Quality Control to make investigation of concrete crushing plants with similar dust producing businesses a priority and make sure they did abide by air quality rules. Mayor White, Council Members Lawrence, Johnson, Edwards, Wiseman, Holm and Garcia absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. Mark Hogue, 9307 Meadowglen Houston, Texas 77063 (832-277-6000) appeared and stated that crosswalks were needed around Westheimer, many had to cross the busy street to catch buses and over street crosswalks were needed, one was needed by Wal-Mart. Mayor White, Council Members Lawrence, Johnson, Edwards, Wiseman, Holm, Garcia and Brown absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

President Joseph Charles, P. O. Box 524373, 77052-4373 (832-453-6376) appeared and stated that he was an official national crime victim being assassinated and he wanted protection; and continued expressing his personal opinions until his time expired. Mayor White, Council Members Lawrence, Johnson, Edwards, Wiseman, Holm, Garcia and Brown absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

At 4:05 p.m. City Council recessed until 9:00 a.m., Wednesday, May 9, 2007. Council Member Khan. out of the city on city business. Mayor White, Council Members Lawrence, Johnson, Edwards, Wiseman, Holm, Garcia and Brown absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, May 9, 2007

The Houston City Council reconvened at 9:00 a.m. Wednesday, May 9, 2007, with Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Ada Edwards, Addie Wiseman, M. J. Khan, P. E., Pam Holm, Adrian Garcia, Carol Alvarado, Peter Brown, Sue Lovell, Ronald C. Green and Michael Berry; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Mr. Arturo Michel, City Attorney; Mr. Terrance Fontaine, Deputy Chief of Staff for Operations; Ms. Marty Stein, Agenda Director and Ms. Marta Crinejo, Assistant Agenda Director, present.

Note: Council Member At Large Position 3 vacant.

At 8:27 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:21 a.m. Mayor White called the meeting to order and stated that they would start with a public hearing and stated that they had Mr. Rick Dewess, Mr. Michael Jacobs, and Mr. Mark Loethen were present for the hearing. Council Members Johnson, Wiseman, Garcia and Berry absent.

HEARINGS - 9:00 A.M.

1. **PUBLIC HEARING**, pursuant to the provisions of Chapter 26, Texas Parks & Wildlife Code, regarding (a) the proposed roadway and bridge construction at Brays Bayou and South MacGregor Drive, (b) the relocation of portions of North MacGregor Drive currently located in Hermann Park, and (c) associated temporary construction easements, all through Hermann Park, by the Public Works Department (the "project"); on the questions

of (1) whether there is any feasible or prudent alternative to the proposed use of Hermann Park for the project; and (2) whether the project includes all reasonable planning to minimize harm to Hermann Park as a park, recreation area, scientific area, wildlife refuge, or historic site resulting from the project **DISTRICT D - EDWARDS** – was called. Council Members Johnson, Wiseman, Garcia and Berry absent.

Mr. Jacobs, Senior Assistant City Attorney, Real Estate Division, Legal Department, stated that he was present for the public hearing relating to two requests by the Public Works and Engineering Department: first, that a portion of Hermann Park, south of South MacGregor Drive and north of the bayou, be used for the construction of a bridge across the bayou, which was part of the Cambridge Bridge Traffic Improvement Project, and second, that a part of Hermann Park be used to relocate North MacGregor Drive so that it was located closer to South MacGregor Drive; the purpose of the public hearing was to comply with the requirements of Chapter 26 of the Texas Parks and Wildlife Code, which required that a public hearing be held prior to any such takings or use of parkland; and that this body finds that there were no feasible and prudent alternatives to the use or taking of the park for this project and that the project included all reasonable planning to minimize harm to Hermann Park as a park or recreation area resulting from such use or taking; that here to testify in support of such two findings were Mr. Rick Dewees, Administrator of Hermann and Memorial Parks and Mr. Mark Loethen, Managing Engineer from the Department of Public Works and Engineering. Council Members Johnson, Wiseman, Garcia and Berry absent.

Mr. Loethen stated that they had briefing packets that had a substantial amount of details of the two particular projects in question, that the Cambridge Bridge Project was a mobility project to improve the mobility in the Texas Medical Center and Hermann Park area and provide an alternative access route to the Level One Trauma Center in TMC, the MacGregor realignment or paving project that was referred to was a mobility and pavement reconstruction project that would maintain current levels of traffic capacity on MacGregor but would basically turn approximately 10½ acres back to Hermann Park, that both projects that were before them were the preferred alternatives to meet the overall project objectives in compliance with Chapter 26 and would take all standards of care during construction to minimize impacts to trees within the park area, the storm water control and maintain access for the vehicular, pedestrian and bicycle traffic within the TMC and park area itself. Council Members Johnson, Wiseman, Garcia and Berry absent.

Mr. Dewees stated that the project was the result of years of cooperation between the Parks and Recreation Department, Hermann Park Conservancy, Public Works and Engineering Department and the Texas Medical Center to address traffic issues in the Texas Medical Center and Hermann Park area, the department believed that the result did everything possible to minimize impact on Hermann Park, in fact the result would be a great improvement, that approximately 10 acres of formerly inaccessible parkland would now be available and would allow new pedestrian connections including a new \$2.5 million grant completion for continuation of trails into that area of the park.

Council Member Lovell moved to suspend the rules to add Ms. Doreen Stoller to the speakers list, seconded by Council Member Khan. All voting aye. Nays none. Council Members Wiseman, Garcia and Berry absent. MOTION 2007-0443 ADOPTED.

Council Member Edwards asked if someone could address the impact and/or benefits to the surrounding communities with the project, and Mr. Dewees stated that from the park's perspective the connectivity that they were going to get for pedestrians and bicycles, that it would enhance their ability to connect to the community with some really expanded pedestrian facilities.

Council Member Edwards asked what would be the traffic impact and Mr. Loethen stated that they would expect that traffic would be impacted and their attempts would be to minimize that, the fact that the two roadways were so far apart they could rebuild South MacGregor and temporarily divert traffic to North MacGregor and then build a whole new North MacGregor with the existing North MacGregor remaining in place, but she was correct it would have some impact during the construction period for travel, that there was a detour plan not only for vehicles but there was also a detour plan prepared for the pedestrian and bicycle users along the Braes Bayou Trails that would route them around the construction activity, that he believed the bikeway information would be posted on the bikeway website and they certainly could provide the traffic detour information to her office if she would like and anybody else that would request it, and Council Member Edwards stated that there were several active community groups in that area that she would like to make sure got the information ahead of time so they could make plans appropriately, and Council Member Edwards asked what was the overall timeline from the beginning and Mr. Loethen stated that he had left the timeline out of his presentation, the bridge portion of the project was bid last week at a cost of \$7.5 million, of that \$7.5 million there was a \$2.2 million contribution from the Medical Center for what they had called architectural enhancements to the bridge itself, that project would start construction before the end of the calendar year and was expected to take 18 months for construction, the paring project would follow early next spring with approximately a 12 to 14 month duration for construction so both projects, if they stayed on the scheduled that was currently planned, would be in place before the Hurricane Season in 2009. Council Members Wiseman, Garcia, Alvarado and Berry absent.

After further discussion Council Member Green moved to suspend the rules to add Ms. Tomaro Bell and Mr. Al Lloyd to the speakers list, seconded by Council Member Khan. All voting aye. Nays none. Council Members Wiseman, Garcia, Alvarado and Berry absent. MOTION 2007-0444 ADOPTED.

Council Member Brown asked who was the designer that was hired by the City for the project, and Mr. Loethen stated that the engineering prime was a firm called Scientech, their sub consultant who worked on the architectural aspect was Mr. Kevin Shanley, with SWA. Council Members Garcia, Alvarado and Berry absent.

Mayor White requested the City Secretary to call the public speakers. Council Members Garcia, Alvarado and Berry absent.

Mr. Brandt Mannchen, 5431 Carew, Houston, Texas 77096 (713-664-5962) appeared, and stated that he was present representing the Houston Sierra Club and stated that he would like to wave the flag for Hermann Park and the Park system, but they had a concern about the project that they would like to bring forward and that was that the Cambridge bridge was going to bring more traffic and therefore more noise and more air pollution into the park and they were real concerned about that, that parks were for people and exercise and for everybody but they should not be putting more pollution in the parks, it was going to make it a less healthy place to be, they were also concerned that there was not an overall comprehensive plan for the Medical Center and the traffic there and they would like to see Metro, the Medical Center, others who were interested and the City of Houston, comprehensively address the problems of the Medical Center because it continued to grow, they continued to have more traffic, there would continue to be more problems and it was not going to resolve those problems and finally they would like to suggest a no net parkland policy for the City of Houston, whenever they lose parkland they ought to get more parkland back than they lose and by something like 2 to 1 mitigation or something like that so if they lose an acre they get two acres back and add to the park, so they

would like to encourage the Council to think about that, if not for this project than for future projects. Council Members Johnson, Garcia, Alvarado and Berry absent.

