

City Council Chamber, City Hall, Tuesday, July 17, 2007

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, July 17, 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, Melissa Noriega, Ronald C. Green and Michael Berry; Mr. Harlan Heilman, Division Chief, Claims & Subrogation Division, Legal Department; Ms. Claudia Vasquez, Director Citizens Assistance; Mr. Terence H. Fontaine, Deputy Chief of Staff for Operations; and Ms. Marty Stein, Agenda Director present. Council Member Jarvis Johnson absent on personal business.

At 1:59 p.m. Mayor White stated that Council Member Edwards wanted to recognize someone and then would begin presentations; and Council Member Edwards stated that she wanted to introduce all to a group of airport managers from Africa who participated in the collaboration of training programs and introduced 5 managers from the Tanzania area; 2 participants from Senegal and 1 from Ghana and asked them to stand to be recognized. Council Members Lawrence, Clutterbuck, Wiseman, Khan, Alvarado, Lovell, Green and Berry absent.

Council Member Edwards stated that one of the hardest working departments in the City of Houston was Public Works and invited Mr. Marcotte and his group to the podium. Council Member Edwards stated that Public Works services were so intricate to everyday life and they would be celebrating National Public Works Week May 20-26, 2007; and presented them a Proclamation proclaiming May 20-26 as "National Public Works Week"; and Mr. Marcotte stated that he was joined with others working in the Public Works Field and who were not city employees; that Public Works encompassed a wide range of professionals and others who worked daily conscious of the fact they touched people's lives daily and they continued to celebrate through the entire summer. Council Members Lawrence, Green and Berry absent.

Council Member Holm stated that for those who did not know every Monday morning Mr. Marcotte sent a letter to those in Public Works, it may be inspirational, guide guidance or good thoughts but it was incentive to serve and it was truly good leadership which equipped them to be a good city. Council Members Lawrence, Green and Berry absent.

Council Member Garcia stated that today they were recognizing another group of important Houstonians, the Houstonians Football Club which was a youth soccer team which worked to help those involved go on to earn scholarships while developing themselves as rounded individuals and athletes; that they competed in the Regional Tournament in Oklahoma City, Oklahoma on June 28-July 4 and now would be going to play the 2007 U. S. Youth Soccer Regional Championships; that they went undefeated in the Eastern District Division One Association becoming premiere champs, the top youth soccer division in the state; and invited Mr. Victor Gonzales with the Mayor's Anti Gang Office to the podium; and Mr. Gonzales asked the team and managers to stand to be recognized and stated that team development right before their eyes and you could not have put a better team together; that they represented Houston across the state and were one of the four best teams in the country and were number two in national ranking; and invited Franklin, director of player development, to tell what being a player and now working with the club meant to him; and Franklin stated that 10 years ago he was a player for the club and then left with a soccer scholarship and now he was a college graduate and small business owner and volunteered at the club and led them to compete but also guiding and exposing their talent at the highest level and with that creating a pathway for education by way of scholarship and many colleges inquired about them; and introduced others in the group; and stated that their three principals were first, God and second, family with the third being hard work and he was very proud to be a part of an organization which made such an impact on children's lives including his; and thanked Fiesta for being a sponsor to their club;

and all came to the podium for recognition and pictures and were presented a Proclamation proclaiming July 17, 2007, as "The Houstonians Youth Soccer Team Day" in Houston, Texas. Council Members Lawrence and Berry absent.

Upon questions by Council Member Lovell, Mr. Gonzales stated that the tournament was from the 24th through the 29th; and Council Member Lovell stated that he should send messages to Council Member Garcia and he would text all Council Members on their progress so all could celebrate the championship. Council Members Lawrence and Berry absent.

Council Member Alvarado stated that every year she had the honor of recognizing a wonderful group of young individuals and was able to present scholarships to them on behalf of the Mayor's Committee for Employment of People with Disabilities and every year Ms. Lillian Villarreal joined her, she was a appointee on the committee, and also joining them was Ms. Barbara Epperson, Ms. Evelyn Timmons and Ms. Gail Landry and invited all to the podium. Council Member Alvarado stated that every year they had a golf tournament to raise money for scholarships and would be awarding 10 new scholarships this year and 11 would be renewed; and invited all students to the podium and they were presented their scholarships. Council Member Berry absent.

At 2:22 p. m. Council Member Brown led all in the prayer and pledge. Council Member Berry absent.

At 2:23 p.m. Mayor White called the meeting to order and the City Secretary called the roll. Council Member Johnson absent on personal business. Council Member Berry absent.

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

Council Member Edwards moved the rules be suspended for the purpose of hearing Pastor Elbert Curvey and Pastor Rodney Graves at the top of the speakers list, seconded by Council Member Khan. Council Member Johnson absent on personal business. Council Member Berry absent. MOTION 2007-0767 ADOPTED.

Council Member Brown moved the rules be suspended for the purpose of hearing Mr. Hilton Koch after Pastor Rodney Graves and Ms. Theresa O'Donnell to the top of the Non-Agenda, seconded by Council Member Khan. Council Member Johnson absent on personal business. Council Members Lovell and Berry absent. MOTION 2007-0768 ADOPTED.

At 2:25 p.m. the City Secretary began calling the public speakers. Council Members Lovell and Berry absent.

Pastor Elbert Curvey, 3421 Wichita, Houston, Texas 77004 (713-523-1051) appeared and stated that he was Pastor of the Sunnyside Missionary Baptist Church and was present in support of Item 22, the Mariposa Senior Development, and Ms. Bessie Swindle, president of the Southeast Coalition of Civic Clubs was also in support but was unable to attend today; and they asked for Council's support in its passage. Council Member Lovell absent.

Mayor White thanked Pastor Curvey for appearing today, for the service he gave to his community for so many years and the advise he gave him. Council Member Lovell absent.

Council Member Edwards stated that she echoed the Mayor's gratitude and; upon questions, Pastor Curvey stated that he met with the developer of the new project and he felt

the new development brought quality living for the elderly and provided for the upcoming generation in other areas which could not be developed and the developer was putting his own money into the sewage lines. Council Members Garcia and Lovell absent.

Pastor Rodney Graves, 2929 Reed Road, Houston, Texas 77051 (713-733-5174) appeared and stated that he was pastor at Blue Ridge United Methodist Church in Sunnyside and was present supporting Item 22, the Mariposa Senior Development, as it would support seniors and the developer had been open to comments and suggestions from them and the community. Council Members Khan, Garcia and Lovell absent.

Mayor White thanked Pastor Graves for appearing today and for the service he gave to his community. Council Members Khan, Garcia and Lovell absent.

Council Member Edwards thanked Pastor Graves for his work; and upon questions, Pastor Graves stated that the development would be behind their proposed family life center and would enhance the community and their church; and Council Member Edwards stated that her office had met with Mr. Shaw on numerous occasions and they were very pleased with his outreach to the community and the response from the community to him and her office also supported the development. Council Members Khan, Garcia and Lovell absent.

Council Member Berry stated that he was just informed that the law firm representing Mr. Shaw his wife was a member of; that he was told there were concerns with the property going in and competing with other properties; and Pastor Graves stated that he was unaware of any concerns. Council Members Garcia and Lovell absent.

Mr. Hilton Koch, 3911 Main, Houston, Texas 77002 (832-274-0039) appeared at the podium with others; and Council Member Khan moved the rules be suspended for the purpose of letting several individuals appear within the three minute period reserved for Mr. Koch, seconded by Green. Council Member Johnson absent on personal business. Council Member Lovell absent. MOTION 2007-0769 ADOPTED.

Ms. Ethel Hawkins appeared and stated that they were working with the Houston Comets on the Inner City Family and Faith Night coming up and they were present supporting and congratulating Mr. Koch on his purchase of the Houston Comets; and Mr. Koch stated that it saddened him to think how close Houston came to losing such a jewel, one of the most successful franchises in the history of all sports, the Houston Comets, who won four championships in a row; and the mission statement of the league was about inspiring the young, boys and girls, providing leadership to them and creating change and the final mission statement of the WMBA was entertainment, having a good time when you did it; that the people of the city would be the ones who kept the league and it was vibrant and would succeed; that ESPN just stepped up and signed an 8 year deal with the WMBA Sunday; that the league had a simple formula to sell season tickets and corporate sponsorships and he was challenging leaders of the community to step up and support the team, for Council to step up and support them. Council Member Lovell absent.

Upon questions by Council Member Brown, Mr. Koch stated that they were having an Inner City Faith and Family Night, Friday, August 3rd, the Houston Comets were playing the Los Angeles Sparks and they created a package at a discounted price to get more children to the game. Council Members Wiseman and Lovell absent.

Council Member Noriega thanked Mr. Koch for what he had done for the City of Houston; that she remembered going in her 40's and what it felt like to see a stadium of people present to

see women play basketball and what a powerful experience it was to her; and she thanked him and all who were involved in this. Council Members Wiseman and Lovell absent.

Council Member Edwards stated that there used to be a shrine where she and Council Member Parker would keep a running score of what was going on and she believed she had gone to every game; and upon questions, Mr. Koch stated that they would do a good job reaching out to Council Members and would like possibly some influence where they may be able to invite people they did business with or who would come out and support the Comets, to give them opportunity to use their book of lists and give them better opportunity to make them a success and Keep the team in Houston; that they wanted to build attendance; and Council Member Edwards stated that she was not clear how they could be of service, but she had even suggested the City of Houston purchase the Comets and felt they were important to maintain and she would look forward to more information as to how they could be of service in that area. Council Members Wiseman, Lovell and Green absent.

Mayor White thanked them for coming and to repeat Council Member Edwards if someone in the organization would contact them and say if attendance was this then what would happen because of it and if it was this then this would happen; that he felt it important for the organization to be here, but that clarity would be very useful for everyone; and he would encourage people to go to events; and they would be happy to help as long as they knew what the goals were and appreciated what he did and appreciated the Comets. Council Members Wiseman and Green absent.

Mr. David Saling, 6506 Ladera Norte, Austin, Texas 78731 (512-479-2218) appeared and stated that he was with Chase Bank in Austin, Texas and present in support of Item 22, the Mariposa Apartments; that Chase was providing the construction loan as they found sufficient demand for the project. Council Members Wiseman and Green absent.

Mayor White thanked Mr. Saling for supporting a project such as this and they felt it important that the project met commercial banking criteria. Council Members Wiseman and Green absent.

Upon questions by Council Member Khan, Mr. Saling stated that he lived in Austin, Texas where Mr. Shaw also resided and he believed most affordable housing communities he developed were in Austin or Central Texas, he had visited each and found them to be of high quality both in construction and operations management and ownership; and felt Mr. Shaw found the higher quality of affordable housing for active adults was a very good market and had fine tuned his product to accommodate those markets; and Council Member Khan stated that he welcomed Mr. Shaw's projects and welcomed him to fund those projects. Council Members Wiseman and Green absent.

Upon questions by Council Member Edwards, Mr. Saling stated that as a banker funding this they provided their market analysis and an appraisal of the area and he had personally visited the site and they found it to be sufficient in the proposed market; and if Chase Bank thought it inappropriate to fund they would not. Council Members Wiseman and Green absent.

Mr. John Barineau, 800 Bering #410, Houston, Texas 77057 (713-425-2960) appeared, presented a report and stated that he was managing general partner of Reed Parque Town Homes, the existing low income housing project on the corner of Reed Road and 288 and the Mariposa Project was to be constructed next door; that he had been in low income housing 25 years and they had 3 other such projects in the same area since 2000; that no one in Houston knew more about such projects than he and those with him; that since they developed their property 13 other low income properties had been built with a couple of miles around them and

he was in favor of the sewer line and joined others in that but the problem was the method the city would use to fund the sewer line; that his concerns were all dealt in his report with some being the market was already oversupplied with low income housing tax credits; the competition which existed for the type of tenants this particular property would be aiming at, the highest low income, 60% medium around \$30,000 to \$35,000 a year, already had supply, it was the people on the low end which had a shortage; that the market study supplied had flaws. Council Members Wiseman, Garcia, Alvarado, Lovell and Green absent.

Upon questions by Council Member Edwards, Mr. Barineau stated that in his professional experience he would say the ability to rent this property, with the tenants proposed in his mind was inconceivable and if it were so they would have already developed an expansion to their project; and he wished she would read his report. Council Members Wiseman, Garcia, Lovell and Green absent.

Council Member Berry stated that over the years he called Mr. Pat O'Conner when he had real estate questions, etc., and upon questions Mr. Barineau stated that he was familiar with the firm and they had hired them; that he was a good guy and one of the best sources for certain information; and Council Member Berry stated that it did not seem he was representing the community but that he was hired by Reed Parque Limited Partnership and had a very narrow interest; and upon questions, Mr. Barineau stated that the loser would be the City of Houston and housing market in the area with excess and by putting one on top of the other they ran the risk of what some called an apartment ghetto, it created pirating of tenants, etc., low income properties were supposed to be spread around to serve different areas and together it created an unstable housing market; and urged they read his report. Council Members Lawrence, Edwards, Wiseman, Garcia, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Mayor White stated that in his report he had a market critique from Vogt, Williams, Bowen; and Mr. Barineau stated that it was a independent study which they looked at and they may charge them a few hundred for their time, but the same firm did a comprehensive study for the City of Houston housing market for the Texas Department of Housing and Community Affairs so they already had data on the market and other markets in Houston, but sure they paid them, just as Mr. Shaw paid for his report; and Mayor White stated that it was not unusual they would pay them; and upon further questions, Mr. Barineau stated that it would be a business expense that they hired them; and they had a general partnership group and an institutional partner who was the industry in the low income house credits. Council Members Wiseman, Garcia, Lovell, Noriega and Green absent.

Council Member Brown stated that he would be interested in hearing what he had to say regarding low and moderate income housing and the idea of having market rate housing mixed; and Mr. Barineau stated that he would be happy to talk with him. Council Members Wiseman, Garcia, Lovell, Noriega and Green absent.

Council Member Edwards stated that she wanted to go on the record that the area the apartments were being put forth in was an area historically underdeveloped by the City of Houston and the opportunity to have infrastructure put into it would not only immediately bring development to a new height but the whole area; and when she had a developer willing to work with the community and to help also bring the infrastructure that he would not benefit from but the community would have businesses and so forth that they had not, and unless it could be proven fraudulent, her vote would be yes because the community needed that helping hand; and asked that he and his partners join in and make it a better served community. Council Members Wiseman, Garcia, Noriega and Green absent.

