

City Council Chamber, City Hall, Tuesday, June 19, 2007

A Regular Meeting of the Houston City Council was held at 1:30 p.m., Tuesday, June 19, 2007, Mayor Bill White presiding and with Council Members Toni Lawrence, Anne Clutterbuck, Ada Edwards, Addie Wiseman, M. J. Khan, P. E., Pam Holm, Adrian Garcia, Carol Alvarado, Peter Brown, Sue Lovell, Ronald C. Green and Michael Berry; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Mr. Harlan Heilman, Division Chief, Claims and Subrogation Division, Legal Department; Mr. Terence H. Fontaine, Deputy Chief of Staff for Operations; Ms. Claudia Vasquez, Director, Citizens Assistance Office; Ms. Marty Stein, Agenda Director and Ms. Marta Crinejo, Assistant Agenda Director, present. Council Member Jarvis Johnson absent on personal business.

Note: Council Member At-Large Position 3 vacant.

At 2:05 p.m. Mayor White called the meeting to order and called on Council Member Garcia to begin the Council presentations. Council Members Lawrence, Clutterbuck, Wiseman, Holm and Brown absent.

Council Member Garcia stated that Mayor White had been extremely good about recognizing good hard working public servants, and there were probably a lot of folks that work hard, but these were folks that stayed way under the radar to a certain extent and were the proud Houston, Harris County law enforcement professionals that comprised what we know as the Crime Stoppers Unit, and asked that they and Chief King come forward, that they were supervised by Sergeant Eddie Diaz, that it took a special talent to take in a call from an anonymous person that had information about a crime that had occurred and to work that tip into evidence that could be used in terms of prosecution and sufficient enough to effect an arrest and collect evidence and on many of the cases that they dealt with these were some of Houston's highest profile crimes that were occurring in our area, and presented them with a proclamation, and Mayor White proclaimed Tuesday, June 19, 2007 as Crime Stoppers Day in Houston, Texas. Council Members Lawrence, Wiseman, Holm and Brown absent.

Council Member Garcia stated that they had individual certificates of appreciation from the Mayor's office was going to ask the Sergeant Diaz to hand them out. Council Members Lawrence, Wiseman, Holm and Brown absent.

Sergeant Diaz stated that he wanted to offer a huge "thank you" to City Council, Council Member Garcia and Mayor White, Chief King, Chief Thaylor and Chief Hurtt; that he had since moved to the Robbery Division and Sergeant Glover had taken over the Crime Stopper Law Enforcement Task Force and knew that he was going to do a great job, but this staff was what made the program work; these were the hardest working officers and they made him look good all the time, and he appreciated their hard work; that they one representative, Officer Matt Riggs who was from the Pasadena Police Department, Officer Roger Salazar with the METRO Police Department and Deputy Marco Cantu with the Harris County Sheriff's Office who was not present and the rest were HPD officers. Council Members Lawrence, Wiseman, Holm and Brown absent.

Council Member Lovell stated that they were going to lose somebody from the City that she wished they were not going to lose, Mr. Jay Gogue, President of the University of Houston.; that Mr. Gogue and his wife were leaving us to go to Auburn; that Mr. Gogue was from Georgia and received his Ph.D. from Michigan State, served as Provost at Utah State University, and was President of New Mexico State University, but more importantly he came to Houston to serve U of H in 2003 and brought a new vision to the campus and oversaw the development of several vital upgrades in the infrastructure there; that they had a newly renovated M.D. Anderson Library that was completed in 2006; Science Engineering and classroom buildings

that were constructed, thus the amount of research space and classrooms the university can devote to Science and Engineering were up, importantly a multilevel parking garage with retail and food service operations that opened up in 2006 and helped alleviate the traffic and parking concerns on campus; that the university continued to meet the needs of students outside the central City as well as nontraditional students by expanding to Sugar Land and Cinco Ranch centers and an increasing number of classes offered off campus and online, that when he moved here with his wife Susie, he joined into the City and became an important part of this City; he served on the following organizations, The Greater Houston Partnership Board of Directors, Texas International Education Consortium, Houston Board of Governors, and for her more importantly at Neartown Little League, the Department of Education U of H sponsors one of the teams, and Mayor White proclaimed Tuesday, Mr. Jay Gogue Day in Houston, Texas. Council Members Lawrence, Wiseman, Khan, Holm and Brown absent.

Council Member Clutterbuck stated that she wanted to express her thanks to Dr. Gogue as well for his outstanding service and was personally going to miss having him as a constituent and neighbor. Council Members Lawrence, Wiseman, Khan, Holm and Brown absent.

Council Member Edwards stated that today was a very extraordinary day, it was a celebration of one of the only two days that were recognized as days of independence in this Country, the first being July 4th and the second being Juneteenth, June 19th; that in 1863, President Abraham Lincoln freed some of the enslaved Africans by issuing the Emancipation Proclamation on January 1st, 1863, but it was not until June 19, 1865, two and a half years later, that union General George Grainger read General Order No. 3 in Galveston Texas, and it read thusly "The people of Texas are informed that in accordance with the proclamation from the executive of the United States, all slaves are free, this involves an absolute equality of rights and rights of property between former masters and slaves, and the connection heretofore existing between them becomes that between employer and free laborer". so what did that mean for them today in Houston, Texas; that in 1872, Mr. Jack Yates and Mr. Richard Allen, along with about ten other young men from the area known as Freedman's Town pulled together a coalition of businessmen from that area and they raised over \$3,000, that for that day it was an enormous amount of money, and they purchased a park that was now called Emancipation Park in 1872, which was the oldest public park in the City of Houston, and there they celebrated Juneteenth for a number of years for three days, that there were over 250,000 enslaved Africans in the state of Texas that were freed from slavery by the Emancipation Proclamation, that ten to fifteen years after that freedom Africans in this Country were on par as far as education, they owned close to 10.5 million acres of land, there were several townships that were formed and some of them were still in place, that in Houston they recognized Freedman's Town, Bordersville, Acres Homes, Sunnyside, Pleasantville, Third Ward, Fifth Ward, on and on and on, that in the state of Texas there were three parks purchased during this 1872 period, one here in Houston, the Emancipation Park, the Emancipation Park in Austin, Texas, and Booker T. Washington Park in Mexia, Texas, and all of those parks were still living tributes to the vision and the challenge that was given to African people who were released from slavery without a check, without a job, but only with a promise of freedom; so the question becomes for them not only for those descendants of African origin people, but for all of them, what did freedom really mean; what were they free enough to do to change the society in which they lived in today, were they free enough to reclaim their children, were they free enough to help the homeless, to feed the hungry, how free were they really today, and in that freedom, how do they; that when she was in school they used to have to sing the Black National Anthem every day, and in Ms. Ell's class they could mess up on the first two verses, but the third verse, she was told, was a prayer that came from the Johnson Brothers that commemorated what she thought what was really going on and she would like to say it for them today, "God of our weary years, God of our silent years, thou who has brought us thus far on the way, thou who has by thy might led us into the light, keep us forever in the path we pray, lest our feet stray

from the places our God where we met thee, lest our hearts drunk with the wine of the world we forget thee, shadowed beneath thy hand may we forever stand true to our God, true to our native land; that she wanted to close with a part of a spiritual that had become kind of an affirmation to her when she thought about all the things that had been done by people who could make a way out of no way, who got up every morning and went on anyhow, who still were able to raise families and have children and build schools and join this Country in building it into one of the greatest countries that they had; that Mr. James Cleveland wrote a song in the 1980's and it basically said, she thought, an affirmation of what she would like to say today, " I don't feel no ways tired, I've come too far from where we started from, nobody told us that the road would be easy", that she did not believe that he brought them this far to leave them, and Happy Juneteenth to all and may they move the whole motion, the whole movement of freedom forward so that it would really become a living testament for those who had died and come before them. Council Members Lawrence, Wiseman, Holm, Brown and Lovell absent.

Council Member Berry invited Ms. Mary Case, Airport Manager, William P. Hobby Airport, to join him at the podium and stated that it was a special day today and a good reminder that what they did around the Council table was important, that what their men and women in uniform and their City employees did really was about questions of life and death and really did make a difference in the lives of so many people; that there was an individual named Jim Hamilton who was present today who probably would not have been but for the work of the Airport System and their EMT's, that some workers at Hobby Airport put their training to the test and helped save a man's life from a heart attack, they used a life saving device call an Automated External Defibrillator, AED, that they were standard issue in public buildings and increasingly in local high schools, the necessity of this life saving device plus having people trained to use it was proven in Hobby Airport during the week of April 8, 2007; that when Mr. Jim Hamilton was stricken with a heart attack, Hobby Airport employees, Mr. Arnaldo Romero, Mr. Mike Sutton and Ms. Josie Shaquile, along with the fortuitous paramedic attempted normal CPR which was unsuccessful; that fortunately Hobby was equipped with AEDs and when Mr. Hamilton was hooked up with the AED it activated four times before he responded, that during that time the Houston Department Paramedics arrived on the scene and immediately took over, that Mr. Hamilton survived and was with them today because the Hobby Airport employees were trained to use the AED and a local paramedic just happened to be nearby, that the City of Houston saluted and commended Hobby Airport employees, Mr. Romero, Mr. Sutton and Ms. Shaquile for their courageous efforts in saving the life of Mr. Hamilton, and Mayor White proclaimed June 19, 2007 as Houston Airport Recognition Day, and invited Mr. Kevin Hannigan, Senior Executive Vice President for Retail Banking at Guaranty Bank and Mr. Jim Hamilton, an officer at Guaranty Bank to speak. Council Members Wiseman and Brown absent.

Mr. Hannigan stated that Guaranty Bank appreciated the opportunity to personally express their thanks to the City and it's great employees; that first and foremost they thanked the City for having its employees prepared and to have the equipment available for them to do their jobs, that Mr. Hamilton was aided by several of the employees at Hobby Airport and was present today because of their great efforts and he wanted to recognize those employees and give them a token of his appreciation, and recognized Mr. Mike Sutton, Mr. Arnaldo Ramiro, Mr. Kenneth Thiessen, Mr. Anthony Dunn, Mr. Richie Williams, Mr. Fernando Hernandez, Ms. Josie Lewis Shaquile, Mr. Gregory Wolfers, Ms. Linda Medellin and Mr. Andre Garner; that these were the folks who saved Jim's life; that they also wanted to thank the first response team out at Hobby Airport who took over once Jim was revived and got him to the hospital and invited the members of the first response team present today and stated that Guaranty Bank and the Hamilton family would like to thank them all, Mr. Kevin Martindale, Mr. Keith English, Mr. Keith Langston, Mr. Chris Hammerick, Mr. Eric Garszilla and Mr. Manuel Chavez; that Guaranty Bank wanted to help assure that when other people were in a crisis like Jim that they got the care they needed and presented the City with a check for \$20,000 and asked that it be used to purchase more

defibrillators to be used in public facilities across Houston, and finally, for centuries, the tree had been a symbol of life and as they would recall last year they gave the City, through their sister company, Temp Woman, 2,006 trees and this year they pledged 2,007 trees to the City of Houston, however, they would ask they be planted and dedicated to these people who they honored today and that some permanent signage be erected to commemorate the heroic acts of these great citizens. Council Member Wiseman absent.

At 2:36 Mayor White recognized Council Member Lovell for the prayer and pledge of allegiance. Council Member Johnson absent on personal business.

Mayor White requested the City Secretary to call the roll. Council Member Johnson absent on personal business.

Council Member Khan moved that the minutes of the previous meeting be adopted, seconded by Council Member Alvarado. MOTION CARRIED.

Council Member Wiseman moved to suspend the rules to hear from Ms. Juanita Knight and Ms. Marilyn Curry before the three minute list, seconded by Council Member Khan. All voting aye. Nays none. Council Member Johnson absent on personal business. MOTION 2007-0591A ADOPTED.

At 2:39 p.m. Mayor White requested the City Secretary to call the list of speakers.

Mr. Herb Lipsman, 16400 Kensington, Sugarland, Texas 77479 (713-253-8091) appeared and stated that he was present to present the City, from the Governor, the Gold Medal Award for the Texas Roundup, that under Mayor White's leadership two years ago they launched the Mayor's Wellness Council to try to fight the obesity problem in Houston, that as they knew they dropped from number one on the fattest cities list to number six; that they were going to get off of the list soon, that they were present with the actual award; and some of their actual City Departments were also successful in receiving awards during this year's Texas Roundup which was the statewide fitness program, that he was going to introduce Dr. Jeff Ross to present the award.

Dr. Jeffrey Ross, 509 Boliver, Bellaire, Texas 77401 (713-791-9521) appeared and stated that he was Co-Chair of the Governor's Fitness Advisory Council, a member of the Department of State Health Services Council and a member of the Obesity Task Force for the State, that it was his pleasure and honor on behalf of the Governor to present the proclamation to the City of Houston, and read "The state of Texas Governor to all those present shall come greetings, know ye that this certificate is presented to officially recognize the City of Houston as a 2007 Texas Roundup Affiliate City."; that there were 30 cities in the State of Texas that were now affiliate cities participating in the Texas Roundup event, that over 7,000 individuals came to Austin to participate and at the same time they had an event that took place here in Houston as part of the Mayor's Wellness Council's Rise and Shine event, that he was also proud to present to Mayor White and to the City, a gold medal for finishing second to Austin, again, unfortunately; but next year will be a better year and would finish hopefully number one, that it was a pleasure and an honor to present this award and a proclamation to the City. Council Members Khan and Holm absent.

Mr. Doug Earle, 2999 S. Wayside, Houston, Texas 77023 (713-845-8075) appeared and stated that as a follow-up to Herb and Jeff's presentation, he wanted to acknowledge several City Departments that competed in the Texas Roundup and actually won awards, that in the category for Municipal Organizations, 100 to 499 employees, the Building Services Department, got the Governor's Cup, first place for BSD, second place went to the Library System, they got a

gold medal, and third place went to the I. T. Geeks, who got a silver medal; that in the 500 plus Employee Category, a gold medal went to the Aviation Department, a silver medal went to the Parks Recreation Department, and a bronze medal went to the Houston Fire Department; that in line with their wellness activities and promotion he was happy to present to them Ms. Nicole Hare, who had just joined their staff at the City and would be the Director of Wellness, and would help them all get fit. Council Members Khan and Holm absent.

Ms. Juanita Knight, 24814 Water Ridge Dr., Huffman, Texas 77336 (281-685-5612) appeared and stated that she lived in Huffman, but since her land touched the lake, it was City of Houston, that she paid City taxes, but had no City amenities, no City water, no City septic and no City fire hydrants; that the State now required that they have 2,000-gallon holding tanks to keep septic from polluting the lake and they also required that all kitchen water empty into the tanks; that just recently the City decided to increase the septic removal fee from \$42 to a whopping \$415, that it was just her and her husband and they had their tanks cleaned about every three to four weeks, more if they had company; that a family with children could be up to anywhere from \$830 to \$1,000 a month for septic removal fee, that for them it was a \$5,000 dollar increase a year; that the City made the change without notifying them and allowing them time to protest; that the City never sent them any notification; that Channel Fox 26 thought the issue was important enough to report on as those who paid City taxes and had no City amenities. Council Members Khan and Holm absent.

Mayor White stated that he wanted to thank Ms. Knight for being present; that he became aware of some of these calculations and they were working hard to figure out the appropriate way to address this issue. Council Member Holm absent.

Upon questions by Council Member Wiseman, Ms. Knight stated that for a family with children, it was going to double; that it was just her and her husband and that was almost \$1,000 a month, that it was outrageous for septic and they did pay City taxes, that they did not have City septic but sank their own wells, that they did not have fire hydrants and that was outrageous; that it was another house payment. Council Member Holm absent.

Council Member Wiseman stated that through some internal correspondence she had just been made aware that Public Works was stating that 90 percent of residential customers on this were requiring pump outs anywhere from just bimonthly to biannually, they were saying that a large number were only having this done twice a year, that based on Ms. Knight and the other folks that had come to speak; that she was gathering that statistical data and it was not painting an accurate picture, and Ms. Knight stated it was an older subdivision and before the State took over and before the City, they probably had an older home, and so they may even have some septic lines, but they still had their tanks cleaned out, that she did not think it reflected the financial burden being placed on her and her neighbors, and Council Member Wiseman stated that in the correspondence the Department was suggesting a compromise to repeal the ordinance amendment and to have it read, "for residential sewer collection, \$35 for the first 500 gallons plus five dollars for each additional 100 gallons in excess of the first 500 gallons, making a service for a 1,000-gallon residential tank \$60" and Ms. Knight stated that was still \$120, that was what they were required by the state to have and they had complied, that a lot of the older homes didn't make the State and also the City used to do that requirement, but if they had a fairly new home they had all tried to comply, and actually even the State required that their water from the kitchen goes in there, too, so it did not take long to add up, but that was still \$120 a month and for a family that was \$240 a month at least, that was still pretty high. Council Members Holm, Lovell and Green absent.

Council Member Berry asked if Ms. Knight had met with anybody else at the City, and Council Member Wiseman stated that Mr. Gary Norman, Public Works, visited with the

constituent as well and had been addressing it on behalf of the constituent and herself, and Ms. Knight stated that they did not get a letter and the first she heard of it was last weekend when two or three people called her and the only reason they got a letter was because the septic truck drivers gave one to one person that she knew of and the rest they just told and they said it was going up July 1, 2007; that the letter said they had to pay \$115 for the first 500 gallons and \$20 for each additional 100 gallons after that and it added up to \$415, that they found out word of mouth through their neighbors and the letter she had was faxed from three people to her, that she would give them a copy of the letter. Council Members Holm, Lovell and Green absent.

Council Member Clutterbuck stated that they received testimony when they were considering the item at committee that the new fees, the new charges, which had not been raised since 1983 would be an increase but that they would still be less than what the private sector charged for cleaning out the tanks and she wanted to make sure that was accurate information that they were given because it was certainly something that she based her vote on; that she wondered if Ms. Knight had looked at having her septic tanks cleaned out by a private provider and Ms. Knight stated that she had and the cheapest was \$250 per month, that was still way over the top for septic, that the City was charging \$415, and on top of that they pay City taxes and they had to sink their own wells, did not have City fire hydrants, that they paid City taxes for City amenities and they did not mind paying them but they did mind paying even \$250 for septic removal when they were paying their taxes. Council Members Holm, Lovell and Green absent.

Mayor White stated that he would ask for additional backup on both the estimated number of pump-outs, where the person transmitting the information did not have adequate information, but he would like to see the specific issue addressed and copied to Council Member Clutterbuck which was the cost in relationship to the private service, that he did also want to say to Ms. Knight, that no citizen funds that were paid in property taxes, regardless of whether they were septic were used for water and sewer; and that one reason why they were reexamining it was that while their principle was that most people would agree on the recovery of the cost of service, not a profit, was a principle that they wanted to use in providing services to the public so they did not have one group subsidizing another, that they were very mindful of the fact that when people did not raise rates to reflect costs for a number of years, people grew to rely on the old rates and they need to take a look at something that they could do to moderate the rate increase on people; that if Ms. Knight could give Mr. Norman a lead or a couple of examples of people who used commercial services, then he wanted to get the report from him in particular; and Ms. Knight stated that the letter said everything was supposed to change July 1, 2007 and she did not think they had time or did the City have time to look at it before July 1st, before they all had to start paying this huge bill, and Mayor White stated that they would take a look and figure out if they could shift gears based on the input of how they communicate to people more effectively and then they would figure out how to communicate effectively and also he would like to see a copy of the list of the customers to whom notices were sent along with the name of the individual who was responsible for doing the mailing, that if Public Works was saying they did send out letters he wanted to see the list, that he was investigating her complaint. Council Members Holm and Lovell absent.

Council Member Wiseman asked whether or not it was actually going to go into effect July 1st, that she had information from Public Works where they had stated that this whole sewer rate was on hold and the rate increase would not be implemented on July 1st and that Public Works was going to repeal that section until the end of the fiscal year, and that they were going to maintain the current rates until another plan was devised, and her question was if they were making that statement to the constituent, and if they were being told that they would not be implemented come July 1st, and that they would repeal it until the end of the fiscal year, was that FY08, and Mayor White stated that it said until revised; that they wanted to change the rate,

and the second thing was that there was a representative of Public Works present and how they make sure that there was no new rate that went into effect between today and such time as we change what we were going to do, he knew that it was an issue and did not have the details right now from Public Works on how they were going to do that and if Council Member Wiseman had something from Director Marcotte saying that they are not implementing it on July 1, then he thought it was a reliable piece of information, but his intention was to get it fixed and changed quickly. Council Members Holm, Alvarado and Lovell absent.

Ms. Marilyn Curry, 25842 Water Ridge Dr., Huffman, Texas 77336 (281-392-4246) appeared and stated that last week several of them protested the exorbitant increase for the cost of sewage disposal at their homes on Lake Houston, that the cost of the service would increase from \$42 to \$415 per month, that for her family, which included only she and her husband, that for larger families, the increase would be even more, that how would they feel as homeowners if one of their utility bills had been \$42 and then suddenly, without warning, it was raised to \$415 a month, that was the exorbitant increase meant to discourage smaller homeowners from building or living on Houston; the rate hike would create a hardship for she and her 77-year-old husband. Mayor White and Council Members Khan, Holm and Lovell. Acting Mayor Pro Tem Berry presiding.

Council Member Wiseman stated that she knew Ms. Curry was present to receive a definitive response from the City and moved to suspend the rules to hear from Mr. Jeff Taylor, Public Works, seconded by Council Member Lawrence. A vote was not recorded as a Quorum was not present. Mayor White and Council Members Edwards, Khan, Holm, Brown and Lovell absent. Acting Mayor Pro Tem Berry presiding. (No Quorum Present)

Upon questions by Council Member Wiseman, Mr. Taylor stated that since the time of the original rate proposal, they had come back and made a second proposal on a revised rate structure that was just recently presented to the Mayor's office and it was still under review, that their intent was to hopefully meet some revised rate structure that was acceptable and could be presented to Council, that their intent was to not apply the current rate as of July 1st, that they were aware that they had to go through the legal machinations to get it changed, and they were prepared to do that, that they intended on going forward with a revised rate ordinance immediately, that they in Public Works could not change the rate, only City Council could do that and they were preparing the necessary documentation to present to council before the end of the fiscal year, and Council Member Wiseman stated that because it required Council action to present a new rate structure she was requesting that the administration provide at next weeks' Council session an agenda item to give the City Council an opportunity to put a hold on the rate increase. Mayor White and Council Members Edwards, Khan, Holm, Garcia, Brown and Green absent. Acting Mayor Pro Tem Berry presiding. (No Quorum Present)

Ms. Maria Teresa Martinez, 7350 Sims Dr., Houston, Texas 77061 (713-921-1226) had reserved time to speak, but was not present when her name was called. Mayor White and Council Members Edwards, Khan, Holm, Garcia, Brown and Green absent. Acting Mayor Pro Tem Berry presiding. (No Quorum Present)

Ms. Theresa Comstock, 811 W. 42nd Street, Houston, Texas appeared and stated that she was a member of TMO and a member of Hope Episcopal Church here in Houston, that she would like the folks from TMO present in the Council Chamber to stand; that TMO was a community organizing group in Houston and they had 30 member congregations, that they were also part of a statewide organization and nationwide that they worked on issues that affected the lives of families in their communities, that they were present today to address the trash issue, that they saw in the proposed budget that there was a fee proposed and they had three main points to make, that first they did support reducing the landfill, composting and recycling

and thought those were good efforts and they needed to move towards that, but they also believed that bulk trash and brush pickup were basic City services, that those were core services and should come out of the General Fund, they should not come out of fees; that there was plenty of money in the Undesignated Reserve to cover that service, that as they understood it cities like Houston needed to have 5 percent undesignated, that Standard and Poors said the City should have 7.5 percent, that currently that fund had 15 percent, so they did not understand why that was coming into question of fees. Mayor White and Council Members Wiseman, Khan, Holm, Brown and Green absent. Acting Mayor Pro Tem Berry presiding. (No Quorum Present)

Upon questions by Council Members, Ms. Comstock stated that they were in favor of reducing the landfills, but were against the fee because it was another way of taxing; that the fee was to cover several things, including the composting and that was also part of the fee issue, that they needed to encourage that behavior but doing it through fees did not make sense, that they welcomed a chance to meet with the Council Members. Mayor White and Council Members Wiseman, Khan, Holm, Garcia, Brown and Green absent. Acting Mayor Pro Tem Berry presiding. (No Quorum Present)

Ms. Debra Balthazar, 2303 Gramercy, Houston, Texas 77030 (713-669-8815) appeared and stated that it was TMO's position that the City was setting a bad precedent to balance the City budget by the implementation of a regressive fee, however, the fee as they see it that had been placed in the City budget without public hearing was a tax; that they felt that citizens had a right to public hearings and these public hearings should be held throughout the City, otherwise, it was taxation without representation, that as part of TMO they welcomed each of them to sit down and have a conversation about how they could approach the problem, they had reviewed the task force plan and it was a good start; but they thought the City needed to start coming up with a better way to address the plan, that the fee that was proposed they had a fee, but there was a reduction in heavy trash pickup that was being proposed and now they had monthly heavy pickup, that she believed in the plan they recommended twice a year and they felt the answer was somewhere in the middle and they welcome a conversation with all the Council Members to address the concerns. Mayor White and Council Members Wiseman, Khan, Holm, Garcia and Green absent. Acting Mayor Pro Tem Berry presiding. (No Quorum Present)

Ms. Edie Welmaker, 203 Hill, Huffman, 77336 (972-983-2809) appeared and stated that they represented about 100 homeowners on Lake Houston for septic removal; that when she bought her property, it was in 1987, that she had no streets, no water, no sewage, no gas, nothing, that she had been paying three sets of taxes ever since then, that she paid Houston taxes, Huffman taxes and county taxes, that Houstonians that lived in the city had the option to all the services and they did not, that she had a holding tank because she did not have a septic system, that when she moved out there, they would not let her put a septic system in, they were near the water and she agreed with it, so her holding tanks was 1,000 and with the new fees going up, they felt it would cost her \$630 for just waste removal, that she had done a little investigation and Landtech Consultants Inc. were now surveying the area to put in the sewage and she had already talked to the owner of the company and he said it was proposed to be completed in 2010 at the earliest, maybe 2011, so she proposed that since the people were the City that they should look at the fact that nobody could afford \$600 a month for waste, and when did the City annex Lake Houston, and what was the law on when they were supposed to supply those services to them, there should be a limitation, and she was just appalled that they were now living under a dictatorship of the City of Houston, because only a dictator would do that to a citizen, that she did not find out about it until she had her holding tank pumped out last Monday, so everybody was getting it word of mouth, that everybody around them knew nothing about it and she was appalled. Mayor White and Council Members Khan, Holm, Garcia and Green absent. Acting Mayor Pro Tem Berry presiding. (No Quorum Present)

Council Member Wiseman stated that Ms. Welmaker raised an interesting point and that was what the City was legally required to do, that the intent of the Bailey Bill, when it was passed many years ago, was to insure that people in the City of Houston would receive water and sewer services through their municipality and that they had a time frame in which they had to provide those services, in fact, a project that she alluded to was the un-served areas in the Huffman area, but she thought they had a problem in that she heard from the department that there was a way around the Bailey Bill and she thought the Bailey Bill needed to be changed and then updated to say the City had to, and the Mayor made it a point to tell them that no City taxes were used to pay for the water and sewer services that the rest of them received, where they did not have to have it pumped out, that the issue was that Ms. Welmaker would much rather have the water and sewer services from the City and pay that rate, and Ms. Welmake stated of course, and Council Member Wiseman stated that she had been told that the City could not provide that service to some areas like in Huffman and other areas because it was just to expensive for the City to build in that infrastructure to carry those lines out there, and she would say that yes they would like to pay the same rates that the City of Houston pays as opposed to what was being proposed so why did they not put those lines in, that she would ask her colleagues to put a hold on the increase until they found a solution that made sense for everybody. Mayor White and Council Members Clutterbuck, Khan, Holm, Garcia and Green absent. Acting Mayor Pro Tem Berry presiding. (No Quorum Present)

Council Member Edwards stated that she understood Ms. Welmaker's concerns, that the issue was sewage and how people got connected, there were a lot of places in the City of Houston that do not have services, she was told that the reason was not that it was too expensive, but that because of the number of households within a given area, that was what made it too expensive, not just the process itself, that she would like to raise to the administration was that they had the discussion in committee regarding this issue, that she was told that it was for commercial properties only and did not affect residential so she would like to have that cleared and that the rate was comparable to the fair market price for commercial, but that was what her recollection was and she would like to have that explained to her. Mayor White and Council Members Clutterbuck, Khan, Holm, Garcia and Green absent. Acting Mayor Pro Tem Berry presiding. (No Quorum Present)