Mayor White asked how much more parkland would they effectively recapture for the park as a result of the reconfiguration, and Mr. Dewees stated that the concrete part was pretty much a wash, it would be moved and reduced a little bit because there were some connections that would be eliminated, the effective gain would be over 10 acres and that was 10 acres that had never been accessible to the public and would now be open to the public and would allow new access to about 50 acres of the park. Council Members Johnson, Garcia, Alvarado and Berry absent.

Council Member Edwards asked Mr. Mannchen that as to his comments on pollution did he think that could be weighed by the fact that traffic would be moving smoother and quicker instead of being stalled out, and Mr. Mannchen stated that he thought ultimately what they needed to look at was that it had really been difficult in the City to get individual people out of individual cars but they needed to work together to make it more feasible and the Medical Center was the largest employer in this area and they really needed to focus on getting folks there without having to take their individual cars and that would help considerably and Council Member Edwards stated that she would like to talk with Mr. Mannchen more on how they moved forward in trying to mitigate that issue what his ideas and concerns would be, and Mr. Mannchen stated that several years ago the Medical Center also proposed to the City to have a second bridge coming from Dixie Drive across Braes Bayou and using part of Hermann Park, that was dropped but their concern was if this did not result in the traffic reduction that it was thought to result in that project may rise again and they would have a further problem with parkland being taken. Council Members Lawrence, Johnson, Garcia and Berry absent.

Ms. Doreen Stoller appeared and stated that she was the Executive Director of the Hermann Park Conservancy and this was really the beginning of what could be a magical time for Hermann Park and the Bayou Parkland, the wilderness side of Hermann Park, which was really over 80 acres and was about 25% of the available parkland for recreation and they were at a moment in time when they were leveraging private, City, State, County funds and Flood Control money and all of it was being integrated according to the Hermann Park Master Plan to bring more access and life to unused areas of the park, the bike and pedestrian trails, all of these improvements, people from the eastside of the park would be able to bike and walk to get to the middle of the park to get to the Medical Center and she wanted to thank everybody from Public Works and the Parks Department and all of City Council for their support for this incredible gift to the citizens of Houston. Council Members Lawrence, Garcia and Berry absent.

Ms. Tomaro Bell, 3248 Charleston, Houston, Texas 77021 appeared and stated that as a resident of the South MacGregor area she did use MacGregor a lot and she was definitely very pleased to hear that the congestion would be alleviated by the new project but she had several questions, what was the impact on flooding because MacGregor did flood and their neighborhood had been used as an alternative route to alleviate some of the traffic from Almeda that backs off of MacGregor and cuts through, that she would like to get the alternative routes that they were going to establish for the traffic during construction, she would also like to know what was going to be the impact on flooding during construction. Council Members Garcia and Berry absent.

Mr. Loethen stated that the limits of the MacGregor Paring Project was to the west of Almeda, it was the portion of MacGregor that was immediately adjacent to the Hermann Park Golf Course, they had looked at the flooding that could potentially exist while or during construction and would attempt to mitigate that while it was going on, that with regards to the detour plans they certainly could provide that information to them, the intent was to route people

to the other major thoroughfares in the area and not through the individual neighborhoods during the construction, that they would attempt to maintain access as much as they possibly could during the construction and upon completion the new roadways would have upgraded and improved storm drainage systems that would hopefully minimize the future impacts. Council Members Garcia and Berry absent.

Council Member Edwards stated that she wanted to thank Ms. Bell and her group for their work in that area, they had been consistently committed to the quality of life in that area. Council Members Garcia and Berry absent.

Mr. Al Lloyd, 3246 Ozark, Houston, Texas 77021 appeared and stated that he was the former President of the South MacGregor Civic Club and stated that he had two questions, the first would be the impact on their area, that they were adjacent to the Medical Center and there was an increase in the population with the new apartments, high rises and townhomes, that the question was mentioned about the Dixie Bridge that was dropped and that was one of his concerns if the bridge was ever going to be built because it was needed, that his second concern was that he had a meeting with some members of Texas Medical Center about a special off ramp on Highway 288 because they were having a problem in the morning getting their employees to the Texas Medical Center and how these two may impact each other or clash, because he did know a lot times TXDOT may not meet with the City and the Flood Control may not meet at the same time and then they have two projects going on at the same time, so his main question was if there was going to be a special off ramp from Highway 288 to the Texas Medical Center that would basically influence the traffic on South MacGregor. Council Members Garcia and Berry absent.

Mr. Loethen stated that he did know there had been ongoing discussions with the Texas Department of Transportation and did not believe at this point that they had identified the definitive project, one of the alternatives was as Mr. Lloyd had mentioned, a special off ramp but he also understood they were also looking at doing some intersection reconfigurations with the MacGregors as well as some turn lanes and possibly intersection reworked at Almeda Road and MacGregor, so there was nothing definitive yet, they were still evaluating it and they were in discussion with them as well as the TMC folks as they moved those projects forward, that the Dixie Bridge discussion was not on their table at this point and time, it was not in the adopted Capitol Improvement Plan, so it was not on their table at this point and time. Council Members Garcia and Berry absent.

After further discussion by Council Members, Council Member Edwards stated that she would ask Mr. Lloyd and Ms. Bell and their groups to put together their list of concerns in writing and then get with Ms. Stoller. Council Members Garcia and Berry absent.

After further discussion Council Member Edwards moved to close the public hearing, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Lovell and Berry absent. MOTION 2007-0445 ADOPTED.

Council Member Clutterbuck moved to suspend the rules to consider Item No. 26 out of order, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Edwards, Lovell and Berry absent. MOTION 2007-0446 ADOPTED.

26. RESOLUTION approving the action of the City of Houston Higher Education Finance Corporation for its Higher Education Revenue Bonds (Rice University Project) Series 2007A and Series 2007B – was presented. Council Members Edwards, Lovell and Berry absent.

Council Member Clutterbuck stated that they had several people who worked for Rice University present in the audience and asked that they stand and be recognized for all of their hard work on Item No. 26.

A vote was called on Item No. 26. All voting aye. Nays none. RESOLUTION 2007-0022 ADOPTED.

Council Member Khan moved to suspend the rules to consider Item No. 2 at this time, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Holm absent. MOTION 2007-0447 ADOPTED.

2. REQUEST from Mayor for confirmation of the reappointment of the following to the **PLANNING COMMISSION:**

- Position One - **MR. LEE D. SCHLANGER**, for a term to expire March 31, 2009
- Position Four - **MS. CAROL A. LEWIS**, and to serve as Chair, for a term to expire September 30, 2008
- Position Five - **MR. MARK A. KILKENNY**, for a term to expire March 31, 2009
- Position Six - **MS. KAY CROOKER**, for a term to expire March 31, 2009
- Position Nine - **MS. ROBIN REED**, for a term to expire September 30, 2008
- Position Ten - **MR. TALMADGE SHARP, SR.**, for a term to expire March 31, 2009
- Position Eleven - **MR. SHAUKAT ZAKARIA**, for a term to expire September 30, 2008
- Position Twelve - **MS. ALGENITA SCOTT DAVIS**, for a term to expire March 31, 2009
- Position Eighteen - **MR. DAVID FRED MARTINEZ**, for a term to expire September 30, 2008
- Position Twenty - **MR. JEFF E. ROSS**, for a term to expire September 30, 2008

- was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Holm absent. MOTION 2007-0448 ADOPTED.

Mayor White asked the Member of the Planning Commission who were serving the public in the most time consuming and controversial job to stand up and be recognized and thanked them for their service. Council Member Holm absent.

Council Member Edwards moved to suspend the rules to consider Item No. 55 out of order, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Holm absent. MOTION 2007-0449 ADOPTED.

55. **ORDINANCE AMENDING ARTICLE VI OF CHAPTER 21 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, by adding a new Division 3 relating to concrete crushing sites; establishing a schedule of fees for permits issued in connection therewith – **(This was Item 14 on Agenda of May 2, 2007, TAGGED BY COUNCIL MEMBERS WISEMAN and HOLM)** – was presented.

Council Member Edwards stated that with the passage of this ordinance it gave them a step in giving citizens the right to determine the quality of life of where they live and was

something that the community had been working on for about the last 10 years and they had tried to go to many places, Federal and State, and this was the first body that had moved it to the point of codifying the quality of life for a given community that would affect the whole City of Houston, so she would encourage her colleagues to pass the ordinance. Council Members Wiseman and Holm absent.

Council Member Garcia asked the administration if they could explore the possibility of environmental credits for other industries similar to this, if they could work with various industries not just the concrete to establish environmental credits so they could make them stakeholders, that although the ordinance would prevent the issues from coming into some neighborhoods today it would not resolve some of the existing conditions that he had in his district, and Mayor White stated that he would appreciate some specific thoughts on that, that they had some of their staff working on the environment here to help flush out that idea so they could figure out how to provide incentives as well as mandates. Council Member Wiseman absent.

Council Member Berry stated that nobody deserved to live with concrete crushing plants next door to them, that he would not want it in his neighborhood or anybody else's, so he wanted to congratulate Council Member Edwards. Council Member Wiseman absent.