Council Member Lawrence stated that she heard him say the area would not support financially another senior assisted living; and Mr. Barineau stated that it was not assisted living, he did feel there was an over supply of low income tax credit housing in that market already; and he did not feel demand would support it. Council Members Wiseman, Alvarado, Noriega and Green absent.

Mayor White stated that he did support people who put their money where their mouth was, if he was an equity investor in low income housing, he was not trying to make short of that, but sometimes people did come who opposed something for something else and he thanked him for clarifying his interest in the project, his economics interest and the nature of his opposition. Council Members Wiseman, Alvarado, Noriega and Green absent.

Mr. Stuart Shaw, 5513 Travis Green Lane, Austin, Texas 78735 (512-925-2266) appeared and stated that he was grateful he found such a lovely site and in working with Council Member Edwards determined there were no funds for the new wastewater line; that he was a member of the Southeast Coalition of Civic Clubs, joining under the name Mariposa, they felt they could have an impact building their project and in turn be have a larger impact and that was what they had done and was grateful for all the support and felt they would make all proud. Council Members Wiseman, Alvarado, and Green absent.

Council Member Edwards thanked Mr. Shaw for his aggressive outreach to the communities in the area, he showed himself to be a good community apartment and she hoped all would pass this and they could be a model, all senior citizens deserved the same standards as in more developed neighborhoods. Council Members Wiseman, Holm, Garcia, Alvarado, Brown, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Khan thanked Mr. Shaw and stated that he spent more time on this project than many did and it was a unique project which brought housing for people who could not afford, but also helped the whole area by placing infrastructure and he hoped the model could be replicated in other areas of town; and he did intend to fully support the item tomorrow. Council Members Wiseman, Holm, Garcia, Alvarado, Brown, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that he helped other people de-bottleneck projects and he could come, but don't come if someone wants to inject more money in the area and ask Council to not fund when they did fund him. Council Members Wiseman, Holm, Garcia, Alvarado, Brown, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Neal Rackleff, 17530 Memorial Ridge Drive, Spring, Texas 77379 (713-226-1292) appeared and stated that he was with the law firm of Locke Liddell and Sapp and represented the developer of the Mariposa Senior Development; that he had been involved in revitalization and affordable housing efforts since he worked in the Lanier Administration and usually there was a lot of discord and conflicting opinions, but in this instance there was much unity and Mr. Shaw had done more outreach than anyone he had seen; and this was an outstanding creative use of taxpayer dollars. Council Members Wiseman, Holm, Garcia, Alvarado, Brown, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Patrick Van Pelt, 1218 Webster, Houston, Texas 77002 (713-289-6216) appeared and stated that he was present asking for support of Item 33, a developer participation contract for a project south of Hobby Airport, they were looking to put in about 20 houses and it was a project his family believed in; that in the paperwork there was an entity FAFB, LLC and he would like Council to know it was the Van Pelt family working on this and they believed it was good urbanism and extended the city grid for streets and asked Council to help with some of the

domestic water and sewer; it added about an acre of public green space; that they reached out to all Council Members and a neighboring civic association and today he was letting them know he was behind it and they were ready for any questions. Council Members Wiseman, Holm, Alvarado, Brown and Green absent.

Council Member Clutterbuck thanked Mr. Van Pelt for coming and stated that she particularly appreciated his family's involvement in this and coming here was refreshing. Council Members Wiseman, Holm, Alvarado, Brown and Green absent.

Mayor White stated they met on the Settegast lots and whatever the rules were they would do it; that they appreciated Hobby Airport, but they should make something happen with the land they jointly owned in the Settegast Area; and Mr. Van Pelt stated absolutely. Council Members Holm, Alvarado, Brown and Green absent.

Mr. Vernon Furlow, 15730 Beaumont, Texas 77049 (281-456-0101) appeared and stated that he was present asking that Council delay Item 15 tomorrow due to the reason that the trucking industry just found out this was to be voted on and they would like to be a part of the solution, not a part of the problem; that they felt a monster was getting ready to be born if they did not sit together and talk because the logistics of what they read could be out of control, they were not talking about the money, but the logistics; that page 4 talked about the 65 foot minimum length and then something about the length of the towing device and when talking about a 65 foot length a lot of trailers and trucks could go over 65 or 70 foot; and if they had to stop to go get a permit he was not sure there was a place big enough for them to start parking and go get one; and at TxDOT it took 8 to 10 weeks to get a permit and then if they got tied up getting a permit from the city he was very concerned; and he did not want people moving their trucks to other cities. Council Members Holm and Green absent.

Mayor White stated that this would not be the first time, but governing bodies of cities like good people learn and grow and he heard what he said, it was not about the financial but the administrative and they could learn working with stakeholders and he thought Council Member Garcia would tag or delay it as they did want to do it right and with support of Legal and others around the table his type of input was welcome and the more specific they could make it the better. Council Members Holm and Green absent.

Mr. Gregg Lawrence, 15730 Beaumont, Houston, Texas 77049 (281-456-0101) appeared and stated that he was general manager of Turner Brothers Transportation and Mr. Furlow worked for them as well; that their main concern was it was short notice and they needed to be proactive with their clients moving their loads and the permits could take 8 to 10 weeks with TxDOT; that they already had clients move freight to the port of Corpus because they could not get permits out of here and the time frame was a very valid concern and would be lost revenue for all. Council Members Holm and Green absent.

Council Member Garcia stated that it was on the Agenda and he would be asking for a one week delay so all could be looked at, but he did want all to understand that if he was a member of one of the truck safety councils it had been well talked about in the group meetings and had been in the works for some time; that this would be the third hearing and the first was about 6 months ago and they had been trying to push the information out to the various industries, if the ordinance passed there would be a 180 day implementation period so it would not go into effect the next day; that they were paying attention to the application for the permit so it would be customer friendly with access over the internet or in person or faxing and to also really understand whether the ordinance affected them more than current law did and they were dealing with the TMTA so if any one interested in this particular item would contact his office at

713-247-2003 they would be happy to bring them up to speed. Council Members Holm and Green absent.

Council Member Khan stated that he was a part of several meetings where this was discussed and they did not like making decisions without all the stakeholders involved and giving advice and he was surprised they did not find out until recently; and upon questions, Mr. Lawrence stated that they just found out last week through the TMTA; and Council Member Khan stated that it most likely would be delayed tomorrow and it was important to get their input and their suggestions would be valued; and Mr. Lawrence stated that they would be happy to offer any help they could and they were for the permit, they wanted a level playing field and they did buy permits, the time frame was his only concern. Council Members Holm, Lovell and Green absent.

Council Member Garcia stated that he appreciated his comments and this went back to probably 4 years being in the works to some degree or another and he personally made presentations to some safety councils and all said the same he did that it made sense for public safety but to pay attention to the customer model so they could make it time efficient and not impede loads and they probably put most of their attention on making it a seamless process, fast and efficient to get one day permits, etc., and he appreciated his statement. Council Members Holm, Lovell and Green absent.

Mr. Jamie Nettles, 15730 Beaumont, Houston, Texas 77049 (281-456-0101) appeared and stated that he was with Turner Brothers Trucking and a colleague of Mr. Furlow and Mr. Lawrence and employed with his company 16 years and seen many permit issues through the state agency and other cities which implemented policies; that he saw a good thing here but hoped it leveled the playing field and they were used to it taking 2 to 3 weeks getting permits through the state and now 8 to 12 weeks and they would appreciate helping with this. Council Members Holm and Green absent.

Council Member Garcia stated that he was jogging a lot of memory, he had been involved with the process of getting to this point almost since the day he became a Council Member and because of all the issues they raised was why it had taken this long, they had been very methodical, very careful, they wanted to make sure all made sense and there would be benefit to all with a level playing field and they also factored in benefits such as helping to train officers from other jurisdictions so they would know how to transport a load through this city; and if those present would wait a little bit he would come share his information and walk through the ordinance with them. Council Members Clutterbuck, Holm and Green absent.

Ms. Connie Barnaba, 410 Pierce, Houston, Texas 77002 (281-444-9107) appeared and stated that she was president of Barnaba and Associates, Inc., a consulting firm specializing in effective communication and conflict management services and was also representative of small business owners, women and minority owned businesses, seeking to do business with the City of Houston and she was in opposition to Item 47, an ordinance authorizing the City of Houston to enter into a contract with Grote Consulting Corporation to provide training and development services relative to positive, progressive discipline; that she was in opposition as from an HR perspective it was not a viable corrective discipline program; that she analyzed the program Council signed into effect in November 2006 and there were a number of flaws with one being they failed to distinguish between correction of performance deficiencies and inability of an employee to perform his job responsibilities and willful misconduct when an employee engaged in violence, theft, etc., resulting in serious damages or jeopardizing other employees and she was particularly disturbed by the notion that all corrective discipline could be positive and Section 10 listed offenses which mixed the two; that also the fundamental characteristic of a

sound discipline policy was it must be fair and consistently applied and this program allowed the discretion of the manager. Council Members Clutterbuck, Holm and Green absent.

Upon questions by Mayor White, Ms. Barnaba stated that she believed someone could be terminated for a serious offense and the program did provide for it, but the issue was when there were alternatives and a manager could do one thing for the offense and another manager could come up with another disciplinary action and it subjected the city to claims of supportable discriminatory treatment; that she came as a consultant and owner of a small business and wanted to point out flaws and argue this type of contractual service did not give the value to Council they were looking for and it may be opportunity to give an alliance of small business owners a shot at making a proposal which may address in a more appropriate fashion a corrective program. Council Members Clutterbuck, Holm, Noriega and Green absent.

Council Member Brown stated that they had discussed this at length in committee and a number of questions were raised on how it would work and if she had information he would be willing to look at it; and thanked her for her input; and Ms. Barnaba stated that she would suggest they review the program again as it may not be prudent to enact one which limited decision making authority of the Mayor and Council. Council Members Clutterbuck, Khan, Holm, Noriega and Green absent.

Council Member Garcia stated that the item was well talked about in the Fiscal Affairs Committee and pretty much came out with a no vote of confidence from them and concerns he had was that departments this came out of as being successful was also a place where he had gotten a lot of employee complaints on how they were treated by management and most recently he had something he forwarded to the Mayor's Office for his review in terms of something happening in a particular department; and Mayor White stated that because of his concerns and others he shared longstanding, they had cases where instead of management they had a system that went out so long ago and people were elevated to management positions without management training and did not know how to deal with conflict and most organizations found it was not completely intuitive; and Council Member Garcia stated that he felt with this contract they still had a mixed bag of goods in regards to what they expected to get out of it and he was not sure how prolific, how renowned this particular vendor was; and Mayor White stated that he would look into it; that he got the concern but was also communicating there was a very substantial amount spent on training, a fair mount outsource, and most people would think people had training in an organization this size and they did not and if it was to preclude any other vendor from offering a wide range of management training and also about that issue and the speaker pointed out something concerning the extent to which someone could interpret it as requiring legal exclusivity, but there was an equal amount of steps before termination in each case. Council Members Clutterbuck, Khan, Holm and Green absent.

Council Member Noriega stated that this discussion went around committee and there seemed to be two separate questions, one being did they need training for managers in this way and the second was if they had training was this the best or was it inappropriate training and she was a manager in professional development and training and she saw real impact in situations where there was training and it was important. Council Members Clutterbuck, Holm, Garcia, Alvarado and Green absent.

Ms. Theresa O'Donnell, 10 Waverly Court, Houston, Texas 77005 (713-521-2811) had reserved time to speak but was not present when her name was called. Council Members Clutterbuck, Holm, Garcia, Alvarado and Green absent.

Council Member Brown stated that Ms. O'Donnell had to leave as she had to catch a plane; that he did want to mention she was the Planning and Development Director of the city of

Dallas and was kind enough to come earlier this morning and they had a wonderful presentation and discussion of the Ft. Worth, Dallas, Comprehensive Plan and the positive affect the plan had in terms of economic development and revitalization; and he thanked her for coming and having a workshop with people very interested in quality development in this city. Council Members Clutterbuck, Holm, Garcia, Alvarado, Noriega and Green absent.

Ms. Ivori Hopkins, 1710 A Bluebonnet Circle, Houston, Texas 77019 (713-651-0885) had reserved time to speak but was not present when her name was called. Council Members Clutterbuck, Holm, Garcia, Alvarado, Noriega and Green absent.

Mr. John Johnson, 7102 Wendemere, Houston, Texas 77088 (832-453-1900) appeared and stated that he was present to speak on a violation notice he received on property in the Acres Home area and it was not as much about the violation as it was about what went on in the area; that he had seen where property behind in taxes would be seized and 2 years expired before people actually found out and if it was 20 or 10 years behind how could they get money in 2 months to pay and he thought Council should have made them aware in a timely fashion; that he had pictures where there were dumpsters sitting in the middle of the street and knew of no other contractor who could sit a dumpster in the middle of the street, that he asked them to take the dumpster off of his property, they took it of and left a hole in the middle; that he talked to someone yesterday who said he had six feet of grass on the property and he had pictures and there was no way that six feet of grass could have been there and cut, it would have been like hay; that he had pictures where property on both sides where grass was cut back as far as their's but they got a violation. Council Members Clutterbuck, Holm, Garcia, Alvarado, and Green absent.

Mayor White stated that he had notes from Neighborhood Protection and he heard what he said about the dumpster on his lot; and upon questions, Mr. Johnson stated that he cut the grass but out of the last 45 days there was only 9 because of the rain; that he was told the grass was not cut all the way back and there was 6 feet of grass in the back but it was not and it was the back side of their property where Wheatly was expanded, it was part of city right-of-way; and Mayor White stated that Mr. Davis was present and he showed the last time someone was out was July 9th and what the city wanted was someone to maintain the property in a way to respect their neighbors and they would be strict so as not to enforce on a discriminatory basis about people cutting the properties, but they would take a look and try and work it out; that neighbors came and complained and they just wanted the neighborhood nice and he could meet with Mr. Davis. Council Members Clutterbuck, Wiseman, Holm, Garcia, Alvarado, and Green absent.

