

City Council Chamber, City Hall, Tuesday, July 31, 2007

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, July 31, 2007, Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Ada Edwards, Addie Wiseman, M. J. Khan, P. E., Pam Holm, Adrian Garcia, Carol Alvarado, Peter Brown, Sue Lovell, Ronald C. Green and Michael Berry; Mr. Don Cheatham, Division Chief, General Counsel Division, Legal Department; Ms. Claudia Vasquez, Director Citizens Assistance; and Ms. Marty Stein, Agenda Director present. Council Members Anne Clutterbuck and Melissa Noriega out of the city.

At 2:01 p.m. Mayor White stated that presentations would begin with Council Member Lovell and City Controller Annise Parker; and Council Member Lovell stated that City Controller Parker had led the way in preservation and it was fitting she present the Proclamation; and City Controller Parker stated that she was not the one who got the ball over the goal line, but invited those with the Houston Archeological and Historical Commission to the podium and stated that the HAHC worked to preserve neighborhoods and made recommendations to Council; and presented them a Proclamation saluting and commending their work and proclaimed July 31, 2007 as "Houston Archeological and Historical Commission Day" in Houston, Texas. Council Members Lawrence, Wiseman, Alvarado, Brown and Berry absent.

Mayor White invited Mr. Buck Buchanan, Director of Solid Waste, to the podium and stated that Mr. Buchanan had one of the most important jobs in the community and after 25 years of service had chosen to begin his retirement and in recognition of his dedication and loyal service the City of Houston commended him and extended best wishes and proclaimed July 31, 2007, as "Buck Buchanan Day" in the City of Houston, Texas. Council Members Lawrence, Wiseman, Alvarado, Brown and Berry absent.

Council Members congratulated and thanked Mr. Buchanan for his hard work, leadership and dedication; and Mr. Buchanan stated that he was flattered and humbled by the comments and his success was 100% attributed to the dedication and teamwork of his department; and urged Council to support Mr. Harry Hayes, they finished one another's sentences and even wore the same size shoes so there should be no problems. Council Members Wiseman and Berry absent.

At 2:26 p. m. Council Member Alvarado invited Father Troy Gately of Sacred Heart Church to lead all in the prayer she led all in the pledge. Council Members Wiseman, Garcia and Berry absent.

At 2:28 p.m. Mayor White called the meeting to order and the City Secretary called the roll. Council Members Clutterbuck and Noriega out of the city. Council Members Wiseman and Garcia absent.

Council Members Khan and Lovell moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Members Clutterbuck and Noriega out of the city. Council Members Wiseman and Garcia absent. MOTION ADOPTED.

Council Member Holm stated that as a point of personal privilege she wanted to introduce a special guest, Hudson Holm, her grandson, visiting from Ft. Worth, Texas. Council Member Wiseman absent.

Council Member Johnson moved that the rules be suspended for the purpose of hearing Ms. Mae Sykes at the top of the speakers list, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Wiseman absent. MOTION 2007-0791 ADOPTED.

Council Member Lovell moved that the rules be suspended for the purpose of adding Ms. Betty Chapman, Ms. Sarah Gish and Ms. Jill Brooks to the speakers list, seconded by Council Member Khan. All voting aye. Nays none. Council Member Wiseman absent. MOTION 2007-0792 ADOPTED.

Council Member Garcia moved that the rules be suspended for the purpose of hearing Mr. Armando Bermudez after Mr. Gary Nguyen and Mr. Vernon Furlow after Mr. Rhett Eubanks, seconded by Council Member Johnson. All voting aye. Nays none. Council Member Wiseman absent. MOTION 2007-0793 ADOPTED.

Council Member Lawrence moved that the rules be suspended to hear Mr. John Esparza and Mr. Mike Stewart after Council Member Garcia's movement and Mr. Larry Wagelin at the top of the Non-Agenda speakers list, seconded by Council Member Khan. All voting aye. Nays none. Council Member Wiseman absent. MOTION 2007-0794 ADOPTED.

Council Member Khan stated that as a point of order, with the addition of speakers Council was now beyond the time limit and he would move to change each speakers time to one minute, seconded by Council Member Alvarado; Mayor White stated that as a sustained point of order there was a total of 147 minutes before the others were added and under Council Rules, so each person could speak, each speaker should be limited to one minute after a certain number of minutes; and he would sustain that point of order and each person would be allotted one minute. Council Members Wiseman and Berry absent.

At 2:33 p.m. the City Secretary began calling the public speakers. Council Members Wiseman and Berry absent.

Ms. Mae Sykes, 6719 Lake Mount Drive Houston, Texas 77050 (281-442-9888) appeared and stated that her concern was the lift station, they received a grant for Lyons but the lift station was still there and she wanted to know if it would be replaced before Obra Homes could build; that another concern was they were saturated with affordable/low income homes in District B and they wanted something to enhance the community and not decrease property values; that they had to open the sewer caps and let it run into the yard so it would not run into their homes. Council Members Wiseman and Berry absent.

Mayor White stated that he would ask Mr. Norman to get a report back on that and if he did not have enough detail he would like Ms. Sykes to speak with him at this time. Council Members Wiseman and Berry absent.

Council Member Johnson stated that he was glad she and others came today; that Council had discussed Development in District B and what she said hit home so well; and as they learned to strengthen development standards what she said about the lift station was important and he hoped Mr. Norman and Mr. Marcotte would be able to come back with an answer on that particular station. Council Members Holm, Wiseman and Berry absent.

Ms. Annise Parker, 901 Bagby, Houston, Texas 77002 (713-247-3098) appeared in favor of Agenda Item 12 and stated that she was present as a property owner in the Old Sixth Ward with more than a dozen units; that as Houston looked forward they could also remember their past and this was an opportunity to give a tool to a neighborhood who had asked over and over for the ability to preserve its unique historic character; and urged its passage. Council Members Johnson, Holm and Berry absent.

Mr. David Farrales, 2323 McCue, Houston, Texas 77056 (713-269-3234) appeared and stated that he was present to speak on the Old Sixth Ward District and asking for Council to

reconsider not abolishing the 90 day waiver; that the condition of the property they owned for 25 years was not economically feasible to rehab; and urged Council to reconsider abolishing the 90 day waiver. Council Members Johnson, Holm, Garcia, Green and Berry absent.

Upon questions by Mayor White, Mr. Farrales stated that he was familiar with guidelines involving rehab and new construction. Council Members Johnson, Holm, Garcia, Green and Berry absent.

Mr. Curtis Wilson, 2505 Washington Avenue, Houston, Texas 77007 (713-864-8099) appeared in support of Agenda Item 12, and stated that he represented the Avenue Community Development Corporation, an affordable housing development organization created by citizens of the Old Sixth Ward, originally the Old Sixth Ward CDC, and also represented others; that for about 13 years they were driven to preserve and develop affordable housing and focused on historical characteristics preservation; and urged passage of that item. Council Members Johnson, Holm, Wiseman, Green and Berry absent.

Mr. J. D. Bartell, 2214 Kane, Houston, Texas 77007 (281-748-4077) appeared in support of Agenda Item 12, and stated that he and his mother owned a home in the Old Sixth Ward and had been fighting for preservation; a battle which had been fought now for over 30 years; and urged support of the item. Council Members Johnson, Holm, Wiseman, Green and Berry absent.

Council Member Garcia thanked Mr. Bartell and others who had worked and put their money where their mouth was; that they put a transparent process in place and this was a great opportunity. Council Members Johnson, Holm, Wiseman, Green and Berry absent.

Ms. Betty Chapman, who was previously added to the speakers list, appeared and stated that she was pleased to present the report of the Houston Archaeological & Historical Commission, it was an extraordinary year for historic preservation and she thanked the Mayor and Council for supporting them along with Jewell Jewett and the staff of the Preservation Office and members of the Commission. Council Members Johnson, Holm, Wiseman, Green and Berry absent.

Council Member Lovell thanked all on the Commission for their service and Ms. Chapman for her leadership and guidance; that they had a long way to go and she looked forward to continuing in the preservation of this city's history. Council Members Holm, Wiseman, Green and Berry absent.

Mayor White asked Ms. Chapman to have those who had property with designations this year to stand to be recognized; and Ms. Chapman asked all who received a historic designation this year to stand to be recognized. Council Members Holm, Wiseman, Green and Berry absent.

Mr. Justin Despot, 1716 Lubbock, Houston, Texas 77007 (713-816-5263) appeared in support of Agenda Item 12, presented information and stated that he was a preservationist who owned three properties in the Old Sixth Ward and was present to extend appreciation to the Houston Archaeological and Historical Commission and to the Mayor's Office for their efforts and he did support the proposed guidelines with a few minor amendments, but did not support the sacrifice of the 90 day waiver, his interpretation was it would impose a taking of private property rights which was not the intention of the guidelines. Council Members Holm, Wiseman, Green and Berry absent.

Council Member Khan stated that he understood any house 50 years or over could be designated historical and that was a little concern to him; and upon questions, Mr. Despot stated that had been driven by the city and preservation group and he felt some conflict because he was a preservationist; that they had no open forum opportunity to indicate their opposition, they were afforded question cards and he asked for a legal precedent to go through this, but had no answer as yet. Council Members Holm, Wiseman and Berry absent.

Council Member Lovell stated there had been many town hall meetings where people could speak up, but this was totally self driven by the people who owned property and it was done on a majority issue, it was not driven by the city; and Mr. Despot stated that there was no official ballot; and Council Member Lovell stated that a petition had gone around and there had been many meetings so she had to disagree when he said there was no opportunity to disagree. Council Members Holm, Wiseman and Berry absent.

Council Member Lovell stated that on a point of personal privilege she wanted to introduce a group of young men from 11 to 18 years of age, Pro Vision, and asked they stand to be recognized. Council Members Holm, Wiseman and Berry absent.

Mayor White stated that what Mr. Despot objected to was if a structure met the historic criteria and was designated a historic structure he believed there should still be a process for notice of demolition and at the end of that 90 days, regardless of other provisions in the ordinance, someone should be free to demolish; and Mr. Despot stated he believed so because otherwise there were 27 points which must be met, according to the commission's suggestion, before you could tear down a house and he would like to continue his preservation efforts and to his estimate about 1/3 of the houses did not qualify as they had serious structure problems. Council Members Holm, Wiseman and Berry absent.

Council Member Garcia stated that he too wanted to make sure they were clear that there was a very methodical process which brought the ordinance to where they were today. He did not support it being any faster as he wanted it transparent, but if he had specific issues he knew they would hear them out and every citizen who filled out a card whether heard or not it was noted so they were heard; and Mr. Despot stated that a letter from Wilson, Cribbs and Goren dated October 20, 2005, directed to the Old Sixth Ward Redevelopment Authority specifically said land use control; and Mayor White stated that there was an exceptions procedure for things so structurally unsound; and Mr. Despot stated that he believed the objective was to protect and attract investment, etc., and what this did was scare away investors because of the cost to make a home livable. Council Members Holm, Wiseman, Lovell and Berry absent.

Ms. Larissa Lindsay, 1816 Kane, Houston, Texas 77007 (713-831-6526) appeared in support of Agenda Item 12, and stated that she was president of the Old Sixth Ward Neighborhood Association and was asking for Council's support of the historic neighborhood ordinance; that she pleaded two years ago for help in protecting the neighborhood and hoped it would slow demolitions, but it became clear without the proposed ordinance they would continue to be faced with demolition of historic homes and inappropriate development; and urged passage of the item, thanked all for their efforts in its passage and asked those present in support with her to stand to be recognized. Council Members Holm, Wiseman, Lovell and Berry absent.

Council Member Garcia thanked Ms. Lindsay for her being steadfast in the process; that he wanted to hear all issues and not be blinded by his own preference and believed this to be a good process. Council Members Holm, Wiseman, Lovell and Berry absent.

Council Member Edwards thanked all for their efforts; and upon questions, Ms. Lindsay stated that there were many meetings Council Member Garcia brought together besides the Sixth Ward Association and the Neighborhood Association and the Planning Director and Ms. Jewett brought together meetings, etc., and Council Member Edwards stated that she knew the discussion had been going on; and upon further questions, Ms. Lindsay stated that she thought all residents had a chance to be heard and they also had numerous petitions going through the neighborhood along with news letters. Council Members Holm, Wiseman, Lovell and Berry absent.

Council Member Johnson stated that on a point of personal privilege he wanted to introduce Project Houston Class, the civic leadership and student success five week internship; and asked them to stand to be recognized. Council Members Holm, Wiseman, Lovell and Berry absent.

Ms. Alice Valdez, 1900 Kane, Houston, Texas 77007 (832-865-6157) appeared in support of Agenda Item 12, and stated that she was the executive director of MECCA, a nonprofit arts education community cultural center and today's consideration of the proposal to create a historic district in the Old Sixth Ward was a culmination of many years of work; that their work in the process began over 30 years ago and to get to where they were today it took much work and patience. Council Members Holm and Berry absent.

Council Member Garcia thanked Ms. Valdez for being a part of the process; and Mayor White stated that he thought they would be with her. Council Members Holm and Berry absent.

Mr. Barry Norman, 1518 Washington Avenue, Houston, Texas 77007 (713-542-4760) appeared and stated that he owned property in the Sixth Ward and was present to speak for himself and a large block of property owners who opposed the new historic preservation ordinance, it was inconsistent with what he bought with his property and they had citywide financial implications and was tantamount to a government taking by eliminating the 90 day waiver. Council Members Holm and Berry absent.

Upon questions by Council Member Lawrence, Mr. Norman stated that he lived in an apartment and was trying to build their residence on Lubbock; that what bothered him most was the elimination of the 90 day waiver. Council Members Holm and Berry absent.