Mr. Richard Farias, 2750 Broadway, Houston, Texas 77017 (713-644-2340) appeared and stated that he was President and CEO of Tejano Center of Community Concerns, that in Houston their mission was to improve life opportunities for low income children and families through education, social and health services and community development initiatives, that they had been working in the community for 15 years, and he was present mainly to address the issue that Houston had already proven itself as a City that cared about its inhabitants, that he believed it was important to maintain that image and not destroy it by removing the Mayor's Office of Immigrant and Refugee affairs, that the office had proven to be an invaluable resource for newcomers to the City and had served as a catalyst for collaboration between the City and important nonprofit organizations that continued to make a serious difference in the lives of children and families regardless of where they come from, that it had also been most appreciated to have the Mayor's office represented at meetings where not only the lives of our newest residents were being addressed but as well the future of Houston, that he believed that the increased cost to the City in terms of homelessness, jobs and potential criminal activity and other social ills would be much greater than the funds required to maintain this office, that he respectfully requested that the Office of the Mayor for Immigrant and Refugee Affairs continue to be operational and funded by the City of Houston. Mayor White and Council Members Lawrence, Clutterbuck, Wiseman, Khan, Holm, Garcia and Green absent. Acting Mayor Pro Tem Berry presiding. (No Quorum Present)

Council Member Brown asked what was the logic of closing the office, and Mr. Farias stated that his understanding was that it was a potential risk because of budget constraints that were brought to his attention, and he felt it necessary to come before the City Council to make sure that did not happen, and in fact monies could be found to continue the operation of the office. Mayor White and Council Members Lawrence, Clutterbuck, Wiseman, Khan, Holm, Garcia and Green absent. Acting Mayor Pro Tem Berry presiding. (No Quorum Present)

Acting Mayor Pro Tem Berry stated that he actually submitted the amendment to do away with that office and it was not related to a budget constraint, it was his understanding that the office was grant funded from a federal grant so as long as they were in compliance with those grant terms, that his concern was operational with regard to the agenda that they had taken and nothing of what Mr. Farias had described of that office did he find offensive or problematic, that his concern was that the office had engaged in advocacy against the implementation of United States Laws and to the extent that they were doing that he had asked repeatedly that they stop that he and Mr. Farias could agree that there was a role for an office in dealing with individuals who came to this Country as immigrants and they could argue what role that should be with regard to those who came illegally, that he believed that they could agree on 95% of what they should do, he was only concerned with regards to their activities regarding United States Immigration Laws, which he did not believe taxpayers wanted them doing, and Mr. Farias stated that he appreciated his advising him and thought that they agreed that the office should continue and thought if there was a personnel issue it needed to be handled appropriately as a personnel issue and not have that office at risk. Mayor White and Council Members Lawrence, Clutterbuck, Wiseman, Khan, Holm, Garcia, Lovell and Green absent. Acting Mayor Pro Tem Berry presiding. (No Quorum Present)

Ms. Vicki Rivers, 410 Pierce, Houston, Texas 77002 (713-526-7577) appeared and stated that she was present on behalf of Main Street/Market Square Redevelopment Authority Tax Increment Reinvestment Zone No. 3 to invite each of them to place making workshops that Council Member Alvarado, their Board of Directors, and the Historic District Advisory Committee of the Houston Downtown Management District would be holding on June 25th and 26th at Tree Baird's Restaurant upstairs; that on Monday, the 25th, the Place Making Workshop would be from 5:30 to 8:30 p. m, and on Monday it would be from 2:00 p.m. to 5:30 p.m., that on those two days, they would be utilizing the services of projects for public spaces to do these Place Making Workshops and to conduct any exercises that they would have during that time, that during those two days they would also have focus groups that were made up of various constituents around the City, property holders, residents, organizational groups, restaurant and bar owners, as well as realtors and brokers and past stakeholders, that these were people who have contributed to that park in the past, so they had sent to each Council Member an E-mail that contains a flyer as well as the big bulletin showing what they were going to do, but thought it would behoove them to come and let them know personally that they would like to see them there, and to send any representative or anyone else that they thought might have any interest in Market Square Park, it was their intent to find out what the public wanted to see in that park before any renovations to it were made, that she would pass the invitation to them. Mayor White and Council Members Lawrence, Wiseman, Khan, Holm, Garcia, Lovell and Green absent. Acting Mayor Pro Tem Berry presiding. (No Quorum Present)

Mr. David Atwood, 1802 Kipling, Houston, Texas 77098 (713-529-3826) appeared and stated that he was President of the Houston Peace and Justice Center and also coordinator of Pucks Christi Houston; that he had worked for Shell Oil Company for over 25 years, right across the street, but this past fall he was proud to support the Houston janitors in their recent fight to raise standards in the contract cleaning industry and lift up working families in the city, that in the end, the janitors campaigned for a fair contract, won praise from the Houston Chronicle and an agreement was reached thanks to the leadership of Mayor White, key members of the City

Council, the Greater Houston Partnership and local real estate community, that by the end of their contract Houston's union janitors would have access to affordable health care and would have made major steps towards a livable wage, that since the contract was ratified, janitors were outraged that an irresponsible cleaning contractor, Professional Janitorial Service or PJS was trying to undermine the gain that thousands of janitors fought so hard to achieve; that P. J. S. was attempting to undercut the industry standard by paying low wages, working their employees to the bone and allegedly not paying their employees for the first two weeks of work, that current and former P.J.S. employees had been left with no other choice but to file a class action lawsuit against the company, that the workers alleged that P.J.S. violated federal law by instructing janitors to work off of the clock and by not paying them for the hours that they did work, that workers had also filed multiple charges with the National Labor Relations Board against P.J.S. for allegedly and illegally retaliating against and interrogating and threatening their own, that he was present today because like so many other members of the community he was upset and in fact outraged that P.J.S. lack of respect for it's workers and the law, that P.J.S. should obey the law and provide good paying jobs with health care for hard working janitors, that today they would hear the voices of two P.J.S. workers following him, their voices represented hundreds of others who worked for P.J.S. in the City of Houston, that he had a report to pass out to the Council Members where they could get more details. Mayor White and Council Members Lawrence, Clutterbuck, Wiseman, Holm, Garcia and Lovell absent. Acting Mayor Pro Tem Berry presiding. (No Quorum Present)

Upon questions by Council Members, Mr. Atwood stated that he was basically a supporter of the janitors and would like to see them get fair wages and good working conditions, that he was not employed by any of the unions; that the janitors were employees of P.J.S.; that P.J.S. had a practice of holding back two weeks of pay out of the first month's pay and maybe later paying them when they leave or maybe not, that it sounded illegal to them, that they would like the support of the City Council and the Mayor in the effort to extend the good wages and good working conditions to the other janitors in the City of Houston; that some of this could ultimately wind up in a court of law, especially the practices that were allegedly illegal. Mayor White and Council Members Lawrence, Clutterbuck, Wiseman, Holm, Garcia and Lovell absent. Acting Mayor Pro Tem Berry presiding. (No Quorum Present)

Ms. Maria Berrios, 6021 Ranchester St., Houston, Texas 77036 (713-988-3760) appeared and stated through a translator that she had worked for four years in a building at 5959 Corporate and originally she cleaned it for GCA before it changed to P.J.S. at the beginning of 2006; that as a day porter she cleaned bathrooms, kitchens and took out the trash, that when she began working with P.J.S. she had to pay a deposit of the first two weeks and the superintendent said that they had to pay that employment deposit and that they would receive it when they left the company; that last year she left for Mexico for a week because of an emergency, her son was very ill and died, when she returned the superintendent told her she had to leave another deposit in order to continue working and they did not pay her for a month; that in January 2007 P.J.S. fired her and they did not give her the two employment deposit checks. Mayor White and Council Members Lawrence, Clutterbuck, Wiseman, Holm, Garcia and Lovell absent. Acting Mayor Pro Tem Berry presiding. (No Quorum Present)

Acting Mayor Pro Tem Berry stated that if Ms. Berrios wanted to she could pass out her comments to the Council. Mayor White and Council Members Lawrence, Clutterbuck, Wiseman, Holm, Garcia and Lovell absent. Acting Mayor Pro Tem Berry presiding. (No Quorum Present)

Ms. Jackqueline Tortillo, 6500 S. Gessner, Houston, Texas 77036 (713-981-2435) had reserved time to speak, but was not present when her name was called. Mayor White and

Council Members Lawrence, Clutterbuck, Wiseman, Holm, Garcia and Lovell absent. Acting Mayor Pro Tem Berry presiding. (No Quorum Present)

Ms. Rosario Reyes, 7634 Westpark, Houston, Texas 77084 (832-866-4797) appeared and stated through a translator that she worked in a building at 1077 Northwest Freeway and had worked there for a year and four months and cleaned four floors, took out trash and dust, that her husband also worked in the building but he had to leave his job to take care of the children and dedicate some time to them; that P.J.S. does not hire workers when somebody quits, instead they add more work to the same hours they had which made the work harder to accomplish, that in January after the strike P.J.S. gave them a wage increase to \$6.25 per hour so they would earn what a union worker was earning, but in February their manager informed them that it was a mistake and lowered their wages to \$6 per hour, and she had her check stubs to show it, that P.J.S. claimed that they pay workers the same as a union worker but it was not true, now she and her husband were forced to work more hours to support their two children; that she did not have the same benefits that union janitors had like paid holidays and vacations, guaranteed hours and health insurance, that she would like for them to call Brent Sowell at P.J.S. and tell him to respect his worker and the law. Mayor White and Council Members Lawrence, Clutterbuck, Wiseman, Holm, Garcia, Alvarado and Lovell absent. Acting Mayor Pro Tem Berry presiding. (No Quorum Present)

Upon question by Council Members, Ms. Reyes stated that they typically work 24 hours per week, that it was part time, and during the other hours she took care of her children while her husband worked; that in her building there were five people, the total was around 500 workers in the company, that she did not get any benefits, that she would like for the company to pay them what was fair and to give them the benefits that the other union companies had and give them more hours to work; that P.J.S. did not want to negotiate with them, that some of the buildings were union but they got switched to P.J.S. Mayor White and Council Members Lawrence, Clutterbuck, Wiseman, Khan, Holm, Garcia, Alvarado and Lovell absent. Acting Mayor Pro Tem Berry presiding. (No Quorum Present)

Mr. Richard Holmes, 5306 Nasa Rd., Houston, Texas 77021 (832-215-8292) appeared and stated that he was present to represent the 35,000 homeless people they had in the City and read a statement that said they loved the homeless people of all colors and creeds, that there was a strength in the corner of this community and it's being ignored by the majority of society, that the letter was to inform the City Council of Houston that awareness of a march from the Pierce Elevated to City Hall, that they were prepared to camp out with the homeless or a hunger strike until something is being done, that they were being ignored and pushed aside and no one wanted to hear what they had to say, that the police were harassing them, that they were treating them like a Gestapo and it was getting to bad, that something had to be done about it, that there was \$6 million that was supposed to be allotted for the homeless and it was not being done, they wanted some shelter and not a place that seemed like a prison, that if they went to any shelter they were told when to shower, when to go to bed, when to pray and when to eat, that he was 56 years old and thought he knew when to do those things; that they had a lot of people who were not ignorant or lost, they needed help and they wanted to know exactly what was going to be done about it. Mayor White and Council Members Lawrence, Clutterbuck, Wiseman, Khan, Holm, Garcia and Lovell absent. Acting Mayor Pro Tem Berry presiding. (No Quorum Present)

Council Member Edwards moved to suspend the rules to hear from Minister Jack Walters, seconded by Council Member Khan. A vote was not recorded as there was no quorum present. Mayor White and Council Members Lawrence, Clutterbuck, Wiseman, Khan, Holm, Garcia and Lovell absent. Acting Mayor Pro Tem Berry presiding. (No Quorum Present)

Minister Walters stated that they had formed a rally for all of the homeless people to sleep in front at City Hall until they give them a building, that they were going on a hunger strike starting at 12:00 pm, that it would be for 30 days. Mayor White and Council Members Lawrence, Clutterbuck, Wiseman, Khan, Holm, Garcia and Lovell absent. Acting Mayor Pro Tem Berry presiding. (No Quorum Present)

Council Member Edwards stated that there were places, especially for men, to go, that she worked with the Homeless Coalition and the SRO's and SEARCH and St. John's; that St. John's had come to committee to build an S. R. O. for homeless people and they were working on that, that she would advise him to work with Anthony Love to help get the monies to do what he was saying to do, that was all she was suggesting. Mayor White and Council Members Lawrence, Clutterbuck, Wiseman, Khan, Holm, Garcia and Lovell absent. Acting Mayor Pro Tem Berry presiding. (No Quorum Present)

Mr. Anthony Knoppa, No address, No phone appeared and stated that he appreciated the chance to again address the Council, that some of the things that Council Member Edwards said earlier, and some of the other members, these things resonate inside him because they spoke of civil rights and he thought that one of the last bastions of civil rights was the matter of the homeless, that they were out there and under represented, that every time a homeless person spends a dime in the City, they paid a tax on it, that they did not have any place to shower or take care of their bodily functions; that it was a health risk for the entire City, that he understood that some things were being done to try to address the problem, but in the meantime they had thousands of people on the streets. Mayor White and Council Members Lawrence, Clutterbuck, Wiseman, Khan, Holm, Garcia and Lovell absent. Acting Mayor Pro Tem Berry presiding. (No Quorum Present)

Council Member Edwards stated that she knew Mr. Knoppa was correct in the fact that people needed a place to go when the homeless were basically put out of the library because of the smell test, that it was unfortunate, that she would continue to fight for the right of homeless people, that they paid taxes, and in Atlanta she had the opportunity to work with a group of homeless people and got them registered to vote and they made a lot of changes through the power of their vote, and Mr. Knoppa would like to invite the Council Members to the Thousands Ministries Church, they hold services for the homeless each night at 9:00 p.m. and would invite each of them to see another side of the homeless. Mayor White and Council Members Lawrence, Clutterbuck, Wiseman, Khan, Holm, Garcia and Lovell absent. Acting Mayor Pro Tem Berry presiding. (No Quorum Present)

Council Member Lawrence moved to suspend the rules to add President Joseph Charles to the list of speakers as he was left off, seconded by Council Member Green. No vote was recorded as there was no quorum present. Mayor White and Council Members Clutterbuck, Wiseman, Khan, Holm, Garcia and Lovell absent. Acting Mayor Pro Tem Berry presiding. (No Quorum Present)

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (832-453-6376) appeared and stated that he had spoken before the City Council for a number of times and his official National, City and County crime victim case of emergency protection was approved by Gordon Quan during the Lee P. Brown administration that was not completed, that he was also granted an emergency order of protection that was to be provide; that he has stated that he is the official President of the U.S. Mayor White and Council Members Clutterbuck, Wiseman, Khan, Holm, Garcia and Lovell absent. Acting Mayor Pro Tem Berry presiding. (No Quorum Present)

At 4:20 p.m. the City Council recessed until 9:00 a.m. Wednesday, June 20, 2007. Council Member Johnson absent on personal business. Mayor White and Council Members Clutterbuck, Wiseman, Khan, Holm, Garcia and Lovell absent. Acting Mayor Pro Tem Berry presiding. (No Quorum Present)

City Council Chamber, City Hall, Wednesday, June 20, 2007

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, June 13, 2007, Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Ada Edwards, Addie Wiseman, M. J. Khan, P. E., Pam Holm, Adrian Garcia, Carol Alvarado, Peter Brown, Sue Lovell, Ronald C. Green and Michael Berry; Mr. Anthony Hall, Chief Administrative Office, Mayor's Office; Mr. Arturo Michel, City Attorney; Ms. Marty Stein, Agenda Director and Ms. Marta Crinejo, Assistant Agenda Director, present.

Note: Council Member At-Large Position 3 vacant.

At 8:21.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:37 a.m. Mayor White called the meeting to order, and recognized Council Member Alvarado. Council Members Wiseman, Garcia and Berry absent.

Council Member Alvarado stated that she wanted to take a point of personal privilege and recognize Mr. Tony Speller, Senior Vice President of Comcast, that as they knew Comcast took over Time Warner Cable officially yesterday, that he was also joined by Mr. Greg Dagostini, who many at the table knew and had enjoyed working with, that they were glad to see that Mr. Dagostini was going to stay with Comcast, and Council Member Alvarado invited Mr. Speller to the podium to make some brief remarks.

Mr. Speller stated that yesterday Comcast officially launched in the market; that they changed out the signs, the trucks and the logos and everything and was now officially Comcast; that they launched 20 new channels for their customers, including the long awaited NFL Channel to the market, and of those 20, 5 were high definition channels as well; that that since coming into the market they put a significant investment, they invested over \$200 million into their network and into training their employees, so a lot of work had been done so they could support the products and growth of the business; that in the July time frame they were going to be transitioning their customers from the Time Warner high speed data and phone product over to the Comcast product; that their customers were going to go from receiving a 5 Megs to a 6 Megs product of which they were not going to have any additional cost for their customers; that they were going to continue with the phone product and their customers were going to receive some really neat features there, they were going to get free voice mail in the future and some unique features as well; that they were going to be rolling their on demand product, VOD product, and they would go from 1000 hours of content to over 6,000 hours of content meaning 9,000 programs with 95 percent of them being free; that Comcast was committed to the community and were going to have a high focus on youth leadership, diversity and literacy in the market; that he was proud to make a couple of special announcements, they were going to be offering free Internet to schools and libraries within all of our school districts; they will also provide high speed Internet to the Boys and Girls Club at no additional cost; that they will be giving out a grant to the SHAPE organization which is in the Third Ward, and that was the self help for African people and would be a \$10,000 grant; that Comcast was committed to their community and looked forward to being part of the community and serving the community where all of their employees. Council Members Garcia and Berry absent.

Council Member Lawrence thanked Mr. Speller for everything that Time Warner had done

and looked to Comcast as a District A business to continue to be the good business that Time Warner was; that she wanted to thank them for all they did for their neighborhoods, their employees and their participation in various projects in different neighborhoods. Council Members Garcia, Green and Berry absent.

Mayor White stated that they supported having competitive choices and technology for all Houstonians, that was a policy they had; that in connection with Mr. Speller's comments, first, on the digital divide was he talking about broadband access with only installation fee or no installation fee and no monthly fee for all public educational institutions, and Mr. Speller stated yes, all schools and libraries, they were talking about bringing Internet access into those buildings with no cost to the school districts, and Mayor White stated that they had one of the largest library systems in the Country with 37 branch libraries, was it something they would consider for those libraries that are public libraries accessible to all, and Mr. Speller stated sure, and Mayor White stated that there may be ink about different things that we do during this important meeting, but what Mr. Speller had just said, if it was the only thing on the Council agenda, it ought to be in a section of the newspaper because what he just said was extremely significant and if he could, the most experienced person within our metropolitan area over the last eight years on bridging the digital divide was Ms. Nicole Robinson, who was a special assistant on these issues involving the digital divide, and he would encourage Mr. Speller to work with her, that she had joined the City not long ago, that it was truly exciting news; the second, would Mr. Speller be responsible for the management of Comcast within this region, and Mr. Speller stated yes, he would be responsible for all the management in this region, and Mayor White stated that there were two outstanding issues, and he guessed Mr. Speller could say he inherited the one involving a franchise fee and another involving the State law and how that applied to a public access Municipal Channel and he wanted to say to Mr. Speller that they needed to confer and bring those issues to a head and they ought to have a resolution to resolve those issues this summer; that if people work to resolve issues in good faith then they would have an excellent working relationship as they had with some regulated entities; that if Mr. Speller did not have the authority, and it was not in good faith, then they would not have that good a relationship with the City of Houston, that he wanted to thank him for being present. Council Members Holm and Berry absent.

Council Member Garcia stated that he wanted to welcome Mr. Speller to Houston, that there had been a lot of speculation over in the community, and as a matter of fact, and at a meeting last night they wanted to know if the astronaut is going to stay, and Mr. Speller stated that the astronaut was going to stay and in fact was supposed to be present today but got rained out, and Council Member Garcia stated that as the Mayor stated there were a lot of issues that they were interested in, they were concerned about making sure they had access in underserved market areas, that was important to him, and he looked forward to working with him, and Mr. Speller stated that they were committed to working through the issues together. Council Member Berry absent.

Council Member Khan stated that they looked forward to having Craig and all the wonderful people who were staying with Comcast, that they were working on a project to bring Bridges TV and looked forward to getting that online. Council Members Garcia and Berry absent.

Council Member Edwards asked Mr. Speller to give her a brief synopsis of Comcast's commitment to community involvement, and Mr. Speller stated that Comcast was very committed to the community, in fact, they had what they called Comcast Foundation in their Philadelphia office and throughout the year what they did was look for organizations throughout the local communities that they could invest in, different organizations, they typically would pick a focus that they wanted to target in the community, and their's happened to be youth

leadership, diversity and literacy this year, so they were really committed to that; that there was a special event that they were going to see take place with Comcast next year as well, every year they get together with all of their employees across the entire country and it was called Comcast Cares Day, and they pick locations in their communities and all of their employees go out in the community and they invest time and money into specific locations to help make them better, so they were going to see a huge commitment from Comcast in the community. Council Members Lawrence, Garcia, Lovell, Green and Berry absent.

At 9:47 Mayor White requested that the City Secretary call the public hearing. Council Members Lawrence, Garcia, Lovell, Green and Berry absent.

HEARINGS - 9:00 A.M.

1. **PUBLIC HEARING** regarding Correctional Facility proposed for 5902 and 5908 Bolivia
DISTRICTS A - LAWRENCE and B - JOHNSON

The City Secretary stated that no one had reserved time to speak at the hearing and asked if there was any one in the audience that would like to speak after Ms. Gafrick, Director, Planning Department made her remarks, and they would call on the speaker after Ms. Gafrick. Council Members Garcia, Green and Berry absent.

Ms. Gafrick stated that on May 4, 2007 the City received notice of a proposed parolee halfway house at 5902 and 5908 Bolivia street; that the State Law says that local consent was granted for facilities within 1,000 feet of a residential area, primary or secondary school, park or church or places of worship, unless the governing body holds a hearing and determines that it is not in the best interest of the City, that they had determined that the proposed facility was within 1,000 feet of a church or school and therefore they had requested that the City Council hold a hearing and at that point they were ready to open the hearing. Council Members Garcia, Green and Berry absent.

The City Secretary called the public speaker to the podium. Council Members Garcia, Green and Berry absent.

Ms. Karen McBride appeared and stated that she was with a New Freedom and had put in the request for proposal for the halfway house, that she knew most people would like to see people go to prison and stay there, that she thought the same way with a lot of them, too, that she also thought that when people were held accountable for their actions they changed their behavior, that for some people prison was a wake up call and the fact was prisoners were going to be released; that studies had shown that prisoners who were released to halfway houses and/or on electronic monitors did better long term; that she thought TDCJ's decision to have more halfway houses was in the best interest of society and the only safe way to release prisoners; that in TDCJ halfway houses prisoners were closely monitored, that it became apparent in a short time which ones were not going make it and they were sent back to prison on technical violations long before they committed any crimes; that on the other hand, prisoners who were paroled to homes, by the time the parolee officer figured out what was going on the parolee knew he was caught, would go on the run and going out of control because he knew when he got caught he was going away for a long time; that also she was green to politics and did not know of the hearing until last Thursday, that she now realized people were scared and it was her job to go around talking to people so they could see that a halfway house was safe; that she had not filed a permit application with the City because if she was not awarded the contract from TDCJ there would be no need for a City permit; that she chose not to waste the City's time and her time and money by going through the City application process if she was not awarded a contract, that she had not been given the required public hearing nor had she been given any

evidence to be used in support of the resolution, that she had not been given the opportunity to cross examine witnesses, if any, which might support the City's position, that she had not been given due process of law, that the City intended to deprive her of her property without due process of law, that she was entitled to a meaningful hearing at a meaningful time and place, that she had not been given such due process; that proposed resolution was premature, not based on facts or evidence, that there would be an opportunity to decide the issues if and when she filed a permit application with the City, that she requested she be given her due process of law rights and that the proposed resolution be denied or withdrawn. Council Members Garcia and Berry absent.

Mayor White asked if he could pose a question to Ms. McBride and asked if she had written her statement or had her legal counsel, and Ms. McBride stated that she wrote most of it and her counsel gave her some; and Mayor White asked what question would she like to ask a witness, and Ms. McBride stated that she would like to know, since she had not filed for a permit application, why were they having a hearing, that when she put up a public notice back in March, when she put in the request for funding proposal with TDCJ, at that time they told them that they had to do the public hearings and everything before they turned in the proposal on May 25, 2007, that was when she started running the newspaper ads and mailing all the letters out, then TDCJ said later, because it costs a lot of money to do all this and they might not be awarded a contract; that they said she could wait until after she was awarded the contract to do the public notices and everything, so she just stopped doing anything and was going to wait and see if she was awarded the contract to put the application for the permit in, that she was completely caught off guard last Thursday: that she got a letter in the mail saying the hearing was going to be on Wednesday; that she could now see in hind sight and got a crash course that she needed to be going around and talking to people and letting them know what was going on and how she proposed to have a safe facility. Council Members Garcia, Alvarado and Berry absent.

Mayor White stated that the meeting they were having right now was public and the particular hearing was notified; that he would ask that they let the record reflect that it was seven or eight minutes before 10:00 a.m. and those questions that Ms. McBride would like to pose to a particular witness, he would ask her, and she would have the opportunity in the Chamber, to write out those questions; that they could be by longhand and then they would make those questions, so that they had a full record, part of the record, if she could provide those questions to them within the next hour then they could make those questions a part of the record, that they would be available to take those and he would instruct the City Secretary that in the minutes of this meeting, to the extent that they get those questions that the speaker had that she said she wanted to pose to a particular person, to make that part of the record, that it would be up to Ms. McBride to avail herself of that opportunity. Council Members Garcia, Alvarado and Berry absent.

Upon questions by Council Members, Ms. McBride stated that she heard the Mayor say that she was able to make a list of questions, but one, she did not know what the questions were because she did not know why people were against it so she did not know the proper questions to ask, that they talked about how dangerous the neighborhood was, yesterday they hired off duty police officers and five people had been arrested in the last two days, that they were doing a major sweep of the apartment complex and they had evicted a lot of people, that she had been in contact with the homeowners, who were mostly in California and every Wednesday night she had a teleconference call with the homeowners, that they were trying to turn the place around; that she was not ready to put in her permit application because she wanted to have a track record of cleaning up the property and she believed a month from now, if she was awarded the contract, the property would be in much better shape and she would have a track record to prove that it would be a safe place for her halfway house and it would be a

much safer neighborhood; that she was the director of a State licensed drug and alcohol treatment center and had been for 12 years; that she was not a member of the civic club, but had gone to a Neighborhood Protection meeting the other day; that basically it was a business for her; that she had not talked to the community as to whether or not they thought it would be a good place to have a halfway house; that she had dropped the ball on community relations and was unaware that it was that big of a deal and now knew that it was; that she lived at Candlewood Glen, it was her home and residence and that was why she was asking for the Council to defer their decision. Council Members Garcia, Brown and Berry absent.

After further discussion, Council Member Johnson asked Ms. Gafrick why they were having a hearing if Ms. McBride had not filed an application, and Ms. Gafrick stated that the issue for them at this point was not the Correctional Facility Ordinance, it was a State law requirement that said when they receive notice of a correctional facility application, and if the proposed project was within 1,000 feet of a sensitive use, like a school or church, then the City Council automatically grants consent if they do not hold a hearing and make a determination that it is not in the best interest of the city, and Council Member Johnson asked if they just got word that somebody was doing this kind of business they immediately had a hearing regarding that particular business, and Ms. Gafrick stated if it was within 1,000 feet and that was what they were doing today, so they had two processes that they had to go through. Council Members Garcia, Lovell and Berry absent.

After further questions, Ms. McBride stated that she had residents already living in her houses, but she did not have anybody living at 5908 or 5902 Bolivia, that she had two other four plexes, 5381 and 5401 and had apartments that she rented; that she rented to people in recovery; that she was not required to do any background checks to the people she was renting to; that if she got the contract through the State the time frame between getting awarded and implementation would be until she got the permit, that she would have up to 90 days because she had a lot of work that she did not want to do until she was awarded the contract, so she would say 90 days from the day she was awarded; that if she did not receive the contract she would rent rooms to people on parole; that the only difference, if she got the contract, the facility would be monitored by TDCJ and would have 24 trained staff on duty and the parolees would have to sign in and out, and if she just rented to parolees that came out of prison they were pretty much just renting a room from her. Council Members Garcia, Lovell and Berry absent.