Mr. Steven Williams, No address (No phone) had reserved time to speak but was not present when his name was called. Council Members Clutterbuck, Wiseman, Holm, Garcia, Alvarado, and Green absent.

Mr. Johnnie Robinson, 8450 Bigwood, Houston, Texas 77078 (713-631-1758) appeared and stated that he was a small business in the Affirmative Action Program and had about 4 companies he tried to do business with and they used his name to get contracts but never did any business with them and he took some to arbitration but would lose because the program had no teeth, it was not mandatory for them to use minority contractors and the ordinance needed to be updated; that also in the Trinity Gardens area they had problems with streets, Lockwood Drive, Laura Koppe, they had been there for years and they needed not repairs but replacement, the whole area was being neglected; that he was building homes there but to attract people the neighborhood needed to look good; that also regarding the lot cutting program, he had been in it and there was so much scrutiny it was unreal; that he would cut a lot

and then they did not want to pay. Council Members Clutterbuck, Wiseman, Holm, Garcia, Alvarado, and Green absent.

Upon questions by Mayor White, Mr. Robinson stated that when he said the lot cutting program did not pay people, when you cut a lot they want a picture before you start, in the middle and when you finish and you hire someone to help get all the debris off the property, you have to pay someone to take all the tires, then someone from the city goes out and they may find something wrong with the cutting and you don't get paid and then you were stuck because you already paid people you hired but you don't get any money back. Council Members Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Brown and Green absent. (NO QUORUM PRESENT)

Council Member Berry stated that he wanted to address the first issue on Affirmative Action problems; and upon questions, Mr. Robinson stated that he had a hot shot delivery service, the companies using his name were winning bids for delivery services were Morris Supply, Lone Star Tissue and Relizon Paper; that he went to Affirmative Action and they tried calling companies to get them to use you but they don't respond; and Council Member Berry stated that he had been present 5-1/2 years and heard that complaint over and over and either people sitting in Mr. Robinson's shoes were not telling the truth or they were and something needed to be done because he thought repeatedly people were using companies to get work and then not using them; and Mayor White stated to Ms. Laws that this was one issue, where probably in a committee setting to clarify was...; first of all no one liked to be used and he agreed with Council Member Berry if someone was saying here's my partner but he did not know he was the partner, but the one thing he would suggest the committee get a report on was there were certain legal requirements which were necessary to preserve the program about the goals set by contracts and the individual contractors and moreover there was a certain time at which there were subcontracts, not everyone finalized nor was required to finalize subcontracts on anything before something was approved for Council, but they needed a report on that and what was good faith and bad faith when it came to this practice and he thought the Mayor and Council Members should know what was good and bad faith practices; and with the representative of Public Works present he went down Lockwood and on the portion of the construction planned for FY12 Tidwell to Bennington he really would like to understand from Mr. Krueger and Mr. Marcotte, he would like them to give him a timeline on it and what they could do to expedite that; and through a Super Neighborhood process of repaving there was Laura Koppe or Lockwood or both in certain blocks where they approved certain ones last week and would try and get that information to Mr. Robinson. Council Members Clutterbuck, Wiseman, Khan, Holm, Garcia, Alvarado, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Mr. Robinson stated that he reported to Affirmative Action, it was an ongoing project probably since 2001 and he spoke to a few guys like Mr. Rick Garza but there was nothing he could really do; and Council Member Edwards stated that it was Council Member Johnson's area, but she would like to ask Affirmative Action their determination on this, what their policy was, it was one thing to say they could not find minority contractors which met whatever, but if you listed one and did not use them she was not sure if that was in compliance or not but wanted to see their response to Mr. Robinson's specific request and the other part of cutting lawns and not being paid who was that with; and Mr. Robinson stated Mr. Jefferson had the contract and he subbed from his, he did not know who inspected the lots; and upon questions, Mayor White stated to Ms. Vasquez that they did lot cutting in Public Works normally with city employees and sometimes Neighborhood Protection did it with contractors and there was inspection of lots and they would need to look at details; that he would not prejudge and if someone did not cut it then he was glad they did not get paid but if they did what they were supposed to do, and there would be a committee hearing, but if someone met the goal using another vendor then they may not have an obligation to use, but if

they did not meet the goal then they had to demonstrate good faith compliance and if they did not then it violated their deal and that was what they needed to flush out and the best way was to take one or two cases and work their way through; and Council Member Edwards stated that whatever the process was she felt the vendor should know and they should let him know and she would like Legal to help her with that. Council Members Lawrence, Clutterbuck, Wiseman, Khan, Holm, Garcia, Alvarado, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Lovell stated that a staff member from Council Member Johnson's office told her that in the new CIP budget they had to do Homestead, Laura Koppe and Lockwood and also on the Affirmative Action issue they requested from Ms. Velma Laws a report on what was happening. Council Members Lawrence, Clutterbuck, Wiseman, Khan, Holm, Garcia, Alvarado, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Mayor White stated that there was one where they were checking paving conditions and looking at one of two alternative sources in the next 12 months, which was Laura Koppe and he thought they may be designing for Lockwood in the next year from Tidwell to Bennington and it was an \$11,000,000 project and so everyone knew the origin of getting an \$11,000,000 project was a 311 call; that if he would seriously encourage him to send him and Chris Butler the 5 things he would do if he were Mayor in order to build and sell more homes there and he would read it and he also wanted to know where he built the houses, how many and where; and Mr. Robinson stated that right now he only had one located at 7822 Shotwell, off Crosstimbers selling for \$135,000 and it sold, it was 1,730 square feet of living space and with the garage it was 2,130 square feet; and Mayor White stated that there was going to be a committee hearing on one thing and he gave input on what they were thinking for Laura Koppe and Lockwood and Ms. Vasquez was going to get information and he had a lot to do and hoped he had given enough direction; that on the other thing if he saw anything the city could do to make it easier for him to build there then he wanted to be sent an E-mail and also sent to his Council Member and Mr. Chris Butler and he would give him his E-mail and his success would be the city's success. Council Members Lawrence, Clutterbuck, Wiseman, Khan, Holm, Garcia, Alvarado, Brown and Green absent. (NO QUORUM PRESENT)

Ms. Linda Murray, 6207 Bending Oaks, Houston, Texas 77050 (281-449-5232) appeared with a sack of plastic bottles and stated that 2 years ago she came and said the same thing she was repeating today, recycling; that on the back of a neighborhood paper there were listed 3 recycling centers and anytime a community was annexed as hers was they should receive all City of Houston services and she should not as a poor taxpayer be told to go out and get a survey; that she would be placing her plastics in the trash and they should be recycled and what is the good of recycling and then driving a gas guzzling car to a recycling center; and urged Council enforce ordinances they already had and also have mandatory recycling. Council Members Lawrence, Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Brown and Green absent. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Ms. Murray stated that she lived close to Trinity Gardens and she thought there should be recycling centers across the city; that she lived in Riverwood; and Council Member Edwards stated that many Council Members were also of the opinion there should be more recycling and she would see about getting the message to Council Member Johnson. Mayor White, Council Members Lawrence, Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Brown and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. Jerry Harper, 2003 Decatur, Houston, Texas 77007 (713-880-5861) had reserved time to speak but was not present when his name was called. Mayor White, Council Members

Lawrence, Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Brown and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Ms. Jean Wilkinson Dember, MHS, 2612 Rosewood, Houston, Texas 77004 (713-942-0533) appeared with others, presented information and stated that they were present to deliver letters to all officials with jurisdiction in the Freedmen's Town area, it was their understanding that Freedmen's Town was Houston's only historical district listed on the U. S. Department of Interior's National Listing of Historic Places and that would also mean all of Houston's other historic districts were only state or locally significant; that it was also their understanding that Freedmen's Town was the largest and last remaining intact freed slave, African settlement in the U. S., however, on a tour of the area they found most of that area destroyed; that Sixth Ward had an ordinance to protect its resources what legacy would there be for the African American resources in Freedmen's Town; and they were asking the Mayor to joining in with other elected officials such as Congresswoman Sheila Jackson Lee, State Senator Rodney Ellis, State Representative Garnet Coleman and County Commissioner El Franco Lee to preserve what remained. Mayor White, Council Members Lawrence, Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Brown and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. Mark Smith, P. O. Box 896, Bellaire, Texas 77402 (713-867-5998) appeared and stated that he lived in a rooming house in the Heights area and was assaulted on July 4th by another resident, on July 6th he called the District Attorney's Office and found there was a preliminary hearing that morning, at the preliminary hearing the person pled guilty and got 40 days in jail and served less than 20 and he still did not know the total extent of his injuries, but he was told last Friday night under what was described as Old Plantation House Rules he had to move and he was disabled and on social security and did not get his money on a prompt first of the month basis and he did not have any type of bank account; that he was told the straw that broke the camel's back was he called the police after being assaulted and when it happened he was knocked to the ground with a bowl of food which broke and he was knocked out and the assailant was a repeat violent offender and a drug addict; that he was told verbally the owner wanted him to go, there was nothing written and no actual eviction. Mayor White, Council Members Lawrence, Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Brown and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Acting Mayor Pro Tem Berry stated that Lt. Gallier was present and could meet with him one on one; and Mr. Smith stated that he wanted to speak again next week; and Acting Mayor Pro Tem Berry stated that there was no meeting next week; and the City Secretary stated that he could call her office to reserve time; and Mr. Smith stated that he was told he had to be out by the end of the month and he needed help. Mayor White, Council Members Lawrence, Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Brown and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. Kevin Jackson,, 6127 Stubener Airline #2, Houston, Texas 77091 (713-349-4969) appeared and stated that it came to his attention there were plans to remove the bricks hand made and hand laid in the streets of Freedmen's Town in the Fourth Ward; that they were the last known slaves in western history which brought an end to slavery and the bricks were Houston's oldest construction project by those laying the foundation for freedom; that any tampering degraded the integrity of the original construction and they represented remembrance to slaves of all times; that there was an honor and duty to preserve the streets as a monument of worldwide significance; that 144,000 was the number of bricks and read scriptures including Deuteronomy 19:14 stated "Thou shalt not remove thy neighbor's landmark" and Revelations 7:4 "I heard the number of them sealed and they were sealed 144,000" and that was the same number of bricks; and if they could not care for the past why should anyone care what they

thought for the future. Mayor White, Council Members Lawrence, Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Brown and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that she agreed much of Freedmen's Town was lost, but she thought this Council was dedicated to making sure they did not lose any more on their watch; that they were not trying to destroy the brick streets, but they were trying to find a method to provide the proper infrastructure for that community and at the same time maintain those brick streets, they were not moving on Public works original plan and they were moving to provide services the city was to provide and to maintain the integrity and authenticity and historic value of streets laid by the freed enslaved Africans here in the Houston area. Mayor White, Council Members Lawrence, Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Brown and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Ms. Djacarda Richard, 3911 Main, Houston, Texas 77002 (832-274-0039) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Brown and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. Tim O'Brien, 1303 Ruthven, Houston, Texas 77019 (832-771-7263) appeared, presented information and stated that on May 15th he sent a letter to Dr. Rhea Lawson, Director of the Houston Public Library System, and asked her to make a policy allowing use of digital cameras in the Texas Room and asked three staff persons in the area about the policy and they kept saying there was no policy but still he could not use the camera; that he was working on a PH.D and he needed some of that archival material; that the photo machine charged 15¢ per copy and it would cost thousands for all he needed, he lived in subsidized housing and the City of Houston should not be in the business of making money off photo copies, almost every archive he had been to including the National Archives, Library of Congress and the Smithsonian allowed the use of digital cameras; that after 30 days he went to Dr. Lawson's office and still nothing; that yesterday he went again and she said he would have to go to Council to try and get an answer on a simple issue and that was when he was given a letter stating they were looking into it, but he hoped they would fix it so that people would be allowed to use digital cameras and then those from all economic backgrounds would be able to get an education; and his subject was Freedmen's Town and it was ironic that they were present today also. Mayor White, Council Members Lawrence, Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Brown and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Upon questions by Acting Mayor Pro Tem Berry, Mr. O'Brien stated that he was told there was no policy for a digital camera so he could not use one; that someone called around while he was there and said a policy was found from 2005 and it said no digital cameras could be used but there was no reason; and Acting Mayor Pro Tem Berry stated that he was not being unreasonable. Mayor White, Council Members Lawrence, Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Brown and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Khan, Mr. O'Brien stated that what he wanted to photo copy would run into very much money and with a digital camera he could go home and up load it in his computer and save thousands of dollars; and Council Member Khan stated that he did not understand that; and Acting Mayor Pro Tem Berry stated that he did not either but they would be getting him an answer; that Mr. Simpson with the Library Department was present and would speak with him at this time. Mayor White, Council Members Lawrence, Clutterbuck,

Wiseman, Holm, Garcia, Alvarado, Brown and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Ms. Mary Pruitt, No address (No phone) appeared and stated that she was homeless and hungry and had to sleep on the porch for 3 days, there was one key and she did not have one; that she needed a place to stay and Gladys House knew of the wrong and if she wanted to evict her give her the \$500 and she would go somewhere else, but she wanted to be paid for the three days on the porch. Mayor White, Council Members Lawrence, Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Brown and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. Nebeil Al-Oboudi, 141291/2 Laterna Lane, Houston, Texas 77083 (281-575-9110) appeared and stated that that he was present asking for a resolution from Council demanding the impeachment of George Bush and Dick Chaney for the simple reason of upholding the law; that it was important the country got back on track. Mayor White, Council Members Lawrence, Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Brown and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Ms. Hildegard Futch, 8323 Carvel Lane, Houston, Texas 77036 (713-772-6481) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Brown and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Minister Gilda A. Black, 4219 Kelling, Houston, Texas 77045 (713-434-7602) appeared and stated that she was representing the disabled, senior citizens and those in Christ and she had done different things and had two things left; that she had been recognized by Mayor Lanier and others and most recently she was cofounder of American Security Officers Training Academy and partnered with the Black Caucus Security Service and today was present to ask Council to adopt a law, she would like it called the Black Law, there were sex offenders, rapist, child molesters and the Black Law would allow the city to paint the curb where they lived so people would recognize where they were. Mayor White, Council Members Lawrence, Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Brown and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Minister Black stated that she would like the curbs painted wherever such people were to allow those in the community to know where they were; and upon questions by Council Member Edwards, Mr. Heilman stated that State law required they register and it was published in the newspaper; and Minister Black stated some could not read the paper and some had no computer and that was so simple; and urged Council's assistance; and Council Member Edwards stated that there were laws were sex offenders could and could not live, she would like Mr. Heilman to investigate what into painting the curb, what they would look like; and Mr. Heilman stated that they would review it; and Council Member Edwards stated that people would know who lived there but in the process when the person moved and someone moved in who was not an offender who repainted or what happened; and she wanted to know what that meant as usually people like that move a lot, once found out and shunned they move. Mayor White, Council Members Lawrence, Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Brown and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that this was a concern and she remembered when the state first instituted the on line data base and she was shocked with her zip code and in the past session in Austin there was a great deal of discussion and there were changes made and people could go to a library and check on the internet, but this could still be looked into. Mayor