Mr. Larry Wangelin, 2510 Southwick, Houston, Texas 77080 (713-933-9430) appeared and stated that he came before Council 4-1/2 years ago with flooding issues in their area and was impressed the city came out in two weeks and opened outflow pipes, but unfortunately on May 10th they were inundated with ankle deep water in their house. Council Members Holm and Berry absent.

Council Member Lawrence stated that after their town hall meeting with Harris County Flood Control and Public Works she talked to Mr. Art Kidder and they would take a camera and look at all the infrastructure of all streets; that she also reconfirmed what Mr. Clay Haines had told them about studying it from three to six months and she called Commissioner Eversall and he would get back with her tomorrow regarding the ditch; that their president was getting all addresses for them and she would call him tomorrow after she spoke with Commissioner Eversall. Council Members Holm, Alvarado and Berry absent.

Mayor White thanked Council Member Lawrence for her attention to detail and the Public Works Department for doing so as well; and with Council Member Lawrence dealing directly with the County Commissioners on this was a model of how elected officials could do good in making sure they were coordinating. Council Members Holm, Alvarado and Berry absent.

Mr. Mike Stewart, 900 Congress, #200, Austin, Texas 78701 appeared and stated that he was president of the Texas Arrogate Concrete Association present on a matter of great importance to the Associated Arrogates Cement and Concrete Industries and thanked Council Member Garcia and his staff for their willingness to work with them, it was dealing with truck definitions, they had concerns with the ordinance with the first being input, their industry and the regulated trucking industry had no input; that the impact would be tremendous, it would be adverse to the industry which helped to build the city and lastly an Industry Advisory Committee would be in order for a period of time. Council Members Holm, Alvarado and Berry absent.

Council Member Garcia thanked Mr. Stewart for coming and visiting with him and he appreciated the manner in which he participated and they would work through the issues. Council Members Lawrence, Holm, Alvarado and Berry absent.

Mr. John Esparza, 700 E. 11th, Houston, Texas 78701 (512-478-2541) appeared on Item 56 and stated that he was president and chief executive officer of the Texas Motor transportation Association representing 45,000 trucking companies in the state and more than 3/4 of a million registered trucks within the state; that he offered his gratitude for being able to work with Council Member Garcia and talk to a number of Council Members yesterday on the issue of trucks and the damage of streets; and they were asking for six months to look at the issue and come up with solutions. Council Members Lawrence, Holm, Alvarado and Berry absent.

Council Member Garcia thanked Mr. Esparza and the members of TMTA who were willing to visit with him on the issue and he heard promise in their discussions, they would work through it; that he did commit his time to them and to a stakeholder advisory group which could look through this; that they would be part of the process. Council Members Lawrence, Holm, Alvarado and Berry absent.

Council Member Khan thanked Mr. Esparza for visiting with him also and he wanted to say how hard Council Member Garcia had worked on this and it was only fair to allow input to be a part of the process and he would like to hear what Mayor White had to say; and Mayor White stated that on this issue he did welcome participation of Council Members; that the business of making law required a lot of care and work as they say in the Old Sixth Ward and Council Member Garcia said he was willing; that there needed to be safety to roads with minimum damage and he would say for all to be patient with one another and his advise to Mr. Esparza and his colleagues would be to be as specific as possible; and as a reminder sometimes they needed to make sure the operating plans were in place before ordinances went into effect as it took personnel and training. Council Members Holm, Alvarado and Berry absent.

Upon questions by Council Member Edwards, Mr. Esparza stated that TMTA was the Texas Motor Transportation Association representing the trucking industry; that the first he heard of the ordinance was approximately 2-1/2 weeks ago when a driver saw a report and advised them; that he was located in Austin and they had a lobbyist in Austin; and Council Member Edwards stated that she would encourage him to try and work with Chairman Garcia; that citizens were being hit hard as a result of overloaded trucks and they talked about this in committee for months and she was surprised they just heard of it. Council Members Johnson, Holm, Alvarado and Berry absent.

Ms. Margaret Hogan, 2315 Union, Houston, Texas 77007 (832-208-9085) appeared on Agenda Item 12 and stated that she owned property in the Old Sixth Ward historic neighborhood, it had been in her family five generations and she lost 4 sells, she was surrounded by commercial property and adjacent to Sawyer; that the house was over 100 years

old and 1,100 square feet; that she would like to know if some could be exempt, why did it have to affect all of them. Council Members Johnson, Edwards, Holm, Alvarado, Brown and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that one of the first questions she raised was if there was anything which would prevent someone from selling their property and the answer was no; and if there was a procedure for exceptions with a historical designation and if it was structurally unsound and the answer was yes and exceptions procedure was spelled out in the ordinance; that he remembered the two of them speaking at a town hall meeting and she had other property; and Ms. Hogan stated she had undeveloped land on Sawyer and adjacent to the old house, it was considered commercial property when she paid taxes, but the house was homestead; and Mayor White stated that she could sell, they wanted to provide incentive for buyers and if something was falling apart there was an exceptions procedure and he would ask Ms. Jewett to go through it with her. Council Members Johnson, Edwards, Holm, Alvarado, Brown and Berry absent. (NO QUORUM PRESENT)

Mr. Michael Halpin, 1919 Smith, Houston, Texas 77002 (713-655-0050) appeared in support of Agenda Item 12, presented a letter to Council Members and stated that he was with the Office of Congresswoman Sheila Jackson Lee and she supported the Old Sixth Ward preservation ordinance as it insured inhabitation of the area with the neighborhood continuing to be a model for architectural preservation still allowing for new development. Council Members Johnson, Edwards, Holm, Alvarado, Brown and Berry absent. (NO QUORUM PRESENT)

Ms. Ramona Davis, 712 Main #111 – #110, Houston, Texas 77002 (713-216-5000) appeared in support of Agenda Item 12 and stated that she was executive director of the Greater Houston Preservation Alliance and was supporting the protected landmark status for the Old Sixth Ward; that they had watched the process of those living there clamoring for their neighborhood and they thoroughly supported it as it was a long time coming. Council Members Johnson, Edwards, Holm, Alvarado, Brown and Berry absent. (NO QUORUM PRESENT)

Ms. Jane Cahill, 211 Lubbock, Houston, Texas 77007 (832-721-9080) appeared in support of Agenda Item 12 and stated that she owned four properties and lived in the Old Sixth Ward and was asking that Council approve the proposed ordinance and design guidelines and to also condition their approval on an understanding of the demolition by neglect provision which would bring enforcement and review of complaints to the Houston Archeological and Historical Commission instead of to the Building and Standards Commission; and today she brought letters of community support from the Houston Builders Association, Heritage Society, etc. Council Members Edwards, Holm, Alvarado, Brown and Berry absent.

Upon questions by Mayor White, Ms. Cahill stated that there was a demolition by neglect provision in the proposed ordinance amendments and their proposal was that the complaints go for review to the Houston Archeological and Historical Commission instead of to the Building and Standards Commission and that was because the HHC was an expertise body whereas the Building and Standards Commission did not have members of such expertise; and Mayor White stated that sounded reasonable and unless someone publicly changed his mind and he said why they would handle it in the manner she recommended. Council Members Edwards, Holm, Alvarado, Brown and Berry absent.

Council Member Garcia thanked Ms. Cahill for all their work and he knew at times they were not happy with him, but at the end he wanted to demonstrate they were fair and impartial and that all were heard; and upon questions, Ms. Cahill stated that she had worked on this 10 years and the community worked over 30 years for this. Council Members Edwards, Holm, Brown and Berry absent.

Mr. Gary Nguyen, 707 Henderson, Houston, Texas 77007 (713-478-1023) appeared and stated that he lived in Sixth Ward after coming to this country 30 years ago and worked to obtain what he had and his freedom of choice was about to be revoked by the preservationist who wanted to control his way of life by imposing unfair government regulations, what was right for one was not necessarily right for all; that eliminating the 90 day waiver would limit opportunity for their way of life today. Council Members Holm, Brown and Berry absent.

Upon questions by Council Member Khan, Mr. Nguyen stated that he paid his mortgage and property tax and he liked the rights to do what he wanted, to prove economic hardship he had to go through much criteria to meet that hardship and he was losing much opportunity to sell his property at the price he could get by the rules being imposed and many times it was cheaper to build a new home rather than restore an old home. Council Members Holm, Brown and Berry absent.

Upon questions by Mayor White, Mr. Nguyen stated that he had three lots 2105 Kane, 715 Henderson and 2102 Lubbock and he lived at 2102 Lubbock and the house was in bad shape, the electrical system was old and the breakers were hard to find; that to make his house livable it was \$50,000 and to make it functional for today's standards it would be \$300,000 to \$400,000; and he paid \$250,000 for the three properties with one being a vacant lot and the new rule concerned him as he may want to sell for his children's education or retirement; and Mayor White said people here and in other cities have seen their restored property go up in value. Council Members Holm, Alvarado, Brown, Green and Berry absent.

Upon questions by Council Member Edwards, Mr. Nguyen stated that he bought his property 10 years ago; and Council Member Edwards stated that this process came to city leaders from the community itself and driven by a petition process and she understood his position, but to buy a house over 100 years old she would know there would be problems, but there should also be benefits and suggested he work with the historic preservation community and see if they could help him find an investor who would not be turned away by the restrictions. Mayor White, Council Members Lawrence, Johnson, Holm, Alvarado, Brown, Green and Berry absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Council Member Garcia stated that he did not hear him saying his property value was diminished; and Mr. Nguyen stated the value had been going up because of what was going on; and Council Member Garcia stated that he was benefiting from it and they would try and help him work through his plans and see how to help him move forward. Mayor White, Council Members Lawrence, Johnson, Holm, Alvarado, Brown, Green and Berry absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that she had a list of 5 or 6 organizations and she would be happy to share it with him to see if he would get relief by participating in one of their programs. Mayor White, Council Members Lawrence, Johnson, Holm, Alvarado, Brown, Green and Berry absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Ms. Sara Gish, who was previously added to the speakers list, appeared, presented information to Council Members and stated that she was founder of Save Our Landmarks and speaking to Agenda Item 13; that her packets presented contained letters from concerned citizens and community leaders about the landmark designation of the two historic sites and she wanted to emphasize 3 points to each, the River Oaks Theater was doing very well financially; she was particularly concerned with the theater's fate as a neighborhood movie theater since it was the only operating historic theater left in Houston; and the theater was not for sell by