Mayor White stated that record would reflect that they had a good opportunity to go back and forth and it was now 10:08 a.m. and if she could, as he had mentioned earlier, before 11:00 am., if she could take the next hour if there were specific questions that she wanted written out that she said she was deprived a chance to ask and if she could get them to the City Secretary. Council Members Garcia, Lovell and Berry absent.

Council Member Khan moved to close the public hearing, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Garcia, Lovell and Berry absent. MOTION 2007-0592 ADOPTED.

Council Member Green moved to take a brief recess after the Mayor's Report for about 45 minutes, seconded by Council Member Khan.

Council Member Green stated that his wife was being sworn in as the new Justice of the Peace of Precinct 7 and he wanted to attend. Council Member Berry absent.

A vote was called on the motion to recess. All voting aye. Nays none. Council Member Berry absent. MOTION 2007-0593 ADOPTED.

- 1a. RESOLUTION finding that the operation of a correctional facility proposed for 5902 and 5908 Bolivia Street in the City of Houston is not in the best interest of the City of Houston - DISTRICTS A - LAWRENCE and B - JOHNSON — was presented. All voting aye. Nays none. Council Members Brown and Berry absent. RESOLUTION 2007-0028 ADOPTED.

At 10:11 Mayor White stated that they would move to the Mayor's Report. Council Members Brown and Berry absent.

MAYOR'S REPORT - Capital Improvement Plan FY2008-2013

Mayor White stated that he would address an issue involving the CIP, but it was a whole lot more than that; that to do good things for the public in the community they relied on a whole variety of sources of funds, that he would highlight one of those sources of funds that was significant and in the spirit of Council Member Green it also had some personal privilege attached to that, privilege in the dictionary sense of an honor, that they relied on so many citizens within the community for their philanthropy; that he knew a former lawyer named Andrea White, who was his spouse, and partner and so much, that last night when doing some kid duty, they arrived from Fountain of Praise and organized 40 women who saw some incredible things at Miller outdoor theatre, they enjoyed it, but it was also part of bringing the community together, that he was struggling on raising funds for a skateboard park, Council Member Wiseman and Council Member Alvarado had talked about skateboard parks and how popular they were, that it took his wife and her best friend, Nina Zilca, just a few weeks to identify an appropriate donor and to raise \$1.4 million that plugged a hole so that within 12 months they were going to have one of the greatest urban skateboard parks in the Country; that was a lot of money; that kind of thing went on quite frequently here in town; and he wanted to thank her and her next-door neighbor, the Jamial family, for what they had done for this great City; that when they worked together to do things like this, it was a whole lot easier for them to raise money and to plug holes and approach the philanthropic and civic community, they knew when they asked people to do things, when each of them in the City as a whole, when he asked as a vehicle; he and Council Member Lawrence passed the plate for the 11th street park that they were talking about the City as a civic organization, not the City as somebody's personal ambitions or petty politics as usual down at City Hall; that the fiscal condition of the city reflected how much they could invest in capital improvements and operating budgets, that it had been the policy of the administration, with the support of City Council Members, to provide services for a growing community, including infrastructure for that community; that they had also attempted, with the help of each of them, to reduce the percentage reliance of that overall pie of revenues on residential property taxes, which were increasing as a percentage of that contribution; that they knew that government had to pay bills as they come due, unlike the federal government, they did not borrow money to pay operating expenses and call that conservative, they did have sound disciplined budgets and they had been successful in both increasing the revenues that were available to provide public services and also decreasing the percentage of those revenues supplied by the largest single source segment of the property tax revenues, residential property taxes; that he would tell them, of course, that under the law of Texas what could secure their debt was the ad valorem tax increases; that he would need their help during this next year as they went through the budget, every single week and every single month, seeing if there were ways that they could broaden the contribution of revenue streams or find identifiable cases where it was not only that they thought there could be a management and efficiency improvement but that they would work with him to have an operational plan in order to do so; that he very well recognized what some people may consider waste or extra, some people may consider a valuable City service; that by working through it and listening to each other to build consensus, though he thought that they would deal with these next several years in a responsible fashion; they did have approximately \$100 million over the next four years with the amount diminishing each year that was a hurdle between projected revenues and the projected

obligations based on the types of things that they would undertake in the budget today; extra expenses, even if they were worthy, would require more revenues or more identification of how they could provide the same services with the same number, more services for the same or lower cost and that would be the hard work of government, it would not simply occur once every 12 months, it was an ongoing process, and he welcomed suggestions throughout the year and not just at the time of budget; that he would tell them one job that each of them could do, and he may call on each of them or they may have ideas where as community leaders and elected officials they should always keep in mind what they could do to maximize the resources they get from the State and the Federal government; that each person sitting around the Council table was in the position they were in part because they were good representatives and guardians of the people they represent; that again he hated to sort of highlight one Council Member, but the advocacy that Council Member Lawrence did on the 11th street park so they could match expenditures at the local level would be a classic case.

Mayor White further stated that two weeks ago he was in Washington D. C. and tomorrow he would be in Washington D. C. as he was working on every single week of this year of trying to get sufficient Federal funds to allow them to replace some of their police radios where they currently were running out of spectrum space and may have some holes in the coverage; that every time they wanted to be part of the team or look to a way that they could help and assist, then he would tell them that it was critically important, that had it not been for the actions that they took with the President of the United States and the Attorney General of the United States 18 months ago and getting the \$18 million from the drug forfeiture money they would not have had some of the success in actually cutting the rates of violent crime in various police districts of which Police District 17 in Council Member Clutterbuck's district was a prime example; that they would need them to call on those relationships with members of Congress on both sides of the aisle and their elected official; that currently they did not get their fair share of Homeland Security funding through the state and he needed to enlist them in a common cause because those amounts of money could dwarf at the margin; that was what would allow them new inspectors at BARC, that what he was saying was that he needed their help; that the tone of these budget meetings was important, and there were things that they could examine in the way that they conducted themselves at this critically important meeting today as they had in the past, that these he learned from observation, from colleagues who came before them, including Council Member Ellis, for example, who helped set a good tone, and those third year Council Members, including Council Member Alvarado and Wiseman and Edwards who he had observed and learned quite a bit from in different ways about the budget process, that he had also seen on occasion where the Mayor or others at the City Council table, in the heat of the moment, depart from the tone that he would think they would be most proud of; that they should remember that those who wanted to participate in the governance as opposed to score points were part of a team; that teamwork meant that they compromise with each other and that was not a bad word; that they were not talking about compromising principles, they were talking about finding common ground, which was what they did with their friends, family and people they respected; that when Council Member Lawrence was given some responsibility by the administration with their help to craft neighborhood protection regulations, he voted with Council Member Lawrence, even on things that he may disagree with, on some of the proposals, but he knew that if he asked somebody to do a hard, good job and to conduct hearings and to attend committee meetings, that he was part of a team; that the same thing with those who knew projects within their district, Council Member Clutterbuck came up with a project, a hole in the middle of a major thoroughfare that they were planning, it did not make sense and it took him very quick to respond because he was part of her team and vice versa; that he did not substitute his preferences for some of the preferences and knowledge of individual Council Members concerning the priorities within their district, that Council Member Holm played a critical role, there was one TIRZ alone that accounted for four percent of the tax base, one TIRZ alone, of the City of Houston, and her guidance and direction concerning that was something where he

would defer to and had on occasion, even when a point of view that he would have independently, that he did not have as much knowledge as she did, and they were part of a team working together, it did not mean that was a rubber stamp for Pam Holm, it meant they were members of a team together where there was give and take to get things done, that Council Member Brown had taken a lead, and he applauded his effort in coming up with something they would present to Council which would have new green space regulation for people seeking plat approval within the City of Houston; that he would not micromanage that, that in working with Andy Icken, they gave him a task and there were stakeholders who had been involved, and they should keep in mind the exchange of views, that simply because the dialogue that they had, that they were members of a team and they tried as best as they could to find common ground first, and disagree later, and then finally he would say that personal ethics was very important for them, keeping discussion honest was important, everyone was entitled to their own opinion, but they were not entitled to their own facts; and one of the greatest, most subtle forms of deception, was exaggeration; if they could avoid in their discussion and deliberations, and they would disagree about various things, they expect that in a diverse City, but they should all be mindful of the fact that the less they exaggerate, that the more common ground they would find and the more respect they would get and deserve from the public, and that concluded the Mayor's Report.

Council Member Alvarado moved to suspend the rules to consider Item Numbers 3, 4, 29, 2 and 2a out of order, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2007-0594 ADOPTED.

3. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **FIRE CODE BOARD OF APPEALS**:

- Position One - **MR. THOMAS C. BALLOU**, appointment, for a term to expire 12/31/2008
- Position Five - **MR. REY DE LA REZA**, appointment, for a term to expire 12/31/2007, and to serve as Chair
- Position Six - **MR. RODNEY H. LEWIS**, reappointment, for a term to expire 12/31/2008
- Position Seven - **MR. FRED K. WHITTY**, reappointment, for a term to expire 12/31/2008
- Position Eight - **MS. MARGIA M. BLANKENSHIP**, reappointment, for a term to expire 12/31/2007
- Position Nine - **MR. RALPH GREEN**, reappointment, for a term to expire 12/31/2008
- Position Ten - **MR. BRUCE J. MALCOLM**, appointment, for a term to expire 12/31/2007
- Position Eleven - **MR. LEONARDO CAMARGO**, appointment, for a term to Expire 12/31/2007

- was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2007-0595 ADOPTED.

Mayor White stated that Mr. Bruce Malcolm was present with his family and he served on the critically important board and asked that Mr. Malcolm stand with his family and be recognized and thanked him for his service to the public.

4. REQUEST from Mayor confirmation of the appointment or reappointment of the following to the **HOUSTON COMMISSION ON DISABILITIES**:

- Position Three - **MS. ANA CALVO**, appointment, for a term to expire 7/26/2009
- Position Four - **MS. MONICA PARKS**, appointment, for a term to

- Position Five - expire 7/26/2008
MR. CHARLES BRADLEY, reappointment, for a term to expire 7/26/2009
- Position Seven - **MS. TERI WATHEN**, reappointment, for a term to expire 7/26/2009
- Position Nine - **MR. JASON BRUMLEY**, reappointment, for a term to expire 7/26/2009
- Position Twelve - **MR. DIEGO DEMAYA**, appointment, for a term to expire 7/26/2008
- Alternate Position One - **MS. CHERYL AMORUSO**, reappointment, for a term to expire 7/26/2009
- Alternate Position Three - **MR. RAUL TELLO**, reappointment, for a term to expire 7/26/2009

- was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2007-0596 ADOPTED.

Mayor White stated that Mr. Diego DeAmaya and Mr. Raul Tello were present, and Mr. DeAmaya had his family present with him, and Mayor White asked that they stand and be recognized and thanked them for their service to the City.

29. ORDINANCE approving and authorizing Management Contract between the City of Houston and a Joint Venture between **ARAMARK SPORTS AND ENTERTAINMENT SERVICES OF TEXAS, LLC** and **QUALITY CONCESSION FOODS, INC** for Food and Beverage Services - 5 Years with five one-year options - Revenue - **DISTRICT I – ALVARADO** – was presented, and tagged by Council Member Wiseman. (Note: Council Member Wiseman released her tag later in the meeting.)

Mayor White stated that for 2a the Agenda Director said that the City Controller and Ms. Johnson were doing something, that when they dealt in real time the electronic auction took time to get prepared and asked if they wanted to defer Item Numbers 2 and 2a and take some items up on the consent agenda, so if there was no objection by unanimous consent they would proceed with the consent agenda.

CONSENT AGENDA NUMBERS 3 through 46

MISCELLANEOUS - NUMBERS 5 and 8

- 5. REQUEST from Mayor for confirmation of the appointment of **MS. JERRI THOMAS**, to Position Ten of the **PUBLIC PARKING COMMISSION**, for an unexpired term ending December 31, 2007 – had been pulled from the Agenda by the Administration, and was not considered.
- 8. RECOMMENDATION from Chief of Police for approval of Law Enforcement Agreement between **HARRIS COUNTY** and **GARDEN OAKS MAINTENANCE ORGANIZATION, INC** for law enforcement services of one (1) deputy from Harris County Constable Precinct 1 – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2007-0597 ADOPTED.

ACCEPT WORK – NUMBER 12

- 12. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,027,031.38 and acceptance of work on contract

with **PM CONSTRUCTION & REHAB, L.P.** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods, WBS R-000266-00S5-4 - 4.77% over the original contract amount **DISTRICTS A - LAWRENCE; B - JOHNSON; C - CLUTTERBUCK; D - EDWARDS; E - WISEMAN; G - HOLM; H - GARCIA and I - ALVARADO** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2007-0598 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 16 through 20

16. **CON-SPACE COMMUNICATIONS, INC** for Equipment, E-Z RadioComm II Replacement Parts for Fire Department - \$507,730.50 - General Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2007-0599 ADOPTED.
19. **THE MUR-TEX COMPANY** for Chemical Storage Tanks for Department of Public Works & Engineering - \$58,458.00 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2007-0600 ADOPTED.
20. **CONSOLIDATED TRAFFIC CONTROLS, INC** for Remote Activated School Flasher System Parts for Department of Public Works & Engineering - \$528,890.00 - General Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2007-0601 ADOPTED.

ORDINANCES - NUMBERS 25 through 44

25. ORDINANCE approving and authorizing contract between the City and **INTERFAITH MINISTRIES FOR GREATER HOUSTON** to recruit, train, mobilize and manage volunteers in support of the Houston Department of Health and Human Services during activation of a Community Emergency Medication Center - \$270,000.00 - Grant Fund – was presented. All voting aye. Nays none. ORDINANCE 2007-0708 ADOPTED.
33. ORDINANCE approving and authorizing Professional Services Contract between the City of Houston and **eBUSINESS STRATEGIES, LLC** for Integrated Workplace Management System Needs Assessment - \$50,000.00 - General Fund – was presented. All voting aye. Nays none. ORDINANCE 2007-0709 ADOPTED.
38. ORDINANCE appropriating \$3,272,944.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **INSITUFORM TECHNOLOGIES, INC** for Special Sanitary Sewer Rehabilitation by Cured-In-Place Method, WBS R-002013-0018-4; 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 by the Water & Sewer System Consolidated Construction Fund – was presented. All voting aye. Nays none. ORDINANCE 2007-0710 ADOPTED.
39. ORDINANCE appropriating \$5,336,000.00 out of Water & Sewer System Consolidated Construction Fund No. 8500 awarding contract to **PRELOAD INC** for Construction of 12.5 MG Concrete Ground Storage Tank, WBS S-000056-0040-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management, construction management,

and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund No. 8500 - **DISTRICT E - WISEMAN** – was presented. All voting aye. Nays none. ORDINANCE 2007-0711 ADOPTED.

41. ORDINANCE appropriating \$787,966.51 out of Parks Consolidated Construction Fund, awarding construction contract to **CARRERA CONSTRUCTION, INC** for Godwin Park, WBS F-504A07-0001-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the city; holding tile bidder in default if it fails to meet the deadlines; providing funding for engineering testing services, construction management, civic art program, and contingencies relating to construction of facilities financed by the Parks Consolidated Construction Fund - **DISTRICT C – CLUTTERBUCK** – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.
43. ORDINANCE appropriating \$452,683.35 out of Police Consolidated Construction Fund, awarding construction contract to **F. W. WALTON, INC** for Roof Replacement at Gershan and Fleet Administration Buildings, WBS G-000066-0010-4; 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 contingencies relating to construction of facilities financed by Police Consolidated Construction Fund - **DISTRICT H – GARCIA** – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.
44. ORDINANCE appropriating \$3,897,890.00 out of Solid Waste Consolidated Construction Fund; awarding construction contract to **TIMES CONSTRUCTION, INC** for the Southwest Environmental Service Center, WBS L-000036-0001-7, 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 material testing and inspection services, Civic Art Program, and contingencies. relating. to construction of facilities financed by the Solid Waste Consolidated Construction Fund - **DISTRICT C - CLUTTERBUCK** – was presented. All voting aye. Nays none. ORDINANCE 2007-0712 ADOPTED.
45. ORDINANCE appropriating \$38,883,478.62 out of Tax Increment Funds for Reinvestment Zone Number One, City of Houston, Texas (Lamar Terrace Zone), Reinvestment Zone Number Two, City of Houston, Texas (Midtown Zone), Reinvestment Zone Number Three, City of Houston, Texas (Market Square Zone), Reinvestment Zone Number Four, City of Houston, Texas (Village Enclaves Zone), Reinvestment Zone Number Five, City of Houston, Texas (Memorial Heights Zone), Reinvestment Zone Number Seven, City of Houston, Texas (Old Spanish Trail/Almeda Corridors Zone), Reinvestment Zone Number Eight, City of Houston, Texas (Gulfgate Zone), Reinvestment Zone Number Nine, City of Houston, Texas (South Post Oak Zone), Reinvestment Zone Number Ten, City of Houston, Texas (Lake Houston Zone), Reinvestment Zone Number Eleven, City of Houston, Texas (Greater Greenspoint Zone), Reinvestment Zone Number Twelve, City of Houston, Texas (City Park Zone), Reinvestment Zone Number Thirteen, City of Houston, Texas (Old Sixth Ward Zone), Reinvestment Zone Number Fourteen, City of Houston, Texas (Fourth Ward Zone), Reinvestment Zone Number Fifteen, City of Houston, Texas (East Downtown Zone), Reinvestment Zone Number Sixteen, City of Houston, Texas (Uptown Zone), Reinvestment Zone Number Seventeen, City of Houston, Texas, (Memorial City Zone), Reinvestment Zone Number Eighteen, City of Houston, Texas (Fifth Ward Zone), Reinvestment Zone Number Nineteen, City of Houston, Texas (Upper Kirby Zone), Reinvestment Zone Number Twenty, City of Houston, Texas (Southwest Houston

Zone), Reinvestment Zone Number Twenty-One, City of Houston, Texas (Hardy Place), and Reinvestment Zone Number Twenty-Two, City of Houston Texas (Leland Woods) for affordable housing, administrative expenses, payment of project costs, payments to the Houston Finance Corporation and certain Redevelopment Authorities as provided herein – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.

At 10:29 a.m. Mayor White requested the City Secretary to call Item No. 2 and recognized the City Controller.

2. Announcement by City Controller of the results of the electronic auction-style bidding for the sale of \$115,000,000.00 Tax and Revenue Anticipation Notes, Series 2007 – was presented.

Ms. Parker stated that they had just completed conducting a tax revenue anticipation note borrowing, that it was called Trans borrowing and was a real time reverse auction that was conducted electronically, that the item was being distributed to the Council and would show that the winning bidders were J. P. Morgan Securities for \$20 million of the trans borrowing and a true interest cost of 3.69958 and Layman Brothers for \$95 million of the borrowing at a true interest cost of 3.70062 with a weighted average true interest cost of 3.70044; that with a complete list of all bids received, there was very aggressive bidding and they were very pleased, with the results and they submit it to council for approval.

- 2a. MOTION awarding the sale of \$115,000,000.00 Tax and Revenue Anticipation Notes, Series 2007, based on the lowest true interest cost, ratify and confirm the use of the POS provided to respective bidders in connection with the offering for sale of the Notes, and authorize the distribution of the Official Statement – was presented, moved by Council Member Green, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2007-0602 ADOPTED.

Mayor White stated that they really appreciated the business like way that the City went about using modern technology in order to minimize the interest cost for the public.

Mayor White recognized Council Member Alvarado, and Council Member Alvarado stated that she wanted to recognize Ms. Melissa Noriega who next week would be joining them at the Council table and was present in the audience, that she wanted to congratulate her and welcome her, that she would be joining them as the next member of the Houston City Council.

Mayor White stated that they would proceed with the agenda by consent up until the recess.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

6. RECOMMENDATION from Director Building Services Department to approve proposed Fiscal Year 2008-2013 Capital Improvement Plan and establish a charge of \$75.00 (\$20.00 per CD) plus tax and postage for the adopted CIP documents – was presented and tagged by Council Members Garcia and Wiseman.

Council Member Holm asked if there was time for discussion on the item if there were amendments or questions.

Council Member Holm stated that last November they all worked really hard to support a bond election that would help sustain their public infrastructure, that as they address the CIP she wanted to discuss just a little bit about the infrastructure; that she knew that one of the things that happened in the course of time was that each of them took a position, that as they looked at the items that were being proposed, in the infrastructure of portions of it, in the year 2008, they were proposing \$767,000,286 in public improvement programs, of that District G was supposed to get \$31,151,000 million, it was less than 4%, that in 2010, \$645,659,000 was proposed and District G was supposed to get \$11,000,118, less than 2%, that the numbers went on and on and as it got further out, District G did get a little bit more, but that they all knew were unappropriated funds that would be pushed, that when they looked at the Park money a lot of it had not been allocated in the new bond issue, but in 2008 and 2009, \$59,696,000 was appropriated to Parks of which District G would get \$2.1 million, \$1.4 million of that was for the relocation of the Maintenance Center, so maybe that was a little bit clearer as to why when they talked about public safety and the spending of their money that this position and this office continually feels that each of them had different priorities but they must advocate for that good spending of core services, that one of the things the amendment she did want to propose was that Kendall library was going to be replaced and in the proposal it called for \$1.3 million for the year 2008, but it also says that \$1.3 million of that would be in private funds and she was really proud of the District G community because in order to get Looscan library they did step up to the plate and like so many great citizens of Houston, they raised \$2 million to contribute to that, that she really believed the rebuilding of Kendall :Library should be public consolidated construction funds, that every time District G, who paid just as much and sometimes more in revenue than any other district, got a project it seemed like in addition they needed to contribute to it.

Mayor White stated that he would ask if Council Members Garcia and Wiseman would remove their tags if she wanted to offer an amendment.

Council Members Wiseman and Garcia stated that they would release their tags on Item No. 6 for the purpose of allowing Council Member Holm to offer her amendment.

Council Member Holm offered the following written amendment to Item No. 6, and stated that she would tag the amendment. Council Members Garcia and Wiseman stated they would tag the amendment.

“RE: Agenda Item 6

E - 000094 Kendall Neighborhood Library - Replacement
609 N. Eldridge Parkway

Source of funding of \$ 1.3 Million in Private Funds is amended to be fully funded through the Public Library Consolidated Construction Funds”

Council Members Wiseman and Garcia stated that they would tag Item No. 6.

After further discussion, Mayor White stated that Item No. 6 had been tagged.

Council Member Edwards moved to suspend the rules to consider Item No. 40 out of order, seconded by Council Member Green. All voting aye. Nays none. Council Member Holm absent. MOTION 2007-0603 ADOPTED.

40. ORDINANCE appropriating \$5,207,059.50 out of General Improvements Consolidated Construction Fund, and \$5,913,040.50 out of Public Library Consolidated Construction Fund; awarding construction contract to **COMEX CORPORATION** for Construction Services for the South Post Oak Multi-Service Center, WBS D-000081-0001-4 and Vinson Branch Library, WBS E-000138-0001-4; 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, construction management, civic art program, and contingencies relating to construction of facilities financed by General Improvements Consolidated Construction Fund and Public Library Consolidated Construction Fund - **DISTRICT D – EDWARDS** – was presented. Council Member Holm absent.

After discussion by Council Members Edwards and Berry a vote was called on Item No. 40. All voting aye. Nays none. Council Member Holm absent. ORDINANCE 2007-0713 ADOPTED.

At 10.48 a.m. the City Council recessed until 11:30 a.m.

At 11:51 Mayor White called the meeting to order. Council Members Johnson and Berry absent.

Council Member Wiseman stated that she would release her tag on Item No. 29 and moved to suspend the rules to consider Item No. 29 at this time, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Johnson and Berry absent. MOTION 2007-0604 ADOPTED.-

29. ORDINANCE approving and authorizing Management Contract between the City of Houston and a Joint Venture between **ARAMARK SPORTS AND ENTERTAINMENT SERVICES OF TEXAS, LLC and QUALITY CONCESSION FOODS, INC** for Food and Beverage Services - 5 Years with five one-year options - Revenue - **DISTRICT I – ALVARADO** – was again before Council. All voting aye. Nays none. Council Member Johnson and Berry absent. ORDINANCE 2007-0714 ADOPTED.

Mayor White stated that that if people learned the balance between supporting local businesses and providing good customer service based on years and years of experience, including hard knocks that was demonstrated by Aramark, they would have a whole lot less discussion around the Council table about concessions and he thought it was a real tribute to the firm and some of the things it had done to find the right balance, that he wished other people would go to school on Aramark. Council Members Johnson and Berry absent.

Council Member Green moved to suspend the rules to extend the meeting beyond the scheduled noon recess, seconded by Council Member Khan. All voting aye. Nays none. Council Members Johnson and Berry absent. MOTION 2007-0605 ADOPTED.

7. RECOMMENDATION from Director Building Services Department for approval of Computer Image for Dedication Plaque for Looscan Branch Library, WBS E-000095-0001-4 - **DISTRICT G – HOLM** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. Council Members Johnson and Berry absent.

Council Member Holm stated that at the end of any project, and they were coming to the conclusion of the Looscan Library reconstruction, a plaque is placed on the facility and the proposal for that plaque was a part of item 7, that at point it showed that there was a vacant spot for Position 3 and she would like to wait until such time that they could fill in the name of the Council Member that would be taking that seat, and stated that she would tag Item No. 7. Council Member Berry absent.

Mayor White stated that Item No. 7 had been tagged. Council Member Berry absent.

9. ORDINANCE appropriating \$480,000.00 out of Street & Bridge Consolidated Construction Fund as additional funding for contract with **JFT CONSTRUCTION, INC** for Neighborhood Street Reconstruction Project, NSR 436B - Briargrove Phase III, WBS N-000368-0003-4; (approved by Ordinance No. 04-373) - **DISTRICTS D - EDWARDS and G – HOLM** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2007-0715 ADOPTED.
- 9a. RECOMMENDATION from Director Department of Public Works & Engineering for approval of Change Order No. 2 in the amount of \$520,278.00 on contract with **JFT CONSTRUCTION, INC** for Neighborhood Street Reconstruction Project, NSR 436B - Briargrove Phase III, WBS N-000368-0003-4 - **DISTRICTS D - EDWARDS and G – HOLM** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Berry absent. MOTION 2007-0606 ADOPTED.
10. RECOMMENDATION from Director Department of Public Works & Engineering to accept the July 2007 Semiannual Report and Recommendations of the Planning Commission, acting as the Capital Improvements Advisory Committee, relating to the implementation of the Water and Wastewater Impact Fees Program and to transfer revenues and interest generated by the Water and Wastewater Impact Fees in the amount of \$12,536,750.58 for Revenue Bond Debt Service as recommended in the Report - was presented, and tagged by Council Member Wiseman. Council Member Berry absent.
- 10a. RECOMMENDATION from the Director Department of Public Works & Engineering to accept the May 24, 2007 finding of the Planning Commission, acting as the Impact Fee Advisory Committee, that no update for the Water or Wastewater Impact Fee Programs is necessary at this time pursuant to Chapter 395 of the Local Government Code - was presented, and tagged by Council Member Wiseman. Council Member Berry absent.

ACCEPT WORK

11. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,287,616.82 and acceptance of work on contract with **MAIN LANE INDUSTRIES** for Generic Citywide Overlay Package #6, WBS N-001037-0043-4 - 5.00% over the original contract amount – was presented and tagged by Council Member Garcia. Council Member Berry absent.

PROPERTY

13. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Mary Beth Nathan Hayes, on behalf of Isaac J. and Lilyan Nathan, for sale of a 4,761-square-foot tract of land, located at 7114 Dorsetshire Drive, Reserve B, Block 2, subject to retention of a 15-foot-wide water line easement, all located in the Candlelight Forest West Section Four Subdivision, out of the Samuel Lewis Survey, A-510, Parcels S95-063 and KY7-249 - **DISTRICT A – LAWRENCE** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. Council Member Berry absent. MOTION 2007-0607 ADOPTED.
14. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Raul Ayala dba Ayala's Quality Food, for sale of ±4,250 square feet of excess fee-owned property, being Lot 25A of Block 34, in the Lindale Park Addition, Section 6, Parcel SY7-111 - **APPRAISERS - DISTRICT H - GARCIA** – was presented, moved by Council Member Khan, seconded by

Council Member Alvarado. Council Member Berry absent. MOTION 2007-0608 ADOPTED.

15. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Karen Riddle of Able Permits, on behalf of Texas Partners Holdings, L.P. [Texas Partners Investors, LLC (Thomas Balke, Managing Member), General Partner], for abandonment and sale of 4th Street and 2nd Street, from McGowan Street south to their respective dead ends, out of the Amended Genoa Townsite plat, Parcel SY7-135 and SY7-143 - **APPRAISERS - DISTRICT E - WISEMAN** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. Council Member Berry absent. MOTION 2007-0609 ADOPTED.