White, Council Members Lawrence, Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Brown and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Mr. James Partsch-Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) appeared and stated that he came to see if any thing had changed and saw nothing had, all were late again and earlier Mayor White stated they wanted people to have respect for property and for the neighbors and how about having respect for those who voted Council into office; and encouraged Acting Mayor Pro Tem Berry to run for Mayor as Mayor White needed competition and he intended to run for either Council Member Lovell's or Noriega's position. Mayor White, Council Members Lawrence, Clutterbuck, Wiseman, Holm, Garcia, Alvarado, Brown and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

President Joseph Charles, P. O. Box 524373, 77052-4373 (832-453-6376) appeared and stated that he was the official U. S. President; and continued expressing his personal opinions until his time expired. Mayor White, Council Members Lawrence, Clutterbuck, Wiseman, Khan, Holm, Garcia, Alvarado, Brown and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

At 5:00 p.m. City Council recessed until 9:00 a.m., Wednesday, July 18, 2007. Council Member Johnson absent on personal business. Mayor White, Council Members Lawrence, Clutterbuck, Wiseman, Khan, Holm, Garcia, Alvarado, Brown and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, July 18, 2007

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, July 18, 2007, Mayor Bill White presiding and with Council Members Toni Lawrence, Anne Clutterbuck, Ada Edwards, Addie Wiseman, M. J. Khan, P. E., Adrian Garcia, Carol Alvarado, Peter Brown, Sue Lovell, Melissa Noriega, 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. Council Members Jarvis Johnson and Pam Holm absent on personal business.

At 8:33 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:29 a.m. Mayor White called the meeting to order. Council Members Wiseman, Garcia, Lovell and Berry absent.

### **MAYOR'S REPORT** - Employee Training

Mayor White stated that he had breaking news for the 9,000 first responders; that as they met in the Council Chamber, the Secretary of Commerce and the Secretary of Homeland Security were having an announcement, which began a few minutes ago in Washington, D.C. to announce the results of two grant programs which they had talked about at the last Mayor's Report, which had been the principle focus of the City's Federal efforts at this time; that the two grant programs that he would address and share the results that were now being communicated in Washington had to do with the support of radio systems and then the urban area security initiative or the money that went directly to urban areas among the annual Federal Homeland Security Funding; that it was good news for Houston and Texas, that he was qualified to say that they thought they needed to make more progress in this direction but at least it was progress; that he had been a little bit concerned that something was not quite right when a City such as Houston, which was in the top seven in objective risks, gets less money per capita in Homeland Security Funds than the average over 300 million Americans, that in other words

when the highest risk gets below the average then there was something wrong with the picture in terms of the cost effectiveness and whether it was Homeland Security or political patronage or whatever they wanted to call it, and it had been a battle that he, Ms. Ann Travis, both of their Senators and a unified Congressional delegation had fought and fought hard, and the result of the process, first he would deal with the radio interoperability grant, the percentage that was received and went through Texas was now at least in line with the population of Texas, that in the past it had not been so, so out of the total amount of funds to upgrade radios of \$968 million, where the grants would be, according to what they had told him this morning, that the grants would be made by September 30, 2007, as directed by Congress; that Texas would get \$65 million and of that there would be a presumption that the Houston area must get at least \$14.5 million, that was not to limit them to that amount based on the merits of their grant application, that he had been personally assured by the Department of Homeland Security officials that they would be reviewing this particular number to see whether the grant requests complied with their regulations and directives, that money was one source of money that could be added to the money in the bond funds as a 20% match, that he was actually advocating over 20% match because there was nothing that was more cost effective than making sure that if people put their money where their mouth was locally that it was really needed; that in addition to that the amount allocated to the Houston area in the annual UASI or Urban Area Security Initiatives Grants, those were the ones that were made directly to urban areas, had been increased and today it would be announced that the Houston area would get \$25 million of that amount, which was up from about \$16 million in the past, so it was progress, that all was not simply within the city limits of Houston, which was fit and appropriate because they had fellow citizens, for example the refineries, cities to the east, and their emergency responders had an important role, they had a fair number of population, that he did say and he would remind his colleagues to remind their colleagues that their emergency responders, and again he was bias, but he believed they were the best trained, educated, equipped and best led, and some of the best compensated within the region and in the State; that they worked beyond the borders of the City, as they knew, based on the men and women in fire and EMS who told them about the thousands and thousands of people who were rescued from rooftops and their homes in the New Orleans area by the City of Houston fire and EMS, that had been pre positioned there and of course the same would be true in any area that it affected, so it was good news and it allowed them to have at least some minimum numbers of figures, a range of figures, that they could use in determining a scope and scale of an RFP, in addition he wanted to tell them that the message that they delivered, along with other Mayor's, who he called, along with the Members of Congress and the House and Senate, which represented the State's with high risk areas, that he had heard loud and clear from many sources that were heard, that they may note that last week all Senators from California and New York and Texas signed a letter advocating the position that originally had been put together by Houston in this connection, and their efforts to make sure that Homeland Security Funds were based more on a risk basis; that it was also good news for Texas, that Houston was part of Texas and Texas as a whole did influence Houston and vice versa; that they understood there were needs for border security and other uses of funds that were important within the great State and that all of them were more secure as the different areas of the State were more secure the efforts they made on behalf of Texas and Houston seemed to have paid off. Council Members Garcia and Berry absent.

Mayor White stated that he would conclude the Mayor's Report by a briefer than intended comments on employee training; that he wanted them to know some things that occur every month that were the inside stuff of managing an organization of some 21,000 employees, although there were not much debated necessarily around the Council table; that from the beginning of this administration they had tried to access a state of employee training and education and improve it; they had surveyed their employees and benchmarked; they had a great group of employees at the City of Houston that did important work, that along with many other governmental entities, and for that matter organizations, public, private and non profit, that

had been more mature and bureaucratic, he and the vast majority of employees did not believe that they were best in class in training of their employees, that included the all important training and education concerning management; that a person who believed that management and management practices and interpersonal practices could be taught and it just came intuitively was by definition a lousy manager, that he had found among people who were considered great managers that the very best and most experienced managers were the ones who put the very highest priority on management training because they themselves, with all their skills and pride, had found that by getting counseling and attending courses their eyes were open, that the idea that simply because they were good at their job or they scored high on a test or they had been around for a while, that they knew the best way to set expectations and enforce expectations in a way that created a culture of performance and high morale, those were skills where they could learn from others mistakes rather than learning on the job, that to often in the absence of training on management techniques people simply mimic what they had experienced in the workplace in the same way that parents mimic the conduct of their parents, unless they had some intervention and education to try to do otherwise; that there had been several different initiatives to change the course and he would mention three of those, first, at the biweekly department director meetings the issue came up with some frequency, driven by him, but the department directors, those who were the senior managers, had taken a great deal of ownership and they had formed a governing committee, headed by Mr. Hall, that had people who had to pick themselves, they did not draft them, that had asked what would they do to take the City into the next level of training, including training on management, second, they had set aside amounts within the budget, again it was new and did not think it had ever been addressed at the Council table in full session, although he was sure it came up in a committee meeting, concerning the budgets that were line item budgets for training for each of the departments and they accounted for how people invested those funds, to often training came at the bottom, and were used as swing funds to fund some other program that came up, that training ought to be a top priority of a department if they were building a City for the long run, not at the bottom where there was money left over, that last year the line item for training was \$5.4 million, of which there was \$1.4 million not spent, that because they were new at this, coming up with the right amount was something that was work in progress, they did not want to force people to spend money in a wasteful fashion or where they did not know where to spend it, but he, Mr. Hall and Ms. Johnson were following the \$4.4 million budgeted in FY08 and they had done things like reformed curriculum at the Cape Center, some of that came from suggestions made around the Council table about what they could do; that if any City employee at any level had any misunderstanding he wanted to correct it now, that anything offered at Cape had to be competitive and they were not going to sole source training just because it was offered at a particular facility, that would be ridiculous, that it was not an amount of money that was simply intended to support, that the users of training programs would have to be the judge; that another thing they had done, and it was critically important, was that they did an extensive search to hire somebody who had citywide training responsibilities across their civilian employees, who actually had good life experience in managing training, that was not the case when he walked in the door, that was not to say a person was a bad person, but the person who had the portfolio would never have been offered a job for training, and it was just a tiny part of the person's job responsibility, that Mr. Morely, who was present today, if they did not think that public entities could do a good job of training, including empowering employees, then please talk to a variety of people with 30 or 40 years of experience in the Army, Air Force or Marines, where the training revolution over the last 25 years had been exceptional, and training those who follow were considered a number one attribute of leadership and people were trained at various times throughout their career; that here in the City there were certain job categories where people were promoted based upon how they took a test; it was typical in the classified, that he had never heard of that anywhere in the consumer oriented private sector in America, where people's management abilities were tested by how they took a test, that the one thing that they needed to do, and he encouraged people, the both chiefs to do, and the police was doing a

pretty good job of it and fire, under Chief Boriskie, was moving along on it, was that there were benefits of test, it showed discipline, it showed some objectivity, mastery of material was an index of the ability to teach others but there were a lot of other things that went into managing human beings rather than just taking a test; that the goal of some management reforms, in terms of performance evaluations, employee incentives, was to use the full range of tools that good managers used, that included the right mix of positive and negative reinforcement; that if the test of how they were doing at the police force was how few complaints had been filed against them as opposed to where they did a superlative job, if that was the test, and it should be relevant, obviously, particularly the disposition of those complaints, then they were not managing people, that image that the way they let people know whether they were doing a good or bad job, the formal one that had consequences, the principal tool was a reprimand, would anybody run their offices like that, that no, it was a mix of positive and negative reinforcement, so he was sure they would have a debate of this or that contract, or whether they ought to do more and it was not a matter of whether they could not do more in their regards or have more ideas of firms; that finally they had been guided by picking the brains of the HR professionals and those with long term experience in organizations that were recognized as best in class within the community, that in that connection his blood had boiled as much as some others around the table when he saw that people who he thought should be terminated, in connection with the Crime Lab, were not, but the person who had been serving as chair, and there was a change over in the Civil Service Commission, the personnel there, that he and others may bring things that happened in the past to the table when the changes had been made, that because they appreciated the public service of people they say thank you to people who served on boards and commissions when they were replaced, that because not everybody replaced was because of poor performance and other reasons, they were unpaid positions, but he thought Mr. Mike Nichols, the Senior Vice President of Cisco, who employed 52,000 people, with over 50 union locals, and was one of the premier service companies in the United States, headquartered in Houston, Texas, with excellent employee relations, had been a tremendous resource to all of them and spending many hours every week with him, Ms. Aldridge, Mr. Hall and the head of HR who preceded Ms. Aldridge and other individual departments, HPD, on how they got over the idea that management was not simply that the Civil Service system did not replace the need to manage people. Council Members Garcia and Berry absent.

Council Member Khan stated that he wanted to address the first part of the Mayor's Report; that Mayor White had stated that Texas was allocated \$65 million and out of that they expected a minimum of \$14.5 million for Houston to address their interoperability radio system, but the Urban Area Security Initiative money there was an addition in that also and now they had \$25 million off of that and of course they had to issue bonds because the interoperability system would cost a whole lot more, and Mayor White stated that the \$14.5 million could be added to the bond funds and asked if the UASI and the \$14.5 million could also be added for the radio system or would they be separate. Council Members Lovell and Berry absent.

Mayor White stated that it would be some portion of that because they would have to take a look at the region, they would need other funds and there would be Council hearings about it, that he thought it would not be the last allocations for either radios or Homeland Security related systems, that there would be future fiscal years and there was probably a role that could be played within the 9-1-1 System; that this would at least allow them to gather and decide how to present first to Council committees the potential scope of the RFP, but this at least let's them know, that the last time the State Homeland Security Funds came down, out of \$51 million, Houston got \$750,000 and Harris County got \$750,000, that was 17% of the population of the State, that in fairness to the State officials they were trying to balance the legitimate needs of urban areas, including the Tier One area here in Houston and the extraordinary needs of border security with narcotic and human traffic occurring along their borders, so they had been able to make progress; that every Member of the U.S. Senate and House, both in the State delegation

as well as local delegation, assisted in this effort, and Mayors and Members of Congress from other States. Council Members Lovell and Berry absent.

Council Member Edwards asked Ms. Aldridge if there was any distinct difference between the Grote Consulting process and training and the old school MBO process, what were the district differences, that she had asked that before and had not been able to find it out, and Ms. Aldridge stated that when they talked about it a week or two ago, she too was familiar with the Management by Objective Program and that was more of a total management, total performance management program, where they set specific goals and measure the employees achievement of those goals, that the Discipline Without Punishment Program was for infractions where the performance was not met, whether it was through poor attendance or perhaps production or other things where discipline was warranted; that a natural part of an MBO Program was not necessarily discipline, so this came into play when they needed discipline or needed to potentially go down a path where there could be consequences for specifically not achieving certain performance, and Council Member Edwards asked if the Grote Process would come into place after they had gone through an MBO process or a similar type process, and Ms. Aldridge stated yes. Council Members Khan, Lovell and Berry absent.