Weingarten. Mayor White, Council Members Lawrence, Johnson, Holm, Alvarado, Brown, Green and Berry absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Ms. Jill Brooks, who was previously added to the speakers list, appeared and stated that she was with the Daughters of the American Revolution and the March/April issue of the DAR Magazine American Spirit had an article covering marquee preservation, reviving American historic theaters, and it stated that in 2001 the national trust for historic preservation names the historic movie theater as one of its 11 most endangered places in the United States and the July/August issue highlighted Houston's struggle to preserve the iconic symbols of American culture and stated that destruction of the River Oaks shopping center and theater and the Alabama shopping center and theater would be a gross injustice. Mayor White, Council Members Lawrence, Johnson, Holm, Alvarado, Green and Berry absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Mr. Armando Bermudez, 405 James, 77009 (713-229-8204) appeared and stated that he was present on behalf of the near Northside, he was president of the Near Northside Bond Organization and he received complaints in the area; that on Patton there was a truck terminal which destroyed their streets and 18 wheelers tried to take short cuts and fell in ditches and they needed to be escorted or something. Mayor White, Council Members Lawrence, Johnson, Holm, Alvarado and Berry absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Council Member Garcia stated that obviously they felt pressures which happened on a day to day basis and he wanted to be part of the process in coming up with something fair and equitable for the neighborhoods and the industry. Mayor White, Council Members Lawrence, Johnson, Holm, Alvarado and Berry absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Mr. Steve Davis, 1000 Wallisville, Houston, Texas 77013 (713-254-8681) appeared and stated that he was corporate director of Safety and Security for W W Rolling Trucking Company and chairman of the Texas Motor Transportation Association, Houston chapter and current Houston Council Safety Professional Board Member and he was present to discuss the proposed truck permit ordinance, Agenda Item 56, proposed by Council Member Garcia; that he applauded his career and things he accomplished, but he could not condone or support the proposal and respectfully requested it be flagged and ultimately be redesigned and utilize the Texas Motor Transportation Association and or the Houston Council Safety Professionals as a resource when considering ordinances which had direct or indirect on the trucking industry. Mayor White, Council Members Lawrence, Johnson, Holm, Alvarado and Berry absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Council Member Brown stated that on some streets there were signs "No thru Trucks" and he had questions, how was it enforced and what criteria did they use to say there should be no trucks; and Mr. Cheatham stated that it would be enforced by HPD when observing a truck passing through and because the streets were not built for the heavy traffic. Mayor White, Council Members Lawrence, Johnson, Holm, Alvarado and Berry absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Council Member Garcia stated that as per his previous comments they would work through this issue together and he appreciated him being a part of the process. Mayor White, Council Members Lawrence, Johnson, Holm, Alvarado, Green and Berry absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that her biggest charge was the streets being torn up; and upon questions, Mr. Davis stated it was a good question and it was improper design which led to this, they needed bigger streets; and Council Member Edwards stated someone needed to pay for it, would it be them; and Mr. Davis stated that in all fairness he believed the trucking industry by in large was one of the most heavily taxed industries and much of it was passed to the city level. Mayor White, Council Members Lawrence, Johnson, Holm, Alvarado, Green and Berry absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Council Member Khan stated that he wanted to remind all that speakers had one minute and Council Members as a whole had one minute to ask questions and make comments. Mayor White, Council Members Lawrence, Johnson, Holm, Alvarado, Green and Berry absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Ms. Marcia Faschingbauer, 533 Gulf Freeway, Houston, Texas 77025 (713-921-7700) appeared and stated that she was president of Excargo Services and in the trucking business 30 years and was present to urge reconsideration of the trucking permit ordinance, Agenda Item 56, it was certainly about not being included and she would remind them that she stood before them as a member of TMTA in 2006 to introduce herself and to say they needed to have an olive branch and dialogue and this blindsided them. Mayor White, Council Members Lawrence, Johnson, Holm, Alvarado, Green and Berry absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Council Member Garcia stated that he would work above board and continue working with them through the process. Mayor White, Council Members Lawrence, Johnson, Holm, Alvarado, Green and Berry absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Ms. Diane Lipton, 550 Gulf Gate Center, Houston, Texas 77087 (281-455-8203) appeared, presented letters to Council Members and stated that she was president of the Houston Eastend Chamber of Commerce and had 500 businesses working hard to revitalize Houston's oldest community; that the Port of Houston was the economic engine of the Eastend along with the industries which supported it and many of which were in transportation; that the Port of Houston Authority and public had invested millions to build a world class port and infrastructure and the proposed ordinance, Article VII had the potential to generate negative economic impact which would jeopardize what took years of money to develop; and urged delaying a vote on the ordinance and work with the transportation industry to create another way to resolve damaged streets and intersections, truckers wanted good roads more than anyone because it did impact them and their profit potential. Mayor White, Council Members Lawrence, Johnson, Holm, Alvarado, Green and Berry absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Mr. Paul Guthrie, P. O. Box 1020, Victoria, Texas 77902 (361-573-9145) appeared and stated that he was president with Texas Concrete Company in Victoria, Texas, and present regarding the truck permit issue; that yesterday his office E-mailed to the Mayor and Council Members a letter with their concerns; that they manufactured pre-stressed concrete beams used primarily on highway projects and for the City of Houston and one main concern was HB 2090 passed by the Legislature tripled permit fees for moving overweight, over length loads and they grandfathered all contracts issued prior to the effective date, but there was one job that would cost the city another \$45,000. Mayor White, Council Members Lawrence, Johnson, Holm, Alvarado, Green and Berry absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Council Member Garcia thanked Mr. Guthrie for his letter and for being very precise, they were all valid and he would respond to them; that their intent was to make this as customer friendly as possible and they could apply over the phone, fax or internet and that as much duplicity be reduced in the permitting process they currently went through; that they would continue to use law enforcement to escort their loads and in fact built into the program was training for all law enforcement even outside the region so they would understand this city better and do a better job moving their loads; and he would love for him to be a part of the process. Mayor White, Council Members Lawrence, Johnson, Holm, Alvarado, Green and Berry absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Ms. Alicia Garcia, 1203 Thompson, Houston, Texas 77007 (713-283-4543) appeared and stated that she was present to speak in support of truck permits because she lived in the westend and it was highly developed and they had seen serious accidents because of a truck being lost and would like the community and state being safer. Mayor White, Council Members Lawrence, Johnson, Holm, Alvarado, Green and Berry absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Council Member Garcia stated that she lived in a neighborhood which he received a lot of calls from as they lived near a freight yard and this was in an effort to bring equal and fair rules for all and allow the neighborhood and industry to coexist; and he would ask her to be a part of the process as well. Mayor White, Council Members Lawrence, Johnson, Holm, Alvarado, Green and Berry absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Mr. Mauris Mattern, 5521 Harvey Wilson, Houston, Texas 77020 (713-676-1111) appeared and stated that he had been in the trucking business in Houston almost 40 years and started Jetco Delivery about 31 years ago; that customers frequently asked them to move oversize or overweight loads and the process of obtaining permits from the TxDOT was lengthy and his concern was duplication of the process would only extend that time of getting permits. Mayor White, Council Members Lawrence, Johnson, Wiseman, Holm, Alvarado, Green and Berry absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Council Member Garcia stated that he heard about dealing with TxDOT 1,000 times and it had sensitized him a great deal and they would make sure timeliness was at the top of the performance; that they had performance review to see how they were doing and they would try to reduce duplicity; and they were looking at good models and they would all be working through this. Mayor White, Council Members Lawrence, Johnson, Wiseman, Holm, Alvarado, Green and Berry absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Mr. Vernon Furlow, 15730 Beaumont Hwy., Houston, Texas 77049 (281-456-0101) appeared and stated that he sent to everyone yesterday concerns and he hoped the city would consider them before passing the ordinance. Mayor White, Council Members Lawrence, Johnson, Wiseman, Holm, Alvarado, Green and Berry absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Council Member Garcia stated that he appreciated his commentary and attitude and he looked forward to working with him. Mayor White, Council Members Lawrence, Johnson, Wiseman, Holm, Alvarado, Green and Berry absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Mr. Rhett Eubanks, P. O. Box 262523, Houston, Texas 77207-2523 appeared and stated that he was vice president for Cannonball, Trucking Inc., and on the steering committee of The Texas Motor Transportation Association and it seemed there were two problems, trucks going where they should not and damage to city streets and they were both important but he felt the

solution would be two separate solutions, one being enforcement and the other was everything caused street damage including weather and they needed to investigate to see what had the least harmful impact on the City of Houston. Mayor White, Council Members Lawrence, Johnson, Wiseman, Holm, Alvarado, Green and Berry absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Council Member Brown stated that he was not sure if the city had a master plan for truck routes but if not they should; and upon questions, Mr. Eubanks stated that they would need to limit heavy traffic on streets not built for it; that they got wear and tear over a period of time and they were only asking for a stakeholders group with could involve TMTA, himself and other leaders in the trucking industry to address the problem and not drive industry out of the city; and Council Member Brown stated that Harris County created a road and bridge tax for this very purpose so the administrative apparatus was already there; and Mr. Eubanks stated that collecting the fees was the least of his concerns; that TxDOT issued 74,000 permits last year and of those they originated in or destined in Houston and that was 6,000 permits a month; and Council Member Garcia stated he pledged to delay this and get the stakeholder group together and they could work it out properly. Mayor White, Council Members Lawrence, Johnson, Wiseman, Holm, Alvarado, Green and Berry absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Council Member Garcia thanked Mr. Eubanks for coming and continually being involved and they had paid tremendous attention to detail; and urged he continue being involved. Mayor White, Council Members Lawrence, Johnson, Wiseman, Holm, Alvarado, Green and Berry absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that to all who came today, especially those in the industry, she would like to encourage them to go to committee meetings so the broader Council could hear their concerns and recommendations. Mayor White, Council Members Lawrence, Johnson, Wiseman, Holm, Alvarado, Lovell, Green and Berry absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Ms. Jean Wilkins-Dember, MHS02612 Rosewood, Houston, Texas 77004 (713-942-0533) appeared and stated that the African's United For Sanity Now opposed police killings, racial violence, mind altering drugs and electric shock and urged testing for police with the racism caution test; that the National Association for Black Psychologist was in Houston this week and would present them an award Friday; and she would ask such issues be paid great attention to. Mayor White, Council Members Lawrence, Johnson, Wiseman, Holm, Alvarado, Lovell, Green and Berry absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Council Member Garcia stated that maybe two weeks ago they had been in discussion for a strategic plan to try and keep law enforcement from being the frontline response to the issue, it was not fair to the officers or patients so much creative thought was being given to this in collaboration with the Mental Health and Mental Retardation Association on this. Mayor White, Council Members Lawrence, Johnson, Wiseman, Holm, Alvarado, Green and Berry absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that today there was a killing of another young person mentally challenged by an officer responding; that the issue of whether they were going to invest public dollars into mental health was a question needing to be decided not only on a city level but also at a state and county and federal level; that the other point she asked the Mayor to look into, sometimes at meetings, such as this, they saw people they knew needed help and there should be a referral process which did not have to wait for someone to get to the point of having police come down; and the issue of putting money into any type of health was something

citizens needed to demand; and Ms. Dember stated that they were advocating that type of intervention, creating a more respectful and humane society, and the homeless could be helped too; that it was hard to be sane when homeless. Mayor White, Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Alvarado, Green and Berry absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Mr. Roberto Gonzales, 504 Normandy, PMB 276, Houston, Texas 77015 (713-451-6523) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Alvarado, Green and Berry absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Ms. Deborah Larry, 2911 Rosewood, Houston, Texas 77004 (713-391-9018) – Centerpoint Energy had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Alvarado, Green and Berry absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Ms. Patricia Ayers, 3807 Sailfish Lane, LaPorte, Texas 77571 (281-470-8445) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Alvarado, Green and Berry absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Mr. Sammie Pena, 7134 Myrtle, Houston, Texas 77087 (713-926-0556) appeared and stated that he was involved in an accident in June and the officer was not very fair; that he had two witnessed there and when the officer came the witness said she saw the whole accident and wanted to give a statement and his response was it was all under control and she could go about her business. Mayor White, Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Alvarado, Green and Berry absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Council Member Lovell stated that she would like Mr. Pena to complete his statement if a few sentences and then wanted a personal privilege to move up Ms. Fran Damon to speak behind Mr. Pena. Mayor White, Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Alvarado, Green and Berry absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Mr. Pena stated that the officer told the witness to get in her car and leave as it blocked traffic and he did not think that was a practice for witnesses, having a witness whether it be a rape, kidnapping or killing a witness was a witness and now he was being sued by the lady in the accident; and Council Member Khan stated that an officer was in the chamber now and would speak with him. Mayor White, Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Alvarado, Green and Berry absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Ms. Fran Damon, 9918 Boone Road, Houston, Texas 77099 (281-933-8865) appeared and stated that she was present as a representative of Richmond Road Estate Subdivision as they had a problem of illegal dumping in the neighborhood which started when Republic Waste had their contract; that they parked dumpsters in the neighborhood 24/7 and ground dumping became a huge problem; that they no longer had the contract but the ground dumping still went on and they tried working with 311 and their Council Member, but they were getting no where and they needed barricades and signs to prevent this, they were having problems with rodents, maggots and stench. Mayor White, Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Alvarado, Green and Berry absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Council Member Khan stated that his office received many concerns on this issue and were working with Neighborhood Protection who made several visits there; and they asked that the department consider surveillance cameras, etc., for the area; that today Mr. Norris Davis was present and would visit with her, but they were working to get it cleaned. Mayor White, Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Alvarado, Green and Berry absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that regarding Mr. Pena she would like someone to give her information on the process of HPD for witnesses; and Council Member Khan stated that they would request the Administration to provide answers to Council Member Edwards. Mayor White, Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Alvarado, Green and Berry absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Ms. Christine Jelivette, 12909 Joliet, Houston, Texas 77015 (832-689-8131) appeared and stated that she encountered a situation along 59, three vehicles, her being one, were on 59 and the officer pulled her over; that the lady to her left was White and after being pulled over she looked and there were two other officer, three officers and they should have all been pulled over but she was singled out; that she went to court and appealed it and was told something different from two people at the courts; that it was not just to single her out when there were others, the other lady was White and all three officers were White. Mayor White, Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Alvarado, Green and Berry absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Ms. Jelivette stated that the others were not stopped, she was ticketed for speeding, she did not see any radar guns, she was ticketed for speeding; that she was not familiar with IAD; and upon questions, Mr. Cheatham stated that she should report it to the Police Department and see if IAD would look into it; and upon further questions by Council Member Edwards, Ms. Jelivette stated that this was two years ago; and Council Member Edwards stated that was a long time, but she did not know if it was too long, she may have lost her chance to appeal it; and Ms. Jelivette stated that she appealed it through the municipal court; and Council Member Edwards stated that if she did not know how to get in touch with Internal Affairs her office would assist. Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Alvarado, Green and Berry absent. (NO QUORUM PRESENT)

Mr. John Johnson, 1476 Wilcrest, Houston, Texas 77042 (832-453-1900) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Alvarado, Green and Berry absent. (NO QUORUM PRESENT)

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

Mr. Rufus Brown, WN, 906 Marcolin, Houston, Texas 77088 (281-570-5898) appeared and stated that Council Member Johnson was absent and he wanted people in the district to know he did not listen to his constituents; that he had a problem and was asking the Mayor to make the CDC's work like they were supposed to. Council Members Lawrence, Johnson, Holm, Garcia, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Mr. Brown stated that he wanted the CDC's eliminated or to work the way they were intended, not to take economic power away from the

community. Council Members Lawrence, Johnson, Holm, Garcia, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Dell York, 8855 Gulf Freeway, Houston, Texas 77017 (832-439-4135) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Johnson, Holm, Garcia, Alvarado, Green and Berry absent. (NO QUORUM PRESENT)

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

Mr. Sparky Nolan, 5007 Maple Brook Lane, Humble, Texas 77345 (832-633-6332) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Johnson, Holm, Garcia, Alvarado, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Lashawn Brown, 7050 Inwood Park, Houston, Texas 77088 (281-260-8480) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Alvarado, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Kimberly Preadom, 2906 Arbor, Houston, Texas 77004 (713-522-0064) appeared, presented information and stated that she was a teacher in Ft. Bend ISD and prior worked as a municipal employee for the City of Houston, during her tenure she partook in the Plan B Pension option and today her appeal was to review the guidelines which stipulated Plan B employees and allow them to negotiate a settlement so her municipal pension would not be held up, she wanted opportunity to negotiate and have hers transferred to her current pension board. Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Alvarado, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that Council Member Holm was chairperson of the Pension Committee and she would share her letter with her. Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Alvarado, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White stated to Ms. Stein that he would like Mr. Mason to also get the information, to see if there was a way with suitable protections by the individual employee; that his philosophy was to give employees and former employees more options rather than less; and she should meet with Ms. Vasquez and to Ms. Vasquez he would like to say if people wanted to surrender or buy out on terms beneficial to the pension fund, if there was a win/win it did have some appeal and Mr. Mason was exploring ways for more choice, more options; and if she could get a report from Mr. Mason; that he did not want to gamble with the pension fund and to Mr. Mason they may need to come up with formulas and be their numbers and not the pension boards. Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Alvarado, Green and Berry absent. (NO QUORUM PRESENT)