Council Member Brown stated that he was concerned about the concentration of rock crushing facilities and understood there were five or six in Council Member Edwards district, but the issue that he would bring to their attention was how do they regulate existing facilities, that this ordinance had a provision to allow the Director of the Health and Human Services Department to develop rules, but it says "may" not "shall" and he thought the effectiveness of the ordinance was going to hang on whether some effective rules were developed to cut down on the dust of the existing facilities. Council Member Wiseman absent.

Council Member Alvarado stated that she wanted to recognize the hard work of Council Member Edwards, that when they formed the committee on the environment that was the first she asked, if they could bring it to committee, that she wanted to recognize the Mayor's staff for their due diligence in all of this, that she knew they did not get to specific in the ordinance but there was some language in the ordinance that some of the rules may include for the existing facilities some best practices. Council Member Wiseman absent.

After further discussion by Council Members a vote was called on Item No. 55. All voting aye. Nays none. ORDINANCE 2007-0545 ADOPTED.

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 2 through 52

MISCELLANEOUS - NUMBERS 3 through 5

3. RECOMMENDATION from Director Department of Convention & Entertainment Facilities Department for the designation of one residential parking permit area and related parking regulations in the Super Neighborhood of University Place - **DISTRICT C – CLUTTERBUCK** – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. MOTION 2007-0450 ADOPTED.
5. RECOMMENDATION from Director Department of Public Works & Engineering to approve a refund for Water & Sewer Account for **RUBICON APARTMENTS**, 7302 Corporate Drive \$34,775.00 - Enterprise Fund – was presented, moved by Council Member Khan,

seconded by Council Member Green. All voting aye. Nays none. MOTION 2007-0451 ADOPTED.

ACCEPT WORK - NUMBERS 7 through 15

7. RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$11,369,168.90 and acceptance of work on contract with **DILLARD SMITH CONSTRUCTION COMPANY d/b/a P. D. G. ELECTRIC** for Runway 8L-26R New Electrical Vault and Fencing at George Bush Intercontinental Airport/Houston, Project 522F, WBS A-000304-0002-4-01 - 2.79% over the original contract amount - **DISTRICT B - JOHNSON** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2007-0452 ADOPTED.
9. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$363,464.12 and acceptance of work on contract with **RESICOM, INC** for Grady Park, WBS F-504B11-0011-4 - 4.06% over the original contract amount - **DISTRICT G - HOLM** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2007-0453 ADOPTED.
10. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$649,133.84 and acceptance of work on contract with **CENTURY ROOFING LLC** for Roof and Roof-Top Unit Replacement at Southwest Quadrant Office Facility, WBS R-000268-0042-4 - 0.18% over the original contract amount - **DISTRICT C - CLUTTERBUCK** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2007-0454 ADOPTED.
15. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$880,088.14 and acceptance of work on contract with **RWL CONSTRUCTION, INC** for Water Line Replacement in the Alameda Manor Subdivision, WBS S-000035-00B3-4 - 10.88% under the original contract amount - **DISTRICT D - EDWARDS** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2007-0455 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 16 through 23

16. **VISIONTRON CORP.** for Stanchions and Hardware for Houston Airport System - \$274,772.85 Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2007-0456 ADOPTED.
17. **AMEND MOTION #2005-237, 3/16/05, TO INCREASE** spending authority from \$154,000.00 to \$192,500.00 for Audio Control System Replacement Parts for Houston Airport System, awarded to **FORD AUDIO VIDEO SYSTEMS, INC** - \$38,500.00 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2007-0457 ADOPTED.
19. **DELL MARKETING L.P.** for Computers, Monitors, and Software through the City's Master Agreement with the Texas Department of Information Resources (DIR) for Texas CISV Master Catalog Purchases under Chapter 2157 of the Government Code for Houston Airport System \$337,229.29 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2007-0458 ADOPTED.

21. **DALLAS DODGE CHRYSLER JEEP** for Pickup Trucks through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for the Police Department \$73,137.00 - Police Special Services Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2007-0459 ADOPTED.
22. **RUSH EQUIPMENT CENTERS OF TEXAS, INC** for Equipment Trailers through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for Various Departments - \$339,708.40 - Enterprise and Equipment Acquisition Consolidated Funds – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2007-0460 ADOPTED.
23. **WELDERS EQUIPMENT I LTD. dba SPECIALTY GAS PRODUCTS** - \$1,394,200.15 and **AIRGAS-SOUTHWEST, INC** - \$1,814,212.34 for Industrial, Medical and Specialty Gases for Various Departments - General, Fleet Management, Storm Water and Enterprise Funds – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2007-0461 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 30 through 50

30. ORDINANCE authorizing the issuance of one or more series of City of Houston, Texas Tax and Revenue Anticipation Notes, Series 2007 to provide for the payment of the current expenses of the City for the Fiscal Year beginning July 1, 2007, and ending June 30, 2008; prescribing the terms and form thereof and authorizing the Finance Working Group to determine certain terms and conditions relating thereto; providing for the payment of the principal thereof and interest thereon; approving and authorizing the distribution of a Preliminary Official Statement and official notice of sale to be used in connection with the sale of the Notes; authorizing the preparation and distribution of an Official Statement to be used in connection with the sale of the Notes; authorizing the execution and delivery of a Paying Agent/Registrar Agreement and a Co-Bond Counsel Agreement; making other findings and provisions relating to such Notes and matters incident thereto; and declaring an emergency – was presented. All voting aye. Nays none. ORDINANCE 2007-0546 ADOPTED.
31. ORDINANCE approving a supplemental borrowing evidenced by City of Houston, Texas Tax and Revenue Anticipation Notes, Series 2007A to provide for payment of current expenses of the City for a portion of the Fiscal Year beginning July 1, 2007, and ending June 30, 2008; providing for the payment of the principal of and interest on such notes; authorizing the procedure for determining the terms and conditions of such Notes; authorizing the execution of a Note Purchase Agreement; appointing Co-Bond Counsel; making other findings and provisions related to the subject and matters incident thereto; and declaring an emergency – was presented. All voting aye. Nays none. ORDINANCE 2007-0547 ADOPTED.
32. ORDINANCE consenting to the addition of 72.312 acres of land to **DOWDELL PUBLIC UTILITY DISTRICT**, for inclusion in its district – was presented. All voting aye. Nays none. ORDINANCE 2007-0548 ADOPTED.
33. ORDINANCE approving and authorizing a program to repair certain homes in Houston Hope areas of the City of Houston - had been pulled from the Agenda by the Administration, and was not considered.

35. ORDINANCE approving and authorizing Sublease Agreement between **ALL-STAR PARKING, INC, a Texas Limited Partnership**, as Landlord (“Landlord”), and the City of Houston, Texas, as tenant (the “City”), for two Commercial Parking Lots located at 2233 Polk Street and 2233 Lamar Street, Houston, Harris County, Texas, at a monthly rental of \$4,500.00 during the first twelve (12) months and a monthly rental of \$5,000.00 during the thirteenth (13) through the twenty-fourth (24) month, for a marshalling area for exhibitors for use by the Convention and Entertainment Facilities Department - Enterprise Fund - **DISTRICT I – ALVARADO** – had been pulled from the Agenda by the Administration, and was not considered.
36. ORDINANCE approving and authorizing Supplemental Lease Agreement No. 2 to Lease GS-07B-15237 between the City of Houston and the **GENERAL SERVICES ADMINISTRATION (GSA)** for Office and Breakroom Space for the Transportation Security Administration (TSA) at William P. Hobby Airport - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. ORDINANCE 2007-0549 ADOPTED.
37. ORDINANCE approving and authorizing contract by and between the City of Houston and **AVIATION DATA GROUP, LLC** for Airline Route and Network Analysis Software for the Houston Airport System; providing a maximum contract amount - 2 Years with two one-year options \$125,000.00 - Enterprise Fund – was presented. All voting aye. Nays none. ORDINANCE 2007-0550 ADOPTED.
40. ORDINANCE appropriating \$1,206,348.00 out of Airports Improvement Fund, WBS A-000476-0008-4-01 and awarding Construction Contract to **CST ENVIRONMENTAL, INC** for Building Demolition and Environmental Remediation adjacent to George Bush Intercontinental Airport/Houston (Project 617D); setting a deadline for CST Environmental, Inc.’s execution of the contract and delivery of all bonds, insurance and other required contract documents to the city; holding CST Environmental, Inc in default if it fails to meet the deadlines; providing funding for contingencies relating to construction of the facilities financed by such fund - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. ORDINANCE 2007-0551 ADOPTED.
41. ORDINANCE approving and authorizing purchase of a three-year Crime Insurance Policy with **AMERICAN INTERNATIONAL GROUP (AIG), through Member Company, NATIONAL UNION FIRE INSURANCE COMPANY OF PITTSBURG, PA.** for Public Employee Dishonesty and Computer Fraud; providing a maximum contract amount - \$93,754.00 - Property and Casualty Fund – was presented. All voting aye. Nays none. ORDINANCE 2007-0552 ADOPTED.
44. ORDINANCE appropriating \$221,444.44 out of Public Library Consolidated Construction Fund and approving and authorizing Professional Architectural Services Contract between the City of Houston and **NATALYE APPEL & ASSOCIATES ARCHITECTS, LLC** for Library ADA Renovations at various locations, WBS E-000157-0002-3 - **DISTRICTS A - LAWRENCE; B - JOHNSON; E - WISEMAN; G - HOLM and I - ALVARADO** – was presented. All voting aye. Nays none. ORDINANCE 2007-0553 ADOPTED.
45. ORDINANCE appropriating \$7,600.00 out of Parks Consolidated Construction Fund as an additional appropriation for Professional Materials Engineering Laboratory Testing for MacGregor Park Road Improvements, WBS F-504A21-0022-4, under an existing contract with **FUGRO CONSULTANTS, INC - DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. ORDINANCE 2007-0554 ADOPTED.