Mayor White stated that he wanted to lead an organization and wanted to support things that came out of employees council and knew the substance, that the cute name of Discipline Without Punishment, was weird, that one of the things that they encountered in some departments, that by reading employee complaints he got a lot of it in Aviation, that they also could see it in the classifieds, that he was familiar with that, where rather than talking with people, people write them up, that he was asking Mr. Hall to go back, based on the comment of the speaker yesterday, not to say that they were precluded from terminating somebody who ought to be terminated, that he thought their records spoke for themselves concerning the number of terminations for performance compared to some prior administrations, but it was to say that there were work rules, that he would give them an example, when he came to office he had an all hands meeting at the HEC center and some people who had been used to working a particular way were suspended for drinking Coke at the desk, that they thought it was degrading, but it was expensive if they spilled something on a keyboard and it would not be useful and they would have to replace it, but there ought to be a way where people were not suspended or reprimanded in order to create the behaviors that they wanted, where if a person fails to change their behavior the termination would occur in the equal number of steps; and Council Member Edwards stated that she understood, but her personal opinion was that they could accomplish that by other methods, that if they had an ongoing process with an employee then they did not wind up just punishing, they already established a rapport of talking through, that the other thing that she wanted to know was that a lot of times when these type of programs happened they never get to the Council floor, would Council staff be eligible for this type of training, and Ms. Aldridge stated that all directors would be able to nominate whomever they would like to participate and they would be happy to have any Members from City Council participate and then the people who were trained to be the trainers would of course include the City Council employees as the program was disseminated through the ranks. Council Members Clutterbuck, Khan, Lovell and Berry absent.

Council Member Brown stated that Mayor White used the term "we" and he would like to know who "we" was, that he would like to point out that the taxpayers paid essentially the same amount to Harris County and yet when there was a broken street or crime problem they never called the County, they called the City, so the question he was asking was where did Harris County fit into the Homeland Security and where did HGAC, which was their MPO, and Mayor White stated that it was for the urban areas so it included places outside the city limits, that they should thank Members of City Council who attended and were active participants in HGAC, and Ms. Crocker and Ms. Travis, that they needed a fair and coherent strategy in dealing with the

County and HGAC, to make sure that it was fair, based on objective criteria and that no jurisdiction got to much or to little. Council Members Clutterbuck, Khan, Lovell and Berry absent.

At 10:06 Mayor White stated that they would move to the agenda. Council Members Clutterbuck and Berry absent.

Council Member Alvarado moved to suspend the rules to consider Item Numbers 25 and 46 out of order after the consent agenda, seconded by Council Member Khan. All voting aye. Nays none. Council Members Johnson and Holm absent on personal business. Council Members Clutterbuck and Berry absent. MOTION 2007-0770 ADOPTED.

Council Member Garcia moved to suspend the rules to consider Item Numbers 43, 43a, 43b, 22, 39, 40, 41 and 47 out of order, seconded by Council Member Alvarado. Council Member Brown voting no, balance voting aye. Council Members Johnson and Holm absent on personal business. Council Member Berry absent. MOTION 2007-0771 ADOPTED.

### **CONSENT AGENDA NUMBERS 1 through 38**

#### **MISCELLANEOUS** - NUMBER 1

1. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **HOUSTON DOWNTOWN PARK CORPORATION BOARD OF DIRECTORS**, for terms to expire June 30, 2010:  
Position One - **MR. BARRON F. WALLACE**, reappointment  
Position Two - **MR. DAVID L. MENDEZ**, appointment  
  
- was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Johnson and Holm absent on personal business. Council Member Berry absent. MOTION 2007-0772 ADOPTED.

#### **ACCEPT WORK** - NUMBERS 2 through 6

2. RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$9,123,554.55 and acceptance of work on contract with **SOVEREIGN BUILDERS GROUP, LTD. (DBA CONSTRUCTION, LTD.)** for Light Aircraft Hangars & Airfield and Grounds Building Expansion at Ellington Field; Project No. 515, WBS A-000347-0001-4-01 and A-000386-0001-4-01 - 1.40% over the original contract amount - **DISTRICT E - WISEMAN** - was presented, moved by Council Member Wiseman, seconded by Council Member Lovell. All voting aye. Nays none. Council Members Johnson and Holm absent on personal business. Council Member Berry absent. MOTION 2007-0773 ADOPTED.
4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$6,372,124.32 and acceptance of work on contract with **SER CONSTRUCTION PARTNERS, LTD.** for East Lake Houston Unserved Areas Project - Package III, WBS R-000801-0009-4 - 6.96% under the original contract amount - **DISTRICT E - WISEMAN** - was presented, moved by Council Member Wiseman, seconded by Council Member Lovell. All voting aye. Nays none. Council Members Johnson and Holm absent on personal business. Council Member Berry absent. MOTION 2007-0774 ADOPTED.

5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$895,201.96 and acceptance of work on contract with **METRO CITY CONSTRUCTION, L.P.** for Water Line Extensions and Crossings in the Willowbrook Service Area, WBS S-000100-0012-4 - 2.52% under the original contract amount - **DISTRICT A - LAWRENCE** - was presented, moved by Council Member Wiseman, seconded by Council Member Lovell. All voting aye. Nays none. Council Members Johnson and Holm absent on personal business. Council Member Berry absent. MOTION 2007-0775 ADOPTED.
6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,322,041.00 and acceptance of work on contract with **TEXAS STERLING CONSTRUCTION, L.P.** for 12-inch Water Line along Post Oak Boulevard from Richmond Avenue to Westheimer, WBS S-000521-0015-4 - 7.92% under the original contract amount - **DISTRICTS C - CLUTTERBUCK and G - HOLM** - was presented, moved by Council Member Wiseman, seconded by Council Member Lovell. All voting aye. Nays none. Council Members Johnson and Holm absent on personal business. Council Member Berry absent. MOTION 2007-0776 ADOPTED.

**PROPERTY** - NUMBERS 7 and 8

7. RECOMMENDATION from Director Department of Public Works & Engineering to **RESCIND MOTION #2007-231, 2/28/07, AND AUTHORIZE** abandonment and sale of Clarborough Place/Clarborough Drive, from the West Sam Houston Tollway Service Road westward ±845 feet to a point ±923 feet north of Westview Drive, in exchange for the conveyance to the City of right-of-way for and construction of Clarborough Place from Clarborough Drive to West Sam Houston Tollway Road, all located in Clarborough Park Subdivision, within the E. Williams Survey, A-834, Parcels SY6-061 and AY7-257A, AY7-257B and AY7-257C - **APPRAISERS - DISTRICT A - LAWRENCE** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Johnson and Holm absent on personal business. Council Member Berry absent. MOTION 2007-0777 ADOPTED.
8. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Andrew Wong, Vice President, Amerifirst Corporation (sole general partner of Sunlake Limited), for the sale of a ±5.5-acre tract of fee-owned land, south of Aldine Bender Road and east of John F. Kennedy Boulevard, located in the Willis Avery Survey, A-104, Parcel SY6-001 - **APPRAISERS - DISTRICT B - JOHNSON** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Johnson and Holm absent on personal business. Council Member Berry absent. MOTION 2007-0778 ADOPTED.

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 9 through 12

9. **SOUTHWEST SOLUTIONS GROUP, INC** for Moving Services from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for the Fire Department - \$55,271.67 - General Fund - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Johnson and Holm absent on personal business. Council Member Berry absent. MOTION 2007-0779 ADOPTED.
12. **POLARIS SALES, INC** for Utility Vehicles from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing

Program for Department of Public Works & Engineering - \$59,065.56 - Enterprise Fund - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Johnson and Holm absent on personal business. Council Member Berry absent. MOTION 2007-0780 ADOPTED.

**RESOLUTIONS AND ORDINANCES** - NUMBERS 13 through 38

13. RESOLUTION approving the issuance and sale by Houston Housing Finance Corporation of Multifamily Housing Revenue Bonds (Costa Vizcaya Apartments) Series 2007 - was presented. All voting aye. Nays none. Council Members Johnson and Holm absent on personal business. Council Member Berry absent. RESOLUTION 2007-0031 ADOPTED.
14. Omitted
24. ORDINANCE approving and authorizing agreement for Professional Services by and between the City of Houston, Texas and **GREATER HOUSTON PARTNERSHIP** - \$785,000.00 Enterprise Funds - was presented. All voting aye. Nays none. Council Members Johnson and Holm absent on personal business. Council Member Berry absent. ORDINANCE 2007-0833 ADOPTED.
26. ORDINANCE approving and authorizing grant agreement between the City of Houston and **SAM HOUSTON STATE UNIVERSITY** and interlocal agreements between the City of Houston and **HARRIS COUNTY, GALVESTON COUNTY, the CITY OF PASADENA,** and the **TEXAS DEPARTMENT OF CRIMINAL JUSTICE** for the Project Safe Neighborhood Grant - \$30,000.00 Grant Fund - was presented. All voting aye. Nays none. Council Members Johnson and Holm absent on personal business. Council Member Berry absent. ORDINANCE 2007-0834 ADOPTED.
28. Omitted
35. ORDINANCE appropriating \$5,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Construction Management and Inspection Services Contract between the City of Houston and **POLYTECH, INC d/b/a PTI, INCORPORATED** for Various Small Diameter Water Line Replacement Projects, WBS S-000035-00F9-4 - was presented. All voting aye. Nays none. Council Members Johnson and Holm absent on personal business. Council Member Berry absent. ORDINANCE 2007-0835 ADOPTED.
36. ORDINANCE granting to **EAGLE PRENTICE, a Texas Sole Proprietorship**, the right, privilege and franchise to collect, haul and transport Solid Waste and Industrial Waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **FIRST READING** - was presented. All voting aye. Nays none. Council Members Johnson and Holm absent on personal business. Council Member Berry absent. ORDINANCE 2007-0836 PASSED FIRST READING IN FULL.
37. ORDINANCE granting to **HAZWASTE ENVIRONMENTAL, a Texas Sole Proprietorship**, the right, privilege and franchise to collect, haul and transport Solid Waste and Industrial Waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **FIRST READING** - was presented. All voting aye. Nays none. Council Members Johnson and Holm absent on

personal business. Council Member Berry absent. ORDINANCE 2007-0837 PASSED FIRST READING IN FULL.

38. ORDINANCE granting to **SPECIALIZED MAINTENANCE SERVICES, INC, a Texas Corporation**, the right, privilege and franchise to collect, haul and transport Solid Waste and Industrial Waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **FIRST READING** - was presented. All voting aye. Nays none. Council Members Johnson and Holm absent on personal business. Council Member Berry absent. ORDINANCE 2007-0838 PASSED FIRST READING IN FULL.
25. ORDINANCE approving and authorizing third amendment to an Electric Supply Agreement between the City of Houston and **TEXAS GENERAL LAND OFFICE** and to increase the maximum contract amount (approved by Ordinance No.04-0273 and amendments one and two approved by Ordinance Nos. 06-0014 and 06-0439) - \$628,000,000.00 - Central Service Revolving Fund – was presented. All voting aye. Nays none. Council Members Johnson and Holm absent on personal business. Council Member Berry absent. ORDINANCE 2007-0839 ADOPTED.
46. ORDINANCE **AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to redesignating the Building Services Department as the General Services Department – **(This was Item 27 on Agenda of July 11, 2007, TAGGED BY COUNCIL MEMBER GREEN)** – was presented. Council Member Berry absent.

Council Member Garcia stated that he supported the item but had been looking for some feedback in terms of what they were doing with parking, that it seemed like a good opportunity since they were expanding the scope of the respective department, that if they were going to respect parking across the City as a policy and process then maybe it might be a good place to put this, and Mayor White stated that they had deliberately, to avoid any confusion and institutional resistance, not just by one department but multiple departments, they had said in changing the name of the organization they were not changing the mission; that he believed the issues that were first raised to him, at the end of March or early April, concerning the parking management practices or systems, as described by a public speaker, which included the collection and accounting, the credentialing functions, the real time understanding of what their inventory levels were, he wanted to make sure that they were best in class across facilities, that he would commit that they would have a meeting to access where they were. Council Member Berry absent.

A vote was called on Item No. 46. All voting aye. Nays none. Council Members Johnson and Holm absent on personal business. Council Member Berry absent. ORDINANCE 2007-0840 ADOPTED.

43. ORDINANCE appropriating \$10,388,670.00 out of Equipment Acquisition Consolidated Fund for 290 Patrol Vehicles and Ancillary Equipment (to include Vehicle Consoles, Mobile Data Terminals, Police Radios, Antennas and Sirens) for Police Department – **(This was Item 10 on Agenda of July 11, 2007, TAGGED BY COUNCIL MEMBERS JOHNSON, CLUTTERBUCK, HOLM and LOVELL)** – was presented. Council Member Berry absent. absent. All voting aye. Nays none. Council Members Johnson and Holm absent on personal business. Council Member Berry absent. ORDINANCE 2007-0841 ADOPTED.
- 43a. RECOMMENDATION from Director Finance & Administration Department to **AMEND MOTION #2007-218, 2/28/07, TO PURCHASE** 304 additional Patrol Vehicles for Police

Department, for a total increase of \$7,807,632.00, awarded to **PHILPOTT MOTORS, LTD., d/b/a PHILPOTT FORD** Equipment Acquisition Consolidated and Police Special Services Funds – **(This was Item 10a on Agenda of July 11, 2007, TAGGED BY COUNCIL MEMBERS CLUTTERBUCK, JOHNSON, LOVELL and HOLM)** – was presented, moved by Council Member Khan, seconded by Alvarado. Council Member Berry absent.

Council Member Clutterbuck stated that she would be voting no on Item No. 43a, because she had not received information about the red light camera funds and the response that they received said that the funds for Item No. 43a would come out of Asset Forfeiture or from the Digital Red Light Enforcement Program, but she was hesitant to support something if they did not know which fund it was going to come out of. Council Member Berry absent.

Mayor White stated that the vehicles would be purchased with commercial paper, if there were no funds that were available it would be rolled into the equipment purchases, if there were funds in excess of what was budgeted for use within a particular fund within the department then those funds would be used so they had more equipment availability; and on Council Member Clutterbuck's comment it was important that people at senior levels of the administration speak accurately on budgets that had been reviewed by him or Ms. Johnson, and if they did not know an answer to a question to say they did not know it before they respond to City Council. Council Member Berry absent.

Council Member Alvarado stated that she wanted to make sure that the information was also provided to Council Member Clutterbuck that now the State did get part of those revenues. Council Member Berry absent.

A vote was called on Item No. 43a. Council Members Clutterbuck and Wiseman voting no, balance voting aye. Council Members Johnson and Holm absent on personal business. Council Member Berry absent. MOTION 2007-0781 ADOPTED.