Mr. David Garza, 10607 Hat, Houston, Texas 77099, (281-793-8247) appeared and stated that he was a resident in the Huntington Village Subdivision in southwest Houston and he was addressing variance to Ordinance 42-135 and 42-128, the variance request was not to extend Hat Street to the south with a turnaround; that residents wanted no extension or turnaround as it would devastate the tranquility of their single family homes; that the extension would take Hat Street to West Belfort and currently West Belfort connected to Dairy Ashford both of which were

major thoroughfares and the short distance did not warrant the shortcut. Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Alvarado, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Khan stated that this was an issue which brought a lot of concerns to neighbors in that area; that apparently a commercial development was asking for the variance and this was a family oriented neighborhood with children in the street all the time and no through traffic, but if the variance went through it would cause a lot of cut through traffic and put them in jeopardy and he was supporting those in the neighborhood and requested the Mayor have a look at it. Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Minor Payne III, 11503 Fawngrove, Houston, Texas 77048 (281-788-8612) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Geoffrey Castro, 711 Thistlewood, Houston, Texas 77079 (713 703-3716) appeared, presented information and stated that he was director of a local, nonprofit environmental organization called CLEAN and for the past six years had worked to educate the public on environmental issues so they could make informed decisions on how to protect their health; that they were working diligently on the proposed fast tracking of coal burning power plants in Texas; that they felt the city was making strides in monitoring toxic air pollution and protect health of Houstonians and invited the Mayor and Council to attend a press conference to be held Friday, August 3rd where they would submit a petition to EPA officials calling for better monitoring of known carcinogens in the Manchester Community. Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Brown thanked Mr. Castro for all CLEAN did; and upon his questions, Mr. Castro stated that they more than welcomed Council to participate at the press conference, it would be great to have their support and for them to sign their petition. Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Juan Parras, 4266 Rusk, Houston, Texas 77023 (713-926-8895) appeared and stated that he was present also representing CLEAN, Citizens League for Environmental Action Now, and last week Ms. Hilary Clinton had the first Environmental Justice Hearing at the Senate and she said there was a history of injustice throughout the country and suggested the City of Houston come up with a good strong ordinance on environmental justice rules and regulations or to start a committee to study those injustices in Houston. Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that it citizens such as him were needed to get the whole environment in Houston cleaned up and there was a committee dealing with such issues and it was headed by Council Member Alvarado and she encouraged him to get that schedule and make a presentation. Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Ms Rosalie Guerrero, 3100 Richmond, Houston, Texas 77027 (713-526-0110) appeared and stated that in Manchester there were coughing spells, nose bleeds and burning odors and many ignored it because they could not afford to move anywhere else; that towering smoke stacks towered the Houston Ship Channel and then cancers started appearing and in 2003 a six

year old boy came down with Leukemia; that she was representing Mothers For Clean Air and this was a national issue. Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Mr. V. F. Bennett, 101 Crawford, Houston, Texas 77002 (713-320-3234) appeared and stated that in schools today most classes had five students with breathing problems and the money the city spent on health care because of bad air was tremendous; that they needed people like the Mayor to stand up and speak out on such, just his voice would make a difference in the improvement of air. Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that he could assure him he was doing that every single day, but he did try to identify; that the air was pretty clean, but it was not clean enough, there was about 12 substances which occurred in excessive concentration; that the air was cleaner now than 30 years ago, but they did need to be very specific on what they wanted in cleaning the air and then hold people accountable and he was with them. Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Joshua Bullard, 3328 McGowen, Houston, Texas 77004 (281-236-7518) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Mark Smith, 620 W. 19th, Houston, Texas 77008 (713-867-5998) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Charlie Jones, 4307 South Acres Drive, Houston, Texas 77047 (713-734-0772) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Alvarado, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Jerry Harper, 2003 Decatur, Houston, Texas 77007 (713-880-5861) appeared and stated that he was from the Six Ward and he attended a Houston Planning Commission Meeting where he heard a member say if the Sixth Ward received what it wanted what would they do with all the others to come forward, where would it end; and he considered it a fear which had controlled committee members for 30 or 40 years; and asked Council to break that cycle. Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Alvarado, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Brown stated that he made a good point and he personally would like to see this as the beginning of a real historic preservation movement in Houston, it would not drive developers away, it would create value and restore the soul of this city. Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Alvarado, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Don Cook, 7956 Glenheath, Houston, Texas 77061 (713-705-5594) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Alvarado, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Sue Kinney, 17435 Imperial Valley, Houston, Texas 77060 (281-405-8394) appeared and stated that she was present last week and needed her money. Council Members

Lawrence, Johnson, Wiseman, Holm, Garcia, Alvarado, Green and Berry absent. (NO QUORUM PRESENT)

Minister Laverane Fransau, 5716 Alba #21, Houston, Texas 77018 (713-812-7877) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Alvarado, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Bart Boyce, 2400 Westheimer, Houston, Texas 77098 (832-867-9960) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Alvarado, Green and Berry absent. (NO QUORUM PRESENT)

Mr. John Morris. 5703 Caldicoge, Humble, Texas 77346 (281-852-6388) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Alvarado, Green and Berry absent. (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. Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Alvarado, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Mary Pruitt, no address (no phone) Homeless had reserved time to speak but was not present when her name was called. Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Alvarado, Green and Berry absent. (NO QUORUM PRESENT)

Ms. Alix Dunn, 398 E. Terrace, Houston, Texas 77007 (713-861-8786) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Alvarado, Green and Berry absent. (NO QUORUM PRESENT)

At 5:10 p.m. City Council recessed until 9:00 a.m., Wednesday, August 1, 2007. Council Member Clutterbuck and Council Member Noriega absent out of the city. Council Members Lawrence, Johnson, Wiseman, Holm, Garcia, Alvarado, Green and Berry absent. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, August 1, 2007

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, August 1, 2007, Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Ada Edwards, Addie Wiseman, M. J. Khan, P. E., Pam Holm, Adrian Garcia, Carol Alvarado, Peter Brown, Sue Lovell, Ronald C. Green and Michael Berry; Mr. Anthony Hall, Chief Administrative Office, Mayor's Office; Mr. Arturo Michel, City Attorney; Ms. Marty Stein, Agenda Director and Ms. Marta Crinejo, Assistant Agenda Director, present. Council Members Anne Clutterbuck and Melissa Noriega out of the city.

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

Mayor White stated that in lieu of a Mayor's Report he would like to have a community moment of remembrance, that today was the funeral for Marvin Zindler, who was not only a legend and a fixture of their community but was also someone who was a path breaker, a historical figure in local broadcast journalism, that although nobody would ever be able to imitate his style, the type of journalism that he brought, the care for people and attention that they heard some about yesterday, riding with the Solid Waste workers was something that others had tried to mimic but it was impossible to imitate the master; that on the Council agenda they would be considering something that itself could be a bit of a testament to Mr. Zindler, that they would be voting today on an oral history project because most of Houston's history was living history, or people who had lived within the last 70 or 80 years, that they had a schedule of interviews lined up for people who were going to be part of the oral history project so that they would preserve for all time their testament and Mr. Zindler was one of those who months ago was lined up once they passed the program, that it was not just in retrospect but they all realized that he was part of the history of the community and would ask his colleagues and those present in the audience to join them in a moment of silence in Mr. Zindler's honor. Council Members Garcia, Alvarado and Berry absent.

Council Member Green moved to suspend the rules to consider Item Numbers 1 and 2 before the Monthly Financial Report, seconded by Council Member Khan. All voting aye. Nays none. Council Members Clutterbuck and Noriega out of the city. Council Members Garcia, Alvarado and Berry absent. MOTION 2007-0795 ADOPTED.

1. REQUEST from Mayor for confirmation of the appointment of **MR. HARRY J. HAYES** as Director of the **SOLID WASTE MANAGEMENT DEPARTMENT** – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Members Clutterbuck and Noriega out of the city. Council Members Holm, Garcia and Alvarado absent. MOTION 2007-0796 ADOPTED.

Mayor White requested the Mr. Hayes and his family stand and be recognized. Council Members Holm, Garcia and Alvarado absent.

Mr. Hayes stated that he wanted to thank Mayor White for his confidence in making the nomination and certainly thanks to all the Council Members who he was able to visit with and their support; that he wanted to definitely say that this moment for him would not be possible without all of the hard working people in the Solid Waste Management Department and asked that those folks from the Solid Waste Management Department present stand and be recognized, that most of those folks he had been working with since 1988 and it had been a growth experience for him to understand from a bottom up perspective how the department worked and what the folks did and the partnership that Mr. Buchanan, Mr. Guterrez and Mr. Chin had certainly been one that had worked well and one that he hoped would continue, that he wanted to thank them and they would continue to do their best to keep Houston clean and get the garbage up on time and efficient. Council Members Holm, Garcia and Alvarado absent.

Mayor White and Members of Council congratulated Mr. Hayes on his appointment as Director of the Solid Waste Management Department. Council Members Holm, Garcia and Alvarado absent.

2. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **BOARD OF DIRECTORS OF THE GREATER EAST END MANAGEMENT DISTRICT:**

- Position Three - **MR. ROY ZERMENO**, appointment, for a term to expire 6/1/2009
- Position Eight - **MR. KENNETH E. STALLMAN**, appointment, for a term to expire 6/1/2011
- Position Nine - **MR. DONALD ROZUM**, reappointment, for a term to expire 6/1/2011
- Position Ten - **DR. DANIEL E. JENKINS III**, reappointment, for a term to expire 6/1/2011
- Position Eleven - **MR. EDMUNDO "BILL" GARCIA**, reappointment, for a term to expire 6/1/2011
- Position Twelve - **MR. DIONICIO VIDAL (SONNY) FLORES**, reappointment, for a term to expire 6/1/2011
- Position Thirteen - **MR. VIRGIL H. COX**, appointment, for a term to expire 6/1/2011
- Position Fourteen - **MS. MARJORIE (MARGIE) PEÑA**, appointment, for a term to expire 6/1/2011
- Position Fifteen - **MR. GARRY FLORES**, appointment, for a term to expire 6/1/2011

- was presented, seconded by Council Member Green. All voting aye. Nays none. Council Members Clutterbuck and Noriega out of the city. Council Member Garcia absent.

Mayor White stated that they would go to the report of the City Controller and Director of Finance and Administration.

9:00 A.M. - REPORT FROM CITY CONTROLLER AND THE CITY ADMINISTRATION REGARDING THE CURRENT FINANCIAL STATUS OF THE CITY including but not limited to, a revenue, expenditure and encumbrance report for the General Fund, all special revenue funds and all enterprise funds, and a report on the status of bond funds and a Quarterly Investment Report by the City Controller.

Mayor White recognized Ms. Annise Parker, City Controller. Council Member Garcia absent.

Ms. Parker stated that she would do the Monthly Report and then go right into the Quarterly Investment Report; that the good news was that they continued to see healthy growth in sales and property taxes, overall their revenue projection was up by \$7.4 million as compared to last month's report; that changes in revenue projections included property taxes, they edged up another \$3 million, projected revenues from Industrial Assessments \$600,000 and sales tax projection had increased by nearly \$1 million; that their projection for Telephone Franchise Fees was up by \$1.6 million, they were glad to see that the decline they had been tracking for some time had bottomed out recently and they hoped that would continue; that they also project a \$1.3 million increase in revenues from Charges for Services, it was primarily to reflect year to date collections of Ambulance Fees so it was a truer number, and then projected revenues from Municipal Courts Fines and Forfeits were up to approximately \$2 million, they thought largely due to the June amnesty that the courts conducted; that the only decrease was for Intergovernmental Revenues, which they project would be down about \$2.4 million due to a decrease in the estimated revenues expected from the Tax Increment Reinvestment Zones and Metro, that it was not that they were receiving less money from the Tax Increment Reinvestment Zones but it may not be received timely to be included in the 2007 Fiscal Year and it would

simply be reflected in 2008, and the projection of lower revenues from Metro was due to a lower sales tax projection on their part, they had to reevaluate what they were going to be receiving; that on the expenditure side they had decreased their total projection by \$5 million, they project a \$1.5 million decrease in spending at the Fire Department due to lower than expected overtime costs, that Public Works spending had decreased by \$3.5 million due to higher than budgeted staff vacancies and lower asphalt costs, that Solid Waste spending was up approximately \$400,000 primarily to offset costs associated with the new fleet tracking system, and then there were some minor true up in various departments; that in the Enterprise Funds the Aviation Operating Funds projection for operating revenues had decreased by nearly \$10 million, it was primarily due to the annual true up of rates and charges billed back to the airlines, that projected Operating Expenses had decreased by \$1.1 million to reflect additional savings in personnel and electricity costs, that for the Combined Utility System they continued to be affected by the wet weather, there was a decrease in nearly \$10 million in Operating Revenues, although there was also a decrease in some of the expenses; that this would be the last monthly report for FY07, they start with next month's report on the first month of FY08, that in reference to FY08 the main concern that they had not finalized their contract with their auditors, Deloitte and Touche yet and knew they were close but they were several months behind schedule on that and would like to see that move forward, that they were already going to have a really difficult time getting the annual report out by December 31, 2007; that this would probably be the last Katrina report they publish, as they could see there was not much happening, that next time she would come back would be if they had some sort of final version of the form, but she had distributed the latest update on Katrina funding. Council Member Garcia absent.