47. ORDINANCE appropriating \$4,230,000.00 out of Public Library Capital Project Fund; awarding construction contract to **WORKMAN COMMERCIAL CONSTRUCTION SERVICES L.T.D.** for Construction of Clayton Library Renovation, WBS E-000156-0001-4; 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, environmental consulting services, and contingencies relating to construction of facilities financed by Public Library Capital Project Fund **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. ORDINANCE 2007-0555 ADOPTED.
49. ORDINANCE approving and authorizing Professional General Environmental, Asbestos and Lead related Consulting Services On-Call Contract between the City of Houston and **CORRIGAN CONSULTING, INC**, WBS I-000100-0001-3 - \$190,000.00 - General Fund – was presented. All voting aye. Nays none. ORDINANCE 2007-0556 ADOPTED.
50. ORDINANCE appropriating \$237,850.00 out of Street & Bridge Consolidated Construction Fund; awarding contract to **TIKON GROUP, INC** for Safe Sidewalk Program - 34 Corners, WBS N-00610A-00H6-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering testing, project management, construction management, and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICTS C - CLUTTERBUCK; D - EDWARDS and G - HOLM** – was presented. All voting aye. Nays none. ORDINANCE 2007-0557 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

4. RECOMMENDATION from Director Department of Public Works & Engineering to approve a refund for Water & Sewer Account for **CRESCENT CITY APARTMENTS**, 8501 Broadway \$29,138.45 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2007-0462 ADOPTED.

ACCEPT WORK

6. RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$17,203,648.24 and acceptance of work on contract with **SOVEREIGN BUILDERS GROUP, LTD. (dba CONSTRUCTION LTD.)** for Terminal C/E Utility Distribution Upgrade at George Bush Intercontinental Airport/Houston, Project 424E, WBS A-00091-0005-4-01 - 4.92% over the original contract amount - **DISTRICT B - JOHNSON** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2007-0463 ADOPTED.
8. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$307,541.00 and acceptance of work on contract with **STRUCTURE MANAGEMENT, LLC** for Julia Ideson Building Renovation, WBS E-000049-0001-4 - 6.05% over the original contract amount - **DISTRICT I - ALVARADO** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2007-0464 ADOPTED.

11. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$740,950.74 and acceptance of work on contract with **CHIEF SOLUTIONS, INC** for Sanitary Sewer Cleaning and Television Inspection in Support of Rehabilitation, WBS R-000266-00C3-4 - 2.52% under the original contract amount – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2007-0465 ADOPTED.
12. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$769,225.35 and acceptance of work on contract with **CHIEF SOLUTIONS, INC** for Sanitary Sewer Cleaning and Television Inspection in Support of Rehabilitation, WBS R-000266-00C6-4 - 2.29% over the original contract amount – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2007-0466 ADOPTED.
13. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$460,317.41 and acceptance of work on contract with **WESCO INFRASTRUCTURE TECHNOLOGIES, INC** for Rehabilitation of 54” to 60” Pickfair Trunk Sewer from 610 North Loop to Hunting Bayou, WBS R-0002011-0036-4 - 28.51% under the original contract amount - **DISTRICT B - JOHNSON** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2007-0467 ADOPTED.
14. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$205,390.21 and acceptance of work on contract with **METRO CITY CONSTRUCTION, L.P.** for Woodhead Street Sewer Replacement, WBS R-002011-0044-4 4.26% under the original contract amount - **DISTRICT D – EDWARDS** – was presented.

Council Member Brown stated that he had tried to get some additional information on the item, that it was an 8 inch sewer line that was being added to serve a large older apartment complex that was on the corner of Woodhead and Dunlavy and the property was going to be redeveloped and he did not think there had been any study about the capacity of the 8 inch sewer line to accommodate the increased density on the 10 acre site, that he had asked Public Works to give him, on the basis of 300 gallons per day, what the capacity of the sewer was, not just the one they were replacing but downstream, and he did not get an answer, that he would tag the item and get the information, that he had talked to Gary Norman, Public Works.

Mayor White stated that the item was a closeout and Council Member Brown stated that he would retract his tag but would like to get the information to make sure they were taking into consideration those concerns, and Mayor White stated that they would get a report on it.

After further discussion by Council Members, Council Member Edwards stated that if there was concern about an issue that was in her district if the person would let them know they would be more than happy to work it out.

A vote was called on Item No. 14. All voting aye. Nays none. MOTION 2007-0468 ADOPTED.

PURCHASING AND TABULATION OF BIDS

18. **UR INTERNATIONAL, INC** for Purchase of a Radio Frequency Identification (RFID) System for the Health and Human Services Department - \$226,212.00 - Equipment

Acquisition Consolidated Fund – was presented, and tagged by Council Members Wiseman, Lovell, Lawrence and Clutterbuck.

After discussion by Council Members, Council Member Clutterbuck asked what Item 18 was paying for, that it had been explained that it was similar to an eztag system; and Council Member Berry asked what efforts had they been making to make sure that the mobile vendors move; and Council Member Garcia asked the administration for the development of an accompanying ordinance to the purchase that it would be a violation for tampering or damaging these items; and Council Member Lovell asked what were they going to do to stop the fraud that was going on now; and Council Member Lawrence stated that the item did need to follow with a commissary ordinance and she had no support from the Health Department to write that ordinance.

Mayor White stated that was something they needed to address and for their benefit, the Legal Department and City employees, there was no excuse for that, to solve a problem they had to understand it and one thing that he did not know three years ago was the thing about making new policy and operating standards and then saying what they should look like in an ordinance, that it was harder for some people to do than others, because lawyers did not know operations, inspectors may know what they were taught to do but not a new innovative way to approach an old problem, but let's get it done, that he and his Chief of Staff would take some personal involvement and Council Member Lawrence had a good understanding of operations.

After further discussion by Council Members, Council Member Khan asked if these devices help the food inspectors quickly point out the ones who had no permits at all and take action, and Mayor White stated that they would get that question answered also, and Item No. 18 had been tagged, that Mr. Michel will be working with Mr. Williams on a timetable on what their operating budget and ordinance plan on the commissaries. Council Member Clutterbuck absent.

20. **PHILPOTT MOTORS, LTD.** for Aerial Manlift Truck through the Interlocal Agreement for Cooperative Purchasing with the Texas Local Government Purchasing Cooperative for Police Department - \$59,453.00 - Grant Fund – was presented, moved by Council Member Khan, seconded by Council Member Garcia.

Council Member Lovell stated that she would vote for the item and noticed that they were voting on some other trucks on the agenda but she understood that this would be used the Police Department and Neighborhood Protection to be able to put cameras up to catch illegal dumping, which she was in favor of but she wanted to urge the Police Department that when they went after grants to also look for some grants that could help them in some other ways.

A vote was called on Item No. 20. Council Member Clutterbuck voting no, balance voting aye. MOTION 2007-0469 ADOPTED.

24. **TOMMIE VAUGHN MOTORS, INC** - \$1,100,760.00 and **LONE STAR CHEVROLET** - \$494,386.00 for Light-and Medium-Duty Trucks for Various Departments - Enterprise, Police Special Service, Mobile Response Team and Equipment Acquisition Funds - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2007-0470 ADOPTED.

25. **VWR INTERNATIONAL, INC** for Scientific Products for Various Departments - \$2,625,161.26 General, Enterprise, Grant and Storm Water Funds - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2007-0471 ADOPTED.

RESOLUTIONS AND ORDINANCES

27. RESOLUTION approving and authorizing the submission of an application for grant assistance to the U.S. Department of Justice Juvenile Justice and Delinquency Prevention Act Fund administered by the State of Texas through the Criminal Justice Division, Office of the Governor ("CJD"), to support the After-School Achievement Program; declaring the City's eligibility for such grant; authorizing the Director of the Parks and Recreation Department to act as the City's Representative in the application process, 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. RESOLUTION 2007-0023 ADOPTED.
28. RESOLUTION designating certain properties within the City of Houston as Historic Landmarks:
Miller-Tunks House - 2117 Chilton Road - **DISTRICT G - HOLM**
George V. Rotan House - 2300 Pine Valley Drive - **DISTRICT G - HOLM**
- was presented.