43b. RECOMMENDATION from Director Finance & Administration Department to **AMEND MOTION #2007-57, 1/17/07, TO PURCHASE** additional Vehicle Console Systems for Police Department, for a total increase of \$88,953.44, awarded to **BISON PROFAB, INC** Equipment Acquisition Consolidated and Police Special Services Funds – **(This was Item 10b on Agenda of July 11, 2007, TAGGED BY COUNCIL MEMBERS CLUTTERBUCK, JOHNSON, LOVELL and HOLM)** – was presented. Council Member Wiseman voting no, balance voting aye. Council Members Johnson and Holm absent on personal business. Council Member Berry absent. MOTION 2007-0782 ADOPTED.

22. ORDINANCE approving and authorizing agreement between the City of Houston and **SSFP REED ROAD V L.P.** to provide a \$4,250,000.00 Performance-based Loan of Federal "HOME" Funds for costs to construct a Senior Living Community in the 2800 block of Reed Road, Houston, Texas, to be known as Mariposa at Reed Road to house low income residents **DISTRICT D – EDWARDS** – was presented. Council Member Berry absent.

Council Member Edwards stated that Item No. 22 not only afforded the opportunity for senior citizens in the greater Sunnyside area or wherever they were from in the City of Houston, it also afforded the opportunity for future development, that the developer, with his own dollar, put in water and sewage capabilities for the area. Council Member Berry absent.

A vote was called on Item No. 22. All voting aye. Nays none. Council Members Johnson and Holm absent on personal business. Council Member Berry absent. ORDINANCE 2007-0842 ADOPTED.

39. ORDINANCE appropriating \$6,140,959.95 out of Street & Bridge Consolidated Construction Fund, \$2,683,075.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **TOTAL CONTRACTING LIMITED** for York Street Reconstruction from Polk Street to Navigation, WBS N-000698-0001-4; S-000500-0058-4 and R-000500-0058-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management, and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund and the Water & Sewer System Consolidated Construction Fund - **DISTRICTS H - GARCIA and I – ALVARADO** – **(This was Item 58 on Agenda of July 3, 2007, POSTPONED BY MOTION #2007-751)** - was presented. Council Member Berry absent.

Council Member Garcia moved to refer Item No. 39 back to the administration, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Johnson and Holm absent on personal business. Council Member Berry absent. MOTION 2007-0783 ADOPTED.

40. MOTION by Council Member Khan/Seconded by Council Member Alvarado to adopt recommendation from Director Department of Public Works & Engineering for approval of an amendment to the FY2007 Operating Budget for the **HOUSTON AREA WATER CORPORATION (HAWC)** - \$550,000.00 - Enterprise Fund – **(This was Item 1 on Agenda of July 11, 2007, TAGGED BY COUNCIL MEMBER GARCIA)** - was presented. Council Member Berry absent.

Council Member Garcia stated that on Item Numbers 40 and 41 he wanted to thank Mr. Marcotte and Mr. Burg for visiting with him on the items, that he did request for a breakdown in the MWBE participation on it but had not seen it yet, that he thought they had a good person in Mr. Burg chairing the HAWC. Council Member Berry absent.

A vote was called on Item No. 40. All voting aye. Nays none. Council Members Johnson and Holm absent on personal business. Council Member Berry absent. MOTION 2007-0784 ADOPTED.

41. MOTION by Council Member Khan/Seconded by Council Member Alvarado to adopt recommendation from Director Department of Public Works & Engineering for approval of FY2008 Operating Budget for the **HOUSTON AREA WATER CORPORATION (HAWC)** - \$23,351,450.00 Enterprise Fund – **(This was Item 2 on Agenda of July 11, 2007, TAGGED BY COUNCIL MEMBER GARCIA)** – was presented. All voting aye. Nays none. Council Members Johnson and Holm absent on personal business. Council Member Berry absent. MOTION 2007-0785 ADOPTED.
47. ORDINANCE approving and authorizing contract between the City and **GROTE CONSULTING CORPORATION** for employee relations training pertaining to discipline without punishment; providing a maximum contract amount - \$73,500.00 - Enterprise Fund to be reimbursed by user departments – **(This was Item 28 on Agenda of July 11, 2007, TAGGED BY COUNCIL MEMBER GREEN)** – was presented.

After discussion by Council Members, Council Member Lovell stated that she would like to have some measurements to make sure the program was working right. Council Members Lawrence, Alvarado and Berry absent.

A vote was called on Item No. 47. Council Member Wiseman voting no, balance voting aye. Council Members Johnson and Holm absent on personal business. Council Member Berry absent. ORDINANCE 2007-0843 ADOPTED.

Council Member Garcia moved to suspend the rules to consider Item Numbers 23 and 15 out of order, seconded by Council Member Khan. All voting aye. Nays none. Council Members Johnson and Holm absent on personal business. Council Member Berry absent. MOTION 2007-0786 ADOPTED.

Council Member Green stated that he wanted to recognize some young men and women who were visiting, the North Houston Junior Frontier's Group, and asked that they stand and be recognized. Council Member Berry absent.

23. ORDINANCE approving and authorizing contract between the City of Houston and **TALENTO BILINGUE DE HOUSTON**, to provide \$220,000.00 in Community Development Block Grant Funds to allow for the Renovation of a Public Facility located at 333 South Jensen Street **DISTRICT H – GARCIA** – was presented. Council Member Berry absent.

Council Member Garcia stated that they were excited to make sure that TBH continued to serve the Second Ward children and community and all those around Houston. Mayor White and Council Member Berry absent.

A vote was called on Item No. 23. All voting aye. Nays none. Council Members Johnson and Holm absent on personal business. Mayor White and Council Member Berry absent. Mayor Pro Tem Alvarado presiding.

Mayor Pro Tem Alvarado stated that she wanted to recognize former Council Member Felix Fraga who was present in the audience with his wife Nellie, that they were very much a part of TBH. Mayor White and Council Member Berry absent. Mayor Pro Tem Alvarado presiding.

A vote was called on Item No. 23. All voting aye. Nays none. Council Members Johnson and Holm absent on personal business. Mayor White and Council Member Berry absent. Mayor Pro Tem Alvarado presiding. ORDINANCE 2007-0844 ADOPTED.

15. ORDINANCE **AMENDING CHAPTER 45 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to vehicle dimensions and the effects of operation on City streets; declaring certain conduct to be unlawful and providing a penalty therefor; containing findings and other provisions relating to the foregoing subject; providing for severability – was presented, and tagged by Council Members Wiseman, Clutterbuck, and Garcia. Mayor White and Council Member Berry absent. Mayor Pro Tem Alvarado presiding.

Council Member Garcia stated that he wanted to encourage the folks who had a particular interest in the item to please contact his office, they would get them a copy of the draft ordinance and all of the supporting data, that to make sure when they called for a copy of the ordinance that they get a corresponding matrix that would indicate what was current law, what was in the proposed ordinance and what was State law, that they would find that the City was working to be consistent with State law. Mayor White absent. Mayor Pro Tem Alvarado presiding.

Council Member Lawrence stated that she wanted to add her tag to the Item No. 15. Mayor White absent. Mayor Pro Tem Alvarado presiding.

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

**ACCEPT WORK**

3. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,345,541.46 and acceptance of work on contract with **TEXAS STERLING CONSTRUCTION, L.P.** for Construction of Pech Road from Westview Drive to Long Point Road, WBS N-000754-0001-4 - 2.93% over the original contract amount - **DISTRICT A - LAWRENCE** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado.

Council Member Brown stated that he wanted to ask the administration regarding Texas Sterling Construction that there was an invoice for \$67,500.00 that was a year and a half or more overdue, that he thought it was just an administrative glitch, and Mayor White asked the representative of Public Works to take a look at that.

A vote was called on Item No. 3. All voting aye. Nays none. Council Members Johnson and Holm absent on personal business. MOTION 2007-0787 ADOPTED.

**PURCHASING AND TABULATION OF BIDS**

10. **BOWLING BICYCLES, INC** for Mountain Bicycles for Police Department - \$239,746.20 - General Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado, and tagged by Council Member Clutterbuck.
11. **HELI-MART, INC** for MD Helicopter Replacement Parts for Police Department - \$1,275,000.00 General Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado.

After discussion, Mayor White stated that he would ask Mr. Fenninger to send a memo to him concerning whether other big cities lease and what may be the advantages and disadvantages, by the end of August, and copy Council Member Lawrence as well as Ms. Johnson; that he would say to HPD representatives and the Public Safety Commission and would like Mr. Moore and Mr. Fontaine, that he deferred in large part to the police command staff because of their professional expertise and lifelong experience and allocation of resources, that he intended to believe that despite the relatively high cost of the helicopter fleet, given the very high value of the helicopter fleet in emergency situations, that they ought to see what they could do on the helicopter fleets, so he thought a helicopter fleet was more important, that there were circumstances in which that helicopter presence was critical for them.

A vote was called on Item No. 11. All voting aye. Nays none. Council Members Johnson and Holm absent on personal business. MOTION 2007-0788 ADOPTED.

**RESOLUTIONS AND ORDINANCES**

16. ORDINANCE amending second amended and restated ordinance relating to the issuance of City of Houston, Texas, General Obligation Commercial Paper Notes, Series E; making certain covenants and agreements in connection therewith; resolving other matters

incident and related to the issuance, sale, delivery and security of such Notes, including the approval of a third amended and restated Credit Agreement, a third amended and restated Dealer Agreement, a third amended and restated Issuing and Paying Agency Agreement and an updated Offering Memorandum; approving updated Offering Memoranda for City of Houston, Texas, General Obligation Commercial Paper Notes, Series D and City of Houston, Texas, General Obligation Commercial Paper Notes, Series F; and declaring an emergency – was presented. All voting aye. Nays none. Council Members Johnson and Holm absent on personal business. ORDINANCE 2007-0845 ADOPTED.

17. ORDINANCE amending Ordinance relating to the issuance of City of Houston, Texas, General Obligation Commercial Paper Notes, Series G; making certain covenants and agreements in connection therewith; resolving other matters incident and related to the issuance, sale, delivery and security of such Notes, including the approval of a first amendment to the Credit Agreement, an amended and restated Issuing and Paying Agency Agreement and an amended and restated Dealer Agreement and an updated Offering Memorandum; and declaring an emergency – was presented. All voting aye. Nays none. Council Members Johnson and Holm absent on personal business. ORDINANCE 2007-0846 ADOPTED.
18. ORDINANCE approving and authorizing lease agreement between the City of Houston and **1859-HISTORIC HOTELS, LTD.** for certain premises at William P. Hobby Airport - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Members Johnson and Holm absent on personal business. ORDINANCE 2007-0847 ADOPTED.
19. ORDINANCE approving and authorizing lease agreement between **DUKE STREET PARTNERS, LTD., a Texas Limited Partnership**, as Landlord (“Landlord”), and the City of Houston, Texas, as tenant (the “City”), for a total of 15,673 square feet of office space located at 2102 Austin Street, Houston, Harris County, Texas, for a five-year lease term at a monthly rental of \$14,366.92, with an increase in monthly rental at the beginning of the third and fifth years consisting of the greater of 1.5% or the increase in the Consumer Price Index, with one five-year renewal option at a Market Rental Rate, for use by the Planning and Development Services Division of the Public Works & Engineering Department, and allocating funds therefore **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Members Johnson and Holm absent on personal business. ORDINANCE 2007-0848 ADOPTED.
20. ORDINANCE approving and authorizing Agreement between the City of Houston, the **FIFTH WARD REDEVELOPMENT AUTHORITY** and **REINVESTMENT ZONE NUMBER EIGHTEEN, CITY OF HOUSTON, TEXAS (FIFTH WARD ZONE)** in connection with the City’s Reinvestment Zone Number Eighteen over the Fifth Ward Area - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Members Johnson and Holm absent on personal business. ORDINANCE 2007-0849 ADOPTED.
21. ORDINANCE consenting to the creation of the **HARRIS COUNTY ROAD IMPROVEMENT DISTRICT NO. 1** and the inclusion of certain land within the district - **DISTRICT E – WISEMAN** – was presented, and tagged by Council Member Wiseman.
27. ORDINANCE approving and authorizing one-year contract, with four one-year options for renewal, between the City of Houston and **TUTOR.COM, INC** to provide online live homework help services to students verified as Houston Public Library Users; providing a

maximum contract amount - 5 Years - \$994,615.00 - General Fund - was presented, and tagged by Council Members Lawrence, Wiseman and Clutterbuck.

Council Member Lawrence stated that she would like for somebody to come and talk to her, that she looked at the item as a school district partnership, of them moving together to purchase software and then their libraries backing it up, that she thought they were not in the business of buying software for education, that was something that the schools maybe should do.

Mayor White stated that they were entering into a new license agreement with Wall Street Journal on-line and had a very interesting premier African American History archives collection database that would be accessible and how do they do it with their schools, how do they make it accessible to their schools, that he would appreciate Mr. Fontaine looking into that. Council Member Clutterbuck absent.

Council Member Noriega stated that HISD had something that they might still have in place called "Homework Hotline", where they actually had teachers in the evenings, English and Spanish, and they visit with students and that was an example that might be an obvious partnership; that the other side of that was that there were a lot of kids in the City who did not have a live person to talk to, a teacher or parent, that the libraries were really the last resort for many kids in terms of being the backstop that allowed them to interact with an adult to have an opportunity to use a computer if their families could not afford it, so she thought it was important that they really knew how it worked and what went on, that it was important that the libraries had everything they needed to do what they needed to do for those children that did not have anyone else. Council Member Clutterbuck absent.

Council Member Wiseman stated that she was curious as to why the private funds were no longer available and would like some information and would like to visit with someone about that, and find out if there were other options that they had looked at.

Mayor White stated that Item No. 27 was tagged.

29. ORDINANCE approving and authorizing contract between the City of Houston and the **HOUSTON-GALVESTON AREA COUNCIL (H-GAC)** for Hurricane Evacuation Education Program - \$34,855.00 - Greater Houston Transportation and Emergency Center Fund – was presented.

Council Member Khan stated that besides using all of the other resources to inform the public that they may consider to use a text messaging system, that he thought in times of emergencies and evacuation plans that a text messaging approach may work also, and Mayor White stated that was an excellent suggestion.