PURCHASING AND TABULATION OF BIDS

17. **RATED COMMERCIALIZATION SOLUTIONS (ICS) dba DURAMED PHARMACEUTICALS, INC** for Copper-bearing Intrauterine Contraceptive Devices for Health & Human Services Department - \$50,198.40 - General Fund - was presented, and tagged by Council Members Khan and Clutterbuck. Council Member Berry absent.
18. **TECH, INC** for Helicopter Component Overhaul or Exchange for the Police Department \$987,282.00 - General Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. Council Member Berry absent. MOTION 2007-0610 ADOPTED.

ORDINANCES

21. ORDINANCE **AMENDING SECTION 9-57(g) OF THE CODE OF ORDINANCES, HOUSTON, TEXAS** relating to Ground Transportation at the City's Airports - **DISTRICTS B - JOHNSON; E - WISEMAN and I – ALVARADO** – was presented, and tagged by Council Members Wiseman and Clutterbuck. Council Member Berry absent.

Council Member Holm stated that she understood that the intent of Item No. 21 was to allow some limousines, who did not actually operate as a limousine service, to pick up some people that were coming to the City for special events; that she was concerned when the reason they had permitting of limousines and the reason they required it was because of the accountability and the responsibility of what came into the airport; that any time they dealt with international airports they were talking about national security, and no matter how well intended it was she was concerned when it was precedent setting to craft an ordinance to allow one group to not require permitting and allow them special access. Council Member Berry absent.

Mayor White stated that the item had been tagged. Council Member Berry absent.

22. ORDINANCE **AMENDING THE CITY OF HOUSTON FIRE CODE** relating to Administrative Fees – was presented, and tagged by Council Members Wiseman and Johnson. Council Member Berry absent.
23. ORDINANCE appropriating \$3,600,000.00 out of Houston Airport System Consolidated 2001 AMT Construction Fund (8201) for deposit into the Department of Public Works & Engineering Water & Sewer System Operating Fund (8300); authorizing the transfer from the City's Public Utility Division to the Houston Airport System of use and control of 82.74 acres of land out of Barrett Subdivision, C. C. Shelby Survey, Houston, Harris County, Texas (in the vicinity of George Bush Intercontinental Airport), CIP A-0082, WBS A-00082-

0001-2-01-01 - **DISTRICT B – JOHNSON** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2007-0716 ADOPTED.

24. ORDINANCE approving and authorizing Communication Equipment License between the City of Houston and **NEXTEL OF TEXAS, INC d/b/a NEXTEL COMMUNICATIONS**, for certain premises at George Bush Intercontinental Airport/Houston - **DISTRICT B – JOHNSON** - was presented. Council Member Berry absent.

Council Member Holm stated that she had a question, that as she read the item, it was not granting an exclusive contract, it was just accessibility for another operator as they would anyone, and Mayor White stated that was correct. Council Member Berry absent.

A vote was called on Item No. 24. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2007-0717 ADOPTED.

26. ORDINANCE approving and authorizing first amendment to the Lease Agreement between **RMC HP III, L.P., a Texas Limited Partnership, as Landlord (“Landlord”)**, and the City of Houston, Texas, as tenant (the “City”), for a total of 40,520 square feet of space located at 601 Sawyer, Houston, Harris County, Texas, at a monthly rental of \$59,125.43 during the first thirty-six (36) months and a monthly rental of \$62,502.10 during the thirty-seventh (37) through the seventy-second (72) months, for use by the Housing and Community Development Department **DISTRICT H – GARCIA** – was presented. Council Member Berry absent.

Council Member Garcia stated that he would tag the item because as he understood it the item would be worth roughly \$4 million at least in rent that they were paying; that one of his budget amendments was the consolidation of services that they were leasing space for, and looking to move those programs into facilities that the City owned and consequently saving a few dollars in terms of the leases, but also to consolidate services so that their citizens did not have to know of multiple locations to go to; that it brought to question that they were paying \$4 million in rent when they just laid off a bunch of employees, so he would tag the item and would like to have a briefing on where the Housing Department was; that he had residents that were asking about the Home Repair Program and things of that nature; so if they were looking at laying off people and saving money he would like to see how they could move those folks into different City owned services. Council Member Berry absent.

Council Member Holm stated that she would like to add her tag, and would like some discussions not only with Housing, but with the Real Estate Department, just to make sure that it was a fiscally responsible move and not just effective today, but long term, that it might not be in their best interest to look for better opportunities for housing this department. Council Member Berry absent.

Mayor White stated that they would have a week to do so; that from time to time over a period of different times in 2005, 2006 and 2007 they had first a volunteer task force and then Mr. Christi, and that had involved him time to time, too, who looked at where they leased properties and owned properties, that there had been a lot of consolidation as they well knew, that allowed them to sell a City building and it had to do with space needs, accessibility, parking, price per square foot, build, own, what they had to knock out of the CIP if they were to build, et cetera, so he thought a fair briefing and information about it was important to his colleagues, but he did want to say that the issue of owning versus leasing and what was most cost effective had been very critical in their minds, that they were still learning and he was not saying that they could not improve. Council Member Berry absent.

27. ORDINANCE approving and authorizing first amendment to Loan Agreement between the City of Houston and **CREATIVE CHOICE TEXAS I, LTD.**, to extend deadline to complete renovation of Ambassador North Apartments - **DISTRICT H – GARCIA** – was presented. Council Member Wiseman voting no, balance voting aye. Council Member Berry absent. ORDINANCE 2007-0718 ADOPTED.
28. ORDINANCE approving and authorizing Amendment No. 2 to Engagement Letter by and between the City of Houston and **ADAMS AND REESE, LLP** for Environmental Legal Services for the Houston Airport System; providing a maximum contract amount - \$600,000.00 - Enterprise Fund **DISTRICTS B - JOHNSON; E - WISEMAN and I – ALVARADO** - was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2007-0719 ADOPTED.
30. ORDINANCE approving and authorizing first amendment to contracts between the City and **DR. PEPPER BOTTLING COMPANY OF TEXAS (#C56086)** and **FRESH BREW GROUP, USA (#C56087)** for Soft Drink and/or Vending Marketing Partnerships – Revenue – was presented, and tagged by Council Member Green. Council Member Berry absent.

Upon discussion by Council Members, Council Members Clutterbuck, Alvarado, Lawrence, Lovell, Khan, Holm and Garcia stated that they would tag Item No. 30, and Council Member Holm stated that she would like to know if there were some negotiation of the products that they were going to be offering, and would also tag the item. Council Member Berry absent.

31. ORDINANCE approving and authorizing contracts between the City of Houston and **BAKER & TAYLOR, INC., BOOK WHOLESALERS, INC** and **MIDWEST TAPE LLC** for Acquisition, Cataloging and Processing of Library Books and Materials for the Houston Public Library; providing maximum contract amounts - Not to exceed \$28,100,000.00 for 3 contracts - 5 Years with three one-year options - General Fund – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2007-0720 ADOPTED.
32. ORDINANCE appropriating \$175,000.00 from funds donated by Retail Electric Providers in support of the Consumer Choice Initiative and approving and authorizing contract between the City of Houston and **WHALEY ENERGY CONSULTING, LLC** for Professional Consulting Services – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2007-0721 ADOPTED.
34. ORDINANCE approving and authorizing an interlocal agreement between the City of Houston and **HARRIS COUNTY FLOOD CONTROL DISTRICT** for the Sims Bayou Flood Damage Reduction Project, WBS N-000785-0001-3 - **DISTRICTS D - EDWARDS; E - WISEMAN and I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2007-0722 ADOPTED.
35. ORDINANCE approving and authorizing Professional Engineering Services Contract between the City of Houston and **FRESE AND NICHOLS, INC** for Energy Cost Reduction Study at various Wastewater Treatment Plants; providing a maximum contract amount - \$252,000.00 - Enterprise Fund – was presented, and tagged by Council Member Garcia. Council Member Berry absent.

Council Member Alvarado stated that this company had requested that they change the MWBE goal from 24% to 10% because they claimed that it was too specialized and it was impossible to find qualified MWBE firms; that she thought that only because there were

questions and concerns raised by her and probably other Council Members that they had now agreed to abide by the 24% goal; that she would like a breakdown; that she thought they had two MWBE firms that were a part of the contract; that she wanted to know what their percentage of the contract was, if they could give her that information by next week it would be fine; that she wanted to raise the issue that she did not buy what their claim was, that it was to specialized to find qualified MWBE's and now they had found them, so she hoped that Public Works, when these kind of claims were made, that they take them seriously and go back to the contractor and revisit the issue. Council Member Berry absent.

Council Member Garcia stated that he was concerned when the goal was not met and then he got even more suspicious and concerned when all of a sudden they could meet their goal; that this was a reason for a budget amendment that he would be proposing; that they needed to make sure that their programs were respected, and they were challenging their vendors to make sure that they were bringing forth opportunity for their local small business, and Mayor White stated that they would make sure that those issues were addressed, that the point was well taken. Council Member Berry absent.

36. ORDINANCE appropriating \$220,000.00 out of Convention & Entertainment Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **EDWARDS AND KELCEY, INC** for Storm Worthiness Assessment of CEFD Facilities, WBS B-000098-0001-3 - **DISTRICTS D - EDWARDS; H - GARCIA and I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2007-0723 ADOPTED.
37. ORDINANCE appropriating \$5,119,665.00 out of Metro Project Commercial Paper Series E, awarding contract to **DURWOOD GREENE CONSTRUCTION, L.P.** for Generic City Wide Overlay Package #11 (Work Order Contract), WBS N-001037-0051-4; 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 Metro Project Commercial Paper Series E – was presented. Council Member Berry absent.

Council Member Brown stated that he just wanted to mention that in these overlay contracts that they had, that the cumulative effects of particularly asphalt overlay, which they were probably talking about, was that it impeded the storm drainage and that needed to be something that they consider in the design standards for these contracts, for example, in Sky Scraper Shadows, which was in Council Member Wiseman's district, there had been a series of overlays where the center line of the road is now higher than the front doors of the houses, that was not a situation they wanted to be in, so in terms of their flood control and drainage and environmental issues, he would hope that the Public Works Department would take it into account as they move forward with this and a number of other overlay programs. Council Member Berry absent.

Council Member Wiseman stated that she appreciated the comments of her colleague and would hope that he would join her in her tag of this item. Council Member Berry absent.

Mayor White stated that the record would reflect that Council Member Wiseman tagged the item. Council Member Berry absent.

Council Member Edwards stated that they knew of a lot of places and streets in the area in the City where they had overlays so high it went the point Mr. Brown made and also the fact that where they came up it destroyed the curb and so forth, that the question she had was if they

had any process or policy at Public Works that would remedy those streets; that they knew where those streets had been overlaid so high that they were now causing a flooding condition in the communities, was there a policy that if they knew where the street was, that Public Works or Right-of-way somebody could go out and handle that. Council Member Berry absent.

Mayor White stated that he would take a shot at it, that first, with particular streets when the issue was brought up, and they had looked at it and addressed examples of it that Director Marcotte personally, as well as the members of Public Works, had gone out and done some measurements, in particular to determine whether additional overlays would exacerbate a situation, that in that connection, and he could say from his personal review and inspection that there were cases that he had seen, and they taken tools and measured the different deals where it was less the overlay as such where they may have a couple of inches in some of the overlays, but that the streets were, in many cases in the streets of the City, were not adequately designed; then they were dealing with Vulcan Street, but the problem then was do they do some things which were a major street reconstruction, scrape it and try to lay down some cement; that he knew Council Member Garcia had a memo concerning where the street was poorly designed to begin with; that to do a major street reconstruction, just check out the cost of what they were doing on Vulcan Street, they were talking about extremely expensive per City block to redesign where the elevation of the street was poorly designed to begin with, so in answer to the question, they should not be, that if people had particular instances in which they do not think an overlay would be appropriate, they needed to take those up and there were some guidelines that they used besides pavement conditions, but he would also say that there was not a silver bullet. Council Member Berry absent.

Council Member Edwards stated that she guessed the genesis of her question was based upon that a lot of streets in District D where there were apartments or where there was no in resident homeowner or property owners, those streets had been overlaid and overlaid and their current policy did not allow for those streets, because they were not homeowners, for those streets to be reconstructed, so she would like to talk to somebody to see how they could deal with that because they were just building on top of a problem; that even though they were not property owners, the result of constant overlaying was causing a drainage issue in the community, so they were still paying a price for it as a city; that they were going to get together with Mr. Marcotte or whoever was appropriate, to see if they could develop a policy. Council Member Berry absent.

Council Member Brown stated that he wanted to offer two copper bullets, that one, instead of doing a straight overlay, it may be appropriate to remove the existing asphalt and recycle it, and the other one in the case of Sky Scraper Shadows, where they had open ditches, the culverts under the driveways were not functioning, so if they were increasing or limiting the capacity of the street to absorb floodwater, he thought that part of it needed to be to compensate by cleaning out the ditches and replacing the culverts with the 24-inch standard culvert; that in the case of Sky Scraper Shadows, they did it on one side of the street, they fixed the culverts and did not do anything on the other side of the street, so the houses, where the open drainage ditch was not improved, flooded worse than the ones on the other side, but they were both flooding. Council Members Wiseman and Berry absent.

Mayor White stated that on the first one, if Mr. Norman could make sure they got a report to the Mayor and copied to Council Members on the following issue from the Department of Public Works, were there circumstances in which the asphalt should be excavated before there was an asphalt overlay; how would they define when that was appropriate; and what was the approximate cost in relationship to the overlay for doing so, that if Mr. Norman would get a report to them then they would be in a position to consider this suggestion which certainly had a lot of common sense. Council Members Wiseman and Berry absent.

42. ORDINANCE appropriating \$352,674.85 out of Police Consolidated Construction Fund, awarding construction contract to **F. W. WALTON, INC** for Roof Replacement at Police Academy Buildings "A" and "C", WBS G-000066-0008-4; 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 project management and air monitoring services and contingencies relating to construction of facilities financed by Police Consolidated Construction Fund - **DISTRICT B – JOHNSON** – was presented. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2007-0724 ADOPTED.
46. Ordinance appropriating \$35,453,630.09 out of Tax Increment Funds for Reinvestment Zone Number One, City of Houston, Texas (Lamar Terrace Zone), Reinvestment Zone Number Two, City of Houston, Texas (Midtown Zone), Reinvestment Zone Number Three, City of Houston, Texas (Market Square Zone), Reinvestment Zone Number Four, City of Houston, Texas (Village Enclaves Zone), Reinvestment Zone Number Five, City of Houston, Texas (Memorial Heights Zone), Reinvestment Zone Number Seven, City of Houston, Texas (Old Spanish Trail/Almeda Corridors Zone), Reinvestment Zone Number Eight, City of Houston, Texas (Gulfgate Zone), Reinvestment Zone Number Nine, City of Houston, Texas (South Post Oak Zone), Reinvestment Zone Number Eleven, City of Houston, Texas (Greater Greenspoint Zone), Reinvestment Zone Number Twelve, City of Houston, Texas (City Park Zone), Reinvestment Zone Number Thirteen, City of Houston, Texas (Old Sixth Ward Zone), Reinvestment Zone Number Fourteen, City of Houston, Texas (Fourth Ward Zone), Reinvestment Zone Number Fifteen, City of Houston, Texas (East Downtown Zone), Reinvestment Zone Number Sixteen, City of Houston, Texas (Uptown Zone), Reinvestment Zone Number Eighteen, City of Houston, Texas (Fifth Ward Zone), Reinvestment Zone Number Nineteen, City of Houston, Texas (Upper Kirby Zone), for affordable housing, administrative expenses, payment of project costs, payments to payments to Houston Independent School District, the Aldine Independent School District, the Houston Housing Finance Corporation and certain Redevelopment Authorities as provided herein - was presented, and tagged by Council Member Wiseman. Council Members Holm and Berry absent.

Council Member Clutterbuck stated that she would like to add her tag to Item No. 46. Council Members Holm and Berry absent.

Items received during the meeting.

41. ORDINANCE appropriating \$787,966.51 out of Parks Consolidated Construction Fund, awarding construction contract to **CARRERA CONSTRUCTION, INC** for Godwin Park, WBS F-504A07-0001-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the city; holding tile bidder in default if it fails to meet the deadlines; providing funding for engineering testing services, construction management, civic art program, and contingencies relating to construction of facilities financed by the Parks Consolidated Construction Fund - **DISTRICT C – CLUTTERBUCK** – was presented. All voting aye. Nays none. Council Members Holm and Berry absent. ORDINANCE 2007-0725 ADOPTED.
45. ORDINANCE appropriating \$38,883,478.62 out of Tax Increment Funds for Reinvestment Zone Number One, City of Houston, Texas (Lamar Terrace Zone), Reinvestment Zone Number Two, City of Houston, Texas (Midtown Zone), Reinvestment Zone Number Three, City of Houston, Texas (Market Square Zone), Reinvestment Zone Number Four, City of Houston, Texas (Village Enclaves Zone), Reinvestment Zone Number Five, City of

Houston, Texas (Memorial Heights Zone), Reinvestment Zone Number Seven, City of Houston, Texas (Old Spanish Trail/Alameda Corridors Zone), Reinvestment Zone Number Eight, City of Houston, Texas (Gulfgate Zone), Reinvestment Zone Number Nine, City of Houston, Texas (South Post Oak Zone), Reinvestment Zone Number Ten, City of Houston, Texas (Lake Houston Zone), Reinvestment Zone Number Eleven, City of Houston, Texas (Greater Greenspoint Zone), Reinvestment Zone Number Twelve, City of Houston, Texas (City Park Zone), Reinvestment Zone Number Thirteen, City of Houston, Texas (Old Sixth Ward Zone), Reinvestment Zone Number Fourteen, City of Houston, Texas (Fourth Ward Zone), Reinvestment Zone Number Fifteen, City of Houston, Texas (East Downtown Zone), Reinvestment Zone Number Sixteen, City of Houston, Texas (Uptown Zone), Reinvestment Zone Number Seventeen, City of Houston, Texas, (Memorial City Zone), Reinvestment Zone Number Eighteen, City of Houston, Texas (Fifth Ward Zone), Reinvestment Zone Number Nineteen, City of Houston, Texas (Upper Kirby Zone), Reinvestment Zone Number Twenty, City of Houston, Texas (Southwest Houston Zone), Reinvestment Zone Number Twenty-One, City of Houston, Texas (Hardy Place), and Reinvestment Zone Number Twenty-Two, City of Houston Texas (Leland Woods) for affordable housing, administrative expenses, payment of project costs, payments to the Houston Finance Corporation and certain Redevelopment Authorities as provided herein – was presented, and tagged by Council Members Wiseman and Clutterbuck. Council Members Holm and Berry absent.

NON CONSENT AGENDA - NUMBER 47

MISCELLANEOUS

47. RECEIVE nominations for Position 3 on the **PORT OF HOUSTON AUTHORITY OF HARRIS COUNTY**, for a two-year term – was presented. Council Members Holm and Berry absent.

Council Member Edwards stated that she wanted to nominate Case L. Lawall for Position 3 on the Port of Houston Authority of Harris County. Council Members Holm and Berry absent.

Council Member Khan moved to close nominations for Position 3 on the Port of Houston Authority of Harris County, seconded by Council Member Garcia. All voting aye. Nays none. Council Members Holm and Berry absent. MOTION 2007-0611 ADOPTED.

Mayor White stated that the chair would like to pose a question to his colleagues, just for clarification, that there was some work that was undergoing with the Port of Houston concerning how to make the Port of Houston reduce the impact on the environment, how were they doing compared to L.A, was there a Council committee or could any of his colleagues or the Agenda Director advise him if there was a particular Council committee, that he would guess it would be the Environment Committee. Council Member Berry absent.

MATTERS HELD - NUMBERS 48 through 58A

48. ORDINANCE approving and authorizing agreement between the City of Houston, **WHITNEY COMMUNITY DEVELOPMENT CORPORATION** and **RE-WARD THIRD WARD** to provide a second lien construction loan of Federal "HOME" Funds in the amount of \$700,000.00 for eligible costs in connection with the construction of ten (10) affordable homes - **DISTRICTS D - EDWARDS and I - ALVARADO – (This was Item 55 on Agenda of June 6, 2007, POSTPONED BY MOTION #2007-552)** - was presented. Council Member Berry absent.

Council Member Brown stated that he would like to be able to meet with Re-Ward Third Ward and have a little discussion about a couple of their house plans that he thought could be improved, their site plans, some issues related to energy efficiency and cost. Council Member Berry absent.

Mayor White stated that he would ask on the record, Mr. Chris Butler who was meeting, that they support it and was reviewed by the administration and various other questions posed by Council Members, which were excellent questions to be satisfied, that the price per square foot was a little higher than what they had seen by the builder, in part, that was because people, in areas where there had been builders theft, had built in a little bit of margin, so what they were going to do was go line by line in the same way, not as a requirement, but they would welcome him and Mr. Butler going through these items because people were receptive to things that could be done to increase the functionality of the houses to the user or reduce the cost. Council Members Holm and Berry absent.

A vote was called on Item No. 48. All voting aye. Nays none. Council Members Holm and Berry absent. ORDINANCE 2007-0726 ADOPTED.

49. RECOMMENDATION from Finance & Administration Department to award to **ALTIVIA CORPORATION** for Chemical, Sodium Hypochlorite for Department of Public Works & Engineering - \$34,926,668.33 - Enterprise Fund – **(This was Item 20 on Agenda of June 13, 2007, TAGGED BY COUNCIL MEMBER ALVARADO)** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Holm and Berry absent. MOTION 2007-0612 ADOPTED.
50. ORDINANCE approving and authorizing the submittal of a grant application to the **U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA)** for Community-Scale Air Toxics Monitoring in the Houston Ship Channel Area; declaring the City's eligibility for such grant; authorizing the Director of the Health & Human Services Department to act as the City's representative in the application process; authorizing the Director of the Health & Human Services Department to accept the grant and the grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the grant - **DISTRICT I – ALVARADO – (This was Item 30 on Agenda of June 13, 2007, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. Council Member Wiseman voting no, balance voting aye. Council Member Berry absent. ORDINANCE 2007-0727 ADOPTED.
51. ORDINANCE approving and authorizing the submittal of a grant application to the **U.S. ENVIRONMENTAL PROTECTION AGENCY (EPA)** for funding to Measure Volatile Organic Compounds in the Houston Ship Channel Area; declaring the City's eligibility for such grant; authorizing the Director of the Health & Human Services Department to act as the City's representative in the application process; authorizing the Director of the Health & Human Services Department to accept the grant and the grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the grant - **DISTRICT I – ALVARADO – (This was Item 31 on Agenda of June 13, 2007, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. Council Member Wiseman voting no, balance voting aye. Council Member Berry absent. ORDINANCE 2007-0728 ADOPTED.
52. ORDINANCE appropriating \$286,086.46 out of Water & Sewer System Consolidated Construction Fund and \$381,000.00 out of the Homeless and Housing Consolidated Fund; approving and authorizing Developer Participation Contract between the City of Houston and **WATERWAY DEVELOPMENT INC** for Construction of Water, Sanitary Sewer and Storm Sewer Lines for the Sterling Village Subdivision, WBS S-000800-00M3-4, R-000800-00M3-4 & M-000800-00M3-4 **DISTRICT E - WISEMAN – (This was Item 53 on**

Agenda of June 13, 2007, TAGGED BY COUNCIL MEMBER WISEMAN) – was presented. Council Member Berry absent.

Council Member Wiseman moved to postpone Item No. 52 for two weeks, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Berry absent. MOTION 2007-0613 ADOPTED.

53. ORDINANCE appropriating \$430,489.32 out of Water & Sewer System Consolidated Construction Fund and \$375,000.00 out of Homeless and Housing Consolidated Fund; approving and authorizing Developer Participation Contract between the City of Houston and **MIDDLEBURY PROPERTIES, LP** for Construction of Water, Sanitary Sewer and Storm Sewer Lines for Section Two of the Fuqua Landing Subdivision, WBS S-000800-00N2-4, R-000800-00N2-4 & M-000800-00N2-4 - **DISTRICT E - WISEMAN** – **(This was Item 54 on Agenda of June 13, 2007, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. Council Member Berry absent.

Council Member Wiseman moved to postpone Item No. 53 for two weeks, seconded by Council Member Alvarado. Council Member Berry absent.

Council Member Brown stated that he just wanted to comment again that they had a tract subdivision plan that he did not think added a thing to the quality of life in Houston and in fact it detracted from the quality of life particularly when they had these small 40-foot lots and at some point they needed to address the issue because they were not getting the quality development that they needed to get in the City and that development was going to other places like Sugarland and The Woodlands and planned communities and they deserved just as high quality as they did, particularly if they were assisting the developer in reducing the cost of development. Council Member Berry absent.

Mayor White stated that as he had said at the last meeting, he heard exactly what Council Member Brown had said and the words he used, that if there was some barrier, that he said the developer would go to Sugar Land, if there was some barrier that the City had that caused that developer not to invest, and he would meet with Council Member Brown and the developer, to invest in Houston as opposed to Sugar Land, that he would be willing to meet with Council Member Brown and the developer at any time and any place to discuss what we they could do to remove that impediment to that particular developer's investment and to do so as a policy that would apply to all similar developers.

A vote was called on the motion to postpone Item No. 53. All voting aye. Nays none. MOTION 2007-0614 ADOPTED.

54. ORDINANCE appropriating \$461,639.06 out of Water & Sewer System Consolidated Construction Fund and \$420,000.00 out of Homeless and Housing Consolidated Fund; approving and authorizing Developer Participation Contract between the City of Houston and **MIDDLEBURY PROPERTIES, LP** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve Section Four of the Clearwood Crossing Subdivision, WBS S-000800-00N1-4, R-000800-00N1-4 & M-000800-00N1-4 - **DISTRICT E - WISEMAN** – **(This was Item 55 on Agenda of June 13, 2007, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented.

Council Member Wiseman moved to postpone Item No. 54 for two weeks, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Berry absent. MOTION 2007-0615 ADOPTED.

55. ORDINANCE appropriating \$11,736,304.84 out of Police Consolidated Construction Fund, awarding construction contract to **PRIME CONTRACTORS, INC** for Property Room Replacement, WBS G-000101-0001-4; 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 testing, construction management services, Civic Art Program, high density storage shelves, office furniture and contingencies relating to construction of facilities financed by Police Consolidated Construction Fund - **DISTRICT H – GARCIA – (This was Item 69 on Agenda of June 13, 2007, TAGGED BY COUNCIL MEMBERS WISEMAN and EDWARDS)** – was presented. Edwards voting no, balance voting aye. ORDINANCE 2007-0729 ADOPTED.
56. ORDINANCE approving and authorizing contract between the City of Houston and **AIR PRODUCTS AND CHEMICALS, INC** for Operation and Maintenance of Oxygen Plant, 69th Street Wastewater Treatment Facility for the Public Works Department; providing a maximum contract amount - 3 Years with two one-year options - \$8,492,400.00 - Enterprise Fund – **(This was Item 82 on Agenda of June 13, 2007, POSTPONED BY MOTION #2007-590)** – was presented.

Mayor White stated that item No. 56 was delayed at his request, that the administration supported the item and wanted people to vote yes on this item, that on this particular item, if Mr. Norman could report back, and Public Works Department, that it was a business that he knew something about a lot, that there were probably three firms that were qualified to do it and two declined to bid and one of them for the reason that they did not want to have anything to do with the City because of previous bad experiences; when that was the case for these high dollar items, he would request that the departments, through the department director, at a directors meeting, e-mail, his chief of staff, to bring that to his attention so that they may see whether they could make it clear, that the City was under new management, and find out what City employee did things to discourage qualified bidders from wanting to do business with the City, therefore, depriving their taxpayers of more competition, so that they could improve procurement in the past, that they needed this, and the alternative was much more expensive, which was buying liquid oxygen in the open market, but when they talk about these high dollar stuff and key bidders who would not do business with the City, to please enlist the Mayor so that he could try to encourage people to bid, and so that he could understand and try to correct things which the City did and had driven qualified bidders away from doing business with the city. Council Member Berry absent.

A vote was called on Item No. 56. All voting aye. Nays none. Council Member Berry absent. ORDINANCE 2007-0730 ADOPTED.

FISCAL YEAR 2008 BUDGET MATTERS HELD

57. ORDINANCE providing for the continuation of appropriations for the support of the City Government pursuant to the requirements of Article VIa, Section 1 of the City Charter; creating a Library Special Revenue Fund and making an appropriation related thereto; making other provisions related to the subject; containing a severability clause – **(This was Item 72 on Agenda of June 13, 2007, TAGGED BY COUNCIL MEMBER WISEMAN)** - was presented. Council Member Wiseman voting no, balance voting aye. ORDINANCE 2007-0731 ADOPTED.
58. Consideration of proposed amendments to Item 58A below, submitted in writing on June 13, 2007 by Council Members Brown, Lovell, Green, Berry, Lawrence, Johnson, Clutterbuck, Edwards, Wiseman, Khan, Holm, Garcia and Alvarado as set forth in the

attached Exhibit (Amendments will be considered in the order of a matrix prepared by the Administration) - was presented.