Ms. Parker stated that she would move into the Investment Committee Report, that as of June 30, 2007 the City had approximately \$2.1 billion invested in their General Investment Pool, that as a reminder the character of the pool was that of a short term bond fund that held investments of very high credit quality, the investment pool was reviewed by Standard and Poor's annually and had been given a triple A rating, their investment strategy was to match assets and liabilities for one year into the future and to exercise discretion on the balance of the remaining funds, that during the last quarter their invested balances decreased by \$200 million, it was a seasonal variation due to the pay down of their Trans on June 30, 2007 and other seasonal declines in property tax collections, that on a year over year basis, however, they were up \$256 million in their investments, just a reflection of the overall very good economy that they had seen and it had been reflected in the monthly reports, that their rate of return for the year on their General Pool was currently 5.42%, that a reminder that in addition to the General Investment Pool they had three other very small investment pools that totaled approximately \$27 million; that this was also the month where they presented the SWAP Report, there was a detailed analysis of the SWAP Report in their Monthly Report so she would not go into it in detail, but was prepared to answer any questions they had, and that concluded her report. Council Member Garcia absent.

Mayor White recognized Ms. Judy Gray Johnson, Director of F&A. Council Member Garcia absent.

Ms. Johnson stated that it was important that they review where they stood at the end of the year, that the General Fund, the largest fund, certainly was ending up much better than they expected when they put the budget together a little over a year ago and they would be ending \$63 million better than they thought they would when they started the budget last June, that was almost entirely due to the increasing and improved Houston economy, that they talked yesterday about the number of jobs that were created in the Houston area and the increase in sales taxes, 9.2%, 2007 versus 2006, property taxes 6% over the prior years, so those were the reasons that they were much better of than they thought they would be; that the good news from a financial standpoint was that they did not increase their spending to go with that, that their

spending was coming out very close to what they originally anticipated in the budget, so going into Fiscal 2008 they were in good shape, which was good because the economic conditions were not nearly as clear going forward into the next couple of years, they had seen signs in the stock market and other areas in the past couple of weeks that indicated they needed to be very careful and cautious, that was why their estimates for Sales Tax Revenues for 2008 were much less than what they had seen recently, they expected it to be more in the 4% or 5% range and hoped that it was that high and not lower; that they had added a few changes that they discussed yesterday to the Monthly Report and would be happy to talk about any other comments, that Council Member Khan added a good suggestion, they would like to have a report that was useful to the Council Members, so let them know as they started the new fiscal year, it was a good time to change any formats or information added that they would like to see and that concluded her report.

Mayor White stated that she had mentioned their carry over fund balance was larger and it was good because if they prudently project slower rate of growth could they also comment and remind people of her testimony in April concerning the things that Council needed to be considering in terms of FY09 and the impact of increased classified staffing and the potential significant increase in the health benefits.

Ms. Johnson stated that when they looked into Fiscal 2008 they had a budget and it was balanced and in Fiscal 09 they were still expecting about a \$50 million to \$60 million gap, they were seeing that they had an increased rate of expenses at a faster growth rate than their revenues, those were primarily in public safety, the cost of the additional police officers that they all wanted to have on the force, but as they added those cadet classes that meant they would have more people for the full year in Fiscal 2009 and additional numbers of people that they would be paying their salaries, and proud to do it, but it did put pressure on the budget, that health benefit cost increases were some of the biggest pressures that they had going forward, that they had a contract that had limited the amount of increase for this fiscal year and last fiscal year but for the next fiscal year they did not have a cap on that contract and it was going to be difficult to see that they could find a way to keep below double digit increases on health benefit costs, which was one of their largest cost factors, that when she looks at it on the structural balance viewpoint and what long term City was best off when their ongoing revenues and their ongoing expenses were in sync, if they were spending on an ongoing basis more than they were taking in from recurring revenues they needed to find a way to fix that problem, that last year they only spent \$25 million in ongoing expenses more than their ongoing revenues, that yes they balanced the budget, they did it with some portion of funds that were more in the nature of one time funds, they could not do that forever, they had a plan over the next three or four years that would begin to bring them in balance but they still had a challenge in the neighborhood of \$50 million or \$60 million, which was a fair amount of money. Council Member Berry absent.

Mayor White stated that he prompted that before they turned to Council Members because for example one thing that they discussed a little at budget meetings, and heard it at certain labor discussions, was that they run some surpluses in the cash and built up cash balances, that they tried to be disciplined in the spending but he just wanted people to know that they were trying to run the City on a multi year basis, so that they could pay in the future for obligations that they had incurred, and if questions came about the cash balances and the fact that they, by design, tried to have some surpluses in prior years and FY09 was a year where they would be glad that they did so. Council Member Berry absent.

Council Member Khan stated that he wanted to thank Mayor White for including the unfunded accrued liability for retiree health benefits, that was something that the Council requested, that the report said they had a liability of over \$3.2 billion, that it may change based

on accrual actuarial analysis in the future, but just to give them a perspective, their unfunded pension liability was in the tune of about \$2.2 billion, so it was even a bigger liability than unfunded pension liability and their health benefit fund showed a net asset at the end of the year of only \$5.8 million, so all the liability, what ever the amount was, would be funded from future revenues and he thought it was something that they should know and they should share with the citizens and hopefully they would be looking at addressing that issue in the coming years, they could not just leave it out there, that he thought that just like the administration worked very hard to bring the unfunded pension liability down, he thought it was prudent to start looking in to this area also. Council Members Wiseman, Holm, Lovell and Berry absent.

Mayor White stated that both the City Controllor and the Director of F&A were very active and engaged in professional associations nationally and knew that from his work with Judy and Annise they had always been a voice of clear, honest, financial reporting, that the City of Houston took the position that it was a good thing to have a new requirement that public entities record the liabilities, that it did not mean that they were not going to fund it one year, there were other governmental entities, such as the State of Texas, who said that those should not be reported to the public, that he thought the more information the public had the better off they would be. Council Members Wiseman, Holm, Lovell and Berry absent.

Council Member Lawrence stated that as they looked at Propositions 1 and Proposition H in October they would be setting a tax rate for the budget permanently, that she hoped they would look at public safety, they had things that did not come through the budget, Rainy Day Fund, they may want to consider that with the money that was being transferred over as an option; that yesterday she had a very good meeting with HPD on the helicopter situation, that their fleet back in the 1970's was 16 helicopters, they had 9 right now, that they were a very aging fleet and that was something else that they may want to look at with Homeland Security, as far as the Port, and various things that develop, so as they prosper she hoped there were some things that they kind of think out of the box on with the public safety money. Council Members Wiseman, Lovell and Berry absent.

Mayor White stated that he would hope that Council Member Green might take these things up so that they would get the benefit of the wisdom earlier rather than later in the year; that he wanted to highlight two critical issues that they would need the judgment of the people around the Council table on, the first issue, and here was a fact, that in FY03 the TIRZ increment was less than \$10 million, and in FY08 it was over \$26 million, it was growing far faster than the revenues of the City as a whole, driven in large part by appreciation valuations and a handful of the TIRZ due to general economic conditions, to put it another way each of these TIRZ was contributing a lower percentage of property taxes to public safety, solid waste, health, library, parks than the others, that he appreciated every day the benefits of TIRZ and they were important and also a mechanism when they worked with other governmental entities who participate in the TIRZ, they had more funds invested in the City than otherwise would occur, that maybe there could be something where they engage stakeholders about the implications of these figures because if the TIRZ revenues increase every year at a faster percentage than the total City revenue then there would be a problem later on down the line; that the second issue, they would be discussing an RFP for the radio system, he had reviewed it for an hour and a half, some of the principles, last night and it was not going to be cheap, at least during this administration he would like to move forward on the process and making sure that they understood the implications of that on the CIP on the tax base was important because most of it would be from local funds, do not count on most of it being from grants. Council Members Wiseman, Lovell and Berry absent.

Council Member Edwards stated that regarding use of the Rainy Day Fund for public safety, she would definitely be opposed to that until there was a management analysis of what

was going on in public safety, that she did not have a problem with spending the money but needed to know what the money was going for, and Ms. Parker stated that she believed what Council Member Lawrence would like to do was to put more money in the Rainy Day Fund because she considered the Rainy Day Fund to be a public safety fund because it could only be touched in the event of an emergency, it was not that she wanted to spend it, and Council Member Edwards stated that even with that point it would still imply that they knew what was happening with public safety and that they were spending the current dollars in an appropriate manner and she was not convinced of that, that they may be and she would like for somebody to prove her wrong, but no one had stepped up and said this was how they were spending their dollars. Council Members Wiseman and Lovell absent.

Council Member Green moved to accept the Monthly Financial Report and the Quarterly Investment Report, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Clutterbuck and Noriega out of the city. Council Members Wiseman and Lovell absent. MOTION 2007-0798 ADOPTED.

Council Member Edwards moved to suspend the rules to consider Item Numbers 27 and 59 out of order, seconded by Council Member Edwards. All voting aye. Nays none. Council Members Clutterbuck and Noriega out of the city. Council Member Lovell absent. MOTION 2007-0799 ADOPTED.

Council Member Garcia moved to suspend the rules to consider Item Numbers 12, 13, 56 and 36 out of order, seconded by Council Member Holm. All voting aye. Nays none. Council Members Clutterbuck and Noriega out of the city. Council Member Lovell absent. MOTION 2007-0800 ADOPTED.

Council Member Khan moved to suspend the rules to consider Item No. 17 at the top of the list, seconded by Council Member Garcia. Council Member Lovell absent.

Mayor White stated that if there was unanimous consent and no objection to putting Item No. 17 at the top of the list of those items to be taken out of order, it was so ordered. Council Member Lovell absent.

Council Member Holm moved to suspend the rules to consider Item No. 48 out of order, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Clutterbuck and Noriega out of the city. Council Member Lovell absent. MOTION 2007-0801 ADOPTED.

Council Member Alvarado moved to suspend the rules to consider Item No. 54 out of order, seconded by Council Member Khan. All voting aye. Nays none. Council Members Clutterbuck and Noriega out of the city. Council Member Lovell absent. MOTION 2007-0802 ADOPTED.

Council Member Wiseman moved to suspend the rules to consider Item No. 24 out of order, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Clutterbuck and Noriega out of the city. Council Member Lovell absent. MOTION 2007-0803 ADOPTED.

17. ORDINANCE appropriating \$3,000,000.00 from the Parks Consolidated Construction Fund, approving and authorizing the purchase of 22.435 acres of land at 7777 Dairy Ashford Drive, Houston, Texas, formerly known as the Hackberry Golf Course, with an additional \$1,888,000.00 contribution from the Houston Parks Board, a Texas Non-Profit Corporation, and approving and authorizing a \$500,000.00 development by the Houston

Parks Board of the property into a City park; approving necessary documents related thereto - **DISTRICT F – KHAN** – was presented. All voting aye. Nays none. Council Members Clutterbuck and Noriega out of the city. Council Member Lovell absent. ORDINANCE 2007-0853 ADOPTED.

Council Member Khan stated that he wanted to thank his colleagues for approving item No. 17 unanimously, that as they knew Houston was number one in terms of park acreage and was only second to San Diego in terms of parks per acreage for thousand residents, that Alief was one of the park poor areas and had only 2.2 acres per thousand residents, according to the report by the Chronicle, that he knew how hard Mr. Turner and the Parks Board worked on it and the residents in Alief were forever grateful for his leadership, that Mayor White was park friendly and had been adding park space all over the City.

Council Member Lawrence stated that this land would definitely increase the quality of life in Council Member Khan's district and knew how much the 11th Street Park meant to District A and thought this would mean equally as much to District F.

Mayor White stated that it was a real credit to Mr. Turner and Ms. Okan-Vick that they worked as a team, that he thought they had the best team on parks in an urban area, that there was constant communication, that the private donations and public sector role worked as a team.

27. ORDINANCE appropriating \$2,655,645.00 out of TIRZ Affordable Housing Fund 2409 and approving and authorizing grant agreement between the City and **TEMENOS COMMUNITY DEVELOPMENT CORPORATION** to construct a single-room occupancy facility at 1719 Gray, Houston, Texas, to house qualified low-income persons – was presented.

Council Member Edwards stated that she would encourage her colleagues to join her in supporting the item, that a lot of the tragedies that they had seen on the news of late were people with problems needing recovery, needing a stable place to establish that recovery and to process that recovery would be meet at the center under the leadership of the congregation and staffing at Saint John's downtown, that they were still in no way close to addressing the needs of the community that needed these facilities.

A vote was called on Item No. 27. All voting aye. Nays none. Council Members Clutterbuck and Noriega out of the city. ORDINANCE 2007-0854 ADOPTED.

59. 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 – **(This was Item 29 on Agenda of July 18, 2007, TAGGED BY COUNCIL MEMBER EDWARDS)** – was presented.

Council Member Edwards moved to postpone Item No. 59 for one week, that she had asked for a meeting with HGAC to further understand what they were talking about with the education process and had not had that meeting, that they received a letter on Friday afternoon and she would still like to have a meeting face to face with somebody where she could have some interchange about what was going on and what did it mean, especially for the people of District D, seconded by Council Member Garcia.

Mayor White stated that they supported the delay so that the meeting could occur, and a vote was called on Item No. 59. All voting aye. Nays none. Council Members Clutterbuck and Noriega out of the city. MOTION 2007-0804 ADOPTED.

12. **ORDINANCE AMENDING CHAPTER 33 OF THE CODE OF ORDINANCES** relating to Historic Preservation; designating the Old Sixth Ward Protected Historic District pursuant thereto; adopting design criteria to be used in considering the criteria for approval of Certificates of Appropriateness in the Old Sixth Ward Protected Historic District; making findings and containing other provisions relating to the foregoing subject; containing a repealer; providing for severability **DISTRICT H – GARCIA** – was presented.