Council Member Edwards stated that she would tag Item No. 29 and would like to know what the education process was and how it was going to be drilled down to where the everyday person on the street would know what to do in their communities; that she had asked for that information time and again and thought that this might be the opportunity to receive it; that she would really like to have a presentation of the education program at some committee, either Public Safety or Flooding and Drainage, so that people would know what was going on.

Council Member Lawrence stated that she would hope that with I-10 and Highway 290 being done that they make available information and an update on their freeways, that with all the construction going on she thought it would behoove the City to carry some evacuation information, including Item No. 29, on their website concerning I-10 and Highway 290 as those

change because those arteries were going to be down at certain times; that she looked at the City website as just a tremendous amount of information and she thought that as things developed they needed to have someone continue to put things on there like evacuation.

Council Member Edwards stated that was one of the issues that she had been raising, what was the construction plans or how do they maintain areas or arteries that had been identified as evacuation, was there any primary maintenance that kept those arteries in good condition, that she would like for somebody to come and talk to them as to what the plans were and what was the priority of keeping those arteries in good condition.

Mayor White stated that Mr. Moore was taking notes and monitoring the proceedings, but Ms. Stein would help him on it, that first the taskforce that he asked the County Judge and Governor to appoint with him and they identified one of the bottlenecks which was up near Brenham and then there was another one at Columbus, and the taskforce made some specific recommendations to TxDOT, that most of the taskforce recommendations had been implemented and the public could take a great deal of confidence on fueling and vigilance, but what about the de-bottlenecking, so they could bottle up with TxDOT and see what they had done, that number two, that building on what Council Members Lawrence and Edwards stated, people could watch and have access through the broadcast media, they could look at real time radar reports and see where the storm was moving; that now that they had visibility out of TransStar and was there something in real time showing congestion hot spots in the same way that they would be able to visualize the weather and get some kind of color coding reporting concerning the evacuation routes, taking into account construction. Council Members Noriega and Berry absent.

Council Member Edwards stated that as to the bottlenecks, where I-45 went from four lanes to two, near Spring, and then it widened up again once they went into Conroe, it went back to four lanes, that was a real problem and was a real problem during the Rita situation, and once again when it narrowed down those places were not in the best of conditions either, and Mayor White stated to Mr. Moore that between Public Works, Chief Storemski and a representative of TxDOT, to make sure that they analyze those areas and then how had they, a TxDOT district, and their neighboring districts made that a priority within their construction, that they ought to get a report back. Council Members Noriega and Berry absent.

Council Member Garcia stated that on the point of getting it to a public hearing, he would work to expedite that process; that the point that Mayor White made on real time data, if Mayor White would recall he shared with him what they had in Shanghai and that was the equivalent of TranStar website, but on electronic billboards like they see on freeways, so that people could make real time decisions, that he thought that was something they could fast track and it would resolve many issues, and Mayor White stated that he thought Council Member Garcia had a great insight, that he would ask him to initiate communication and maybe they could move it along or determine whether they could not move it along; that this was something where there ought to be dialog, that they may as well not shy away from the issue. Council Members Noriega and Berry absent.

Council Member Lovell stated that it was an important issue for them; that the thing she wanted most was information, that they get their information from the television but depending on which channel they were turned into they got different information; that she would like to see that they provide to the citizens the same information that they were getting as they were making decisions for the City, giving them information and letting them make their own decisions, whether the hurricane was really a wet hurricane that was going to bring a lot of water, they had a Municipal Channel where they could tune in, that they were going to show them where the new flood plain maps were; that there were identified places where people

could go where they could be for 24 hours and they could stay in their neighborhood; that she thought the most important thing they could do was give good information to their citizens to allow them to make decisions, and Mayor White stated that they did a lot of real time information and it changed, that their biggest bottleneck was live helicopter feeds, from places 50 to 100 miles out; that there were DPS helicopters on the ground, so he knew who they could rely on and who they could not, that the news media was incredible at that time with their helicopter crews but they ought to maybe have some backup or lease or on call; that they had on call helicopters lined up for post damage assessment and for stranded people, they had private helicopters on call, but what would they do for the surveillance of the evacuation routes, that if they were up above with a live feed and 100 miles out among the major commuting freeways that was what they really needed.

Council Member Lawrence stated that last weekend would have been a good example, they actually had flooding and who was monitoring I-10, every lane was closed down last weekend, that they got torrential rainfall that some of that turned into and that was where she would like to see somebody looking at I-10 website and in two years looking at 290 website and saying they needed somebody making sure the availability of some lanes opening up if construction happened or if a torrential rainfall came down as far as the construction.

Mayor White stated that Item No. 29 had been tagged.

30. ORDINANCE appropriating \$422,583.49 out of the Water & Sewer System Consolidated Construction Fund and \$426,000.00 out of Homeless and Housing Consolidated Fund; approving and authorizing Developer Participation Contract between the City of Houston and **OBRA HOMES, INC** for Construction of Water, Sanitary Sewer and Storm Sewer Lines for Section One of the Lake Way Village Subdivision, WBS S-000800-00M4-4/R-000800-00M4-4/M-000800-00M4-4 - **DISTRICT E – WISEMAN** – was presented, and tagged by Council Member Wiseman.
31. ORDINANCE appropriating \$275,828.34 out of Water & Sewer System Consolidated Construction Fund and \$225,000.00 out of Drainage Improvement CPaper Series F Fund; approving and authorizing Developer Participation Contract between the City of Houston and **OBRA HOMES, INC** for Construction of Water, Sanitary Sewer and Storm Sewer Lines to serve Section One of the Riverbend Village Subdivision, WBS S-000800-00M2-4/R-000800-00M2-4/M-000800-00M2-4 **DISTRICT B - JOHNSON** – was presented, and tagged by Council Member Wiseman.
32. ORDINANCE appropriating \$420,496.01 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Developer Participation Contract between the City of Houston and **OBRA HOMES, INC** for Construction of Water and Sanitary Sewer Lines for Section One of South Meadow Place Subdivision, WBS S-000800-00M5-4/R-000800-00M5-4 - **DISTRICT E - WISEMAN** – was presented, and tagged by Council Member Wiseman.
33. ORDINANCE appropriating \$101,975.60 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Developer Participation Contract between the City of Houston and **FAFB, LLC** for Construction of Water and Sewer Lines to serve the Red Robin Square Subdivision, WBS S-000800-0104-4 and R-000800-0104-4 - **DISTRICT E - WISEMAN** – was presented, and tagged by Council Member Wiseman.

Council Member Brown stated that this was as Developer Participation Contract for an add on of twenty lots to an existing subdivision, the lots that were proposed were 40 foot lots, front loaded garages, two cul-de-sacs, that these were going to be the low end lots of that

subdivision, the other lots were 55 feet, that he was concerned that their DPC agreement was encouraging developers to cram as many of these 40 foot lots into this land as possible with no amenities; that they were all starter homes and the starter home market in the City of Houston was pretty much dead; that although the builders were allowed to build houses up to \$151,000 were not doing it because the income limits that they imposed on the buyers they could not qualify for anything much more expensive, if that, that \$120,000, that he wanted them to use their tax money wisely and wanted development to occur in the City, but he feared that the program was not working, that he sent Mayor White a memo on what they could do and energize and get better results from the DPC program, which was a memo from himself and Andy Icken; that he thought they could do a lot better, if it was not really working, like Leland Woods, they needed to be smarter about it.

Mayor White stated that he had a memo that they would send by email to all Council Members on payment for new infrastructure, and asked Council Member Brown what income limit on DPC's was he referring to, and Council Member Brown stated that it was less than the medium income, and Mayor White asked if he was aware that there was no income limit on family income or the house value under the DPC program, and Council Member Brown stated that where they used the HUD money there was a low and moderate requirement, and Mayor White stated that he knew where Council Member Brown was coming from and he respected that, but the DPC program did not have a limit on the income or the house price, the only thing that did was the water and sewer and there was a storm water credit of up to \$3,000 for houses at or below the medium house price, about \$143,000 to \$144,000, but nobody would say they had a buyer of \$170,000 house and he was going to build a \$140,000 house to get \$3,000 on reimbursement from the storm drainage, that he understood Council Member Brown's concern about how do they remove impediments for people building what the market wanted, but so they were all communicating, and as much as they had been able to pursue it, there was not an income or house price limit on the DPC program, and Council Member Brown stated that they had two percentage reimbursements, they had 30% and up to 70% for water and sewer and if they got the 70% there were restrictions on the sale price of the house, and it had to be below the medium income, and Mayor White stated not for the \$3,000 storm sewer reimbursement, that on the 70% that was limited to single family residential, that on the \$3,000 storm sewer and it had to do with their use of the Housing Homeless Bond Funds and some CDBG Funds, but he thought it was principally Housing and Homeless Bond Funds, that was \$3,000, which was \$3,000 for each house that was built at the \$143,000 or \$144,000, that just so they were dealing with the right vocabulary.

Council Member Brown stated that he wanted to make sure that he had the right information, but the issue that he was really talking about was that they were building houses that were selling for \$110,000 to \$125,000, even though they could build more expensive houses and they were not finding buyers, and if they moved to a more middle income house, \$150,000, there were so many choices outside the city limits of Houston and planned communities that they were drawing all the middle income buyers, so they were kind of in a catch 22 with the program.

Mayor White asked Council Member Brown in what way did he say were they encouraging people to do that, in what way did he say they were dictating that, and Council Member Brown stated that by having no standards, no essential neighborhood amenities standards.

Council Member Khan stated that they always had to be careful that their DPC program was as objective as possible, otherwise when they said they had to do this to qualify they get into a situation and only favoring certain type of developers and certain income class people.

Council Member Wiseman stated that she received Mayor White's memo on the program and certainly was interested to hear the comments of Council Member Khan, but she did not believe there were any DPC's within her colleagues district, so she would like to enlighten him and others as to what they were facing, that she appreciated the support Council Member Brown and his interest as far as the development that was occurring; that what she had been able to gather was that the concerns that her colleague had raised was not an issue of who was building but what was being built, that he had expressed concern over the quality of the development and not who was developing the property; that as District Council Members who were having to grapple with it she thought the concerns were legitimate and thought they needed to fully address them and did not think they should be jumping in for the sake of development without looking at the quality of the development. Council Members Garcia, Alvarado and Berry absent.

Council Member Edwards stated that she would like to see a plan of what a development for low income housing would look like with amenities and the cost analysis of it, but she was still not sure if Public Works was the department to deal with what communities looked like, that if there was a process, plan or design it may have to be looked at in another department, that she did not know of too many developers who developed houses just to get part of the reimbursement. Council Member Berry absent.

Council Member Noriega stated that she was clear that this was not the place to have a discussion about anything besides sewer or utility kinds of things, that continuing to try to pile on other things onto the program was not appropriate because it was limited to leveling the playing field between the City and outside the City MUD Districts. Council Member Berry absent.

Mayor White stated that on the memo he sent, if they wanted to have pedestrian friendly environments, at the bottom of page 4 and top of page 5 there were some questions or comments that he posed to Council Members, and for AIA, Planning and for people who appeared at Council they took very seriously the specific suggestions and items and they needed to brainstorm them and cost them out and figure out whether it sounded like a good idea or had the unintended consequences and they were open for business for doing things differently, that if they assumed that they knew what a homebuilder, if it started from an erroneous impression that the reimbursement was condition on income level, the particular RCA did not even have the \$3,000 in it, or if they did it based upon the fact of an assumption that their homebuilders did not know how to build for their customers then they may be going the wrong direction, but they would consider anything at anytime to be specific. Council Member Berry absent.

Council Member Lawrence stated that she thought what they were basically saying was not telling the developer that they knew best, but saying if they were going to get builder participation at a certain amount of acres then these were things that they would like, maybe a certain percent of apartment or greenspace or certain things, that this was what they would like, that was reasonable and if they did not like the City's requirement then they would not get builder participation, that she thought Mr. Icken and Ms. Gafrick was working on that. Council Member Berry absent.

After further discussion by Council Members, Council Member Edwards stated that as the Chair of the Housing Committee, she would like next month's meeting be set up around this issue and have builders come in.

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. MOTION 2007-0789 ADOPTED.

Council Member Lovell stated that she wanted to recognize former Council Member Bert Keller who was present in the audience. Council Member Khan absent.

After further discussion, Council Member Wiseman called for the orders of the day, and Mayor White stated that Item No. 33 had been tagged. Council Member Edwards absent.

34. ORDINANCE approving and authorizing contract between the City of Houston and **BECK DISASTER RECOVERY, INC** for Disaster Management Recovery and Consulting Services for the Solid Waste Management Department - 5 Years with two one-year options – was presented, and tagged by Council Member Wiseman. Council Member Edwards absent.

**MATTERS HELD** - NUMBERS 39 through 48

42. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,234,567.92 and acceptance of work on contract with **SPAWGLASS CIVIL CONSTRUCTION, INC** for Construction of Safe Sidewalk Program 01 Project, WBS N-00646H-001-4 - 18.45% under the original contract amount - **DISTRICT H – GARCIA – (This was Item 4 on Agenda of July 11, 2007, TAGGED BY COUNCIL MEMBER GARCIA)** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Johnson and Holm absent on personal business. Council Member Edwards absent. MOTION 2007-0790 ADOPTED.
44. ORDINANCE approving and authorizing the use of \$659,482.85 in Community Development Block Grant (“CDBG”) Funds to reimburse the City’s CDBG Treasury Account due to an expenditure correction made by the City’s Public Works & Engineering Department – **(This was Item 19 on Agenda of July 11, 2007, TAGGED BY COUNCIL MEMBER HOLM)** – was presented. All voting aye. Nays none. Council Members Johnson and Holm absent on personal business. Council Member Edwards absent. ORDINANCE 2007-0850 ADOPTED.
45. ORDINANCE amending Ordinance 2006-1043 to increase the maximum contract amount of contracts between the City of Houston and **A-1 PERSONNEL OF HOUSTON, INC, ALSO TEMPS, INC, APPLE ONE TEXAS, INC, BERGAILA & ASSOCIATES, INC, ELITE COMPUTER CONSULTANTS, LP., ELITE PERSONNEL CONSULTANTS, INC d/b/a EVINS TEMPORARIES, EXECUTEAM STAFFING, L.P., and SILVER & ASSOCIATES, INC** for Temporary Employee Services and Information Technology Staffing Services - \$17,500,000.00 Central Service Revolving Fund – **(This was Item 20 on Agenda of July 11, 2007, TAGGED BY COUNCIL MEMBERS BROWN, HOLM, JOHNSON and LAWRENCE)** – was presented. All voting aye. Nays none. Council Members Johnson and Holm absent on personal business. Council Member Edwards absent. ORDINANCE 2007-0851 ADOPTED.
48. ORDINANCE appropriating \$358,276.18 out of Water & Sewer System Consolidated Construction Fund and \$378,000.00 out of Homeless and Housing Consolidated Fund; approving and authorizing Developer Participation Contract between the City of Houston and **INWOOD MONTGOMERY, L.P.** for Construction of Water, Sanitary Sewer and Storm Sewer Lines for the Inwood Park Subdivision, WBS S-000800-00M7-4, R-000800-00M7-4 & M-000800-00M7-4 **DISTRICT B - JOHNSON – (This was Item 32 on Agenda of July 11, 2007, TAGGED BY COUNCIL MEMBER GREEN)** – was presented. All voting aye.