The City Secretary stated that Item No. 58 were the proposed amendments to Item No. 58a that were shown on the exhibit to the agenda and believed a matrix had been distributed..

Mayor White stated that they had, pursuant to the motion they had last week, followed the procedure which they adopted at Council and had a matrix with the various categories of amendments that had been proposed by Members of City Council, and that matrix that began with Line No. 1, Amendment 8.01, if people had that in front of them the City Secretary would call item by item.

Council Member Wiseman stated that she just wanted to express the concern that she had over the manner in which they were proceeding with the amendments, that the information that was provided to the public for their review was in a different order than the amendments were presented, that of course there was a notation on the agenda that the amendments would be considered in the order of a matrix prepared by the administration; that because of the fact that some amendments may have an effect on amendments that were considered after that fact, she took issue with the fact that the administration took it upon itself to determine the order in which these amendments would be considered, that if they adhered to the rules under which they were required to operate, amendments should be considered in the order in which they were introduced at this table last week, but given that it was not the manner in which they were going to proceed she wanted it to be known, the concern she had over that, the fact that they were not proceeding in compliance with their rules and that it was unfortunate that beyond that the determination as to the manner in which they would be taken up had been left solely to the administration. Council Members Johnson and Green absent.

Mayor White stated that under the policies set forth in the Fiscal Affairs Committee and the motion they believed they were doing it appropriately in sorting them by subject matter, and requested the City Secretary to call the first item.

Line 1 - Clutterbuck Amendment 8.01

Institute a 7th Houston Police Cadet class to begin in June of 2008, with funding derived from any end-of-year surplus in the Houston Police Department budget and/or other grant sources – was presented. Council Member Green absent.

Mayor White stated that the administration agreed to the amendment.

Council Member Lawrence stated that she thought they all saw the importance of public safety, and there were a number of people that proposed this amendment, and for that reason she did not propose something like this, but certainly favored the idea, that her concern was that they would get in a situation, as they did this past year, and have classes that did not have a minimum number of cadets, that she was more concerned with how many officers they train instead of how many classes they had, that number of classes sounds good, but how many cadets were they really training, that was what she thought they needed to achieve and set goals, so if they say seven classes, she would much rather say every class had a minimum of 50 or 60, that one amendment said 45, that amendment 8.01 have some kind of concern for the number of people in the class. Council Member Alvarado absent.

Mayor White stated that on the issue of why do people talk about and refer to classes versus the number of new officers, he would just hope that Members of the Council around the Council table would listen to the sage words of Council Member Lawrence, that obviously that

was the deliverable, the new hires, that they were going for or even the number of people because new hires may encompass carry over versus the number of people who were entering the training program during the fiscal year; that they were in the business of building consensus and a number did try to talk about cadet classes, that he suggested how they handle her concern was that it be one of the issues on the agenda of the Public Safety Committee, and that there be some guidelines, and those guidelines could be adopted or a recommendation made to the Mayor in writing or it could be done by HPD policy concerning the minimum number to start a cadet class, that certainly they would entertain that, that the point she had was well taken and thought HPD would agree with that and they just needed to figure out what that number was in a public way with the Public Safety Committee having some input on that, that if Chairman Garcia thought that would be an appropriate topic for the committee to consider, then they would look for a recommendation of the committee and probably do it by administrative policy. Council Member Alvarado absent.

Council Member Edwards stated that her comments were along the line of Council Member Lawrence's, that not only the number of cadets that would come out, but where do those cadets go, do they go in cars, on horses, where do they go, and what were the expectations to the current problems or challenges by the HPD, would these cadets fulfill that, that she did not know the protocol for the cadet class when they come out, were they interns, full certified HPD where they could go into a car on their own if they are on patrol, because they had one in a car right now, so would they put a newly graduated cadet into a car, that she did not know what was the expectation of what the impact to the current challenges for the City would a new cadet class bring.

Council Member Wiseman stated that if it had previously been discussed she apologized for not having caught that information; what is the cost of a cadet class.

Mayor White stated that exclusive of the what big cost was, there were several components, but the biggest single number is the number of people exiting the class, and then on average in 2007 dollars if they assumed that the police compensation increase was no more than the CPI, the average officer, with pension benefits, health benefits, uniform and other personal equipment but excluding a vehicle, was \$96,000 per officer, so one would take the number of people exiting the class and that would be an annual expenditure, that it would start out somewhat less, although some of those costs, pension, health benefits in particular, were fixed, that it excluded overtime, but they did intend on the fiscal note here, that it would basically take forward a class, which they would need to begin in 2009, and start that class in this year, so the net of beginning it earlier by some number could be, in terms of time value of that money, some tens of thousands of dollars, but it would not be in the millions, that the actual number, if they put 60 extra officers on the street, that would have an impact of somewhat less than \$6 million, and Council Member Wiseman stated that they had to vote on a specific number for a budget and it had to be a balanced budget, that was the Mayor saying that the amendment would not translate into dollars in any way because the class would not begin until June 2008; so, one, they were not going to see any additional officers on the street this year with this, but two, there would be no cost to them until the next fiscal year, and Mayor White stated no, and Council Member Wiseman asked what would the cost be, and Mayor White stated that what he said was that the difference between when the class would begin in 2008, and they had not scheduled out in this body, in the budget scenarios that they got, that in March there were four classes that were scheduled out in the 2009 Fiscal Year, there still was about a \$40 million gap, that if they accelerated one of those classes, then it would be, he did not have the exact dollar figure, but it would be in the amount of tens of thousands of dollars, it would not be the full cost of those classes, that the exact number would depend upon whether they accelerated the first class that was scheduled or the last class that was scheduled during that year and that would be determined in 2009 budget discussions, and Council Member Wiseman stated that there was

not going to be any dollar number for this fiscal year for this class because in essence it was next fiscal year, and Mayor White stated no, that was not what he said, and Council Member Wiseman stated that she needed a number, that it was a budget they were working on, with all due respect and she need to know how the amendment changed the budget, because there was a change, if it cost one dollar it had to come from somewhere else and she needed to know, and Mayor White stated that as far as the budget, they would work within the police budget that they adopt for this fiscal year, that would the fact that they incur some training costs begin in June be zero cost within that budget, no, he did not say that, that would it be an amount that could be compared to taking cost this year versus next year, the incremental cost would be the time use of that money would be some tens of thousands, yes, it would be millions of dollars, but there would be a cost, but it would not be a material cost within the overall police budget that would cause for there to be a change in the top line or bottom line of HPD budget, was the answer to the question.

Council Member Clutterbuck stated that her comments were along the lines of her colleague, Council Member Lawrence's comments, and certainly they wanted to make sure that they were maximizing the best value for the taxpayer dollars on their class sizes and she thought that the Mayor's recommendation, that they deal with it through Council Member Garcia's committee, was an excellent one, that just for her colleague's edification, the classes over the last two years, the smallest class was 38 officers and that was not including the two classes that they had lateral hires of police officers from other departments, and then the largest class was 70. Council Member Green absent.

Council Member Alvarado stated that following along the same lines as Council Member Lawrence, she understand that maybe it was last year that there were two class these were not completely filled, so if the same thing happened again were they still going to offer up a seventh class; that she was just not sure what the criteria was going to be to have that 7th class if they could not fill others; that she knew Council Member Garcia had suggested some new things for recruiting, but if that did not happen, did they still have that 7th class, and Mayor White stated that in particular the first class that they did last year, there were too few people, following that, and as it appeared that the HPD would fall short of its goals, there were a number of actions which were instituted monthly, changes, reassignment of responsibilities and additional people assigned to additional budget authority, that he thought they may have gotten some of that and a monthly report to the Mayor, which they all could have access to, on how they could improve the goals of police recruiting; that on the issue of what should they plan for and what should they expect, that by voting for this what they were saying to HPD as a governing body was that they expect the actions to be undertaken by the HPD to try to recruit people of the quality to have a full class in June of 2008 and in the other classes; that all organizations sometimes fall short of goals, but they were saying that was their goal and they were directing HPD to do everything reasonable to comply with that goal; that they had discussed in the past policy issues which could come up during the course of the year; that he knew that he, Council Member Garcia and Chief Hurtt felt that they should not compromise standards; that they do psychological testing, educational standards and the like, and at least HPD today felt as though it was very competitive, certainly competitive on compensation and working conditions, and that the actions that it had undertaken would allow it to fill these classes; that he thought Council Member Lawrence did make an excellent point and that was why there needed to be a committee hearing, and all organizations had goals, that if Exxon said it was going to complete 70 percent of it's wells and in a particular field if it fell short, then it changes it's plan to do what it could, that it did not mean it was a poorly run organization, it meant it changed in response to facts; so what they would be saying to HPD was, this is what they wanted, they were the experts, figure out how to get it done, if they did not think that they could get it done, then at the earliest possible time come back to City Council and tell them, and see what the solution was;

that was their sense of goal, direction and policy, by adopting the amendment. Council Member Green absent.

Council Member Garcia stated that the number of classes that they were trying to put on to this budget, that he had always understood that we were operating with the understanding that they were expecting to fill every class with 70 bodies and they entered into a contract with Patriot Advertisement so that they could have more rather than less success in filling those classes, so the number of classes that they were proposing had a direct correlation with the number of officers they were expecting to put on to the HPD payroll and that they should be assuming that when they say a class it should be synonymous with 70 cadets that they were looking to hire, that the Legislative changes that they had made should help this, that advertisement contract that they had put in place should help this, so he had never looked at a class, and was assuming that Chief Hurtt was giving the directive that fill to capacity every class they had budgeted, that he was assuming that was the directive. Council Member Green absent.

Mayor White stated that so they were precise, historically, and they looked at some number of years from the number entering the classes, and he could not remember whether it was 68, 69 or 70, that to the people completing the classes he was pretty sure that number was 63, that was their goal, and so they were communicating, and in part it was based on direct input from the Chair of the Public Safety Committee, he was not saying and relax the Civil Service testing requirement, the psychological testing requirement, the educational requirements just to put bodies in there, so they were communicating, that was one of the alternatives that was considered, but he agreed with Council Member Garcia, and Council Member Garcia stated that he was assuming that they were saying to fill each class with qualified people; that the Patriot contract was supposed to be a safeguard to finding qualified people, that the number of budgeted classes should mean that they should be looking to fill each with qualified people, and so that was why, further down, his budget proposal was to get them to the national average sooner rather than later because when he was proposing classes, he was proposing that they were full and he was assuming the things that they had done internally was to guarantee the success of finding qualified people, so he guessed the bottom line was that the recommended classes equates with full, not half full, but full if the qualified people exist, that was the only caveat, and they assume that previous challenges were that there were qualified people, but they did not have the systems in place to find them, so he was assuming they had the system in place, Legislative changes in place, and was anticipating greater success in this budget cycle for full classes, that was why when he was proposing getting them to eight classes a year, in this fiscal year, it was because he was looking to hire nearly 400 or 500 bodies for the Houston Police Department.

Council Member Khan stated that as they go around with constituents, there were two things mentioned more than anything else, hold the line on property taxes and have more police officers on the streets, that everything else came later, that he did get it when the Mayor was talking about the average cost for officers, \$96,000; that they were not asking for more classes replacing something else, it was what the Chief, in his presentation, suggested that down the line in 2010, that he thought he was talking about ten classes per year on a regular basis until he got the recruitment level where he could effectively do that, that he did the amendment by Council Member Clutterbuck, but just wanted to explain why he wanted more than one class or two classes, that because of the fact if they were not going to get it this year, they needed it next year; that it was not if they only got one class now that they did not need another class down the line; that he got the importance that it had to be efficient, they could not just have a police academy class even if they only had 20 people coming in to the class to get trained, that was why he put a minimum of 45, but they knew that not everything had to be done at the time of the budget, that throughout the year they had opportunities to influence some of these things and

he always found Council Member Garcia, Chairman of the Public Safety and Homeland Security, that he was always very open to suggestions through the year, so he hoped they could go with one class now, but look at all the needs which were there and if there were enough recruits coming in and all that, that they do at least look into fulfilling the requirements which their citizens were expecting from them in terms of having more officers on the street. Council Member Johnson absent.

Mayor White stated that there were different Members of the City Council who had suggestions over the last couple of weeks of ways in which the City could accomplish its purpose of maintaining discipline and property taxes, taking into account that appraisals were going up and that they wanted a shrinking percent of revenues while at the same time providing more services, and certainly if Council Members, during the course of the year, identified other or different sources of revenue that could be used to enhance the budget in this year and future years, they did have the flexibility to try to move to expand their goal to increase the number of officers, they supported Council Member Clutterbuck's amendment as being a prudent step in the direction of accelerating, and they would have a substantial number of new officers on the street, as a result of the actions that were taken this year. Council Member Johnson absent.

Council Member Holm stated that she assumed, when she was looking at it, and for her colleagues, that what they were estimating was six classes as was proposed, that they would add an additional 420 officers next year, that by adding another class it would get them up to approximately 490 next year, and what they were all looking at was how did that funding come in and what did it mean, that if the academy functioned all year round, there were not increased operational costs particularly for it, the increased costs would be the period of time for the individuals, was that about right, so the additional cost at the end, if the seventh class was initiated, at the end of fiscal year 2008, the additional cost basically would be for a month for the individual cadets that were in the class, whenever it would cost to take them through the class for that month, and from that, what she was hearing the Mayor say was that it would come out of the Police Department budget and they would re-prioritize at the end of the year. Council Member Johnson absent.

Mayor White stated that he would do two comments about some of the premises so they were communicating, that as he said, and he did not want people to be mistaken, there was a number based upon what the class seat capacity was and what a full class looked like and that was, and could not remember whether they called it full or good to go at 68, 69 or 70, then there were also a number and it was the number that graduated and he thought the number that they used for budget planning purposes was 63, that he thought 63 was correct, so when she said six times 70 equaled 420, he thought it was just somewhat less than that; and then on the issue of, and for the net new officers, that would be the people commencing the classes, they would have some people that were currently in class that came in where they finished a class that had been started in a prior fiscal year, they would also have people who are in a class where it graduates in the next fiscal year, which would be the June class would graduate in FY09 and in answer to her question, yes, and Council Member Holm asked if it cost them about the same to have two classes with five cadets in each one as it did to have one class with ten cadets, and Mayor White stated that he was sure there was a difference, for example their lateral class, they had a couple of classes, these were smaller and thought they were somewhat more abbreviated, but he was sure the answer was that it was not exactly the same, but it was not materially different in the overall budget. Council Member Johnson absent.

Council Member Lawrence stated that as she looked at the Marines, the Army, the way they get out and recruit at college level and she hoped they were doing that, and that was the kind of accountability that she hoped they would get, that when they fell short she wanted to know all the options of why they fell short because they had one of the most outstanding

programs in this country, that it was a resume item to say you were a cadet in Houston, so if they were falling short significantly on classes, then the problem, to her, lay in recruiting. Council Member Johnson absent.

Council Member Edwards stated that If any other department came to this council and asked for 500 new employees for their department, they would want to know what for, what was their expectation, that if Public Works came and said they needed 20 new dump trucks or 20 new whatever kind of trucks, they would say what were they going to do with it, how was it going to remedy whatever; that she still did not understand the breakdown of what they were talking about with cadet classes, what was the factoring in of aging police officers that retired, that when they say additional, was that a static number or was there a moving number that it was in addition to, what were they talking about; that when they said a full class was 70 and 64 graduate, when they graduated were they in a car or do they come in and start working in this area and the police that are in that area now go back on to the street, what was the meaningful effect of what they were trying to do, and how do they measure it, that was all she was asking; that the police were going to get their money, that was a given, so the issue forward was that they kept giving money and they keep telling people that they were going to have hot spots and that they were going to do this and it was not changing the reality of what was in the community, that was all she was looking for; that she was not sure why this department got such special accommodations, that when they give percentiles and she asked for raw data to ask what the percentiles were representing in the real world, that they had to be accountable, that when they had this kind of authority, she thought they needed to have the responsibility and the accountability to say this was what they needed and this was what would happen, and this was how they would know when it happened; that she was going to let it go because it would probably pass and all that, but she thought it was not wise to keep telling people they were adding the cadet class and that was going to give additional police on the force and on the street and they were going to be safer, was that their message, she did not think so. Council Member Johnson absent.

Mayor White stated that the budget and the details and operational plans, that may be reviewed in committee, did have the attrition assumptions and there was a number of legitimate issues raised by Council Member Edwards, there were planning assumptions which were flexible in response to need concerning assignments in patrol, investigations, narcotics, juvenile and some of the other squads within the Police Department's pro forma, and they also had, for example, in Council Member Khan and part of Clutterbuck's District, mainly in Council Member Khan's. right now as of very recently there were 168 people assigned, 120 in patrol and the balance in tactical operations were narcotics and beats, 19G20, 19G30, 18G60 to deal with a hot spot and a bunch of burglaries in Chinatown, so the patrol deployments, as well as tactical and vice would change over the course of the year, but he would encourage the Chairman to have a hearing concerning the policies and procedures concerning the deployment between the major patrol divisions and for Council Members to ask questions about that. Council Member Johnson absent.

Council Member Brown stated that he thought it was important to talk about public policy at this table, but did not think it was appropriate to micromanage the Police Department, so he would call for the question. Council Member Johnson absent.

Mayor White stated that they did have two Council Members who were seeking recognition, and Council Member Brown withdrew his motion to call the question. Council Member Johnson absent.

Council Member Lovell stated that she just wanted a point of clarification and stated that with the classes they would probably be 470 officers, how many officers were going to retire

next year, so that they were very clear with the public, they were not giving them 470 more officers, that some were going to retire, so the net effect of how many officers were on the street was going to be what. Council Members Johnson and Brown absent.

Mayor White stated that he did not know whether they had the HPD detailed plan, but he would come fairly close to it, that first, that first, Council Member Lovell began the discussion correctly by saying "so they were clear with the public", they were not saying that they would graduate 70 officers a class, so taking seven times 70, if they started with that premise, to be accurate, he thought that seven times 63 was what their plan was; and did they have the attrition number, it was approximately 200, but they had an exact number that was in their plan, that because they could not force somebody to retire it was an estimate, and he could describe the methodology that they used, that it would push them well over the 5,000, and was excluding the following things: the officers, a significant number, that were being taken from the jails, excluding the continuation of the Retired Officer Program, which they would also have in place, and it excludes FTE overtime, which was going to be about the full time equivalent of some 500 officers next year, that it was excluding those things, so if somebody wanted to have a meaningful number, then he would take those numbers and take into account how many more people were available because they did not have them running false alarms and stuff like, and then they have an effective force number, but they would get her that attrition number, if they could, today. Council Members Johnson and Brown.

Council Member Wiseman stated that she had gotten information from one of the Mayor's staff members that the class would result in an increased cost of \$200,000, that of course it was coming out of the existing budget of the Police Department and she was interested in knowing where there was a \$200,000 cushion in that department and what they were planning on doing with it, that she was not against additional cadet classes, she wanted to see them, but their responsibility was to balance the numbers, that was critical and their first priority with this process, that she wanted to extend her gratitude to her colleague, Council Member Edwards, who put it so well; that characterization of this being smoke and mirrors and that at the end of the day they were not going to have more officers, and that was the concern she had, that the \$200,000, they had no idea where it was coming from and in the end, at the end of the day, it was unfortunate that this action would result in the public being deluded into thinking that they were going to have more police officers out on the street when that was really not going to be the case, that they were not going to see the appreciable HPD patrol that they were looking for, that she agreed with her colleague on that concern, but when it comes down to the numbers as well, she needed to know where this \$200,000 price tag was coming from, because they needed to make those adjustments, and again if there was a \$200,000 surplus already in HPD's budget, she would like to know about that. Garcia, Alvarado and Brown absent.

Council Member Edwards stated that her questions were not about micromanaging, she was asking the appropriate questions to make a decision on the largest budget that this City had, and it was the largest problem that the City had, that she was sorry if anyone thought that she was trying to micromanage the Police Department, she had worked long enough with police agencies to know that was not possible, that she was trying to figure out what to tell her constituents who when they call a police officer they could not get one, that they could not close down a prostitution ring, or stop kids from standing out in the middle of the street in broad daylight selling drugs, does she tell them that they were going to have a new police class and that will be taken care of, no, she could not tell them that because she did not have the information, that she was trying to get information, not to micromanage the Police Department.

A vote was called on Line 1 – Clutterbuck - Amendment 8.08. Council Member Edwards voting no, balance voting aye. Council Member Brown absent. MOTION 2007-0616 ADOPTED.

Line 2 – Berry – Amendment 5.01

Fund one (1) additional HPD cadet class, was presented.

Council Member Berry moved to table Line 2 – Berry - Amendment 5.01, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2007-0617 ADOPTED.

Line 3 – Khan – Amendment 11.01

Institute a 7th and 8th HPD cadet class to start before the end of Fiscal Year 2008 each with a minimum class size of 45 cadets – was presented.

Council Member Khan moved to table Line 3 – Khan – Amendment 11.01, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2007-0618 ADOPTED.

Line 4 - Garcia – Amendment 13.16

Determining amount of one-time expenditures in police and fire budgets and use no more than 10% of surplus funds for hiring of two additional police academy classes of 70 each.

Mayor White stated that on the basis of this information, he was not able to understand so they could take a position of the administration and maybe Council Member Garcia could address the amendment. Council Members Brown and Lovell absent.

Council Member Garcia stated that in part there were one time expenditures, that as they were going through the budget process they had a significant surplus unspent reserved and he was looking for one time expenditures that they could use, that as he understood the director, that the reserve would be most appropriate to be used on one time expenditures, and he was looking create the budget capacity by removing those one time expenditures to the surplus and then using that capacity to add two additional police academy classes. Council Members Brown and Lovell absent.

Mayor White stated that he was seeking to ask these questions, that if there were items which appeared in the FY08 Police Budget, where they did not make those expenditures, and there was a positive balance between the budget for 2008 and the actual, would they use the difference between those two numbers to add a class; that in 2007, and they may have had this conversation, they spent more money than was in the Police Budget by approximately about \$5 million, and Council Member Garcia stated that he understood that would be overtime, and Mayor White stated that he would make a suggestion, which was that if they identified in the projections through the year that they would and that were reported in Council, that they did both an actual to budget and then a pre projection, that if they found that they were any time not on target to spend the full amount that was allocated within the HPD budget, that they immediately would put on the table, beginning with Council Member Garcia's committee, how they could accelerate the classified staffing with that, but they cold not know or tell whether there would be a difference between those two numbers, that in other words, it went back to the point that Council Member Lawrence and others were making, that there plan was to spend the money in accordance with the budget; that if they had fuel savings, if they had a higher rate of attrition than was forecast, then immediately they could discuss that at Council and discuss how they might reinvest those funds within the Houston Police Department for the deployment of additional police. Council Members Brown and Lovell absent.

Council Member Garcia stated that he appreciated the comments and the only place where he would differ with the administration was that in all likelihood the department would use every dollar it had, so he did not anticipate that there would be an unspent amount in the Police Budget that could be appropriated towards academy classes, so he was looking to create that positive difference by taking one time expenditures off the Police Budget and using the surplus for those and then redirecting that equipment or other expenditures towards a police academy; that he just looking to make the commitment to the public that they were anxious to get to a size of police force that would give the community visibility, effective response and access to their officers when they do not need them. Council Members Brown and Lovell absent.

Mayor White stated that their biggest one time expenditure was police overtime, that was the biggest one where they had a nonrecurring source of funds, the nonrecurring source of funds being grant funding, and with respect to Council Members did he believed that they should cut the overtime funding in order to fund the additional classes., and Council Member Garcia stated that there was a City reserve, if they wanted to take the \$40 million in police overtime and 40 off the reserve, off the surplus and leave that 40 in the Police Budget so that it could be used towards police hiring, he would support that. Council Members Brown and Lovell absent.

Mayor White stated that Council Member Garcia was now taking about the cash reserves, was that what he was identifying as the one time, and Council Member Garcia stated exactly, and Mayor White stated that the cash reserves were scheduled for use to fund the General Operating Budget, not one time expenditures, and they were funding the salaries of the policemen that they would be hiring in these new police academy classes; that they had cash balances, some of which were in three categories, one was the Any Lawful Purpose or the Rainy Day Fund, another is cash reserves to a limit that is essentially required to keep the debt rating, and the third category, if they look at what he distributed to his colleagues, a memo on June 18th and look at the second page, which was also what was reviewed as a modification of what was reviewed with Council Members in March, that in 17 the amount that was being used to fund the obligations, and in particular, pension obligations, Police contract, Fire contract, most of it was used for public safety expenses and if they would draw down at a quicker rate, then they would guarantee that they would have to raise property taxes, it that was what Council Member Garcia was intending to do, but they would oppose the amendment, that if the amendment was simply to add an additional class regardless, was it two additional classes in addition to the seven that they had voted on so far, and his intention would be not to accelerate classes, but just hire additional police, and Council Member Garcia stated exactly, and Mayor White asked where did Council Member Garcia think that they would pay for them if it was 62 times, the \$11 million extra a year. Council Members Brown and Lovell absent.

Council Member Garcia stated that he was asking the administration, that of the ending fund balance, how much of that did they need, how much could be redistributed, reappropriated in some fashion that continued with the discipline of using one time expenditures; that as he had heard the director during budget hearings, one time expenditures would be things that could be considered, so he was just asking whether it was in this form or another, how could they use cash on hand that they had, department budgets that they had to accelerate the number of classes that the citizens of Houston needed. Council Members Brown and Lovell absent.

Mayor White stated that because of so much of the increase in future years of the budget was public safety, virtually all of the cash surpluses were budgeted for public safety expenses, and if they looked at this page 17, then next year the cash that was surplus of the Rainy Day Fund and the minimum required to maintain debt rating, they could take that amount, \$18 million, \$16 million, \$14 million and \$12 million, add it all up and only then would they balance

the budget in 2009 without a tax increase, so they did not have uncommitted excess cash, that at least in their plans, was not already used for public safety, that if they added \$12 million a year to the budget of increased personnel, then they would need to add \$12 million a year of increased revenue, which would be a one cent tax increase, that he was trying to be as forthright because he wanted to get as many officers; that he would make one suggestion to Council Member Garcia that maybe it be a joint hearing with Finance and the Public Safety Committee, or a whole meeting here in this room with the Mayor and the two Chairs to talk about a five-year budget plan, approximately in September, and he knew their focus at that time would be on the classified staffing, then he would commit to hold that and try to find that, but with due respect he would tell them that if nobody was able to identify, in 100 hours of budget hearings, where there was 12 million a year sitting on a shelf, he did not think they were going to be able to do so this afternoon, but he understood Council Member Garcia's goal; that they would make an undertaking and thought Ms. Johnson, that in September he thought it would be an exercise of going through the five-year budget, as he asked for help at the beginning of this session, of extra revenue or expenses during the course of the year and they would do it in September at sometime to focus on that issue. Council Members Brown and Lovell absent.

Council Member Garcia moved to table Line 4 – Garcia - Amendment 13.16, seconded by Council Member Khan. Council Members Brown and Lovell absent.

Council Member Wiseman stated that she just wanted to make a point, and it may be trivial, that with the Mayor's comment on the budget workshops, they were workshops not hearings, that hearings carried specific meaning in law. Council Members Brown and Lovell absent.

Council Member Edwards stated that she needed clarification, that on the Mayor's point of finding excess monies, would police cadet officer classes be the only criteria for looking for excess money that they could find, and Mayor White stated that absolutely not, that he thought every Council Member may have their own set of priorities and preferences. Council Members Brown and Lovell absent.

A vote was called on Council Member Garcia's motion to table Line 4 – Garcia - Amendment 13.16. All voting aye. Nays none. Council Members Brown and Lovell absent. MOTION 2007-0619 ADOPTED.

Line 5 – Edwards - Amendment 9.02

The Chief of Police and appropriate staff members should perform mandatory operational audit every 5 years, beginning with the 2008 fiscal year.

Council Member Edwards stated that she thought accountability in this department was necessary as they moved forward and was willing to accept the Mayor's position as to how they make that accountability happen.

Mayor White stated that he would direct HPD and Finance and Administration, and speaking with the full powers under the Charter, he wanted them to follow the guidelines that were set forth in the administration comments and it could be done using the services of the firm that they had used for the operational audits this year, as well as have that firm make a report back to the committee.