After discussion by Council Members, a vote was called on Item No. 12. Council Member Berry voting no, balance voting aye. Council Members Clutterbuck and Noriega out of the city. ORDINANCE 2007-855 ADOPTED.

13. RESOLUTION designating certain properties within the City of Houston as historic landmarks:

River Oaks Community Shopping Center and
River Oaks Theatre
1952-2050 W. Gray, including the River Oaks
Theatre at 2009 W. Gray - **DISTRICT D - EDWARDS**

Alabama Theatre and Alabama Community Shopping Center
2900 to 2946 S. Shepherd Drive, including The Alabama Theatre
at 2922 S. Shepherd - **DISTRICT C - CLUTTERBUCK**

- was presented, and tagged by Council Member Wiseman.

56. **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 – **(This was Item 15 on Agenda of July 18, 2007, TAGGED BY COUNCIL MEMBERS WISEMAN, CLUTTERBUCK, GARCIA and LAWRENCE)** – was presented.

Council Member Garcia stated that after talking with some of the folks from the industry he was going to move to postpone Item No. 56 for 30 days, that there was a lot of work that had been done on the item and was confident that the City could do things much better than the State had been able to do, that he wanted to thank the TMTA and others for bringing their concerns to the table, they were heard and they would work through to see just how real or not they may be, but he would commit to a full schedule on the item for the next 30 days to get it done so they could move forward, seconded by Council Member Wiseman.

Council Member Lawrence stated that she would like in those 30 days to speak with F&A and let her know the training that had taken place for the new people, what new people were in place ready to have those permits, what were they doing as far as a website to inform truckers all over the State, that she had already given Legal three Attorney General cases for them to see exactly his ruling and how that corresponded with the ordinance, to make sure they were in compliance with those particular cases and she gave Legal those numbers.

Mayor White stated that there was a substantial number of additional positions authorized by the State Legislature on the State side on these heavy loads and how what they were doing could maximize the utilization and what their deployment in the area was also going to be something important to report back, that they would work as hard as they could, that he had

informed his Chief of Staff, the Police Chief and Director of F&A in a very recent memo that they needed to make sure that all of them had adequate support from the administration to try to deal with each of the operational issues as well as Legal issues.

Council Member Lawrence stated that she had informed Public Works to look at the design of their esplanades, that today she saw two more that were broken over night, they refused to redesign that to a round curb, instead of having a pointed one, the new intersections that TxDOT had been in, like Bingle and Pinemont, every one of those were round curbs, so there was a design out there that was different from their specs and she thought that was the concern of the Council Members, that all the esplanades were being torn up.

Council Member Alvarado stated that she agreed with the point that Council Member Garcia was trying to make in terms of some type of compensation for the wear and tear on the streets, but she also wanted to make sure they had due process, that they were not doing anything that perhaps could come back and be contradicted in the State Legislature, that she wanted to make sure they did not just pass an ordinance and then have 180 days on how they implement it, it was taking on a new permitting process because the trucking industry, at this time, had no permits with the City, that she did not know if 30 days would be enough time to get all the questions answered because she also wanted to know what they had to do internally, that she wanted to make sure they tackled it in the most complete and efficient way so they would have a good product in the end.

Council Member Garcia stated that in the next 30 days, what he foresaw was one, that at the top of the concern was the expediency by which permits would be issued, that two, that they wanted to make sure that the routes and things of that nature made sense, and three, that they wanted to make sure that if they had someone taking a vacation or calling in sick that permits did not get stacked up, so the permitting process and efficiency was really at the top of the list from everything he had heard, that the next 30 days would be focused on making sure they had all the legal questions answered, that they had the right business model to execute the permits, that F&A and Public Works had already committed fulltime FTEs to it with some initial folks and possibly expanding if needed, and they wanted to make sure that their system was well communicated to the State to make sure that someone who was not from the Houston area but coming in to the Houston area and taking out a permit at the State level would know that there needed to be another stop over in Houston or that databases were connected to one another so that it was seamless and no duplicity in the process; that he had asked the TMTA to help define a workable advisory group with folks who had some technical perspective, as well as folks in the industry who would represent some of the various categories that were defined in the ordinance. Council Members Lovell and Berry absent.

Council Member Brown stated that he wanted to point out that 30 days was the month of August and a lot of people were not available and thought it would be smarter to take 60 days; that they needed to find the most efficient means to achieve the end they were trying to achieve, that creating more red tape in the City may not be the answer, more permitting and that sort of thing, that he would point out that the County collected a road and bridge fee via TxDOT and they were rebated that money for the wear and tear on County roads, which included roads in the City of Houston, that they did not want to have an inferior solution simply because they could not get the Texas Legislature to put them on the same footing as Harris County in terms of raising the fee and that would certainly be a much more efficient and less red tape approach. Council Members Holm, Lovell and Berry absent.

Council Member Edwards stated that in developing the stakeholders committee she would encourage them to include people either from a super neighborhood status or from some type of community status, so that there was some community input into that stakeholder process; that

she thought there was still confusion over what “no thru truck” signs meant, that it did not mean that no trucks could ride through that street, it meant that they could not use that street as a thoroughfare to go someplace else, those trucks could go through those streets, so one of the things they had to decide as a City was how they were going to regulate and enforce whatever rules and policies they put together. Council Members Holm, Lovell and Berry absent.

Council Member Khan stated that they had to be careful to not rush into something and create more problems for themselves, that he would like to have it sent back to the administration and take more time, whether it was 30 days or six months, but to do it thorough and understand the logistics of it, what other ways they could achieve the same results, but if Council Member Garcia wanted to give it a shot in 30 days he had his full support, that he personally thought that 30 days were too short. Council Members Holm and Berry absent.

After further discussion, Council Member Garcia stated that he would amend his motion from 30 days to 60 days, seconded by Council Member Alvarado, and Mayor White stated that if there was no objection it was so ordered.

A vote was called on Council Member Garcia motion to postpone Item No. 56 for 60 days. All voting aye. Nays none. Council Members Clutterbuck and Noriega out of the city. Council Members Holm, Green and Berry absent. MOTION 2007-0805 ADOPTED.

36. ORDINANCE amending Ordinance #2006-0973 to increase the maximum contract amount for contracts between the City and **NORTH HOUSTON MOTORS, INC, UNIFIED AUTO WORKS, T&T MOTORS, CANNINO WEST, INC, FIESTA WRECKER SERVICE, NATIONAL AUTO COLLISION, INC, MILAM STREET AUTO STORAGE, INC, ALLIED COLLISION CENTER, KTL ENTERPRISES, INC, WESTSIDE WRECKER SERVICE, INC** and **CORPORATE AUTO SERVICES, INC** for the Safe Clear Major Freeway Towing Program - \$1,869,474.00 - Police Special Services Fund (from METRO Mobility Fund) – was presented, and tagged by Council Members Wiseman and Johnson. Council Members Holm, Green and Berry absent.

After discussion by Council Members, Mayor White stated that Item No. 36 had been tagged. Council Members Holm and Green absent.

Council Member Garcia stated that he wanted to recognize Zachery Rash, who is the grandson of Jeanette Rash, that he was a Boy Scout and was in the audience to get his citizenship and community merit badges, and asked that he stand and be recognized. Council Members Holm, Green and Berry absent.

48. ORDINANCE finding and determining the existence of a public necessity for the acquisition of real property interests in connection with the public improvement project known as the Broad Oaks Waterline Replacement Project; authorizing the acquisition, by donation, purchase, or eminent domain proceedings, of permanent easements in, over, under, and across certain property in Lot 8, Block 3 of Broad Oaks Subdivision as recorded in Volume 17, Page 49 of the Map Records of Harris County, Texas, being situated in the Charles Sage Survey, Abstract No. 697, Harris County, Texas; providing for the payment of the costs of such acquisitions, including Appraisal Fees, Fees for Title Policies/Services, Recording Fees, Court Costs, and Expert Witness Fees **DISTRICT G – HOLM** – was presented, and tagged by Council Members Wiseman and Lawrence. Council Member Holm absent.
54. REVIEW on the record and make determination relative to the appeal from the decision of the General Appeals Board, filed by **TERESA ARGUETA** on the denial of an Application

for a Manufactured Home Hardship Extension at 7911 Brays - **DISTRICT I – ALVARADO**
– (This was Item 26 on Agenda of July 11, 2007, POSTPONED BY MOTION
#2007-763)

Council Member Alvarado moved to grant the appeal, that they were working with the Argueta family and they had agreed to enter into the Houston Habitat for Humanity Program, so they would have a home, they had been working with them for the last couple of months, that she knew they had delayed it but that was just to make sure they would be accepted by Habitat for Humanity and that has happened, seconded by Council Member Khan. Council Member Holm absent.

Mayor White asked Mr. Arturo Michel, City Attorney if that was the right form of the motion, to grant the appeal, and Mr. Michel stated yes, that would overrule the decision of the commission, that language had been used in the past and was understood. Council Member Holm absent.

Council Member Berry stated that he was not up to speed on the issue and moved to postpone Item No. 54 for one week, seconded by Council Member Brown. Council Member Holm absent.

After discussion by Council Members and upon questions by Council Member Edwards, Mr. Michel stated that they could discuss, there was no prohibition against discussing but their decision had to be what was in the record, and Mayor White stated that by the record meant the grounds by which Council Member Alvarado argued they should overturn the ruling by the Appeal Board.

After further discussion by Council Members a roll call vote was called on Council Member Berry's motion to postpone Item No. 54 for one week.

Mayor White voting aye	Council Member Garcia voting no
Council Member Lawrence voting aye	Council Member Alvarado voting no
Council Member Johnson voting no	Council Member Brown voting no
Council Member Clutterbuck out of the city	Council Member Lovell voting no
Council Member Edwards voting no	Council Member Noriega out of the city
Council Member Wiseman voting no	Council Member Green voting aye
Council Member Khan voting aye	Council Member Berry aye
Council Member Holm absent	MOTION 2007-0806 FAILED

Upon questions by Council Member Berry, Mr. Michel stated that an appeal on the record meant that the applicant had an opportunity before the board to present their case, evidence could be introduced and then it was recorded in a transcript by a court reporter so they could read it and that was what they had in their material, that was what their decision was based on, that the appeal was denied on the basis that it should have been presented as operating a business, as a business hardship, there was evidence in the record that it as an economic hardship, that was what the applicant was claiming, that they found it on one and the Council Members had the ability to decide whether the board was correct in terms of how they viewed it as just simply a business exception or an economic exception, but they had the ability to do that, that he thought they also had the ability to discuss other factors, but their decision had to be based on what was in the record; that the grounds of the decision was that they had applied that they needed this to provide security, to have the residents on site to provide security for the business, that was the decision of the appeals board before, that the applicant was also claiming that they had an economic hardship, that they could not afford to also have a house or a separate residence at the time and so they had those two grounds being discussed but the

appeals board decided that it was an application based on security for the business and made the determination that it had exceeded the amount of time that would be allowed to reasonably have that type of condition occurring; that he thought the board found that it really had not been raised when they filed the appeal as the grounds for what the board found and did not really pass on the merits of economic hardship, that the effect of granting the appeal would be to effectively grant Ms. Argueta's application for a period of a year to remain in a temporary basis, that Ms. Argueta was asking to be granted a temporary certificate for a period of one year; that he would not say that the appeal's board was in error in making their decision, that they could look at the facts differently and believe they should have come to a different decision on either the security or economic hardship. Council Member Holm absent.

After further discussion, Council Member Wiseman moved to call the question, seconded by Council Member Alvarado, and after further discussion a vote was called on the motion to call the question. Council Members Edwards, Lawrence, Green, Berry and Khan voting no, balance voting aye. MOTION 2007-0807.FAILED TO RECEIVE A TWO THIRDS VOTE OF THE CITY COUNCIL.

After further questions, Mr. Michel stated that it was on record and they would have to find that either that they were in error or there was something incomplete in the process, that they had either an economic or security hardship, if they read the record they would see that the applicant, who was not an English speaker and her son spoke, argued economic hardship, the board took the City's decision below that it was a security hardship based on how they understood the application, if they looked at the application it was handwritten, except that the basis for it was stamped in as security, so there was an issue as to what the basis for it was.

After further discussion by Council Members a vote was called on the motion to grant the appeal and overturn the decision of the General Appeals Board. All voting aye. Nays none. Council Members Clutterbuck and Noriega out of the city. Council Member Holm absent. MOTION 2007-0808 ADOPTED.

24. ORDINANCE appropriating \$134,600.00 out of TIRZ Affordable Housing Fund 2409 and approving and authorizing contract between the City and the **VILLAGE LEARNING CENTER, INC** to provide funding for the Renovation of the Village at Stoney Glen Adult Residence Facility located at 23910 Eastex Freeway, Kingwood, Texas - was presented. All voting aye. Nays none. Council Members Clutterbuck and Noriega out of the city. Council Member Holm absent. ORDINANCE 2007-0856 ADOPTED.

Council Member Khan moved to suspend the rules to consider Item Numbers 20 through 26 out of order, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Clutterbuck and Noriega out of the city. Council Member Holm absent. MOTION 2007-0809 ADOPTED.

20. ORDINANCE approving and authorizing first amendment to agreement between the City of Houston and **HOUSTON SHIFA SERVICES FOUNDATION, INC** to provide \$300,000.00 in Community Development Block Grant Funds as supplemental funding for the Construction of a Healthcare Clinic and Community Center located at 10415 Synott Road, Houston, Texas **DISTRICT F - KHAN** - was presented. All voting aye. Nays none. Council Members Clutterbuck and Noriega out of the city. Council Member Holm absent. ORDINANCE 2007-0857 ADOPTED.