Council Member Lawrence stated that she requested some JPEGs this week and found them very helpful, that she thought it was wonderful that they were doing the historical landmarks and make them available on the City website of all the ones they were doing, that it did not cost anything to send them to each of the Council Members, they get a list of 8 or 9 and seeing where they were located did not mean as much as a picture, just a JPEG, that she suggested that they start sending JPEGs to all the Council Members that wanted to see them.

After further discussion a vote was called on Item no. 28. All voting aye. Nays none. RESOLUTION 2007-0024 ADOPTED.

29. ORDINANCE relating to terms and conditions for water and wastewater service; **AMENDING CHAPTER 47 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**; containing other provisions relating to the subject; containing a repealer; providing for severability; declaring certain conduct unlawful and providing a penalty therefor; providing an effective date – was presented, and tagged by Council Members Khan, Wiseman and Johnson.
34. ORDINANCE approving and authorizing contract between the City and **AVIA PARTNERS, INC** for Prescription Drugs for older adults in the Houston/Harris County Area; providing a maximum contract amount - \$400,000.00 - Grant Fund – was presented. All voting aye. Nays none. ORDINANCE 2007-0558 ADOPTED.
38. ORDINANCE appropriating \$500,000.00 out of Airports Improvement Fund and approving and authorizing Professional Consulting Services Contract between the City of Houston and **APPLIED RESEARCH ASSOCIATES, INC**, for Pavement Management Program Development and Implementation at George Bush Intercontinental Airport/Houston, William P. Hobby Airport and Ellington Field (Project No. 508; WBS A000138-0015-3) - **DISTRICTS B - JOHNSON; E - WISEMAN and I - ALVARADO** – was presented. All voting aye. Nays none. ORDINANCE 2007-0559 ADOPTED.
39. ORDINANCE appropriating \$2,000,000.00 out of Airports Improvement Fund for Supplemental allocation for Contract No. 56374; approving and authorizing Amendment No. 1 to the contract for Professional Consulting Services by and between the City of Houston and **HNTB CORPORATION** for On-Call Planning Services with the Houston

Airport System, WBS A-000368-0002-3-01; (Proj. No. 616) - **DISTRICTS B - JOHNSON; E - WISEMAN and I - ALVARADO** – was presented, and tagged by Council Member Khan. (Note: Council Member Khan released his tag later in the meeting.)

42. ORDINANCE amending Ordinance Number 1999-1232 to increase the maximum contract amount; approving and authorizing first amendment to contract between the City and **JOHNSON CONTROLS, INC** for Energy Management and Maintenance Services for the Houston Public Library - \$1,000,000.00 - General Fund – was presented, and tagged by Council Member Berry.

Council Member Berry asked if they could get something in writing as to the status of the reconstruction of the main library.

43. ORDINANCE awarding contract to **COMMERCIAL CHEMICAL PRODUCTS, INC dba POOLSURE** for Swimming Pool Maintenance Services for Parks & Recreation Department; providing a maximum contract amount - 3 Years with two one-year options - \$3,044,800.00 General Fund – was presented.

Council Member Lawrence stated that they had their Master Parks meeting the other day and the Parks people who came out and the folks doing the study said that they had not seen as large a crowd at all the meetings they had done so far and some very good things came out of it, but one good thing that came out was that they identified a pool and said very few people used the pool, that if they took the number of 58 pools and look at the chemicals and Ordinance No. 47 over three years, each year they would be spending \$1,700 per pool and that was just chemicals so if there was upkeep it was a lot more so she would ask the Parks Department to look at the pools and be sure they were utilizing the space to the most benefit, that it was something that they really needed to think about.

Council Member Khan stated that in this case the lowest bid was \$3.044 million and the next lower bid was \$4.25 million and that was a \$1.2 million difference between the two lower bids and wondered whether the department looked at the discrepancy and would tag the item and hopefully would get his answer by next week.

46. ORDINANCE appropriating \$35,000.00 out of Solid Waste Consolidated Construction Fund as an additional appropriation for Construction Services for Southeast Solid Waste Center Concrete Driveway Repair, WBS L-000071-0001-4, under an existing contract with **TEXAS STERLING CONSTRUCTION L.P. - DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. ORDINANCE 2007-0560 ADOPTED.
48. ORDINANCE appropriating \$1,598,000.00 out of Public Health Consolidated Construction Fund; awarding construction contract to **MERIDIAN COMMERCIAL, L.P.** for Renovation of West End Health Center - Phase II, WBS H-000068-0002-4; 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 Public Health Consolidated Construction Fund - **DISTRICT H - GARCIA** – was presented. Council Member Wiseman voting no, balance voting aye. ORDINANCE 2007-0561 ADOPTED.
51. ORDINANCE appropriating \$4,350,000.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **METRO CITY CONSTRUCTION, L.P.** for Neighborhood Sanitary Sewer Improvements, WBS R-002011-0043-4; 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 D – EDWARDS** – was presented. All voting aye. Nays none. ORDINANCE 2007-0562 ADOPTED.

52. ORDINANCE appropriating \$4,267,900.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **TOTAL CONTRACTING LIMITED** for Sampson Sewer and Eastwood Subdivision Sewer Relocation, WBS R-002011-0048-4; 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 - **DISTRICTS D - EDWARDS and I – ALVARADO** – was presented, and tagged by Council Member Edwards.

Council Member Clutterbuck stated that she would add her tag to the item as well, that Total Contracting Limited had given the good people of District C a whole lot of trouble, they were required by law to accept the lowest qualified bidder and they did come in the lowest but she had told her colleagues, Council Members Alvarado and Edwards that she would not wish it on the citizens of District D or District I either, they were currently close to 100 days behind on the Kirby Storm Water Project and a lot of it may be due to their inability to perform the work, additionally she was cleaning up a huge mess that they left over from a contract that was completed in another subdivision under former Council Member Mark Goldberg, that she would urge Total Contracting to do the kind of job that the taxpayers expected.

Council Member Khan stated that he had similar concerns as Council Member Clutterbuck but in addition it was another contract where the next lowest bidder was \$1.1 million higher than this one, that he would add his tag and request that the administration contact him.

Council Member Edwards stated that she wanted to thank Council Member Clutterbuck for bringing to her attention the experiences that she had with the company, that all companies could make mistakes but being discourteous to the citizens was totally unacceptable, that not only would she tag the item but she wanted to refer it back to the administration, that she thought it had to be one of the hallmarks of how a company represents the City of Houston in their communities and to be discourteous to the constituents was a bigger sin than coming in over budget, that she would like to have some discussion on whoever was in charge of this type of issue, and Mayor White stated that they would follow up, those were legitimate concerns.

Council Member Garcia moved to suspend the rules to consider Item No. 54 and 54a out of order, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2007-0472 ADOPTED.

54. WRITTEN Motion by Council Member Garcia to amend Item 54A as follows:

In Section 3 of the proposed ordinance, amend Section 28-171 of the Code of Ordinances, Houston, Texas, by adding, in the appropriate alphabetical order, the following definition:

“Adult means an individual who has attained the age of 18.” – **TAGGED BY COUNCIL MEMBER WISEMAN** – was presented.

After a lengthy discussion by Council Members, Council Member Lovell asked if they could explore asking Metro if their officers could have communications with their drivers and get on the buses and ask children why they were not in school or at home.

A vote was called on Item No. 54. Council Members Berry, Wiseman and Edwards voting no, balance voting aye. MOTION 2007-0473 ADOPTED.

- 54a. ORDINANCE modifying and continuing the City's Juvenile Curfew Ordinance; containing findings and other provisions relating to the foregoing subject; providing for severability – **(This was Item 1A on Agenda of May 2, 2007, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. Council Members Edwards, Wiseman and Berry voting no, balance voting aye. ORDINANCE 2007-0563 ADOPTED AS AMENDED.

NON CONSENT AGENDA - NUMBER 53

PURCHASING AND TABULATION OF BIDS

53. **AMEND MOTION #2007-260, 3/7/07, TO PURCHASE** additional Automobiles, Utility Vehicles and Pickup Trucks for Various Departments, awarded to **PHILPOTT MOTORS, LTD.** - \$227,300.00 - General, Equipment Acquisition Consolidated and Police Special Services Funds **REQUIRES THREE MOTIONS** - (1-Suspend rules; 2-Bring back for reconsideration; 3-Amend)

Council Member Alvarado moved to suspend the rules for the purpose of reconsidering Motion 2007-260, 3/07/07, seconded by Council Member Holm. All voting aye. Nays none. MOTION 2007-0474 ADOPTED.

Council Member Alvarado moved Motion 2007-260, 3/07/07, be brought back to Council for reconsideration, seconded by Council Member Holm. All voting aye. Nays none. MOTION 2007-0475 ADOPTED.

Council Member Alvarado moved to amend Motion 2007-260, 3/07/07, to purchase additional Automobiles, Utility Vehicles and Pickup Trucks for Various Departments, awarded to **PHILPOTT MOTORS, LTD.**, seconded by Council Member Holm. All voting aye. Nays none. MOTION 2007-0476 ADOPTED.