Nays none. Council Members Johnson and Holm absent on personal business. Council Member Edwards absent. ORDINANCE 2007-0852 ADOPTED.

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

Council Member Clutterbuck stated that for the grand reopening of the Westbury Pool they had a wonderful party and she wanted to thank Mayor White and everyone who attended, that she wanted to thank former Council Member Mark Goldberg for his hard work in making the reopening come to fruition. Council Members Lawrence, Edwards, Wiseman, Khan and Garcia absent.

Council Member Clutterbuck stated she wanted to talk about the passage of their FOG Ordinance, the Fats, Oils and Grease Ordinance, that they received a letter from the Houston Apartment Association that had to do with the interpretation of the ordinance and the application on a number of facilities; that they all intended that the FOG Ordinance would require restaurants and car washes and a number of other places to have regular maintenance of their grease traps depending on their facility, but the Health Department had interpreted the definition of the word "interceptor" to cover apartment laundry room lint traps and had assessed permitting and fines on lint traps in laundry rooms, that she did not believe that was what the City Council intended for the FOG Ordinance to cover, that if the lint traps were causing problems in the sewers it was something that they needed to address; that in all the committee meetings that she attended she did not believe it was ever intended for the FOG Ordinance would interpret the word "interceptor" to apply to laundry room lint traps. Council Members Lawrence, Edwards, Wiseman, Khan, Garcia, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that she received word from Buzz Marvins, the official photographer for the City of Houston, and he brought it to her attention that the City of Houston Parks Department imposed a fee of \$150 per photographic sitting in any of the City owned parks, that she did not know if it was a new interpretation or a newly enforced fee structure, but thought it was the type of thing that they should go back and look at, that perhaps they should have an annual fee of maybe \$100 per photographer if they wanted to be able to have a permit to be able to photograph in the City owned parks. Council Members Lawrence, Wiseman, Khan, Garcia, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that he was visiting with Council Member Alvarado, that as of today, if representatives from Public Works had not responded, that either they would stop right now and then have a discussion about what was intended concerning apartment lint traps, or somebody would report back to him and Council Member Alvarado and explain why they should not do that; that there may be justified on the merits or it may not be justified on the merits, but none of them could remember the issue of the lint traps coming up and it ought to be a matter for public discussion, that they needed to know what the issue was before they start enforcing the item, so he would ask people to cease and desist or let him know if there was a good reason why they should not. Council Members Lawrence, Wiseman, Khan, Garcia, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Alvarado stated that she felt slighted on the issue because she was so involved in it and was surprised and disappointed to learn that the apartments would be affected because as much as they talked about apartments and multi family dwellings and residential dwellings it never came up; that they did facilitate a meeting with Andy Tees and Jeff Taylor and someone else from Public Works, that it was her request that they stop sending out any requests for permit fees or any kind of information related to that until they could come back to the table and resolve the issue, but she was disappointed to see that there was a whole area

that was now affected by it and that was never revealed. Council Members Lawrence, Wiseman, Garcia, Green and Berry absent.

Council Member Clutterbuck stated that it was interesting because there was a letter from Director Williams on City of Houston letterhead that was entitled "Notice to Establishments That Had Lint Traps", that there was a box on the form that was multi resident dwelling Laundromat, that she was glad that Council Member Alvarado recollection was the same as hers. Council Members Lawrence, Wiseman, Garcia, Green and Berry absent.

Council Member Clutterbuck stated that they were having a difficult sanitary sewer replacement or pipe bursting in the Southgate neighborhood, that it was extremely difficult to do the pipe bursting method in those neighborhoods because it involved hand digging in those small lots, that it was a common problem in a number of their neighborhoods, that in Southgate in particular they were having a number of overflow problems of sewage and it went back to whether or not they had qualified contractors working on those jobs; that they would implore Public Works officials who were monitoring the contracts of the necessity to have qualified individuals working there and sometimes it may require a problem serving person to address these matters. Council Members Lawrence, Wiseman, Garcia, Lovell, Green and Berry absent. (No Quorum Present)

Council Member Noriega stated that she wanted to congratulate the Westbury Community for the pool, that it was a phenomenal event. Council Members Lawrence, Wiseman, Garcia, Lovell, Green and Berry absent. (No Quorum Present)

Council Member Noriega stated that week of next she would be in the wilderness, that she was going to the Cascade Mountains with the American Leadership Forum. Council Members Lawrence, Wiseman, Garcia, Lovell, Green and Berry absent. (No Quorum Present)

Council Member Brown stated that he had distributed a copy of a PowerPoint Presentation to his colleagues, which would have been shown at yesterday's Council meeting by Ms. Teresa O'Donnell, who was Director of Planning and Development for the City of Dallas; that in 2004 the Dallas Morning News commissioned a report called "Dallas at the Dipping Point", that since then they had undertaken a comprehensive plan called "Forward Dallas" and briefly reviewed the document, a copy of which is in the City Secretary's office for review. Council Members Lawrence, Wiseman, Khan, Garcia, Lovell, Green and Berry absent. (No Quorum Present)

Council Member Alvarado stated that she wanted to congratulate Ms. Lilly Beth Andre, who was leaving the City, that she was the bikeway coordinator in the Department of Public Works and had done a wonderful job and really put Houston on the map in leading the Country in miles that they had of hike and bike trails, that she wanted to congratulate her on her new position at Rice University and thank her for all her hard work. Council Members Lawrence, Wiseman, Khan, Garcia, Lovell, Green and Berry absent. (No Quorum Present)

Council Member Edwards stated that she wanted to congratulate Ms. Beyonce Knowls, who had an extraordinary concert Saturday evening, but even more so she had tied her tours to the issue of hunger in America and they were collecting in all of the cities around the Country, where she was performing, food for the local food banks in the cities where she was performing; that she wanted to congratulate the Knowls family. Council Members Lawrence, Wiseman, Garcia, Alvarado, Green and Berry absent. (No Quorum Present)

Council Member Edwards stated that they had been trying to raise money to place a statute of Martin Luther King in the garden at Hermann Park and they had a matching grant from Bridgeway that they had to meet by the end of July and they had been successful in that

effort; that she had a sheet that represented people who had given \$10,000 and also people who had given fifty cents or two or five dollars, that it was amazing, that she appreciated the Hemann Park Conservancy who was going to take the stewardship of the statute and the maintenance, that they were still raising money so they could send their dollars, fifty cents or ten thousand dollars to the Hermann Park Conservancy; that the ribbon cutting ceremony would be in December, before she leaves office, so she was pleased about that. Council Members Lawrence, Wiseman, Garcia, Alvarado, Noriega, Green and Berry absent. (No Quorum Present)

Council Member Edwards stated that the National Night Out would be coming up next month and she was not sure if they had gotten any apartments involved in that as yet, that in District D they had some apartment complexes that had over 500 units, or families involved, that she was going to work on it if it was not against the rules of National Night Out. Council Members Lawrence, Wiseman, Garcia, Alvarado, Noriega, Green and Berry absent. (No Quorum Present)

Council Member Edwards stated that she was a recent resident of Sunnyside and had one of those affordable homes, modest income homes, and she had the opportunity after the additional lights had been put into Sunnyside, thanks to Mr. Fontaine and the Mayor's office and CenterPoint and it gave her a lot of pride to drive down those streets and see them lit up, that she could see where she was going and to know that people who were living on those streets in those small shotgun type houses could see in their backyards, so she wanted to thank Mayor White and the leadership of the Sunnyside Community. Council Members Lawrence, Wiseman, Garcia, Alvarado, Brown, Noriega, Green and Berry absent. (No Quorum Present)

Council Member Edwards stated that she wanted to recognize some young people in the audience from CDF Freedom School, who were present for a Social Action Day and asked that they stand and be recognized; that they were present with Ms. Joyce Woods, their teacher. Council Members Lawrence, Wiseman, Garcia, Alvarado, Brown, Noriega, Green and Berry absent. (No Quorum Present)

Council Member Lovell stated that she really appreciated their neighbors from the north coming to Houston to visit them, Ms. O'Donnell; that she wanted to say that Ms. Marlene Gafrick, head of the Planning Department, did a terrific job and they had been doing some very heavy lifting on some really important issues lately and Ms. Gafrick and her department had been extremely busy but they had been there to answer any of the Council Members questions and make sure that they all had what they needed, that she wanted to compliment Ms. Gafrick and her department on a fine job that they were doing. Council Members Lawrence, Wiseman, Garcia, Alvarado, Noriega, Green and Berry absent. (No Quorum Present)

Council Member Khan stated that he wanted to echo what Council Member Lovell stated that Ms. Gafrick, that their office bothered her more than anybody else but she always comes through and helps them out. Council Members Lawrence, Wiseman, Garcia, Alvarado, Noriega, Green and Berry absent. (No Quorum Present)

Council Member Khan stated that there was a very strong commitment by the Police Department to do community policing and they had been reaching out with the clergy all over the City, Ministers Against Crime; that in southwest Houston, the Gulfton area, there would be a kickoff event with Police Apartments and Clergy taskforce, PAC for short, this coming Saturday, that he would appreciate if some of his At-Large colleagues could join them, that it would be at the Napoleon Square Apartments from 3:00 p.m. to 7:00 p.m., that the important thing was that the clergy were getting involved with the Police Department to really make a difference in terms of getting a handle of crime, that it would be at 6100 Gulfton at Renwick. Council Members

Lawrence, Wiseman, Garcia, Alvarado, Noriega, Green and Berry absent. (No Quorum Present)

Council Member Khan stated that in the Gulfton area there was a concentration of apartments and every year they do National Night Out and Mayor White had been to many of them and seen how all different apartment communities come together and celebrate and he wanted to remind everybody that this year National Night Out would be on Tuesday, August 7, 2007; that Senior Officer Jessie Martinez was the one to contact for more information at 713-308-3200. Council Members Lawrence, Wiseman, Garcia, Alvarado, Noriega, Green and Berry absent. (No Quorum Present)

Council Member Brown stated that he wanted to compliment Mayor White for the payment for new infrastructure memo which he thought was really to the point; that there was a very interesting question about what the role of the City was, but facilitating large scale new residential and mixed used development, that certainly they would not want to do that on the backs of the taxpayers, but they did need to create additional revenue sources on a larger scale that were going to take the burden off of the backs of taxpayers, so the question then became to what extent did the City invest in facilitating these larger scale developments of which Houston had not had it's share, but it was coming. Council Members Lawrence, Wiseman, Garcia, Alvarado, Lovell, Noriega, Green and Berry absent. (No Quorum Present)

Council Member Brown stated that he got a memo and presented a photograph of an area, Beamer, near Beltway 8 in the City, that had experienced unusual flooding and the note from the affected property owner was that it used to flood when they had heavy rains for like thirty minutes, and now in the mind of the homeowner it was attributed to construction of a lot of apartments and impervious services in this part of the City, that water remained at these levels for more than four hours, and they could see what the neighborhood looked like, and that was highly unusual, and the Metro Park and Ride, which was in this area, was unable to dispose of the water and public transit was rendered useless on a Monday, the busiest day of the week, from the afternoon into the evening, that he just made the point about the coordination of infrastructure and he had talked at length about the need for coordinated planning and relating the development that happened in the City to adequate infrastructure and although this was an irate homeowner they did have to recognize that there was a connection between the kind and intensity of development that occurred in their City and their ability to provide the infrastructure to serve that development and to maintain their quality of life and it was better to plan for it in advance rather than have to come along later and in effect put a Band-Aid on the project, on the situation, that obviously was a more costly solution than anticipating the issue in the first place., that he was looking forward to their moving forward with a better approach to managing storm water in the City.

Council Member Edwards stated that she had a question about the document that Council Member Brown gave them and asked how did the fact that Dallas was a zoned City and had land use capability and had a City Manager, how did it play with that, and Council Member Brown stated that he could not answer about the City Manager but it was interesting about the zoning, they saw their antiquated zoning ordinance as an impediment to achieving the vision that was stated in that plan, so what that plan and vision triggered was that they were going to have to revise their ordinances, and Council Member Edwards stated that what she was asking was that a City Management city operated differently than a management by City Council and what was that impact and also the fact that they said that it was not a future zoning map and not a comprehensive plan map and it was not a map in the traditional sense, that she just wanted to meet with Council Member Brown because she thought some of the ideas were good but did not know if they could implement them if they did not have land use of mandate capabilities and that type of thing but she would like to discuss it because she thought it was a good plan.

Council Members Lawrence, Clutterbuck, Wiseman, Garcia, Alvarado, Noriega, Green and Berry absent. (No Quorum Present)

Mayor White stated that if people wanted to propose a magnitude of the property tax rate increases in Dallas over the last several years to subsidize a particular type of economic development he would like to have a fair debate over those increases in the property tax rate and who would pay them and what they would be used for. Council Members Lawrence, Clutterbuck, Wiseman, Garcia, Alvarado, Noriega, Green and Berry absent. (No Quorum Present)

There being no further business before Council, the City Council adjourned at 1:24 p.m. Council Members Lawrence, Johnson, Clutterbuck, Wiseman, Khan, Holm, Alvarado, Brown, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

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

MINUTES READ AND APPROVED

/S/Anna Russell

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Anna Russell, City Secretary