Council Member Lawrence stated that as those audits were brought forward would it be voted on by the Council due to the amount that it would cost for each audit, and Mayor White stated that it would in part be up to the Members of Council and he would encourage some

dialog with HPD on it, there were pluses and minuses to that inasmuch as traditionally people had become more defensive if they thought an audit was used, and Council Member Lawrence stated that in house it was going to cost a certain amount of money and if they went out to do an audit it was going to cost a tremendous amount more, and that was where she was coming from, as they approached doing the audits, no matter what department it was, that they look at the cost factor, and Mayor White stated correct, that he would inform them that there was a firm recognized contribution at the beginning that was made up of ex McKenzie people and they charged almost as much as Mr. Bromwich per hour, but they had donated their services to do management audits of particular parts of the HPD and he had committed to the Chief that he would use the credibility of the office to get reduced rates, but in light of what Council Member Edwards was talking about, and his own perception, he would feel more comfortable with some outside management auditors, he thought they would get more of a perspective that was not as insolent, he was not talking about misconduct, he was talking that there was bread and butter stuff and how do they prioritize, how were they doing in categorizing the calls for service, that the Chief asked what was the measurement of productivity of the investigations, that was a good question, and they had the results of some of that, and so long as they did not inhibit people from being forthcoming with those individuals he thought there ought to be a little bit of a briefing on what had been done so far, they tried to use outside of a reasonable rate, that would be his judgment.

Mayor White stated that with unanimous consent Council Member Edwards could substitute, and Council Member Edwards stated if they could substitute, she thought it accomplished the same mission.

Council Member Edwards moved to substitute the administrations comments for Line 5 – Edwards - Amendment 9.02 as follows:

“Within 30 days of passage of the FY08 budget, the administration will identify one area of police operations that will be the subject of an outside management review. A separate area will be reviewed each subsequent year”, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2007-0620 ADOPTED.

A vote was called on Line 5 – Edwards - Amendment 9.02 as substituted. All voting aye. Nays none. MOTION 2007-0621 ADOPTED AS SUBSTITUTED.

Line 6 – Garcia - Amendment 13.01

In response to Bromwich’s final Crime Lab recommendations, in annual budget book presented by Administration, a separate line item be written in, detailing funding for Crime Lab – was presented.

Mayor White stated that the administration agreed to the amendment.

Council Member Garcia stated that they were looking to make sure that the budget of the Crime Lab was transparent and that future Councils could monitor it.

A vote was called on Line 6 – Garcia - Amendment 13.01. All voting aye. Nays none. MOTION 2007-0622 ADOPTED.

Line 7 – Holm - Amendment 12.05

The Houston Police Department will submit quarterly reports to the Mayor and City Council

detailing all HPD expenditures for special events, street functions and parades. Report will include the number of staff provided, identifying the stations assignment of each officer, the amount expended on staffing, and any costs recovered for staffing the functions – was presented.

Council Member Holm stated that she thought it was just providing a quarterly report, that the problem she was having was that she did not know how to find out what the information was, that this was just her lame attempt to start getting some details; that she took the Police Budget, line items, all the backup they had in their work and took the Solid Waste Budget and put them next to each other and covered up the top and she could not tell the difference, until she looked at the bottom and saw that one was \$600 million, that was where her frustration was, that no matter how they scrubbed the budget, or how well intended they were for policy, they were equipped with any information in order to really determined the facts, that the amendment was simply a token jester, which was just the beginning because she planned to ask all year long for specific reports that hopefully would give her some indication of how their dollars were being spent.

Mayor White stated that they supported the amendment for the very reasons she had pointed out.

A vote was called on Line 7 – Holm - Amendment 12.05. All voting aye. Nays none. MOTION 2007-0623 ADOPTED.

Line 8 – Garcia - Amendment 13.04

Within one year, Administration will submit to Council a plan of action for funding of \$580,000 to institute a HPD/HEC partnership program with the High School for Law Enforcement – was presented.

Council Member Garcia moved to amend 13.04, that they “delete the \$580,000, and change the implementation time line from “one year” to “six months”, that the idea was when they talked about all the challenges relating to recruiting he thought they had qualified people at the City and just needed to cultivate them, develop them and bring them into the culture of the Police Academy and the Police Department, that they were all ready doing some things in this regard, but the issue of creating a career path, specifically from the High School for Law Enforcement, which made greater sense, needed to be embraced by the administration and as a long term way to resolve part of their hiring challenges.

Mayor White stated that they agreed to the motion to amend Line 8 – Garcia – Amendment 13.04.

Council Member Lovell stated that she would ask that it not be limited to just the High School for Law Enforcement, that the recruitment, through the Police Department, take place in every high school across the City and that they start talking to their young people about having a career in law enforcement and what it would mean and the benefits, that the truth was that they were struggling in their recruitment because they were competing against military recruiters.

A vote was called on Council Member Garcia’s motion to amend Line 8 – Garcia – Amendment 13.04. All voting aye. Nays none. MOTION 2007-0624 ADOPTED.

A vote was called on Line 8 – Garcia – Amendment 13.04 as amended. Council Member Wiseman voting no, balance voting aye. MOTION 2007-0625 ADOPTED AS AMENDED.

Line 9 – Johnson - Amendment 7.06

Continuation of the sweat-equity program in the Houston Police Department's FY08 Neighborhood Protection Division budget, which allocated \$24,000 to two Super Neighborhood Councils identified as the Acres Homes SNC and Fifth Ward SNC, to abate weeded lots within their respective neighborhoods.

Council Member Johnson stated that it would give neighborhoods that had been neglected, from abandoned lots and slum landlords, that it gave pride back to the community by taking actions into their own hands and an infusion of dollars

Council Member Lawrence stated that she applauded Council Member Johnson getting \$12,000 for each super neighborhood that he was talking of in his amendment, but would also say that there were a lot of super neighborhoods in this town and if they were going to give each of them \$12,000 then they should do it across the board, that there were a number of neighborhoods that needed various things, that she had a problem giving to two ,when they had over 40 super neighborhoods, preferential treatment at \$24,000.

Council Member Wiseman stated that she applauded her colleague's efforts to obtain additional services for his district, that the question that she had, that this was Neighborhood Protection, which was HPD, and the total amount was \$24,000 so she guessed that brought the running total of excess money in HPD's budget to \$224,000 and she was interested in knowing where it was coming from, and Mayor White stated that if the question had to do with what were they adding to the budget or taking out, it was in the budget, that it was a continuation of something that was in the budget and they did not object. Council Members Holm and Lovell absent.

Council Member Brown stated that to answer Council Member Lawrence's by suggesting that they all consider it as a pilot program and that they get a report back, and moved to call the question on Line 9 – Johnson - Amendment 7.06, seconded by Council Member Garcia. Council Members Holm and Lovell absent.

Council Member Edwards stated that it said continuation of a program and asked if it was a policy of Neighborhood Protection, that super neighborhoods wanted to be a part of that was there an application process or was it a program that was designed for two groups and was a pilot stage, she wanted to know what the status of the program was, and Mayor White stated that under strict criteria, if they could save money by having accountable groups know, in lieu of the contracted amount, then they would look at those individual groups, that they discussed prior all the issues and difficulties, that yes, people had to have some kind of requirements and accountability, that if he was a super neighborhood he would not want the liability that was involved and the investigation for accounting for every penny, because that was likely to get people in trouble, that he thought they had some of those procedures within this particular program and Council Member Edwards stated that she had no problem in voting for it's continuation, her question was if it was a program that other super neighborhoods could apply to be a part of, and Mayor White stated yes, and Council Member Edwards asked if the liability was with the City or with the super neighborhood, and Mayor White stated that on liability insurance, as far as the requirements, he was not clear on what the details were, that was it something that only two super neighborhoods would be eligible for, the answer would be no. Council Members Holm and Lovell absent.

After further discussion a vote was called on Council Member Brown's motion to call the question on Line 9 – Johnson - Amendment 7.06. Council Member Lawrence voting no, balance voting aye. Council Members Holm and Lovell absent. MOTION 2007-0626 ADOPTED.

A vote was called on Line 9 – Johnson - Amendment 7.06. Council Members Lawrence, Clutterbuck and Wiseman voting no, balance voting aye. Council Member Holm absent. MOTION 2007-0627 ADOPTED.

Line 10 – Khan - Amendment 11.06

Add and fund two neighborhood protection inspector positions at the appropriate pay grade.

Council Member Khan stated that they agreed with the administration's comments to review the pay scales, that bottom line was that they needed to add inspectors for Neighborhood Protection, and Mayor White stated that he would like Neighborhood Protection to report back to him and Council Member Khan, and copied to other Members of Council on how they were doing on this during the course of the year, and to help him make sure these places were filled because they had excess positions available right now.

Council Member Khan moved to table Line 10 – Khan - Amendment 11.06, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2007-0628 ADOPTED.

Line 11 – Brown - Amendment 1.06

Institute a collaborative partnership with YouthBuild USA for the purpose of training at-risk young adults in the construction of much needed affordable housing in Houston.

After discussion, Council Member Brown moved to table Line 11 – Brown - Amendment 1.06, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2007-0629 ADOPTED.

Line 12 – Johnson – Amendment 7.07

An amendment to the Houston Police Department budget that provides funding for juvenile drug prevention programs. The funding for this effort would be through the Municipal Service Fee in the TIRZs budgets for District B. The Municipal Service Fee would fund juvenile public safety issues such as the D.A.R.E. program in District B.

After discussion, Council Member Johnson moved to table Line 12 – Johnson - Amendment 7.07, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Edwards and Berry absent. MOTION 2007-0630 ADOPTED.

Line 13 - Garcia – Amendment 13.18

Conduct a study to determine what the City of Houston's Police to resident ratio should be and submit to the Council Committee on Public Safety & Homeland Security within 90 days.

Council Member Garcia stated that he wanted to talk about the national average, he wanted to talk about what Houston's ratio should be, and he saw that the administration wanted to correlate it with the response time and he disagreed because when they correlated with response times they were saying victimization had to occur, so he would not support that. Council Members Khan and Green absent.

Mayor White stated that there was only a limited amount of time in the space and the administration comment did not fairly capture, he remembered specifically what was said, but crime reduction, response times, clearance rates, there were many different matrix that he listed out for those, and he was not faulting the Agenda Director or others, but there were many different variables that were listed out, that he was doing that so they were communicating with each other; that they could tell somebody who knew nothing about policing but wanted to pretend they did when they talk about the ratio was the be all and end all as opposed to the performance measures, and he read opt ed pieces by some citizens that did not talk about what they were trying to deliver but talked about the inputs, and if he could encourage Council Member Garcia that it was worth while on having a full committee hearing where they talk about what were some of the measures and also to address the issues of Council Member Edwards; that he did not want people to think for example that simply because they had not sent people big fat books on the productivity of the overtime programs that they did not have them, so if Council Member Garcia could hold some hearings on them so they could that they could have that discussion then they could elevate the debate.

Council Member Garcia asked if the administration supported his amendment, and Mayor White stated that the words of the amendment referred to a resident ration as opposed to crime rates, response time, shootings, and Council Member Garcia moved to amend 13.18 to say "conduct a study to determine what the City of Houston Police Department's manpower should be ", and Mayor White asked for a point of further clarification and asked when Council Member Garcia said "conduct a study" did he mean that it had to be outside consultants, and Council Member Garcia stated not necessarily, that it could be but he would defer to the administration on that but thought they could start some of that dialog now so that they could determine whether they would need outside advice or not, but thought they could get from their colleagues what values they would put in their respective communities in terms of the performance of the Police Department. Council Member Khan absent.

Mayor White asked if there were phases on it so that Council Member Garcia and his colleagues were not in a total different wave length, if the first phase or part of it was within 90 days would it be consistent with the spirit of Council Member Garcia's amendment, and Council Member Garcia stated yes, and Mayor White stated that in that case they would agree with it. Council Member Khan absent.

Council Member Clutterbuck asked for a cost estimate of what generally a study like this might cost the administration, and Mayor White stated that it would be the intention if they could report back and part of the dialog would be that it would be their intention to probably do it in some stages so they got some input using internal resources, but if there were external that they would need they would come back to people; that because they did not originate this item he did not know if he could sit at a table and give it to her but would it satisfy her concerns if they reported back to the Members of the Council on that issue; that he would ask the Agenda Director, F&A and HPD to first report back to him, he would ask some questions, and then pass it on to colleagues concerning both the process and the cost of the amendment. Council Member Wiseman absent.

Council Member Edwards asked how would the results of the study impact future cadet classes or cadet classes that they were looking to implement; do they not already have the

information based on what they were trying to do with cadet classes. Council Members Wiseman and Brown absent.

Mayor White stated that he would respond to that in two parts; the second part was that on long run goals and what the things were that may drive the long run staffing goals, that Dwight Eisenhower said that plans were worthless but planning was everything, that this may help them help the members of the command staff and the Council along the lines of how do they measure how much they should buy and what they were getting for it; in the case of the period of time in which at least he would in office and not every Council Member would agree, but it would be his intention to increase the number of classified officers as much as possible without compromising other public safety programs or other essential functions or raising property taxes, that was his deal; that they were not going to be in any danger of overshooting the mark, that others may disagree but at least the budgets that he submit he was going to try to get every dollar that he could to put in there, not at the expense as prior people did of saying they were going to just defer expenditures in forensics, not at the cost, as other people did, to say the property room could wait for later, not at the expense of saying they would let the elevator system break down before they would replace the elevator system as a more expensive cost; not at the expense of police vehicles which was done the year before he became Mayor; that his goal was to have more police officers on the street, as many as possible, without raising property taxes. Council Members Wiseman and Brown absent.

Council Member Edwards asked if there was any synergy if they accepted the cadet class amendment and the one now on the table, was there any one that they did first before they did the other to make sure there was some kind of process they were looking at to get to where they were going, that was all she was asking, and Mayor White stated that if it was adopted they would more or less be proceeding in parallel, but it would give them a template next year because they would be back next year at this debate and they heard it first right now when they accelerate an expenditure, when they did xyz next year they would not have the amount of grant funding and overtime for the full year that they did and they would have the full cost of the new classes that they would have done and they would need to make some important and hard choices, but their intention would be to proceed as quickly as possible and they would have the information for the future. Council Members Wiseman and Brown absent.

A vote was called on Line 13 – Garcia - Amendment 13.18. All voting aye. Nays none. Council Members Wiseman and Brown absent. MOTION 2007-0631 ADOPTED.

Line 14 – Garcia – Amendment 13.10

Add a new position titled “After Hours/Liquor License Czar” using \$100,000 contingent on Governor’s signature of HB 1 (Article V, page 516 of the Conference Committee Report). Council Members Wiseman and Brown absent.

Council Member Garcia stated that as a point of clarification he had an amendment that “the position with the funding should be put in the Mayor’s Citizens Assistance Office”; that it was not a City of Houston funding per se but was funding that had been appropriated through a bill filed by Representative Kevin Bailey at the State Legislature, that it was not coming out of the City of Houston budget but was taxpayer’s money, it would be through a grant appropriation.

Mayor White stated that so they were dealing in real time on this, he would ask Council Member Garcia that by identifying if there were extra resources that they needed they would have extra resources; that as they knew they had a number of people in the Citizens Assistance Office right now so sometimes he hesitated if people were working as colleagues calling one a Czar and another a Sir, and Council Member Garcia stated that was how the wording in the bill

came through, and Mayor White stated that Council Member Garcia's spirit would be that they could use existing or new resources within that office, and Council Member Garcia stated yes, and Mayor White stated that with that clarification they did not have any objection.

A vote was called on Line 14 – Garcia - Amendment 13.10. Council Member Wiseman voting no, balance voting no. MOTION 2007-0632 ADOPTED.

Line 15 - Garcia – Amendment 13.07

Administration initiate a study and report back to Council Committee on Public Safety & Homeland Security within 90 days reviewing the amount of vehicles transporting toxic chemicals in City's ROW. Council Members Lovell and Berry absent.

Council Member Garcia stated that as the administration knew, they had been working on the Over Size Truck Ordinance and were very near completion on that project and would be bringing it to his colleagues in the near future, and through those discussions new discussions were created about the amount of large vehicle traffic transporting toxic chemicals through the City and the danger that it posed, so the amendment was to ask for assistance through various resources of the City to study what was that toxic chemical transportation volume looked like on Houston roadways and to determine if sufficient resources were there or whether new ordinances were needed. Council Member Berry absent.

Mayor White stated that Council Member Garcia was working with Chief Storemski and Chief Boriskie on it and he wanted to make sure that they acted in good faith and if they did he would have no opposition. Council Member Berry absent.

A vote was called on Line 15 – Garcia - Amendment 13.07. Council Member Wiseman voting no, balance voting aye. Council Member Berry absent. MOTION 2007-0633 ADOPTED.

Line 16 – Garcia – Amendment 13.15

Funding for 10 additional HPD marked vehicles. Approximate cost \$360,000. Council Member Berry absent.

Council Member Garcia stated that he wanted to submit an amendment to 13.15 to read instead of "10 additional vehicles" that it would read "100 marked vehicles and the corresponding dollar amounts, that the current Equipment Acquisition Plan already called for 100 vehicles.

Mayor White stated that they now had a larger budget, and they had approximately 165 marked vehicles, that most of the marked vehicles had been purchased, so was it really necessary for them to do an amendment to this budget to accommodate what they had already. Council Members Clutterbuck and Brown absent.

Council Member Garcia stated that it was based on new information that he had gotten, but if it was already there he would move to table Line 16 – Garcia – Amendment 13.15, seconded by Council Member Khan. All voting aye. Nays none. Council Members Clutterbuck and Brown absent. MOTION 2007-0634 ADOPTED.

Line 17 – Holm – Amendment 12.07

Effective August 1, 2007 assign and fund 20 additional classified police officers positions to Westside Command. Council Member Brown absent.

Council Member Holm stated that with the growing community and population and density and with Westside command covering more miles, she was requesting 20 additional classified officers be assigned to Westside command. Council Member Brown absent.

After discussion, Council Member Wiseman moved to amend Line 17 – Holm - Amendment 12.07 “to include northwest and southwest command stations”, seconded by Council Member Alvarado. Council Member Brown absent.

After further discussion by Council Members, a roll call vote was called on the motion to amend Line 17 – Holm - Amendment 12.07.

ROLL CALL VOTE:

Mayor White voting no	Council Member Garcia voting no
Council Member Lawrence voting no	Council Member Alvarado voting no
Council Member Johnson voting no	Council Member Brown voting no
Council Member Clutterbuck voting no	Council Member Lovell voting no
Council Member Edwards voting no	Council Member Green voting no
Council Member Wiseman voting no	Council Member Berry voting no
Council Member Khan voting no	MOTION FAILED
Council Member Holm voting aye	

A roll call vote was called on 2.07.

ROLL CALL VOTE:

Mayor White voting no	Council Member Garcia voting no
Council Member Lawrence voting no	Council Member Alvarado voting no
Council Member Johnson voting no	Council Member Brown voting no
Council Member Clutterbuck voting no	Council Member Lovell voting no
Council Member Edwards voting no	Council Member Green voting no
Council Member Wiseman voting no	Council Member Berry voting no
Council Member Khan voting no	MOTIO 2007-0635 FAILED
Council Member Holm voting aye	

At 2:44 p.m. Council Member Clutterbuck moved to take a 15 minute recess.

At 3:13 Mayor White reconvened the Council meeting. Council Members Green and Berry absent.

Line 18 – Holm – Amendment 12.08

Continue to evaluate and assign/reassign the number of classified police officer positions assigned to Westside Command until the desired ratio of officers to citizens is achieved. Council Members Green and Berry absent.

Council Member Holm stated that she would offer some substitute language to Amendment Line 18 – Holm – Amendment 12.08, “to evaluate, assign and reassign the number of classified police officers positions for all command stations based on the ration of officers to citizens”. Council Members Green and Berry absent.

After further discussion by Council Members, a vote was called on the motion to allow Council Member Holm to substitute language for Line 18 – Holm – Amendment 12.08 and Mayor White stated that if there was no objection it was so ordered. Council Member Berry absent.

A vote was called on Line 18 – Holm – Amendment 12.08 as substituted. Council Members Clutterbuck, Wiseman, Johnson, Edwards, Lawrence, Garcia, Mayor White, Alvarado, Khan and Green voting no, balance voting aye. Council Member Berry absent. MOTION 2007-0636 FAILED.

Line 19 – Johnson - Amendment 7.02

An amendment to the Fire Department's budget that maintains the Professional Development Division in the Fire Prevention Department, per the Mir Fox study, and dedicate a Chief Training Inspector to implement the training concerns addressed in the study which includes inadequate professional and job related training – was presented. Council Member Berry absent.

After discussion by Council Members, a roll call vote was called on Line 19 – Johnson - Amendment 7.02.

ROLL CALL VOTE:

Mayor White voting no	Council Member Garcia voting no
Council Member Lawrence voting no	Council Member Alvarado voting no
Council Member Johnson voting aye	Council Member Brown voting no
Council Member Clutterbuck voting no	Council Member Lovell voting no
Council Member Edwards voting no	Council Member Green voting aye
Council Member Wiseman voting aye	Council Member Berry absent
Council Member Khan voting no	MOTION 2007-0637 FAILED
Council Member Holm voting no	

Line 20 – Garcia - Amendment 13.13

HFD implement recommendations from Mir Fox Audit for Life Safety Bureau/Inspection Division – Fire Marshall's office – was presented. Council Member Berry absent.

Council Member Garcia stated that he would like to amend his amendment as follows:

“To provide status of recommendations implemented from the Mir Fox Audit for Life Safety Bureau/Inspections Division – Fire Marshall's office”.

Mayor White asked if there was an objection to the substitution of the language by Council Member Garcia for the current Line 20 – Garcia - Amendment 13.13, and hearing none, by unanimous consent it was so ordered.

A vote was called on Line 19 – Garcia - Amendment 13.13 as amended. Council Members Wiseman, Lovell, Clutterbuck, Holm and Edwards voting no, balance voting aye. Council Member Berry absent. MOTION 2007-0638 ADOPTED.

Line 21 – Johnson - Amendment 7.03

Continuation of the budget amendment approved in FY 07 that required the Fire Department, in conjunction with Finance and Administration, to conduct a study on the need to increase fire inspection fees based on the days it takes to inspect facilities, and the possible recovery of man-hour costs - was presented. Council Member Berry absent.

Mayor White stated that he knew they had begun it last September and it was a very involved study and asked Ms. Judy Johnson if she could apprise them of when she thought they may have some work product from the study. Council Member Berry absent.

Ms. Johnson stated that as the Mayor had said it was on going and they did have some preliminary analysis, it probably would be another month or perhaps two before it was finalized but they were trying to keep Council Member Johnson apprised and up on what progress they were making, that most of the work was done by the Fire Department personnel, but most of the analysis of what the cost they had and what hours were spent on each different task came from the Fire Department and they had been working very hard to track those costs and come up with a new method of on going tracking, because if they did not keep tracks of the hours on the individual assignments they could not really tell what the costs were, previously it had been a sort of an anecdotal approach and they were going into a much more in depth approach but it should be just in a couple of months, and Mayor White stated that if there were problems in meeting the sixty days from today outside deadline to please let him know as soon as possible because the budget amendment they just passed, as well as the next amendment would depend on it and it had been a year and Council Member Johnson was impatient to bring it to a head and see those conclusions. Council Members Wiseman and Berry absent.

A vote was called on Line 21 – Johnson - Amendment 7.03. All voting aye. Nays none. Council Members Wiseman and Berry absent. MOTION 2007-0639 ADOPTED.

Line 22 – Johnson - Amendment 7.04

An amendment to the Fire Department's budget to add 10 additional FTEs to the Fire Inspection Division budget to adequately ensure the inspection of facilities at a more frequent and necessary basis when new businesses are established or relocated. Funding from the adjustment of fire inspection fees from the above referenced amendment would fund these positions - was presented. Council Members Wiseman and Berry absent.

Council Member Johnson stated that he had passed out a substitute amendment for Line 22 – Johnson - Amendment 7.04 that would be contingent upon Amendment 7.03 to move from 10 to 6 inspectors to be able to perform the duty, that again it was all dependent on the outcome of their studies from Line 21 – Johnson - Amendment 7.03, that he appreciated the attention that the administration had given the item, that the Fire Department had it for a while and he appreciated the work they had been doing. Council Members Wiseman and Berry absent.

Mayor White stated that he they were dealing with classified FTE's and just did not know the answer to the question, that he knew when they were dealing with ranked FTE's, did they requires separate ordinances on it, if they were to make a staffing change within the Fire Department within a year, did it require Council action, and Ms. Johnson stated "no" , that as long as the funding was sufficient there was wording in the budget ordinance that allowed changes in the number of positions that were listed in the budget so that the departments, as long as there was funding to pay for it, the adjustment of full time equivalence or full time positions was allowed within the budget, and Mayor White asked that on the finance use was there anything in the contract, that from time to time they had to do things that affected the rank

structure within Fire where it did require Council action, and Mr. Michel stated that he would check on that, that he thought it depended on whether the positions were on an existing list or not, but if they were adding to the list he thought they would need Council action. Council Members Wiseman, Lovell and Berry absent.

After further discussion, Council Member Johnson stated that he would stick with the recommendation to find out where they could get the money and thought the money was there and the inspection of the buildings first, so he would follow the recommendation of the administration, and Mayor White stated that they would instruct F&A and Fire to move in the sequence of events of implementing the first two budget amendments and then to the extent that there was additional staffing and financial resources that came out of that process then they would consider it at that time and on that condition if Council Member Johnson would consider tabling or withdrawing his amendment. Council Members Wiseman, Lovell and Berry absent.

Council Member Johnson moved to table Line 22 – Johnson - Amendment 7.04, seconded by Council Member Khan. All voting aye. Nays none. Council Member Berry absent. MOTION 2007-0640 ADOPTED.

Line 23 – Johnson - Amendment 7.05

An amendment to the Fire Department budget to require buildings that contain hazardous materials to carry remediation insurance in the event of an episode – was presented. Council Member Berry absent.

After discussion by Council Members, Council Member Johnson moved to table Line 23 – Johnson - Amendment 7.05, seconded by Council Member Khan. All voting aye. Nays none. Council Members Wiseman and Berry absent. MOTION 2007-0641 ADOPTED.

Line 24 – Holm - Amendment 12.06

Transfer \$500,000 funds designated for the Mobility Response Team to support neighborhood traffic studies, evaluation, equipment, and programs for improving public safety and mobility challenges in neighborhoods during FY 2008 – was presented. Council Members Johnson, Wiseman and Berry absent.

Council Member Holm offered the following substitute language for Line 24 – Holm - Amendment 12.06:

“Within 90 days, the Mayor will propose a plan to fund and provide support for neighborhood traffic studies, evaluation, equipment, and programs for improving public safety and mobility challenges in neighborhoods during FY2008”. Council Members Johnson, Wiseman and Berry absent.

Mayor White stated that they supported the substitute and the main item as substituted and if there was no objection to the substitute language for Line 24 – Holm - Amendment 12.06, and hearing no objection it was so ordered. Council Members Johnson and Berry absent.

After further discussion a vote was called on Line 24 – Holm - Amendment 12.06 as amended. All voting aye. Nays none. Council Members Wiseman and Berry absent. MOTION 2007-012.06 ADOPTED.

Line 25 – Garcia - Amendment 13.14

Add an additional two inspectors for HFD to conduct atrium and mid-rise inspections and safety programs - was presented. Council Members Clutterbuck, Wiseman and Berry absent.

Council Member Garcia stated that the amendment was intended to try to increase the Fire Department's capacity to help conduct those inspections and the implementation of the necessary safety programs that would help the Fire Department and would help save lives in that regard; that his amendment was to specifically require the adding of two inspectors and would like to amend his amendment to read "access how an additional two (2) inspectors can be added for HFD to conduct atrium and mid rise inspections and safety programs within 90 days", seconded by Council Member Alvarado.

After further discussion Mayor White stated that if there was no objection it was so ordered.

Mayor White stated that he would ask if the following would comport with the spirit of what Council Member Garcia was talking about; that he had a Life Safety Bureau Organizational Chart that he had passed out and was two and a half years old and was from the Mier Fox Study; that they knew that they had an increase in the budget year to year of \$400,000; that he would have a dialog with the Fire Chief and would like for him to report to him concerning this particular task which deserved a high priority and to have a dialog such as those that Council Member Garcia had participated in the past where they really explored issues as this; did the Fire Chief see it as a high priority, if so between the time of the fire in the atrium and today what actions had been taken to begin the analysis, if not was it that everybody on the org chart was working on something more important, he thought not, how many positions were there and all that stuff as opposed to being in a situation where they were preordaining what the answer was, but he would say that he would like the report back, including the staffing, but they knew, so it would come as no surprise because he wanted to be good stewards' of the tax payer's money, that he would be asking people if it was a high priority what had they done in the last 90 days, because usually if people had not done anything in the last 90 days it came as a surprise to him that it was such a high priority.