MATTERS HELD - NUMBERS 56 through 63

56. ORDINANCE **AMENDING CHAPTER 42 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Solid Waste Collection – **(This was Item 2A on Agenda of May 2, 2007, TAGGED BY COUNCIL MEMBERS WISEMAN, GARCIA, HOLM and KHAN)** – was presented. Council Member Wiseman voting no, balance voting aye. ORDINANCE 2007-0564 ADOPTED.
57. ORDINANCE **AMENDING CHAPTER 39 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Solid Waste Collection in the City; repealing Ordinance No. 85-842 relating to Solid Waste Sponsorship Agreements; containing findings and other provisions relating to the foregoing subject; providing an effective date; providing for severability – **(This was Item 15 on Agenda of May 2, 2007, TAGGED BY COUNCIL MEMBERS WISEMAN and GARCIA)**

Council Member Garcia stated that he had submitted a written amendment for Item No. 57 to increase the number of units to go from 20 to 25 as follows:

"Motion by Council Member Garcia to amend Item No. 57 as follows:

1. In Section 3 of the proposed Ordinance, amend the introductory paragraph of Item (2) of Section 39-65 of the Code of Ordinances, Houston, Texas, to read as follows:

"Units within a development or subdivision containing private streets, permanent access easements or shared driveways, if at least one residential unit located within such development or subdivision is adjacent to at least one public street and the development or subdivision contains no more than 25 units and provided further:"

2. In Section 3 of the proposed Ordinance, amend Subsection (a) of Section 39-66 of the Code of Ordinances, Houston, Texas, to read as follows:

"(a) The city shall enter into a sponsorship agreement, as defined in section 39-1 of this Code, only with a civic or homeowners association or other qualified entity that assumes responsibility for all garbage collection services available to those residential units eligible for such service pursuant to section 39-65 or any other provision of chapter 39 of this Code that are located within the geographical area to be served, provided the association or qualified entity is authorized to bind all residential units within the geographical area covered by the sponsorship agreement. Only those sponsorship agreements that are consistent with the provisions of this section and are in a form approved by the city attorney shall be approved." – Council Member Berry absent.

A vote was called on Council Member Garcia's motion to amend Item No. 57. Council Member Wiseman voting no, balance voting aye. Council Member Berry absent. MOTION 2007-0477 ADOPTED.

Council Member Garcia moved to postpone Item No. 57 for one week, seconded by Council Member Alvarado. Council Member Berry absent.

After further discussion a vote was called on the motion to postpone Item No. 57 for one week. All voting aye. Nays none. Council Members Holm and Berry absent. MOTION 2007-0478 ADOPTED.

58. ORDINANCE making a general appropriation of certain revenues of the City in support of annual budgets for Fiscal Year 2007; authorizing transfers in support of the annual budgets of the City for Fiscal Year 2007 – **(This was Item 16 on Agenda of May 2, 2007, TAGGED BY COUNCIL MEMBERS WISEMAN and JOHNSON)** - was presented. Council Members Holm and Berry absent.

Council Member Johnson stated that he wanted to thank Matt Thibodeaux for giving him the information that he needed to discuss the item, that one of the things he was looking for were some policies in place, that he had his fair share of abandoned buildings in his district that destroyed the quality of life and property values and with this ordinance in place it would help tear down the properties and quicken the pace to get them back on the tax roll and he was in favor of that, that one of the things he was concerned about was how they were prioritizing these homes, that he was looking for something that would put in the policy a mechanism that would help them alleviate these properties quicker, so if someone could give him some better policies and he asked to meet with Mayor White, Chief Lumpkin and Mr. Thibodeaux so they

could come up with a different ordinance or different strategies as to how they abate these properties he certainly would appreciate it. Council Members Holm and Berry absent.

Mayor White asked Ms. Stein to make sure they did have that and include people who had relevant budgetary figures, any person who was offering legal advice concerning what should or should not be done, that there were two issues that they ought to be looking at, first of all was there any impediment that had to do with legal or administrative, that they wanted the dangerous buildings down, and on commercial there were some issues on budget because they had owners who were irresponsible and it should not be subsidized by the people out there struggling to get by everyday and were paying their taxes, that there was some legislation working it's way in Austin that would allow them, if there was any tax delinquency to foreclose and recapture that lien but they needed to do something, that they should come up with a list and they will work their way through the case study at a meeting that he would ask Ms. Stein to put together, that he agreed with him and they should figure out what the problem was. Council Members Holm and Berry absent.

Council Member Lovell stated that she concurred with Council Member Johnson and if they were going to set standards about when their children needed to be in the evening then they ought to set some standards about what goes on in the neighborhood, that to her it was pretty despicable to drive through neighborhoods and see kids running around on top of buildings that were burned out and they as a City did not step in and do something about it and put a lien on the owner of the property, and Mayor White stated that he agreed, they put a non foreclosable lien on it and if and when the property is sold it may be paid out and then the contractors who tear it down and haul it off will not take the lien in payment, that they would have the meeting and ought to have a Mayor's Report and deal with very specifics because their goal should be to eliminate the backlog. Council Member Holm absent.

Council Member Brown stated that he wanted to reemphasize what Council Member Johnson was saying, they needed specific criteria for prioritizing the expenditures of \$3.5 million of taxpayer money from the General Fund, that he had asked the department for a list of their priorities and essentially they could not give him a list of their criteria, that the email he got indicated they had very few or effective criteria so he did not know how things got on a list, and Mayor White asked Council Member Brown to give him an address and that would be a good illustration. Council Member Holm absent.

Council Member Edwards stated that when she came to the District D office in 2001 there was a house in the Hiram Clarke area that had been burned and abandoned, roof falling in and had bees on both sides and the neighborhood was infested with bees from that house and it was not that the City did not want to tear it down but for some reason they were hampered by State laws regarding private property and that type of thing, that she knew it had been an issue ever since Mr. Ben Reyes was on Council and got frustrated and rented his own bulldozer and started bulldozing houses on his own, that she did not think anyone in the City was not wanting to tear down homes but had it been resolved, the State issues regarding private property and what they had to do, and Mayor White stated yes, after probably in response to certain liability issues the City Legal Department at some point had some policies or procedures that were probably more intended to insulate the City from lawsuits than to accomplish their purposes, approximately 24 or 30 months ago they gave new guidance from the City Attorney and basically that had served to expedite these proceedings, and Council Member Edwards asked Mr. Michel if he could give their office where they were legally and Mr. Michel stated that he would do so this week. Council Members Holm and Brown absent.

Council Member Wiseman stated that she would not be supporting the item because she did not support the requested budget transfers and did not support the stated intention that a

fund be reimbursed as had been the case in the past year with the City Council, the intentions were intentions only and were never fulfilled so she could not support it. Council Member Holm absent.

A vote was called on Item No. 58. Council Member Wiseman voting no, balance voting aye. Council Member Holm absent. ORDINANCE 2007-0565 ADOPTED.

58a. ORDINANCE declaring the intention of the City to Reimburse Dangerous Building Demolition Project Expenditures from future proceeds of Certificates of Obligation, appropriating \$3,500,000 from the General Fund Fund Balance for the purpose of making a cash advance to the Dangerous Building Demolition Fund, appropriating \$3,500,000 from the Dangerous Building Demolition Fund/Dangerous Building Consolidated Fund for the cost of demolition of dangerous buildings – **(This was Item 16A on Agenda of May 2, 2007, TAGGED BY COUNCIL MEMBERS WISEMAN and JOHNSON)** – was presented. Council Member Wiseman voting no, balance voting aye. Council Member Holm absent. ORDINANCE 2007-0566 ADOPTED.

59. ORDINANCE appropriating \$465,125.00 out of Tax Increment Fund for Reinvestment One Number Ten, City of Houston, Texas (Lake Houston Zone) for Administrative Expenses and payment of project costs as provided herein - **DISTRICT E – WISEMAN** – **(This was Item 22 on Agenda of May 2, 2007, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2007-0567 ADOPTED.

60. ORDINANCE approving and authorizing Lease Agreement between **BRAYS OAKS TOWERS, LTD.**, a Texas Limited Partnership, as landlord (“Landlord”), and the City of Houston, Texas, as tenant (the “City”), for approximately 10,409 square feet of net rentable office space at 10103 Fondren, Suite 100, Houston, Harris County, Texas 77096, for use by the Houston Public Library Department - **DISTRICT C – CLUTTERBUCK** – **(This was Item 24 on Agenda of May 2, 2007, TAGGED BY COUNCIL MEMBER CLUTTERBUCK)** – was presented. Council Member Holm absent.

Council Member Clutterbuck stated that the library decided to try a new concept of what they called a virtual library, to build a library in an office building and this particular one was in an office building on Fondren and was a very exciting concept, that she was grateful to everyone who was involved in this.

A vote was called on Item No. 60. All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2007-0568 ADOPTED.