21. ORDINANCE approving and authorizing grant agreement between the City of Houston and **NHDC SUNFLOWER TERRACE, LLC** to provide \$3,140,059.00 in Home Investment Partnerships Funds to be used for the Rehabilitation of a 160 Unit Affordable Housing Complex known as the Sunflower Terrace Apartments located at 5050 Sunflower Street - **DISTRICT D - EDWARDS** - was presented. All voting aye. Nays none. Council Members Clutterbuck and Noriega out of the city. Mayor White and Council Members Khan, Holm and Alvarado absent. Acting Mayor Pro Tem Berry presiding. ORDINANCE 2007-0858 ADOPTED.
22. ORDINANCE amending City of Houston Ordinance Nos. 2004-685, and 2005-607, passed on June 30, 2004 and on May 11, 2005, respectively, which approved and authorized the submission of the 2004 and 2005 Consolidated Plans, to the United States Department of Housing and Urban Development, including grant applications for the Home Investment Partnerships ("HOME") Program under the authority of Title II of the Cranston-Gonzalez National Affordable Housing Act, as amended. - was presented. All voting aye. Nays none. Council Members Clutterbuck and Noriega out of the city. Mayor White and Council Members Khan, Holm and Alvarado absent. Acting Mayor Pro Tem Berry presiding. ORDINANCE 2007-0859 ADOPTED.
23. ORDINANCE approving and authorizing contract between the City of Houston and **HOUSTON SRO HOUSING CORPORATION** to provide funding for the Operation of a Single Room Occupancy Community Residence located at 1111 McIlhenny and the provision of supportive services under the Housing Opportunities For Persons With AIDS ("HOPWA") Program \$78,728.00 - Grant Fund - **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. Council Members Clutterbuck and Noriega out of the city. Mayor White and Council Members Khan, Holm and Alvarado absent. Acting Mayor Pro Tem Berry presiding. ORDINANCE 2007-0860 ADOPTED.
25. ORDINANCE approving and authorizing contract between the City of Houston and **CHILD CARE COUNCIL OF GREATER HOUSTON** providing up to \$743,902.00 in Community Development Block Grant ("CDBG") Funds for the implementation, oversight and delivery of a Child Care Program, which amount includes a limitation on additional funding in the amount of \$493,902.00 1 Year - was presented. All voting aye. Nays none. Council Members Clutterbuck and Noriega out of the city. Mayor White and Council Members Khan, Holm and Alvarado absent. Acting Mayor Pro Tem Berry presiding. ORDINANCE 2007-0861 ADOPTED.
26. ORDINANCE approving and authorizing contract between the City of Houston and **CHILD CARE COUNCIL OF GREATER HOUSTON** providing up to \$809,904.72 in Community Development Block Grant ("CDBG") Funds for the implementation, oversight and delivery of a Juvenile Delinquency Prevention Program, which amount includes a limitation on additional funding in the amount of \$509,902.00 - 1 Year - was presented. All voting aye. Nays none. Council Members Clutterbuck and Noriega out of the city. Mayor White and Council Members Khan, Holm and Alvarado absent. Acting Mayor Pro Tem Berry presiding. ORDINANCE 2007-0862 ADOPTED.

CONSENT AGENDA NUMBERS 1 through 53

ACCEPT WORK - NUMBER 5

5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$577,578.95 and acceptance of work on contract with **D. L. ELLIOTT ENTERPRISES, INC** for Lateral and Service Connection Replacement

Contract for the Department of Public Works & Engineering - 2.91% under the original contract amount **DISTRICTS B - JOHNSON; D - EDWARDS; E - WISEMAN; F - KHAN; H - GARCIA and I - ALVARADO** – was presented, moved by Council Member Lovell, seconded by Council Member Lawrence. All voting aye. Nays none. Council Members Clutterbuck and Noriega out of the city. Mayor White and Council Members Khan, Holm and Alvarado absent. Acting Mayor Pro Tem Berry presiding. MOTION 2007-0810 ADOPTED.

PROPERTY – NUMBER 7

7. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from John G. Patterson of Archway Properties, L.P., on behalf of Rothway Stonington Partners, Ltd. (Mr. Donald E. Dennis, Jr., General Partner), declining the acceptance of, rejecting, and refusing the dedication of a 10-foot-wide alley from Stonington Street to Sprite Street, between Reo Street and Packard Street, within Block 1, Reserve A, Stonington Business Park, within the Third Subdivision of Fairbanks, Parcel SY7-055 - **DISTRICT A - LAWRENCE** – was presented, moved by Council Member Lovell, seconded by Council Member Lawrence. All voting aye. Nays none. Council Members Clutterbuck and Noriega out of the city. Council Members Khan, Holm and Alvarado absent. MOTION 2007-0811 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 16 through 50

16. ORDINANCE approving and authorizing first amendment to Lease Agreement between **BRAESWOOD DEVELOPMENT, LLC, A Texas Limited Liability Company, as landlord**, and the City of Houston, Texas, as tenant, for space at 8632 S. Braeswood, Houston, Texas, extending the term of the lease, establishing a new monthly rental, adding renewal terms, and providing for improvements to the leased premises, for use by the Department of Health and Human Services for its Women, Infants and Children (WIC) Program - **DISTRICT C – CLUTTERBUCK** – was presented. All voting aye. Nays none. Council Members Clutterbuck and Noriega out of the city. Council Members Khan, Holm and Alvarado absent. ORDINANCE 2007-0863 ADOPTED.
39. ORDINANCE approving and authorizing contract between the City of Houston and **STATE OF TEXAS DEPARTMENT OF INFORMATION RESOURCES (“DIR”)** for Telecommunications and Internet Services Citywide; providing a maximum contract amount - 3 Years with two one-year options - \$653,200.00 - Central Services Revolving Fund - was presented. All voting aye. Nays none. Council Members Clutterbuck and Noriega out of the city. Council Members Khan, Holm and Alvarado absent. ORDINANCE 2007-0864 ADOPTED.
41. ORDINANCE approving and authorizing Lease Agreement between the City of Houston and **FEDERAL AVIATION ADMINISTRATION** for Office/Warehouse Space in connection with its Environmental Support Unit at George Bush Intercontinental Airport/Houston - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Members Clutterbuck and Noriega out of the city. Council Members Khan, Holm and Alvarado absent. ORDINANCE 2007-0865 ADOPTED.
43. ORDINANCE appropriating \$200,000.00 out of Airports Improvement Fund, and approving and authorizing Amendment No. 1 to Construction Contract No. 60904 between the City of Houston and **EAS CONTRACTING, LP** for Miscellaneous Airfield Lighting Improvements, Generators, & Generator Buildings at Ellington Field; WBS A-000428-0001-4-01, (Proj. 588) - **DISTRICT E - WISEMAN** – was presented. All voting aye. Nays none. Council

Members Clutterbuck and Noriega out of the city. Council Members Khan, Holm and Alvarado absent. ORDINANCE 2007-0866 ADOPTED.

45. ORDINANCE appropriating \$2,500,000.00 out of Airports Improvement Fund, and approving and authorizing Amendment No. 1 to Contract No. 55521 between the City of Houston and **KELLOGG BROWN & ROOT SERVICES, INC** for Job Order Contracting Services with the Houston Airport System; WBS #A-000348-0001-4-01 (Proj. 516) - **DISTRICTS B - JOHNSON; E - WISEMAN and I - ALVARADO** - had been pulled from the Agenda by the Administration, and was not considered. Council Members Khan, Holm and Alvarado absent.
46. ORDINANCE approving and authorizing an Interlocal Agreement between the City of Houston and **HARRIS COUNTY** for Tanner Road Paving from Triway Road to Beltway 8, WBS N-000589-0001-3 - **DISTRICT A - LAWRENCE** - had been pulled from the Agenda by the Administration, and was not considered. Council Members Khan, Holm and Alvarado absent.
47. ORDINANCE approving and authorizing contract between City of Houston and **THE PORT OF HOUSTON AUTHORITY** for the Reconstruction of the Storm Sewer Outfall at Wharf No.1 East at the Turning Basin of the Houston Ship Channel, WBS M-000126-00S7-4 - \$246,162.00 - Storm Water Utility Fund - **DISTRICT I - ALVARADO** - was presented. All voting aye. Nays none. Council Members Clutterbuck and Noriega out of the city. Council Members Khan, Holm and Alvarado absent. ORDINANCE 2007-0867 ADOPTED.
49. ORDINANCE approving and authorizing Professional Contract between the City of Houston and **TSC SURVEYING COMPANY** for On-Call Professional Surveying Services - \$150,000.00 General Fund - was presented. All voting aye. Nays none. Council Members Clutterbuck and Noriega out of the city. Council Members Khan, Holm and Alvarado absent. ORDINANCE 2007-0868 ADOPTED.
50. ORDINANCE granting to **DESIGNING TECHNIQUES, LLC, a Texas Limited Liability Corporation, dba DURAN'S YOUR DUMPSTER.COM**, 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 Clutterbuck and Noriega out of the city. Council Members Khan, Holm and Alvarado absent. ORDINANCE 2007-0867 PASSED FIRST READING IN FULL.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

3. RECOMMENDATION from Director Affirmative Action and Contract Compliance for approval to set Affirmative Action Goal for the participation of Disadvantaged Business Enterprises in DOT/FAA funded contracts from October 1, 2007 through September 30, 2008, in compliance with DBE Ordinance 99-893 and DOT/FAA mandated requirements - was presented, and tagged by Council Members Wiseman, Johnson, Garcia and Green. Council Members Khan, Holm and Alvarado absent.

ACCEPT WORK

4. RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$55,827,573.22 and acceptance of work on contract with **THE MORGANTI GROUP, INC** for Consolidated Rental Car Facility (CRCF) at George Bush Intercontinental Airport/Houston, Project 444B - 5.89% over the original contract amount - **DISTRICT B - JOHNSON** – was presented, and tagged by Council Members Green. Council Members Khan, Holm and Alvarado absent.

PROPERTY

6. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Michael Van of Terramark, on behalf of Jack J. Terence, for abandonment and sale of a 10-foot-wide sanitary sewer easement within the former Morrison Street, located between Woodland Heights Annex No. 3 and Howard Terrace Annex, out of the John Austin Two League Grant, A-1, Parcel SY7-106 - **STAFF APPRAISERS DISTRICT H – GARCIA** – was presented, moved by Council Member Green, seconded by Council Member Lovell. All voting aye. Nays none. Council Members Clutterbuck and Noriega out of the city. Council Members Khan, Holm and Alvarado absent. MOTION 2007-0812 ADOPTED.
8. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel AY6-101, located at 10830 Old Katy Road, owned by LLA Investments, L.L.C., a Texas limited liability company, Leah Lee Kayem, President, for the **BRITTMOORE ROAD PAVING PROJECT from Old Katy Road to Hammerly Boulevard**, CIP N-000596-0001-2-01 - **DISTRICT A – LAWRENCE** – was presented, moved by Council Member Lovell, seconded by Council Member Berry. Council Members Khan, Holm and Alvarado absent.

Council Member Lawrence stated that if they looked at the backup on Item No. 8, that she was just trying to be consistent, they were given a bid for the land then they moved and they were also given a bid to pay for the fence and then they were paying for relocating the fence, that to her they pay for the fence and then they pay to relocate it, that Item No. 9 they pay for Saint Augustine grass, thousands of dollars, that it grew wild, that to pay thousands of dollars for Saint Augustine grass she found ironic in their bidding process, that somebody needed to look at it and have a certain criteria. Council Members Wiseman, Khan, Holm and Alvarado absent.

Mayor White stated that he would like some comment and a report to him by Director Marcotte.

A vote was called on Item No. 8. All voting aye. Nays none. Council Members Clutterbuck and Noriega out of the city. Council Members Wiseman, Khan, Holm and Alvarado absent. MOTION 2007-0813 ADOPTED.

9. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel AY6-108, located at 10801 Hammerly Boulevard, owned by Barnard Branca, Beth Branca, and Alexander Branca, for the **BRITTMOORE ROAD PAVING PROJECT from Old Katy Road to Hammerly Boulevard**, CIP N-000596-0001-2-01 - **DISTRICT A – LAWRENCE** – was presented, moved by Council Member Lovell, seconded by Council Member Berry. Council Members Khan, Holm and Alvarado absent.

Council Member Lawrence stated that this was the item where they were buying Saint Augustine grass, they were going to pay \$3,460 for the grass, that they were buying the land, if

they did not want the grass to just scrape it off, that they were back at the situation, they buy the land and then they buy the grass. Council Members Khan, Holm and Alvarado absent.

Council Member Brown stated that they did have a very skilled property section of Building Services and asked if there was a consideration to move the function, out of Public Works and to Bob Christy. Council Members Khan, Holm and Alvarado absent.

Mayor White stated that the issue was the criteria and skill, the criteria they get for the negotiation and the policy and skills, that he wanted to make sure that people paid attention to detail, that he understood the point that Council Member Brown was making and maybe Mr. Marcotte and others could report on that. Council Members Khan, Holm and Alvarado absent.

A vote was called on Item No. 9. All voting aye. Nays none. Council Members Clutterbuck and Noriega out of the city. Council Members Khan, Holm and Alvarado absent. MOTION 2007-0814 ADOPTED.

PURCHASING AND TABULATION OF BIDS

10. **GRIMM TECHNOLOGIES, INC** for Grimm Portable Aerosol Spectrometer and Accessories for Health & Human Services Department - \$30,650.00 - Health Special Revenue and Grant Funds – was presented, and tagged by Council Member Wiseman. Council Members Khan, Holm and Alvarado absent.
11. **INTEGRATED COMMERCIALIZATION SOLUTIONS, INC dba PARAGARD DIRECT** for Interuterine (IUD) Copper Contraceptive Devices for Health & Human Services Department \$213,808.00 - General Fund – was presented, and tagged by Council Members Wiseman and Lawrence. Council Members Khan, Holm and Alvarado absent.