Council Member Garcia stated that it was that they depended on the retro fitting of high rises to resolve one particular issue and they felt that the availability of particular practices, tactics and equipment could be enough to be efficient in mid rise style fires, but the atrium tragedy created a shift in thinking in that regard, that they needed to reevaluate both mid rises and how many atriums were out there and then if there was another architectural style out there that was conducive or comparable to an atrium, so those factors all coupled together identified that everything else that obviously was being done was important, they had their hands full with what they were doing right now, and they needed to look to see how they could create capacity to address the other issue that merited a second look, that putting retro fitting aside those particular buildings required much more stringent and detailed work than mid rises so as a result it was not something that could just be a guy doing an additional set of duties, but it was going to require a lot of work, that it was all based on discussions that they had.

Mayor White stated that if the answer was yes they would get a report back within 90 days, but they were both interpreting that they were not pre judging what the effect was but they would get the report back to make sure that they had some adequate staffing of it; that they liked and respected the Fire Department and that was why the Fire Department, since 2000, had increased in FTEs more than the rest of the General Budget combined in the number of FTEs, so they supported the amendment.

A vote was called on Line 25 – Garcia - Amendment 13.14 as amended. All voting aye. Nays none. Council Members Wiseman and Holm absent. MOTION 2007-0643 ADOPTED AS AMENDED.

Line 26 - Lovell - Amendment 2.02

I propose the following to enhance the revenue in the municipal courts administrative department: 1) electronic citation submission plan to address issue of when an officer is not present, purchasing 300 to 350 new devices (cost \$385,000) and temporary resources to outsource data entry in interim (cost 150,000); 2) notification system/outbound calling campaign use of technology to ensure that officers receive subpoenas to appear by having notification go to officer's device. This also will include the use of notification software (Amerilert cost \$25,000) and an outbound call campaign (cost \$100,000); 3) creation of officer attendance reporting enhancements - this potential management tool will allow HPD and municipal courts to find additional solutions to the underlying cause of this lost revenue. Software will be required to allow the tracking (cost \$50,000) and FTE will be required to handle reports and communication associated with this (cost \$25,000); 4) streamline trial setting process implement pay or set support (cost \$50,000) – was presented. Council Members Wiseman absent.

Council Member Lovell moved to table Line 26 - Lovell - Amendment 2.02, seconded by Council Member Khan.

After further discussion, Council Member Lovell stated that she wanted clarification on how the Mayor was going to look at it and how they were going to proceed with the issue, and Mayor White stated that there were certain issues that related to officer attendance and then there was one concerning the streamline setting process; that the issue of officer wait time and citizen delay time was a very serious issue where he had been told and gotten a number of briefings as had Council Member Green, that not immediately but within a certain time, estimated between six to twelve months of the full implementation of the system, and he would not go into the details, that they would have a much better way of telling both a defendant and an officer when they had to show up, that he was not satisfied that they had done some reductions in delay time and for the first time he had gotten some fair amount of positive feedback from citizens concerning changes that they noticed, including people who practiced in those courts, that he needed someone, that Mr. Moriority helped him for a while, that they ought to have a report to the City Council in a certain period of time about their specific goals in reducing wait time of both officers and defendants; that on officer attendance, nobody was as frustrated as Chief Hurtt with the lack of tools that had been historically available to even track the non attendance of officers and the reasons for that, that for some twelve to fourteen months he had been asking the IT Department and Municipal Courts administration for certain management reports, the response had to do with people making responses about how they ought to address the issue, that was his job and he knew it was his job and knew what to do but if he did not have the reports that he asked for it was hard for him to manage; that he wanted to say to the IT Department and the Municipal Courts administration that as to the management reports and the management of the Police Department wanted, he wanted a report from them and copied to Council Members of when they would provide the management tool to the Police Department to let the Chief and others track officer attendance or why they could not do it, that he did not need people within the IT Department, no matter how qualified or experienced they were telling them how they ought to manage the Police Department, and on the issue of streamlining the trial setting process, pay or set, he did not know the status of that, they had a time deadline and would say to Council Member Green that they ought to have a report back to that and maybe with a hearing in the very near future on that and asked Council Member Green

if he remembered the time deadline on the conversion to pay or set system. Council Members Holm and Brown absent.

Council Member Green stated that within the next quarter, but they were trying to coordinate some of this stuff with the Mider Report and that should be available in the next 30 days so they were shooting for their August meeting to kind of lay all of these issues on the line and could address it all at the same time. Council Members Holm and Brown absent.

Mayor White stated that there would be a report to Council Member Green's committee, and the information concerning officers he had asked IT to report to him and to respond to Council Members on a very specific request, when would they get into HPD command staff the tools that Chief Hurtt had requested.

A vote was called on the motion to table Line 26 - Lovell - Amendment 2.02. All voting aye. Nays none. Council Members Holm and Brown absent. MOTION 2007-0644 ADOPTED.

Line 27 - Edwards - Amendment 9.01

190,462 cases were dismissed due to the absence of subpoenaed officers' in the courtroom. The average cost of a moving violation is \$30.00. We are requesting that HPD be required to reimburse the City for those losses. Therefore we suggest the computation be as follows... the amount of cases dismissed multiplied by the average cost of moving violations (190,462 x \$30.00). This amount would be reimbursement to the appropriate municipal court revenue stream – was presented. Council Members Holm and Brown absent.

Council Member Edwards stated that she would take in consideration the discussion on the previous amendment because she thought it addressed the same things, but she wanted to be very clear what she was asking for, that they had a situation where officers did not show up as subpoenaed, and understood that when a defendant did not show up as subpoenaed there was a warrant issued for their arrest and fines double, that the amount that was shown in Municipal Court was that there were 190,462 cases dismissed, that her amendment suggested that if they took just the average cost of a moving violation, which was \$30 as given to her from Council Member Green's office, that came to \$5.7 million per year, and over 5 years it was almost \$28 million, that she did not know what the problem was and hopefully the Mayor would get to a solution, but \$5.7 million that the City at the very least could be bringing in with fines, to just have that go down the tube, to her, was unacceptable, but she would accept and respect the administration's position that they would look into it and find a solution and would hope it would be very soon and quick, and if Mr. Michel could get to her what happens legally to an officer who does not answer a subpoena, she did not know if he could provide that to her but thought there should not be that vast difference between anybody who was subpoenaed. Council Member Holm absent.

Council Member Edwards moved to table Line 27 - Edwards - Amendment 9.01 with the understanding that the Mayor's office seriously look into the issue and find reasons and solutions to how they could mitigate it, seconded by Council Member Green.

After further discussion a vote was called on Council Member Edwards motion to table Line 27 - Edwards - Amendment 9.01. All voting aye. Nays none. Council Member Alvarado absent. MOTION 2007-0645 ADOPTED.

Line 28 - Garcia - Amendment 13.02

In monthly MOFAR report presented by Administration a new performance measure be added under Municipal Courts, listing total time spent by officer and defendant in arraignment court and judge/jury trials – was presented.

Mayor White stated that they supported the amendment and were going to fund it and were going to do periodic surveys that could be reported back on wait time; that he would say to Ms. Johnson and Ms. Bailey or one of their contracts with university group, they wanted a professional and periodic survey done that measured several variables of which wait time had to be by officers, defendants and jurors, those three categories; that they would do it so that it would be more than a one shot, if they surveyed 800 people in the three categories every three months and then they would have a trend line where they could do trends, that if the Agenda Director and Director of F&A could help him follow up and make sure that they do that he would appreciate it; that they would not have been able to complete it on the first MOFAR that came out but as soon as they get it and then they would continue, that was their understanding of it.

A vote was called on Line 28 - Garcia - Amendment 13.02. All voting aye. Nays none. MOTION 2007-0646 ADOPTED.

Line 29 - Clutterbuck - Amendment 8.03

Provide \$299,938 to the Health & Human Services Department allocated directly to the Bureau of Animal Regulation & Care (BARC) for an additional 6 full time employees and 4 vehicles for BARC's Trap & Compliance Team Program to improve the pickup of aggressive animals, pickup stray animals and better enforce animal control regulations from the general fund and/or grant sources and/or asset forfeiture funds – was presented.

After discussion, Council Member Clutterbuck moved to table Line 29 - Clutterbuck - Amendment 8.03, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Garcia absent. MOTION 2007-0647 ADOPTED.

Line 30 - Alvarado - Amendment 14.03

Increase funding at BARC by \$300,000 to provide for 6 new staff members and 4 vehicles for a "Trap Team" and a "Compliance Team", in order to deal with aggressive nuisance dogs and provide door-to-door Animal Control code violation inspections. Funding source to be determined by the administration - was presented. Council Member Garcia absent.

Council Member Alvarado stated that she had a substitute amendment, that all it did was remove the words "\$300,000". Council Member Garcia absent.

After discussion by Council Members, Mayor White stated that the administration supported the amendment, that he had asked Council Members, at open Council, to give feedback on the administration on the relative priority, some sources of funding, that he thought that in the context of the budget they heard that doing better and doing more using some resources if they needed, trying to use federal grants if they could get was what was the sense of Council. Council Member Garcia absent.

A vote was called on the motion to allow Council Member Alvarado to offer a substitute for Line 30 - Alvarado - Amendment 14.03. All voting aye. Nays none. Council Member Garcia absent. MOTION 2007-0648 ADOPTED.

A vote was called on Line 30 - Alvarado - Amendment 14.03 as amended with a substitute amendment. Council Member Wiseman voting no, balance voting aye. Nays none. Council Member Garcia absent. MOTION 2007-0649 ADOPTED.

Line 31 - Berry - Amendment 5.03

Fund a trap/alter/vaccinate/release program at BARC – was presented. Council Member Garcia absent.

Council Member Berry moved to table Line 31 - Berry - Amendment 5.03, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Garcia absent. MOTION 2007-0650 ADOPTED.

Line 32 - Edwards - Amendment 9.03

Requesting that the \$1M appropriated for HIV/AIDS outreach and prevention services (presented and amended at the table in the 2007 budget), be allocated to the appropriate HIV/AIDS Emergency Task Force immediately – Council Members Clutterbuck and Garcia absent.

Council Member Edwards moved to table Line 32 - Edwards - Amendment 9.03 and would accept the administration's whatever. Council Members Clutterbuck and Garcia absent.

Mayor White stated that the amendment, as he understood it, and it was important to get it on the record, was that the substitute would be that there shall be \$500,000 appropriated for HIV/AIDS Outreach and Prevention Services and the funding would be an amount by sources identified by the administration and that was an amendment to the budget and they would do it, and asked Council Member Edwards if it was a motion to substitute. Council Members Clutterbuck and Garcia absent.

Council Member Edwards stated that the amendment that they made last year was for \$1 million to be funded out of General Funds because the City did not provide funding and that did not happen, so was Mayor White saying now that the administration would do \$500,000 and Mayor White stated yes. Council Members Clutterbuck and Garcia absent.

Council Member Khan seconded Council Member Edwards motion to substitute the administration's comments, "Administration will identify funding in the amount of \$500,000". Council Members Clutterbuck and Garcia absent.

After discussion by Council Members, Mayor White stated that for Members in the Chamber, they had a discussion at the end of a long budget process, reviewed the transcript, could he remind them of what happened, would that be helpful because it was all in the public record; that what happened was that the resolution was that there would be some \$500,000 composed of \$250,000 from CDBG and that the administration would work in good faith to identify the source of funding because it was the last thing they did within the budget, identify the source of funding for the balance, that was what was adopted by the body; there was an unacceptable failure to identify and implement the identification of the additional \$250,000 source of funding from the General Fund Budget during last year, there was no excuse for it, and all that could be said was when they did things like this at the end of a long budget day and there was an amount that was specifically identified, which was the CDBG, and there was one that was not specifically identified but they talked about the good faith effort to identify in the motion, that it was not good enough, and he needed, Council Member Edwards, and others in

their oversight capacity, he assumed that it was done and there was a lot of other people who assumed that it was being done pursuant to that vote, they were hardworking people and good within the F&A Department and the Health Services, that this amendment (Line 32 – Edwards – Amendment No. 9.03) would just simply say they were going to spend \$500,000 on these programs period, they would try to identify a source of some of the federal funding and there would be a limit of that and would be in the CDBG Plan and the rest of that would be paid out of the General Fund, and it would occur and they would help make sure that they do it, so it was a budget amendment of \$500,000 and differed on last principally in that last year they identified half from CDBG funds and the balance that they would identify a good faith, that to support the answer to Council Member Holm's question of how do they know it would be done was that she and others would help him at the Council table make sure that it was done and they would fund and reallocate money in the General Fund to make it happen. Council Members Khan and Garcia absent.

After further discussion by Council Members, Council Member Berry asked if he could know how much they did spend on the particular line and Mayor White stated that they would have to check but thought the amount within the CDBG Plan would have been in line with the budgeted number and within the General Funds, where they said to use their best efforts and there was a failure they did not spend General Funds on the item, and Ms. Johnson stated that they did not, that it was \$281,000 from CDBG Funds, and Mayor White stated that they were \$219,000 short and that would not happen again, that he agreed with it and did not know and was pleased with the consensus around the table that they would use some General Funds for this purpose, he supported that, there was something that occurred, as Council Member Wiseman pointed out, when they had budget amendments by Council Members it was hard to reprint the whole budget at the Council table, but that did not mean that Council Members did not have the right to amend the budget, his intention was to take the amounts in the current CDBG Plan and supplement those by General Funds to bring it up to \$500,000 and have people report back to him monthly to make sure that it did get done. Council Member Lawrence absent.

After further discussion by Council Members, Mayor White stated that he did not want his observation to be miscategorized, that this was what he understood the amendment intended and was what they should do, they would take the amount that should be in line, he did not remember the amount, the \$281,000 should be in line with what was in the current CDBG plan, they would supplement that with General Fund funding to come up with \$500,000, that the reason that he made a comment was that he wanted to let people know in the body that it would not do to simply reprogram CDBG operating funds because if they only did that then it would cut Meals on Wheels and many other programs which were in that small category of programs funded by the CDBG operating funds; that he supported it and the only follow through if they use the term some best efforts at the Council table he was directing the Director of F&A and they were directing the Mayor to fund it where the CDBG plus General Funds total \$500,000 and it would be done; that with due respect it would come back to the extent that they do as they had done before, do it by contract with a non profit organization then it would come back to Council, to the extent that they do it by contract. Council Members Lawrence and Green absent.

Council Member Lovell asked that there be a report given to her and the other Council Members as to where the money was in the budget, she wanted to verify this time and not just assume, and then if it had to come back before Council to be voted on, then she thought that was the best idea because then everybody would be sure that it was there, that she would like someone to be directed to give her a report as to where it was in the budget, she wanted to see it and wanted to know where it was being spent and who it was being spent on. Council Member Lawrence absent.

Council Member Edwards stated that she would work with Mayor White to find the \$500,000 but she would also work to see that they could increase it be performance measures, the State of Emergency Task Force works based on the performance measures, they knew how many people they had in the field and knew what expectations they were having for what they did in the field and they were losing the war because they could not put enough people out there. Council Members Lawrence, Johnson and Berry absent.

Mayor White stated that the point that he made last year was that they had reached the limit of what they could do given the cutbacks in CDBG without cannibalizing some other programs and that they needed to find additional General Funds, that it would be done in a matter of days, they take the CDBG Funds and bring it up to \$500,000 with the General Funds after the vote. Council Members Johnson and Berry absent.

Council Member Edwards asked if they could get the \$500,000 would it be in addition to the \$200,000 plus from the CDBG or would that be the CDBG plus adding up to \$500,000, and Mayor White stated that what he understood was that the difference in the plan which was approximately the same as it was last year and \$500,000 they would make up from General Funds, which was the same thing that they had finally voted on last year, but as Council Member Edwards pointed out they had not implemented that, and asked if they had the plan at the table, that it would be approximately \$220,000 in General Funds. Council Members Johnson and Berry absent.

Council Member Edwards stated that she was hearing something different, that they were saying that the total funding, including CDBG, would be \$500,000, and Mayor White stated yes, that was what they adopted last year, and Council Member Edwards stated that she was hoping that it would be the CDBG funding and then the City would give \$500,000, so it would be close to \$800,000 that they would have to work with, and Mayor White stated that first, he heard then at one of the first State of the City that he thought they needed to do more and in contrast to what some people say around the table he tried to govern by consensus, because he thought it was cost effective, that last they resoled to have \$500,000 total and he identified the fact last year of which they had approximately \$280,000 out of the CDBG and they would supplement that with other source of funding, which was not done in a lack of oversight, however Council Member Edwards wanted to make the motion, if she wanted to be \$500,000 extra he would do that, whatever they got the votes to do he would be with her. Council Members Johnson and Berry absent.

Council Member Edwards asked if it was realistic with all of the added monies that they had put in, and Mayor White stated that his suggestion would be that there be \$500,000 total and as they scaled up the contracts they do the things that she talked about on performance measures, and they may have at this table a constituency to increase it further the next year depending on those performance measures, and Council Member Edwards stated that they could do performance measures with HIV if they were going to do it with everybody else, but they were not doing it with everybody else. Council Members Johnson and Berry absent.

Council Member Edwards stated that if she was understanding Mayor White it would be the \$200,000 plus, whatever CDBG Funding, the administration would identify funding to make the total funding \$500,000, seconded by Council Member Khan. Council Members Johnson and Berry absent.

After further discussion a vote was called on the Line 32 – Edwards – Amendment No. 9.03 as substituted. Council Member Wiseman voting no, balance voting aye. Council Members Johnson and Berry absent. MOTION 2007-0651 ADOPTED AS SUBSTITUTED.

Line 33 - Alvarado - Amendment 14.04

The administration will create a program to reduce off-road diesel emissions from contracted construction projects by developing clean contract specifications paired with a contract allowance not to exceed 5% of contract value in accordance with Section 271.907, Local Government Code – was presented. Council Members Johnson and Berry absent.

Council Member Alvarado moved to table Line 33 - Alvarado - Amendment 14.04, seconded by Council Member Khan. All voting aye. Nays none. Council Members Johnson and Berry absent. MOTION 2007-0652 ADOPTED.

Line 34 - Alvarado - Amendment 14.05

Allocate \$100,000 to the Mayor's HEALTH AND ENVIRONMENTAL POLICY OFFICE to conduct a sustainability evaluation of converting the existing sludge digestion and handling facilities at the 69th Street wastewater treatment plant to an anaerobic digestion process with biogas capture and beneficial re-use. Funding Source to be determined by the administration – was presented. Council Members Johnson and Berry absent.

Council Member Alvarado stated that she had handed out a substitute amendment as follows:

“Within 60 days the administration shall conduct a sustainability evaluation of converting the existing sludge digestion handling facility at the 69th Street wastewater treatment plant anaerobic digestion process with biogas capture and beneficial re-use. Funding Source to be determined by the administration”. Council Members Johnson, Khan, Holm and Berry absent.

A vote was called on Line 34 - Alvarado - Amendment 14.05 as substituted. Council Member Wiseman voting no, balance voting aye. Council Members Johnson, Khan, Holm and Berry absent. MOTION 2007-0653 ADOPTED.

Line 35 - 2.01 – Lovell - Amendment 2.01

I propose the addition of four (4) full-time professional employees in the City of Houston Planning Department for historic preservation for FY08. The title and pay grade should be planner as listed in the City of Houston pay scale – was presented. Council Members Johnson, Khan, Holm and Berry absent.

Mayor White stated that if Council Members would point out to him where they thought they may need additional positions and that they go through the exercise within a budget year, that they would make hard choices together, that they supported adding positions and were going to add positions. Council Members Johnson and Khan absent.

After further discussion by Council Members, Council Member Lovell moved to table Line 35 – Lovell – Amendment 2.01, seconded by Council Member Lawrence. All voting aye. Nays none. Council Member Alvarado absent. MOTION 2007-0654 ADOPTED.

Line 36 – Brown - Amendment 1.07

Allocate \$100,000 from CDBG funding for the purpose of advancing historic preservation - was presented. Council Member Alvarado absent.

Council Member Brown moved to table Line 36 – Brown - Amendment 1.07, seconded by Council Member Khan. All voting aye. Nays none. Council Member Alvarado absent. MOTION 2007-0655 ADOPTED.

At 5:48 p.m. Council Member Lawrence moved to recess until 6:00 p.m., seconded by Council Member Green. All voting aye. Nays none. Council Member Alvarado absent. MOTION CARRIED.

At 6:08 Mayor White requested the City Secretary to call the next item. Council Members Garcia, Green and Berry absent.

Line 37 – Edwards - Amendment 9.05

Appropriate \$70K to Historic Preservation department in the Mayor's office from the general fund or CDBG funds. This will add an additional staff member to help in the area of historic preservation for the City of Houston – was presented. Council Members Garcia and Berry absent.

Council Member Edwards moved to table Line 37 – Edwards – Amendment 9.05, but would like the administration to look into the possibility of a Historic Preservation Department, seconded by Council Member Khan. All voting aye. Nays none. Council Members Garcia and Berry absent. MOTION 2007-0656 ADOPTED.

Line 38 – Brown - Amendment 1.02

Provide \$250,000 to fund the creation of a Lower Fifth Ward Model Neighborhood Revitalization Plan, which assists local residents in defining a vision, assists local developers in coordination of private efforts in the area, assists the City of Houston/ Harris County and METRO in developing a long-term strategy for the provision of municipal and transportation services, and is suitable for inclusion in a future federal HOPE VI application to HUD. Matching funds to be provided by Harris County & private sources – was presented. Council Members Garcia and Berry absent.

Council Member Brown moved to substitute the following amendment for Line 38 – Brown - Amendment 1.02:

“Provide \$23,000 for a coordinating feasibility study of a Lower Fifth Ward Model Neighborhood Revitalization Plan, which assists local residents in defining a vision, assists local developers in coordination of private efforts in the area, assists the City of Houston/Harris County and METRO in developing a long-term strategy for the provision of municipal and transportation services, and is suitable for inclusion in future federal HOPE VI application to HUD”, seconded by Council Member Khan. Council Members Garcia and Berry absent.

After discussion by Council Members, a vote was called on the motion to allow Council Member Brown to substitute a written amendment for Line Item 38 – Brown – Amendment 1.02. All voting aye. Nays none. Council Members Garcia and Berry absent. MOTION 2007-0657 ADOPTED.

A vote was called on Line 38 – Brown – Amendment 1.02 as substituted. Council Members Wiseman, Lawrence, Holm and Clutterbuck voting no, balance voting aye. Council Members Garcia and Berry absent. MOTION 2007-0658 ADOPTED.

Line 39 – Johnson - Amendment 7.08

A policy amendment for the Planning Department's budget requiring a commitment to help steer quality development to neighborhoods that historically have been underserved. To enhance communities that have been affected by multiple bio-psycho-politico and social conditions such as poverty, violence, racism, and substance abuse – was presented. Council Members Garcia and Berry absent.

Council Member Johnson moved to table Line 39 – Johnson – Amendment 7.08, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Garcia and Berry absent. MOTION 2007-0659 ADOPTED.

Line 40 – Khan - Amendment 11.07

Require Water/Wastewater billing department to stop sending duplicate paper bills in the mail to customers currently enrolled in the online billing program by the end of Fiscal Year 2008 and redesign the online bill payment program to make it more user friendly - was presented. Council Members Garcia and Berry absent.

Council Member Khan stated that his amendment was basically in line with the administration's efforts to bring efficiencies and cost cutting measures in the City's work processes; that he understood that the water customers got three options, in option three they all get paper bills, there were over 7,000 customers in there, that option one, they only get electronic billing, no paper bill, there were 11,732 customers, and in option two, which it would affect the most was where people were getting electronic bills as well as paper bills, just the postage effect would save a lot of money and the process for generating paper bills; that he did understand that some customers would still want their paper bills, so they could be given an opt in option but he thought if they moved towards that it would help a lot; that he understood the Mayor's position in trying to implement so he would move to verbally amend 11.07 to change the word "require" to "move to", seconded by Council Member Alvarado. Council Members Garcia and Berry absent.

Mayor White stated that the substitute language would be "move to" instead of "require" so that they would not eliminate the option of people to receive the paper bill while they test the reliability of the system, and if there was no objection to that language as a substitute, by unanimous consent it was amended to say that "The Water/Wastewater system would move to a billing system to stop sending duplicate bills, etc." Council Members Garcia and Berry absent.

A vote was called on Line 40 – Khan - Amendment 11.07 as amended. All voting aye. Nays none. Council Members Garcia and Berry absent. MOTION 2007-0660 ADOPTED AS AMENDED.

Line 41 – Holm - Amendment 12.01

For FY 2008 all fees, fines, and revenue generated from permitting and enforcement of signage shall be used to fund Public Works and Engineering - Sign Administration Fund 2300 in order to establish sustainable enforcement of the Sign Code – was presented. Council Members Garcia and Berry absent.

After discussion by Council Member a vote was called on Line 41 – Holm - Amendment 12.01. All voting aye. Nays none. Council Member Khan absent. MOTION 2007-0661 ADOPTED.

Line 42 – Holm – Amendment 12.02

Transfer \$150,000 from the General Fund Parks and Recreation 1000/3600 designated to Lake Houston Park to Public Works and Engineering - Sign Administration Fund 2300 to fund a complete city-wide sign audit - was presented. Council Members Khan and Garcia absent.

After discussion Mayor White stated that they supported the amendment, that they needed to know exactly, through an independent source, the number of what most people called billboards, off premise signs, areas and under what categories and they had been working diligently with a number of lists, some of which had been by the in house Sign Administration, and some of which they had reconciled to the list within the industry, but what they did not have was somebody, one by one, to go out there and count them and observe them to see the inventory and it was critical to the next step in the process, that they hoped and would expect that it would not take \$150,000, but they did not know exactly what it was because they were dealing with thousands of boards, so if they were going to make some rules and regulations they needed to know where they were and how many of them and what size they were and they supported that.

Council Member Holm offered the following substitute language for Line 42 – Holm – Amendment 12.02:

“By August 1, 2007 funding up to the amount of \$150,000 will be appropriated for a city-wide sign audit. The source of funds will be determined by the administration.”

After further discussion Mayor White stated that if there was no objection to Council Member Holm’s motion to substitute language for Line 42 – Holm – Amendment 12.02 , it was so ordered. Council Members Edwards and Wiseman absent.

A vote was called on Line 42 – Holm – Amendment 12.02 as substituted. All voting aye. Nays none. Council Members Edwards and Wiseman absent. MOTION 2007-0662 ADOPTED AS SUBSTITUTED.

Line 43 – Garcia - Amendment 13.03

Department of PW&E shall institute within one year an executive level diversity mentorship program and shall submit to Council Committee on Minority/Women Business Enterprise and Small Contractor Development and Contract Compliance progress of - was presented. Council Members Edwards, Wiseman and Holm absent.

After discussion by Council Members, a vote was called on Line 43 – Garcia – Amendment 13.03. Council Members Wiseman and Clutterbuck voting no, balance voting aye. Council Member Lawrence absent. MOTION 2007-0663 ADOPTED.

Line 44 – Garcia - Amendment 13.12

Create a special revenue fund titled “Street Repair Program” to be managed by PW&E. No expenditure of the fund is authorized unless and until City Council approves and authorizes a Over/Over Truck Ordinance – was presented.

After discussion by Council Members, Mayor White asked Ms. Johnson if they had any revenue to go into the new fund currently, and Ms. Johnson stated that no, not currently, and

Mayor White asked Council Member Garcia what was the purpose of doing it with the budget, and Council Member Garcia stated that what he was trying to achieve was to have a special revenue fund dedicated to the ordinance. Council Members Lovell, Green and Berry absent.

After further discussion, Council Member Garcia moved to table Line 44 – Garcia - Amendment 13.12, seconded by Council Member Khan. All voting aye. Nays none. Council Members Lovell, Green and Berry absent. MOTION 2007-0664 ADOPTED.

Line 45 – Brown - Amendment 1.04

Amend the scope of work of the Public Works & Engineering Department's City Mobility Plan to include a "Development Opportunities" map, specific policies and coordination with the Master Drainage Plan, and adding \$50,000 to the budget to fund the same – was presented. Council Members Holm, Lovell, Green and Berry absent.

After discussion Council Member Brown moved to substitute the following amendment for Line 45 – Brown – Amendment 1.04, seconded by Council Member Alvarado.

"The scope of work of the Public Works & Engineering Department's City Mobility Plan shall reflect the provisions of Section 33-51(7) of the City Code of Ordinances. [In order to accommodate, facilitate and encourage desirable growth and development, the Plan will analyze the City's existing and potential growth and development; and utilize such information as a foundation for capital improvement, transportation, utilities and community services planning,] Section 33-51(7). This analysis shall be summarized in a "Development Opportunities and Priorities Map," and include an engineered Classification of Street Types. The additional amount of \$50,000 shall be added from authorized bond funds for transportation, utilities, drainage, and other capital improvements, or from funds provided by the H-GAC."