61. ORDINANCE appropriating \$1,735,374.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **UNDERGROUND TECHNOLOGIES, INC** for Wastewater Collection System Rehabilitation and Renewal, WBS R-000266-00G4-4; setting a deadline for the bidder’s execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, project management, and contingencies relating to construction of facilities financed out of the Water & Sewer System Consolidated Construction Fund – **(This was Item 39 on Agenda of May 2, 2007, TAGGED BY COUNCIL MEMBER JOHNSON)** – was presented. All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2007-0569 ADOPTED.

62. 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 – **(This was Item 42 on Agenda of May 2, 2007, POSTPONED BY MOTION #2007-426, 5/2/07)**

Council Member Alvarado stated that she had a written amendment that she had passed out, that the amendment added some language to Section 3 as follows:

“I move to amend Item 62 as follows:

In Section 3 of the proposed Ordinance, amend Item (3) of Subsection (c) of Section 44-120 of the Code of Ordinances, Houston, Texas, to read as follows:

- (3) The City will give more favorable consideration to applicants committing to community benefits, such as the city’s Minority and Women/Disadvantaged Business Enterprise Program, local purchasing, **construction and permanent employment job opportunities within a defined area, and** employee health care benefits; and”. Council Member Holm absent.

Council Member Garcia offered the following written motion to amend Item No. 62 as follows:

“Motion by Council Member Garcia to amend Agenda Item #62

Whereas, in determining whether to grant a tax abatement, the City can account for whether the proposed project furthers public purposes such as promoting purchasing from local businesses, promotion of Minority and Women Owned Business Enterprises, employee health benefits and environmental compliance.” Council Member Holm absent.

Council Member Khan stated that he was in support of the item and Council Member Alvarado’s amendment but had one question, that it said “permanent employment job opportunities within a defined area” and asked if they could get some kind of understanding of what that meant, for example if they were doing a project and giving a tax abatement in certain parts of town were they asking that job opportunities be provided within that part of town or within the City of Houston, what was the definition of the defined area. Council Member Holm absent.

Council Member Alvarado stated that it would be defined at the time during the application process, that she did not want to get to specific and tie them into something that may not be able to be fulfilled, for example if it was a project downtown she did not want it to be the case that the jobs had to come from the downtown community, that they could come from a broader area. Council Member Holm absent.

A vote was called on Council Member Alvarado’s motion to amend Item No. 62. Council Member Wiseman voting no, balance voting aye. Council Member Holm absent. MOTION 2007-0479 ADOPTED.

A vote was called on Council Member Garcia’s motion to amend Item No. 62. Council Member Wiseman voting no, balance voting aye. Council Member Holm absent. MOTION 2007-0480 ADOPTED.

A vote was called on Item No. 62 as amended. Council Member Wiseman voting no, balance voting aye. Council Member Holm absent. ORDINANCE 2007-0570 ADOPTED AS AMENDED.

63. ORDINANCE approving and authorizing an amendment to the City of Houston's Citizen Participation Plan – (**This was Item 44 on Agenda of May 2, 2007, POSTPONED BY MOTION #2007-429**) – was presented. Council Member Wiseman voting no, balance voting aye. Council Member Holm absent. ORDINANCE 2007-0571 ADOPTED.

Council Member Khan stated that he would release his tag on Item Numbers 39 and 43. Council Member Holm absent.

39. ORDINANCE appropriating \$2,000,000.00 out of Airports Improvement Fund for Supplemental allocation for Contract No. 56374; approving and authorizing Amendment No. 1 to the contract for Professional Consulting Services by and between the City of Houston and **HNTB CORPORATION** for On-Call Planning Services with the Houston Airport System, WBS A-000368-0002-3-01; (Proj. No. 616) - **DISTRICTS B - JOHNSON; E - WISEMAN and I - ALVARADO** – was again before Council. All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2007-0572 ADOPTED.
43. ORDINANCE awarding contract to **COMMERCIAL CHEMICAL PRODUCTS, INC dba POOLSURE** for Swimming Pool Maintenance Services for Parks & Recreation Department; providing a maximum contract amount - 3 Years with two one-year options - \$3,044,800.00 General Fund – was again before Council. All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2007-0573 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Edwards stated that as to the Curfew Ordinance she would like to suggest very strongly that they continue the discussion of trying to find avenues for success for their children and would encourage them to meet with groups and work with the ISDs that they could to see how they could get more availability to schools in their areas after school hours. Council Member Wiseman, Khan and Holm absent.

Council Member Edwards stated that on Thursday at 2:00 p.m. they would have a Housing Committee meeting and encouraged everyone to be present in the Council Chamber. Council Member Wiseman, Khan and Holm absent.

Council Member Edwards stated that she would encourage people to remember to vote on Saturday, May 12, 2007. Council Member Wiseman, Khan and Holm absent.

Council Member Edwards stated that they had spoken about the Dafar situation and Mayor White had given her some communications regarding some possibilities and would like to follow up with that to see if there was anything they could do regarding the genocidal activities that were going on. Council Member Wiseman, Khan and Holm absent.

Council Member Edwards stated that about two weeks ago some citizens from parts of Sunnyside came down and were concerned about activities in the community, they did not think the City was doing adequate work, that she knew there was a plan that was put forth by Mr. Fontaine with the citizens and would like to have an update as to where they were with that plan. Council Member Wiseman, Khan and Holm absent.

Council Member Edwards stated that she wanted to thank Public Works for all the storm water work that was currently going on in the Sunnyside area, that she knew it was inconvenient for a lot of the citizens but knew they would come with a good product at the end of the day for a community that was rapidly being revitalized. Council Member Wiseman, Khan and Holm absent.

Council Member Edwards stated that she wanted to talk about Victory in Harlem, New York, that in 1970 a young man, Mr. Jeffrey Canada, got tired of waiting for everybody trying to reclaim and invigorate their community in Harlem and he founded a group called The Harlem Children's Zone, and since 1970 his vision had been actuated into a plan where the community had basically taken over a 60 block area of Harlem and had a whole wraparound with the education and social services, they were even preventing the increase of foster care, that the community had come together with some assistance from the government but most of the money came from private donations and fund raisers, they had amassed a staggering amount of over \$100 million from people buying into not just a vision or good idea but an actuated plan, that they had currently a \$36 million annual budget for the school, the graduation rate of the children who attend their schools was almost 100% and 90% of their kids go to college, that there was quite a bit about the Harlem Children's Zone on the website, that Mr. Canada was listed as one of America's best leaders by US News and World Report in 2005, that with Houston Hope when they were trying to help communities reinvigorate their communities and redevelop and revitalize that this could be a possible model for what they try to do in Houston and tweaking it for Houston's own unique flavor, that she and Ms. Linda Clark would be going to Harlem next week to visit this place to find out how they decided what they were going to do first, that she thought they dealt with 13,000 kids in a 60 block area and those families, that the fundamental decision was that they had to save their children and that way they build a community. Council Member Johnson, Wiseman, Holm and Green absent.

Council Member Lawrence stated that she wanted to thank Mr. Teo Rebagay in Public Works, he was in a meeting concerning a neighborhood where Southford and Minimax came together and had been a very controversial issue and he came up with 10 plans and thought the neighborhood had agreed to one of his plans, that he was so thorough that everyone was impressed. Mayor White and Council Member Johnson, Wiseman, Holm and Green absent. Acting Mayor Pro Tem Berry presiding.

Council Member Lawrence stated that their Master Park Program was great, getting the input from everybody and things that in 2007 people really wanted in their parks, that it differed from five years ago. Mayor White and Council Member Johnson, Wiseman, Holm and Green absent. Acting Mayor Pro Tem Berry presiding.

Council Member Lawrence stated that Nina Hendee was doing a wonderful project and they hoped that by July 4, 2008 it would be in place, they were looking at going from past Beltway 8, even possibly Highway 6 to Loop 610 with hundred foot flagpoles in every business, both north and south sides, it would become the Stars and Stripes Freeway, something no one had every accomplished. Mayor White and Council Member Johnson, Wiseman, Holm and Green absent. Acting Mayor Pro Tem Berry presiding.

Council Member Lawrence stated that on Item No. 19 when they called around no one could say how many computers the City bought, what they do many times was take a "p" card and buy a computer thinking it was a great deal, they got a Dell, what they did not know was that some of the minor parts in that computer, like a \$3 fan, was a \$3 fan, that about a month ago her hard drive fried because they probably got a great deal, that the Airport was buying 107 computers on Item No. 19 and 66 monitors and she would say they went to Dell and asked what kind of deal could they give them, that they did not ask if they were putting in a \$3 fan, that was why corporations had a head of software, they had somebody to purchase things like computers and put together specs and the little \$3 fan did not burn up their projects, that they at the City had yet to have a person head up all their

computers and as they go towards the budget she hoped they would look at somebody buying all the software. Council Member Johnson, Wiseman, Khan, Holm and Green absent.

Council Member Lawrence stated that she wanted to thank Building Services for a terrific job all year, that they had a 6' 5" Assistant Fire Chief who always had to sleep on a regular mattress and she asked them to get him a longer mattress and in one day he got an extra length mattress and Building Service made that possible. Council Member Johnson, Wiseman, Khan, Holm and Brown absent.

Council Member Garcia stated that he wanted to send a note of appreciation to all of the mothers out there, that his mother encouraged him to consider police work as his career, that she had a way of communicating with five boys and one girl, that she never waited for their dad to come home she just took care of business and he thanked her for all of that. Council Member Johnson, Wiseman, Holm and Berry absent.

Council Member Garcia stated that on Monday they would be having the Public Safety and Homeland Security Committee meeting at 10:00 a.m., that on Tuesday they would hold a Housing townhall meeting to discuss the CDBG at 6:30 p.m. at Booker T. Washington High School. Council Member Johnson, Wiseman, Holm and Berry absent.

Council Member Garcia stated that he wanted to thank Mayor White for his weeded lot initiative for the weekend and encouraged all the volunteers to come out. Council Member Johnson, Edwards, Wiseman, Holm and Berry absent.

Council Member Garcia stated that he had gotten a call from a wonderful lady in Denver Harbor who was a double amputee and struggled getting her electric wheelchair from the door of her house to her driveway so that MetroLift could pick her up and he and Ms. Kym King discussed it and along with Public Works found a grant to assist Ms. Rodriguez and while she was in the hospital for an extended stay all of the work was done by Public Works in late to mid 2004, that the grant also allowed for sidewalk improvements on the whole block, that he shared all of this because Ms. Rodriguez passed away on Monday evening, that he would never forget that experience and in the ordinance regarding the new changes to the water and meter tie ins he asked Susan Bandy to look at exempting medically discharged veterans and seniors with medical disabilities and they put it in there, and Council Member Garcia asked for a moment of silence for Ms. Rodriguez and her family. Council Member Johnson, Edwards, Wiseman, Holm and Berry absent.

Mayor White stated that his wife had organized something every Mothers Day to deal with a lot of women who were in the shelters and if somebody had not participated in that to contact them, that every year it was part of her unofficial job that she looked forward to the most, that if anybody was interested they could get them details. Council Member Johnson, Edwards, Wiseman, Holm and Berry absent.

Council Member Alvarado stated that she wanted to wish Loretta Acevedo in her office a Happy Birthday, that she was new to the office and doing a great job and she wanted to welcome her to the District I Office. Council Member Johnson, Edwards, Wiseman, Holm and Berry absent.

Council Member Khan stated that he wanted to thank Donald Perkins in the Planning Department for a Deed Restriction Workshop they had in the district, that Mr. Reed Wilson gave a wonderful workshop and he wanted to thank everyone who participated. Council Member Johnson, Wiseman, Holm and Berry absent.

Council Member Khan stated that they would have the District F C-3 Community Cleanup on May 19, 2007, Saturday, from 8:00 a.m. to 12:00 p.m., that they were requesting all of the volunteers

to come to E. L. Crane Park at 9051 Triola, that the Solid Waste Department would bring all of the tools necessary for cleanup. Council Member Lawrence, Johnson, Wiseman, Holm and Berry absent.

Council Member Khan stated that the Houston International Protocol Alliance would present another Learn at Lunch Series featuring China on Thursday, May 10, 2007 at 12:00 p.m. at the Visitors Center on the first floor of the Visitors Center, if they had any questions to call their office at 713-247-2002 or the Protocol Alliance Office at 713-227-3395. Council Member Lawrence, Johnson, Wiseman, Holm and Berry absent.

Council Member Khan stated that he wanted to wish a Happy Mother's Day to all of the mothers. Council Member Lawrence, Johnson, Wiseman, Holm and Berry absent.

Council Member Green stated that on May 29, 2007 would be the next Fiscal Affairs Committee meeting at 10:00 a.m. and they would begin their budget workshops. Council Member Lawrence, Johnson, Wiseman, Holm, Lovell and Berry absent.

Council Member Brown stated that the Financial Times had an interesting article about their having 13 years to turn around global warming and he thought it was from a United Nations Report, that this city like every other global city in the world needed to do it's part to address the growing political crises on the issue of global warming, that this year Earth Day in Houston came and went but Earth Day in New York City, Chicago, Denver and Seattle was quite different, that he had a report, a comparative analysis of 14 American cities and it gave a lot of statistics of the economy, quality of life, crime, recycling and so forth and Houston was behind, they only recycled about 8% of their solid waste compared to some of the other cities, that he would like to have Earth Day be a big deal in Houston and try to set some significant benchmarks, that he would like to the City of Houston sign the US Conference of Mayor's accord on global warming, that he thought they had a great opportunity in Houston to "go green" and he certainly supported it. Council Member Lawrence, Johnson, Wiseman, Holm, Khan and Berry absent.

Council Member Clutterbuck stated that the Apartment Ordinance that they passed last year had the first task of urging all of the apartment complexes to register with the City of Houston, all complexes that had 10 or more units, after which the crime rates for each of the individual properties would be calculated and rated, but unfortunately to date only 900 of the 2,200 apartment complexes that met the requirement had registered so she would like to urge everyone if they lived in an apartment to ask their apartment manager if they had registered with the City because they would be subject to citations in two weeks. Council Member Lawrence, Johnson, Wiseman, Holm, Khan and Berry absent.

Council Member Clutterbuck stated that she wanted to thank Barbara Hite in her office an outstanding job, along with the District C office, they got a wonderful letter from Mr. John L. Gibley who was praising her performance. Council Member Lawrence, Wiseman, Holm, Khan, Khan and Berry absent.

Council Member Clutterbuck stated that she wanted to thank her colleagues and everyone who was involved in passing an amendment to last year's budget, adding a record seven police classes to the Houston Police Department budget and the seventh class was scheduled to begin shortly and Ms. Rita Woodward, a long time community activist in southwest Houston, had a grandson who was returning from duty in the Marines in IRAQ and had signed up to join the seventh cadet class. Council Member Lawrence, Wiseman, Holm, Khan, Khan and Berry absent.

Council Member Johnson stated that he wanted to invite everyone to their District B public forum for the Parks Master Plan, at the Acres Home Multi Service Center, 6719 West Montgomery

from 6:30 p.m. to 8:30 p.m., that it was their opportunity to talk about what they would like to see and what their parks should look like in the near future. Council Member Lawrence, Clutterbuck, Wiseman, Holm, Khan, Khan and Berry absent.

Council Member Johnson stated that he wanted to congratulate Ms. Brittani Barriere who was one of his students, that she would be the very first graduate of the Phoenix Outreach Youth Center and was graduating from the University of Houston with a Bachelor's Degree in Sociology and minored in Psychology, that Brittani had been a part of the After School Program since she was in the fifth grade so it was a tremendous honor for her mother, Ms. Emily Barriere, who was their Senior Citizen Coordinator for District B. Council Member Lawrence, Clutterbuck, Wiseman, Holm, Khan, Khan and Berry absent. (NO QUORUM PRESENT)

Council Member Johnson stated that he wanted to wish a Happy Mother's Day to all of the mothers and thank them for a job well done. Council Member Lawrence, Clutterbuck, Wiseman, Holm, Khan, Khan and Berry absent. (NO QUORUM PRESENT)

Council Member Lovell stated that she would also like to say Happy Mother's Day to all of the mother's out there. Council Member Lawrence, Clutterbuck, Wiseman, Holm, Khan, Khan and Berry absent. (NO QUORUM PRESENT)

Council Member Lovell asked that they remember to vote on Saturday, they were going to vote on someone else to take a seat at the Council table. Council Member Lawrence, Clutterbuck, Wiseman, Holm, Khan, Khan and Berry absent. (NO QUORUM PRESENT)

Council Member Lovell stated that she wanted to congratulate Mr. Ryan Leach who passed the bar exam, to Shawn Stacy who was graduating from the University of Houston, and to Karen Gill good luck on her exam, she was back in school, raising five kids and working in her office, and the same to Isha Savoy, good luck on her exams. Council Member Lawrence, Clutterbuck, Wiseman, Holm, Khan, Khan and Berry absent. (NO QUORUM PRESENT)

Council Member Lovell stated that she knew they had talked a lot about their children, that it was a very important discussion for them to have, that as to the curfew the bottom line they set standards about how they wanted the City to be, that there was no good explanation as to why they should be out after eleven unless they were working or with a parent so it was the same kind of standard that they applied to themselves, that she thought it was a good part of growing up and a good lesson that sometimes there were laws they did not agree with them and sometimes they did not even make a lot of sense but part of living in a free society was that they had to obey the laws, that she wanted to thank Mayor White, that after bringing it up last week at Council Ms. Clark called her and they sat down and had a plan of action, that the bottom line was if they did not find some way for their middle school children to keep busy and be watched and have constructive activity then they were going to continue to have the same problems they were having. Council Member Lawrence, Clutterbuck, Wiseman, Holm, Khan, Khan and Berry absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 12:40 p.m. Council Member Lawrence, Clutterbuck, Wiseman, Holm, Khan, Khan and Berry absent. (NO QUORUM PRESENT)

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

MINUTES READ AND APPROVED

/S/Anna Russell

Anna Russell, City Secretary