A vote was called on a motion to allow Council Member Brown to substitute a written amendment for Line 45 – Brown – Amendment 1.04. All voting aye. Nays none. Council Members Holm, Lovell and Berry absent. MOTION 2007-0665 ADOPTED.

A vote was called on Line 45 – Brown – Amendment 1.04 as substituted. Council Members Wiseman, Holm and Clutterbuck voting no, balance voting aye. Council Members Lawrence, Lovell and Berry absent. MOTION 2007-0666 ADOPTED.

Line 46 – Edwards - Amendment 9.06

Requesting that PWE develop a drainage impact policy and fee. Such action would produce a dedicated revenue stream to mitigate flooding and drainage issues in the City of Houston – was presented. Council Members Lovell and Berry absent.

Council Member Edwards stated that the purpose was to try to develop a revenue stream that would be dedicated to flood and drainage and would also come from impact fees that were caused by development, that would be the strongest point, that her only concern about a citizen task force was that she still believed that Public Works and maybe in accordance with the Flooding and Drainage Committee should develop a draft policy, how it looked like, and then give that to a citizen group to kind of up and down it because otherwise they would never get back to point one, they would never get past opinions in those groups and if they could give them a skeleton and let them know it was a skeleton and what they were looking for was a desired result then they could help to shape it and work it, but she would be opposed to just giving them the problem and saying to come up with the solution, that she would say this was

the problem and here was a proposed skeleton outlook of what it might look like, that they needed their input to see if that would work or not work and so forth, to help them to refine it and define it before it came to City Council, that she was kind of concerned regarding the fiasco that happened with the so called "rain tax" and she really did not want that kind of misinformation being dumped into the seasoning pot, that it was a very serious issue for the City and she thought, based on what had happened with the Public Works and it's relationship with the Flood Control District and the feds that they could give them a skeleton outline of something that was reasonable and then citizens could further define it to say how did it look on the ground, but she would be opposed to saying development a thing based on just citizens saying this was a problem they should all solve it. Council Members Alvarado, Lovell and Berry absent.

Mayor White stated that he wanted some input, that Council Member Edwards as Chairman of the Drainage Committee and the direction she wanted to go in, that his concern would be an identical to the one she had which was that he did not want something to be stillborn, that he wanted them to strategize what they wanted to do in the budget, and Council Member Edwards stated that she thought the conception should be a partnership and thought there had to be at least a point of where they were trying to go, a direction, that she did not want the issue of people coming in with made up minds that they were going to exempt this group or going to exempt that group and this was going to hurt this or that group, that she did want those kind of agendas being birthed into the process, that she would like for them to start with a very objective position that they needed to develop a process that would generate funds that would be dedicated to the mitigation of flooding and drainage and go from there. Council Members Alvarado, Lovell and Berry absent.

After discussion by Council Members, Council Member Edwards stated that a drainage impact fee would be for developers, that was where it would be leveled, to developers, it would not be a fee to the general public it would be on development that was coming into place and would move to table Line 46 – Edwards – Amendment 1.04, seconded by Council Member Khan. Council Members Johnson, Wiseman and Berry absent.

After further discussion by Council Members, Mayor White stated that they would take the topic up and they could have a Mayor's Report and individual discussions on the process to be used next and what to be used with the \$2 million that was spent on the extensive study during the last administration. Council Members Johnson and Berry absent.

After further discussion a vote was called on the motion by Council Member Edwards to table Line 46 – Edwards – Amendment 9.06. All voting aye. Nays none. Council Members Johnson, Garcia and Berry absent. MOTION 2007-0667 ADOPTED.

Line 47 – Green - Amendment 4.01

Transfer \$1,465,445 and 12 full-time employees from the Public Works Real Estate Branch (200006) into the Building Services Real Estate Division (2500080001) – was presented. Council Members Johnson, Garcia and Berry absent.

Council Member Green stated that they had two Real Estate Departments at the City and at first glance it looked like there was some duplication of the efforts put forth from the Public Works Department, along with the Building Services Department, that he still believed that there were, and the second reason behind it was that he found that the Public Works Real Estate Department to be probably one of the most non responsive departments in the City and it had been that way for a long time, that he had talked to other Council Members and they got the same thing, that they did not try to micro manage but when they wanted information in order to make good decisions with the budget and it takes two and a half months to get a phone call

back, and only when they make a budget amendment he thought it was ridiculous, that department was certainly non responsive; that he wanted to make sure that much was known and he believed that the Real Estate Department in Building Services was extremely responsive and thought that Issa Dadoush was an extremely responsive director and thought that Bob Christy was extremely responsive, and moved to table Line 47 – Green – Amendment 4.01, seconded by Council Member Khan. Council Members Johnson, Edwards and Garcia absent.

After further discussion by Council Members, a vote was called on Council Member Green motion to table Line 47 – Green – Amendment 4.01. Council Members Clutterbuck and Brown voting no, balance voting aye. Council Members Johnson and Wiseman absent. MOTION 2007-0668 ADOPTED.

Line 48 – Holm - Amendment 12.03

Transfer \$150,000 from the General Fund Parks and Recreation 1000/3600 designated for Grant, Legislation, and Development Office to esplanade landscaping – was presented. Council Member Johnson absent.

Council Member Holm presented a written motion to substitute language for amendment for Line 48 – Holm - Amendment 12.03 as follows:

“\$150,000 from the General Fund Parks and Recreation shall be used for esplanade landscaping during FY 2008. During FY 2008 Resolution 90-03 will be reviewed by the Quality of Life Committee and Parks and Recreation Department and an ordinance shall be proposed to develop procedures for tree planting and landscaping of City streets, thoroughfares and facilities in connection with City of Houston roadway and facility construction”

After discussion Council Member Holm stated that it did not have anything to do with the 1% set aside, that what it had to do with was additional funding that went into landscaping esplanades during the same course of the year. Council Member Johnson absent.

Mayor White asked to what level did she think the Parks Department should expend money for esplanades landscaping, in FY07 what was the level of expenditures for landscaping in FY07 and what was it in the proposed budget when she reviewed it with the director in FY08, from what level was she increasing to what other level did she want to increase it to, and Council Member Holm stated that in FY07 their esplanade landscaping was limited strictly to 1% of capital improvement, but they knew that 1%, exactly as it was defined, did not measure anywhere close to being a standard of planting a tree that they would be proud of, that while they were trying to establish what that policy would be for the future in order to have landscaped trees and esplanades that had to do with their construction projects in the future for FY08, while they were establishing and addressing a policy which frankly she thought it was something that the Mayor had asked for two years as well, that she knew some of her colleagues had, she recommended that they designate \$150,000 out of the Parks and Recreation budget, that she was trying not to tell the director exactly where it was but she was saying that it was a priority that she thought they ought to be spending their Parks budget on. Council Member Johnson absent.

Mayor White asked Ms. Johnson what was the current level of funding, for FY07, of esplanade landscaping was in the Parks Department and what would be proposed in FY08, and Ms. Johnson stated that she did not have that number at hand, that she would try to find out, and Mayor White asked if Council Member Holm was talking about the watering and maintenance of the landscaping as well as the landscaping, so what was the incremental cost of

the watering and maintenance, and Council Member Holm stated that if she was correct the current Parks budget had nothing for landscaping esplanades, that it maintained esplanades and the maintenance was still there, but what she was asking for was \$150,000 to supplement the Public Works 1% that was transferred to Parks to plant until they established the policies and procedures in order to have a uniformed plan that establishes good landscaping criteria, and Mayor White asked if it would cover the planting of materials but it would also entail, they knew the first 24 months of watering was particularly fine and then they had some additional O&M with the planting of materials, was this intended to cover that or only the materials and the planting, and Council Member Holm stated that the esplanades would be the very same that they were already designated and the maintenance of that was already in the maintenance of operation for a construction project, that this was \$150,000 for additional planting that should not increase the operation and maintenance because that was already budgeted.

After further discussion a vote was called. Mayor White and Council Members Lawrence, Johnson, Clutterbuck, Edwards, Wiseman, Khan, Alvarado, Brown, Green and Berry voting no. Council Members Holm, Garcia and Lovell voting aye. MOTION 2007-0669 FAILED.

Council Member Brown moved to table Line 51 – Brown – Amendment 1.05 and Line 56 - Brown – 1.03, seconded by Council Member Lovell. All voting aye. Nays none. MOTION 2007-0670 ADOPTED.

Line 51 – Brown - Amendment 1.05

Provide \$50,000 for community visioning, planning and design of improvements in the area of Emancipation Park – was tabled by MOTION 2007-0670.

Line 56 – Brown - Amendment 1.03

Establish a revolving enterprise fund with an initial balance of \$250,000 to fund an urban homesteading program for the City of Houston - was tabled by MOTION 2007-0670.

Council Member Berry moved to table Line 63 – Berry - Amendment 5.04 , seconded by Council Member Khan. Council Member Wiseman voting no, balance voting aye. MOTION 2007-0671 ADOPTED.

Line 63 – Berry - Amendment 5.04

Eliminate the Mayor's Office of Immigration and Refugee Affairs - was tabled by MOTION 2007-0671.

Council Member Lawrence moved to table Line 62 – Lawrence - Amendment 6.05 , Line 71 – Lawrence - Amendment 6.04 and Line 72 – Lawrence - Amendment 6.03, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2007-0672 ADOPTED.

Line 62 – Lawrence - Amendment 6.05

Request to change the M/WBE program to the Small Business Program – was tabled by MOTION 2007-0672.

Line 71 – Lawrence - Amendment 6.04

Request to consolidate all City of Houston parking responsibilities under a single individual – was tabled by MOTION 2007-0672.

Line 72 – Lawrence - Amendment 6.03

Request to designate the Building Services Director as the sole purchaser of City vehicles – was tabled by MOTION 2007-0672.

Line 49 – Garcia - Amendment 13.11

Reinstate Land and Grounds Maintenance funding to 07' level. Approximate cost - \$476,576.00 – was presented. Council Member Wiseman voting no, balance voting aye. MOTION 2007-0673 ADOPTED.

Line 50 – Edwards - Amendment 9.04

Requesting \$1M be allocated to the Parks and Recreation Department from either the general fund or CDBG funds to initiate historic preservation and restoration to Emancipation Park, the oldest public park in the City of Houston; established in 1872 – was presented.

After discussion Council Member Edwards moved to table Line 50 – Edwards – Amendment 9.04, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Garcia absent. MOTION 2007-0674 ADOPTED.

Line 52 – Clutterbuck - Amendment 8.02

Delete Section 15[c]. No waste reduction fund or waste reduction fee shall be established unless and until public hearings are held and the City Council approves and authorizes a waste reduction fee and/or waste reduction fund under a separate ordinance - was presented. Council Member Garcia absent.

After discussion by Council Members Clutterbuck and Wiseman a vote was called on Line 52 – Clutterbuck – Amendment. Council Member Wiseman voting no, balance voting aye. MOTION 2007-0675 ADOPTED.

Line 53 – Garcia - Amendment 13.05

Require all City Facilities to participate in a recycling program and submit a report at years end to Council - was presented.

Council Member Garcia stated that over the course of the day they had collected a few materials that were recyclable around the body but if they went to the break room in the back or the lobby there was no receptacles for these materials, that was what he was referring to, that they actively participate in a recycling program throughout the City facilities, that the only place they had these receptacles was in the basement; that he wanted to amend Amendment 13.05 to remove the word “require” but that all City facilities participate in the recycling program.

Council Member Berry stated that he wanted to know the administration’s position because there was a hard cost for doing this and he wanted to know what that cost was.

Mayor White stated that if it was to amend it then they would do it to express that all facilities participate in a recycling program, that they agreed with that, that currently they had 51 facilities that were covered by contract and they were smaller facilities, so long as they were not

mandating a "one size fits all" and the norm or goal and the assignment of Building Services with respect to the small facilities not the 51 or 54 large facilities, then they would expend the scope within building services, that they thought the cost would be very modest so they supported it.

After further discussion a vote was called on Line 53 – Garcia - Amendment 13.05. Council Members Clutterbuck, Wiseman and Berry voting no, balance voting aye. MOTION 2007-0676 ADOPTED.

Line 54 – Johnson - Amendment 7.01

A policy amendment for the Housing and Community Development Department's application process to consider increased points in the scoring process for those projects that provide social service program(s) as a part of the funding process – was presented.

Council Member Johnson moved to table Line 54 – Johnson – Amendment 7.01, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2007-0677 ADOPTED.

Line 55 – Brown - Amendment 1.01

Institute a collaborative partnership with YouthBuild USA for the purpose of training at-risk young adults in the construction of much needed affordable housing in Houston - was presented.

Council Member Brown stated that he had the following written amendment to substitute:

“Consider a proposal to form a collaborative partnership with YouthBuild USA for the purpose of training at-risk young adults in the construction of much needed affordable housing in Houston.”

After discussion a vote was called on Line 55 – Brown - Amendment 1.01 as substituted. Council Members Lawrence, Clutterbuck, Edwards, Wiseman and Holm voting no, balance voting aye. MOTION 2007-0678 ADOPTED.

Line 57 – Khan - Amendment 11.03

Require the City Finance and Administration Department to report on the unfunded liability of retiree health benefits in the Monthly Financial and Operations Report – was presented. moved by Council Member Khan, seconded by Council Member Alvarado. Council Member Wiseman voting no, balance voting aye. MOTION 2007-0679 ADOPTED.

Line 58 – Wiseman - Amendment 10.01

Motion to amend Item 73 to reduce City Council budget from proposed FY08 amount of 5,068,588 to FY07 approved budget amount of 4,502,237 – was presented.

Council Member Wiseman stated that at a time when their constituents were asking for more police officers on the street and more neighborhood protection services and asking basically for more services in their communities, for them to increase their budgets, she thought, was inconsiderate of their needs, that she wanted to see every last dollar going to serving them,.

After further discussion Council Member Lovell moved to call the question on Line 58, seconded by Council Member Alvarado. Council Members Clutterbuck, Holm, Green and Berry voting no, balance voting aye. Council Member Garcia absent. MOTION 2007-0680 ADOPTED.

A roll call vote was called on Line 59 – Wiseman – Amendment 10.01.

ROLL CALL VOTE:

Mayor White voting no	Council Member Garcia voting no
Council Member Lawrence voting no	Council Member Alvarado voting no
Council Member Johnson voting no	Council Member Brown voting no
Council Member Clutterbuck voting no	Council Member Lovell voting no
Council Member Edwards voting no	Council Member Green voting no
Council Member Wiseman voting aye	Council Member Berry voting no
Council Member Khan voting no	MOTIO 2007-0681 FAILED
Council Member Holm voting no	

Mayor White stated that putting the item and the amount on the agenda was not done at the request of any Council Member but was done by the administration based upon the observation of the effectiveness of these expenditures and the larger population that was being served since the time of the last increase.

Line 59 – Alvarado - Amendment 14.06

The administration should explore selling city infrastructure assets as a financing option for pension/benefits and infrastructure projects – was presented.

After discussion by Council Members Berry and Alvarado a vote was called on Line 59 – Alvarado – Amendment 14.06. All voting aye. Nays none. MOTION 2007-0682 ADOPTED.

Line 60 – Garcia - Amendment 13.08

Initiate an independent task force appointed by Mayor and Council to review outsourcing Affirmative Action Department certification process - was presented.

Council Member Garcia stated that he would like to submit a written motion to substitute language for Line 60 to read as follows:

“PW&E shall create a Manager-Small Business Development and Contract Compliance”.

A vote was called on the motion to allow Council Member Garcia to substitute language for Line 60 – Garcia – Amendment 13.08. All voting aye. Nays none. MOTION 2007-0683 ADOPTED.

After further discussion a vote was called on Line 60 – Garcia – Amendment 13.08 as substituted. Council Members Lawrence, Clutterbuck, Wiseman and Holm voting no, balance voting aye. Council Member Khan absent. MOTION 2007-0684 ADOPTED AS SUBSTITUTED.

At 8:34 p.m. Council Member Alvarado moved for that the City Council recess for 10 minutes, seconded by Council Member Green. Council Member Khan absent.

At 8:46 the City Council reconvened in the Council Chamber to complete the meeting.

Line 61 – Garcia - Amendment 13.09

At the end of fiscal year, Administration shall submit to Council Committee on Minority/Women Business Enterprise and Small Contractor Development and Contract Compliance a report indicating number and total amount of purchase orders under \$25,000 by department and % issued to MWBE's – was presented.

Council Member Garcia moved to table Line 61 – Garcia – Amendment 13.09, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2007-0685 ADOPTED.

Mayor White recognized Council Member Garcia for a point of personal privilege.

Council Member Garcia stated that earlier he had failed to do this and apologized, that South Carolina had a horrible tragedy and he meant to recognize a moment of silence for the tremendous loss of brave firefighters, that it was never to late to recognize the lives lost and families that had been affected and asked for a moment of silence.

Line 64 – Holm - Amendment 12.04

Request that within thirty days the Mayor place on the agenda an ordinance amending Chapter 2, Article 6, Section 201 of the Code of Ordinances to require Council action prior to acceptance of any property offered to the City – was presented.

Council Member Holm stated that she had a written motion to substitute language for Line 64 as follows:

“Within sixty days the Mayor will propose a plan that includes Council affirmation prior to the acceptance of any property to the City that could require funding for maintenance or operations in excess of \$25,000.00”.

Mayor White stated that with Ms. Susan Taylor and those such as the Parks Board their desire was to come up with something that both had a Council affirmation but on the other hand would not impede the donation of gifts and services where they met criteria by various boards with the City so that it was a careful balance that they wanted to strike while the iron was hot and also observe the existing strict criteria that they currently employed with gifts, while at the same time having an opportunity for Council to make some decisions for the public record and they just needed to fine tune that process.

A vote was called on the motion by Council Member Holm, seconded by Council Member Khan, to allow Council Member Holm to substitute language for amendment Line 64 – Holm – Amendment 12.04. All voting aye. Nays none. MOTION 2008-0686 ADOPTED.

A vote was called on Line 64 – Holm – Amendment 12.04 as substituted. All voting aye. Nays none. MOTION 2008-0687 ADOPTED AS SUBSTITUTED.

Council Member Khan moved to table Line 65 – Khan - Amendment 11.08, Line 66 – Khan - Amendment 11.09, Line 67 – Khan - Amendment 11.109 and Line 68 – Khan - Amendment 11.11, seconded by Council Member Alvarado.

Council Member Khan stated that when they talked about economic vitalization in some parts of the City or just attracting more businesses it may help for them to have a little more focus on business development and not every situation required the Mayor's personal attention, that many times things were at a level where the Mayor's involvement was not warranted that

was why he asked for it and appreciated the administration's position to look into and work with GHP, Greater Houston Partnership, to see how much more they could do to attract businesses.

Mayor White stated that he knew that Council Member Khan had asked his staff that they make clear on the record certain things and that was the two individuals, and that depended on the thrust and nature of the project, both of whom had long experience in the private sector, who would report to him, it depended on the project, were Andy Icken and Tom Mesa, both of who had other responsibilities, and Jeff Mosley at the Greater Houston Partnership, for whom they contract on an outside basis for economic development services, would be those principally responsible, that on occasion the Bay Area Partnership, which really did a great job, by the way, and that area was called upon to assist those individuals and he had asked Council Member Khan specifically to do some review and make some recommendations concerning how some of the international activities funded by the bureau, when it's contract comes up, so that they build on existing organizations and there was no turf when it came to international economic development.

After further discussion a vote was called on Council Member Khan motion to table Line 65 – Khan - Amendment 11.08, Line 66 – Khan - Amendment 11.09, Line 67 – Khan - Amendment 11.109 and Line 68 – Khan - Amendment 11.11. All voting aye. Nays none. MOTION 2007-0688 ADOPTED.

Line 65 – Khan - Amendment 11.08

Conduct a feasibility study to establish an office of "Economic Development" which includes overseas locations to promote international trade with Houston based companies – tabled by MOTION 2007-0688,

Line 66 – Khan - Amendment 11.09

Request that the Administration identify funding in the amount of \$28,000 for the purchase of one (1) SUV type vehicle to be used as the unmarked vehicle during dignitary visits – tabled by MOTION 2007-0688,

Line 67 – Khan - Amendment 11.10

Request that the Administration identify funding in the amount of \$25,000 for the Criminal Investigative Division and include it as a line item of the Houston Police Department budget for costs associated with protocol services – tabled by MOTION 2007-0688,

Line 68 – Khan - Amendment 11.11

Request that the Administration identify funding in the amount of \$10,000 for the Houston Sister Cities Chapter to assemble a business database that will enable small to medium-size companies to reach their counterparts abroad, with the expectation that it will lead to increasing global commerce for Houston based companies – tabled by MOTION 2007-0688,

Line 69 – Garcia - Amendment 13.06

Administration conduct a study to review opportunities to consolidate city services that use private leases instead consolidating these services to public facilities – was presented.

Council Member Garcia moved to table Line 69 – Garcia – Amendment 13.06, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2007-0689 ADOPTED.

Line 70 – Garcia – Amendment 13.17

Study the feasibility of creating a parking department, separating from CEF with current funding and revenue – was presented.

Mayor White stated that he wanted to seek clarification from Council Member Garcia and stated that they had talked about the feasibility, desirability and were not prejudging what the outcome was, they had identified various individual items and knew there were different views around the table and within the administration, so they would not go around the table going through each of the issues on each of the facilities, special problems and issues involving revenue funds, and have a thirty minute discussion on this, which deserved a long discussion, that all they were talking about now was really looking at what the feasibility of various alternatives were, that he thought that one of their objectives was to make sure that they put this kind of analysis study on the table realizing that all the implications of merging, personnel, revenue funds, etc., they needed to wait for a more thorough discussion at a later date.

Council Member Garcia stated that is request was for a feasibility study of how they could set that department on it's own so that they would have a go to person that had the authority to change, modify and help develop policy on this real camouflaged issue that was really more important than what they give it credit on being.

After discussion by Council Members, a vote was called on Line 70 – Garcia – Amendment 13.17. Council Members Johnson, Wiseman and Brown voting no, balance voting aye. MOTION 2007-690 ADOPTED.

Line 73 – Alvarado - Amendment 14.01

The administration will create a plan to provide incentives to Taxi Cab Fleets that switch to hybrid vehicles – was presented. All voting aye. Nays none. MOTION 2007-0691 ADOPTED.

Line 74 – Alvarado - Amendment 14.02

The administration will create a plan to increase the number of Hybrid Vehicles in the City's "light fleet" to a minimum of 75% of the total "light fleet" - was presented.

Council Member Alvarado stated that she had a written amendment that would substitute "80%" for "75%" and moved that she be allowed to offer the substitute, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Johnson absent. MOTION 2007-0692 ADOPTED.

A vote was called on Line 74 – Alvarado – Amendment 14.02 as substituted. All voting aye. Nays none. Council Member Johnson absent. MOTION 2007-0693 ADOPTED AS SUBSTITUTED.

Line 75 – Lawrence - Amendment 6.02

Request to make one individual responsible for the purchase of all City computer software – was presented.

Council Member Lawrence moved to table Line 75 – Lawrence – Amendment 6.02, seconded by Council Member Alvarado. All voting aye. Nays none. MOTION 2007-0694 ADOPTED.

Council Member Khan moved to table Line 76 – Khan – Amendment 11.04 and Line 77 – Khan - Amendment 11.05, seconded by Council Member Alvarado.

After discussion a vote was called on the motion to table Line 76 – Khan – Amendment 11.04 and Line 77 – Khan - Amendment 11.05. All voting aye. Nays none. MOTION 2007-0695 ADOPTED.

Line 76 – Khan - Amendment 11.04

Request that the Administration develop and implement a plan to consolidate software licensing agreements for all City departments – was tabled by MOTION 2007-0695.

Line 77 – Khan - Amendment 11.05

Request that the Administration implement a plan to consolidate servers that are used by departments citywide – was tabled by MOTION 2007-0695.

Line 78 – Khan - Amendment 11.02

Reduce the City of Houston property tax rate by \$.0025 to 64.25 cents per \$100 valuation – was presented.

Council Member Khan stated that he had a written motion to substitute language for Line 78 – Khan – Amendment 11.02 as follows:

“Reduce the City of Houston property tax rate by \$.00125 to 64.375 cents per \$100 valuation”, seconded by Council Member Garcia.

After discussion Council Member Wiseman stated that she personally would like to see that the taxpayers not pay any additional taxes because their appraisals had increased, that she could not support Council Member Khan’s item because it resulted in not adopting a budget which property tax projections were in line with the tax rate, that if she supported this she was still supporting an increase in taxes.

Council Member Edwards asked what would be the aggregate amount of the reduction, and Mayor White stated that the amount would be \$1.45 million because of appraisals, of course the aggregate property tax revenues would go up but the difference between the tax rate and this amendment, which they supported, and the current rate would be \$1.45 million; that it would impact the ad valorem property tax assumption, that would be within their existing budget, and Council Member Edwards asked if any services would be affected by this, and Mayor White stated that he did not think, on this magnitude, within this fiscal year’s budget, that there would be a compromise or change in services, that whenever there was an adjustment of the tax rate, if they assumed that for an extended period of time, then there would be some change within the revenue of the City over that period of time.

After further discussion a vote was called on the motion to allow Council Member Khan to substitute language for Line 78 – Khan – Amendment 11.02. Council Members Clutterbuck, Edwards and Wiseman voting no, balance voting aye. MOTION 2007-0696 ADOPTED.

A vote was called on Line 78 – Khan – Amendment 11.02 as substituted. Council Members Edwards and Wiseman voting no, balance voting aye. MOTION 2007-0697 ADOPTED.

Line 79 – Lawrence - Amendment 6.01

Reduce the City of Houston property tax rate by \$.0025 to 64.25 cents per \$100 valuation – was MOOT by the adoption of MOTION 2007-0697.

Line 80 – Wiseman - Amendment 10.02

Motion to amend Item 73 to reflect an adjusted property tax revenue estimate equal to the effective tax rate – was MOOT by the adoption of MOTION 2007-0697.

Line 81 – Berry - Amendment 5.02

Transfer the 3 employees who report to the Mayor but are paid out of the PWE budget to the Mayor's Office. Use the PWE surplus funds created by the transfer to hire 2 additional employees to handle matters before the Joint Referral Committee – was withdrawn.

58a. ORDINANCE related to the Fiscal Affairs of the City; approving the annual budgets of the City of Houston, Texas, for Fiscal Year 2008 for the General, Enterprise and Special Revenue Funds; providing for future adjustment to the beginning fund balances; making various amendments to the proposed budgets; re-designating a cash reserve in the fund balance; authorizing various other transfers; creating new funds; establishing a cost for copies of the budget; making other provisions related to the subject; making certain findings related thereto; providing a repealing clause; providing for severability - **(This was Item 73 on Agenda of June 13, 2007, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented.

Council Member Green stated he had passed out amendments to correct inadvertent clerical errors, that there were some clerical errors that were made so he was submitting a written amendment, seconded by Council Member Khan. Council Member Wiseman voting no, balance voting aye. MOTION 2007-0698 ADOPTED. (Note: See original motion for 8 pages of corrections.)

Council Member Alvarado presented the following written motion labeled new amendment, Alvarado – Amendment 14.07:

“Within 60 days, the Legal Dept. will have researched the ability to increase the maximum fine to \$2000.00 for the railroad blocking ordinance and will amend the ordinance, if permissible, and further amend the ordinance to place liability, in addition to the operators, on the railroad companies and supervisors.”

After discussion a vote was called on Alvarado – Amendment 14.07. Council Member Wiseman voting no, balance voting aye. MOTION 2007-0699 ADOPTED.

After discussion a vote was called on Item No. 58a as amended. Council Members Edwards, Wiseman and Holm voting no, balance voting aye. ORDINANCE 2007-0732 ADOPTED AS AMENDED.

Mayor White stated that he wanted to give his thanks to each of the people in the room and their staffs and the people who attended the budget workshops and the people who participated daily.

Council Member Green stated that he wanted to thank all of his colleagues for their participation in the budget process, not just being there for the hearings and asking the good questions that needed to be asked to serve their constituents, that one group of individuals who they sometimes forgot to thank while they were doing these meetings, the Municipal Channel, who had been there the entire time, he wanted to thank them for taping the budget hearings and broadcasting it now.

There being no further business before Council, the City Council adjourned at 9:46 p.m.
DETAILED INFORMATION ON FILE IN THE OFFICE OF THE CITY SECRETARY.

MINUTES READ AND APPROVED

/S/Anna Russell

Anna Russell, City Secretary