Council Member Brown stated that he understood there was only one bid received on the item and asked what was the policy of the City when they did not have in effect a competitive bid, and Mayor White stated that it was not the preferred situation, their policy was not to decline to order something, but maybe there could be some discussion about the different sources and they could brief him on the different sources that were sought after. Council Members Khan, Holm and Alvarado absent.

RESOLUTIONS AND ORDINANCES

14. RESOLUTION transferring full maintenance, operation and jurisdiction of Hempstead Highway from IH 610 to 0.10 miles west of W. 18th Street to Interstate Highway System Inventory **DISTRICTS A - LAWRENCE and H – GARCIA** – was presented, and tagged by Council Member Garcia. Council Members Khan, Holm and Alvarado absent.
15. ORDINANCE amending Exhibit “A” of City of Houston Ordinance No. 2007-47 by adding four (4) Captain positions, sixteen (16) Engineer/Operator positions and sixteen (16) Fire Fighter positions; substituting the amended exhibit as part of the current Fire Department Classified Personnel Ordinance – was presented, and tagged by Council Member Johnson. Council Members Khan, Holm and Alvarado absent.
18. ORDINANCE approving and authorizing contract between the City and the **TEXAS COMMISSION ON ENVIRONMENTAL QUALITY** for Air Pollution Control Services - \$776,854.00 Grant Fund – was presented. All voting aye. Nays none. Council Members Clutterbuck and Noriega out of the city. Council Members Khan, Holm and Alvarado absent. ORDINANCE 2007-0870 ADOPTED.

19. ORDINANCE approving and authorizing the submittal of an application to the Harris County Housing Authority for the continuance of the Focused Care Project that provides Case Management Services to the Hurricane Katrina affected population (the "Grant"); declaring the City's eligibility for such grant; authorizing the Director of the Health and Human Services Department to act as the City's representative in the application process; authorizing the Director of Health and Human Services Department to accept the grant and the grant funds; if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the grant - \$4,360,366.20 Grant Fund – was presented, and tagged by Council Member Wiseman. Council Members Khan, Holm and Alvarado absent.

28. ORDINANCE appropriating \$275,000.00 out of Library Special Revenue Fund and approving and authorizing contract among the City of Houston, the **UNIVERSITY OF HOUSTON**, and **DIAGNOSTIC MARKETING GROUP** for the Houston Oral History Project - 1 Year – was presented. All voting aye. Nays none. Council Members Clutterbuck and Noriega out of the city. Council Members Khan, Holm and Alvarado absent. ORDINANCE 2007-0871 ADOPTED.

Council Member Garcia stated that he meant to tag the item, that it was an important project, however as they worked to capture the oral history of Houston he wanted to make sure that all communities were effectively included in it, that he had not gotten the details, but wanted to make sure the project would effectively reflect what was Houston's fabric, and wanted to make sure that they did not leave anyone out. Council Members Khan, Holm and Alvarado absent.

Mayor White stated that he would get a report, that it would be the policy of the administration, so they had a full picture of history; that the focus had to do, in terms of priorities for the reasons he mentioned at the beginning of the Council meeting, people who had a few years of experience, that there was a tremendous amount of process from multiple different sources, including the diverse body represented in the History Advisory Committee and others, but he would say they would make sure that Council Member Garcia was briefed in extensive detail and comments that he made were taken into account. Council Members Khan, Holm and Alvarado absent.

Council Member Edwards stated that she was not sure who was going to be in charge, but with the production of the Chocolate Bayou Festival over the last five years they had collected a oral history of the Sunnyside areas, so she would like to get those CD's and tapes to the Library or the University of Houston or whoever it was, and Mayor White stated that they would incorporate that here, that it was a big step and they would follow through on both of those suggestions. Council Members Khan, Holm and Alvarado absent.

Council Member Lawrence stated that along with what her colleague said, she did not know who was on the committee but she hoped that Betty Chapman was brought in, she had done a tremendous amount of history with Houston and the whole area, so she hoped she would be considered for the job. Council Members Khan, Holm and Alvarado absent.

Mayor White stated that the University of Houston, Joe Pratt, had been involved, it had been a year in the undertaken and sort of a prototype as they were looking at how much it would cost, that they did four interviews, they were Thelma Scott Bryan, Lionel Castillo, former Mayor Louie Welch, Denton Cooley, Mr. Campos, Ms. Gallegos, they had a number of people who were in the queue; that they would get a briefing from everybody; that Ms. Chapman and her group were sort of the inspiration for the project. Council Members Khan, Holm and Alvarado absent.

29. ORDINANCE approving and authorizing the submission of an application for grant assistance to the Bureau of Justice Assistance under the FY2007 Edward Byrne Memorial Discretionary Grant Program for the Broadway Crime Reduction Initiative; declaring the City's eligibility for such grant; authorizing the Mayor to act as the City's representative in the application process; authorizing the Chief of the Houston Police Department to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Members Clutterbuck and Noriega out of the city. Council Members Khan, Holm and Alvarado absent. ORDINANCE 2007-0872 ADOPTED.
30. ORDINANCE approving and authorizing the submission of an application for grant assistance to the Bureau of Justice Assistance under the FY 2007 Edward Byrne Memorial Discretionary Grant Program for Targeting Violent Crime; declaring the City's eligibility for such grant; authorizing the Mayor to act as the City's representative in the application process; authorizing the Chief of the Houston Police Department to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program - **DISTRICTS C - CLUTTERBUCK; F - KHAN and G - HOLM** – was presented. All voting aye. Nays none. Council Members Clutterbuck and Noriega out of the city. Council Members Khan, Holm and Alvarado absent. ORDINANCE 2007-0873 ADOPTED.
31. ORDINANCE approving and authorizing the submission of an application for grant assistance to the Bureau of Justice Assistance under the FY2007 Edward Byrne Memorial Discretionary Grant Program for the Houston Crime Free Zone Initiative; declaring the City's eligibility for such grant; authorizing the Mayor to act as the City's representative in the application process; authorizing the Chief of the Houston Police Department to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program – was presented. All voting aye. Nays none. Council Members Clutterbuck and Noriega out of the city. Council Members Khan, Holm and Alvarado absent. ORDINANCE 2007-0874 ADOPTED.
32. ORDINANCE approving and authorizing the submission of an application for grant assistance to the US Department of Justice and acceptance of the FY2007 Edward Byrne Memorial Justice Assistance Grant; declaring the City's eligibility for such grant; authorizing the Mayor to act as the City's representative in the application process; authorizing the Chief of the Houston Police Department to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program – was presented. All voting aye. Nays none. Council Members Clutterbuck and Noriega out of the city. Council Members Khan, Holm and Alvarado absent. ORDINANCE 2007-0875 ADOPTED.
33. ORDINANCE approving and authorizing an application to the Office of the Governor, Criminal Justice Division, for Assistance under the Juvenile Accountability Block Grant Program; declaring the City's eligibility for such grant; authorizing the Mayor or his designee to act as the City's Representative in the application process, with the authority to approve, accept, reject, alter or terminate such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program – was presented. All voting aye. Nays none. Council Members Clutterbuck and Noriega out of the city. Council Members Khan, Holm and Alvarado absent. ORDINANCE 2007-0876 ADOPTED.
34. ORDINANCE approving and authorizing contract between the City of Houston and **VIDSYS, INC** for Professional Consulting Services for the City's Public Safety Video

- Initiative; providing a maximum contract amount - \$375,000.00 - Grant Fund – was presented, and tagged by Council Member Wiseman. Council Members Khan, Holm, Alvarado and Berry absent.
35. ORDINANCE approving and authorizing contract between the City and **MILAM STREET AUTO STORAGE, INC** for Vehicle Towing and Storage (Boot Program) Services for the Convention & Entertainment Department - **DISTRICT I - ALVARADO** – was presented, and tagged by Council Member Wiseman. Council Members Khan, Holm, Alvarado and Berry absent.
 37. ORDINANCE approving and authorizing contract between the City of Houston and **eCIVIS, INC** for Grants Locator Database Service for the Mayor’s Office; providing a maximum contract amount - 3 Years - \$227,042.00 - General Fund – was presented. All voting aye. Nays none. Council Members Clutterbuck and Noriega out of the city. Council Members Khan, Holm, Alvarado and Berry absent. ORDINANCE 2007-0877 ADOPTED.
 38. ORDINANCE amending Ordinance No. 2002-695 to increase the maximum contract amount and approving and authorizing first amendment to contract between the City of Houston and **PHYSIO-CONTROL, INC (formerly known as MEDTRONIC PHYSIO-CONTROL CORPORATION)** for Defibrillator Maintenance and Repair Services - \$1,526,275.00 - General Fund – was presented. All voting aye. Nays none. Council Members Clutterbuck and Noriega out of the city. Council Members Khan, Holm, Alvarado and Berry absent. ORDINANCE 2007-0878 ADOPTED.
 40. ORDINANCE appropriating \$67,023.70 out of Fire Consolidated Construction Fund for Construction Services for Fire Station No. 69, WBS C-000090-0001-4 under an existing contract with **CHARTER ROOFING COMPANY, INC - DISTRICT G - HOLM** – was presented. All voting aye. Nays none. Council Members Clutterbuck and Noriega out of the city. Council Members Khan, Holm, Alvarado and Berry absent. ORDINANCE 2007-0879 ADOPTED.
 42. ORDINANCE appropriating \$2,500,000.00 out of Airports Improvement Fund for a supplemental allocation for Contract No. 55990 by and between the City of Houston and **4B TECHNOLOGY GROUP, LLC** for Information Technology and Telecommunications Infrastructure Field Inspection Services at George Bush Intercontinental Airport/Houston, William P. Hobby Airport, and Ellington Field, WBS A-000138-0006-3-01; Proj. 577 – was presented, and tagged by Council Member Wiseman. Council Members Khan, Holm, Alvarado and Berry absent.
 44. ORDINANCE appropriating \$17,392,667.00 out of HAS Consolidated 2004 NONAMT Construction Fund, WBS A-000438-0002-4-01 and awarding construction contract to **EAS CONTRACTING, LP** for Rehabilitation of Runway 12R-30L and Miscellaneous Electrical Work at William P. Hobby Airport, (Project 619); setting a deadline for EAS Contracting, LP’s execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding EAS Contracting, LP in default if it fails to meet the deadlines; providing funding for engineering testing services, and for contingencies relating to construction of the facilities financed by such fund - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Members Clutterbuck and Noriega out of the city. Council Members Khan, Holm, Alvarado and Berry absent. ORDINANCE 2007-0880 ADOPTED.
 51. ORDINANCE No. 2007-836, passed first reading July 18, 2007

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 - **SECOND READING** – was presented.

Council Member Brown stated that he would like to get an update on these trash hauler franchises and believed there was supposed to be an annual audit of the franchises, in terms of tonnage moved, which determined the fees paid to the City of Houston, but if they did not do the audit they would not collect the fees, that he thought it might be appropriate to review it to make sure they were collecting the money they were owed and that there were not haulers out there who were operating without a franchise, that it was something that perhaps they needed to look into. Council Members Khan, Holm and Alvarado absent.

Mayor White stated that there was an audit in April and it would be interesting for them both to know what that audit found, if somebody could prepare a copy of that; that Council Member Brown also raised another issue, were there some unlicensed haulers out there and how did they know or not know, so they should get a report on that. Council Members Khan, Holm and Alvarado absent.

A vote was called on Item No. 51. All voting aye. Nays none. Council Members Clutterbuck and Noriega out of the city. Council Members Khan, Holm and Alvarado absent. ORDINANCE 2007-0836 PASSED SECOND READING IN FULL.

52. ORDINANCE No. 2007-837, passed first reading July 18, 2007
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 - **SECOND READING** – was presented. All voting aye. Nays none. Council Members Clutterbuck and Noriega out of the city. Council Members Khan, Holm and Alvarado absent. ORDINANCE 2007-0837 PASSED SECOND READING IN FULL.

53. ORDINANCE No. 2007-838, passed first reading July 18, 2007
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 - **SECOND READING** – was presented. All voting aye. Nays none. Council Members Clutterbuck and Noriega out of the city. Council Members Khan, Holm and Alvarado absent. ORDINANCE 2007-0838 PASSED SECOND READING IN FULL.

MATTERS HELD - NUMBERS 54 through 64

55. MOTION by Council Member Khan/Seconded by Council Member Alvarado to adopt recommendation from Finance & Administration Department to award to **BOWLING BICYCLES, INC** for Mountain Bicycles for Police Department - \$239,746.20 - General Fund – was presented. (**This was Item 10 on Agenda of July 18, 2007, TAGGED BY COUNCIL MEMBER CLUTTERBUCK**) – was presented. Council Members Khan, Holm and Alvarado absent.

Council Member Garcia moved to refer Item No. 55 back to the administration, seconded by Council Member Berry. All voting aye. Nays none. Council Members Clutterbuck and Noriega out of the city. Council Members Khan, Holm and Alvarado absent. MOTION 2007-0815 ADOPTED.

57. 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 – (This was Item 21 on Agenda of July 18, 2007, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. All voting aye. Nays none. Council Members Clutterbuck and Noriega out of the city. Council Members Khan, Holm and Alvarado Berry absent. ORDINANCE 2007-0881 ADOPTED.
58. 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 – **(This was Item 27 on Agenda of July 18, 2007, TAGGED BY COUNCIL MEMBERS LAWRENCE, WISEMAN and CLUTTERBUCK)** – was presented. Council Members Khan, Holm and Alvarado absent.

Council Member Lawrence stated that she and Dr. Lawson talked quite a bit about it, that she had a concern as she thought that with all the school districts around Houston they should partner with them, they should be willing to do that, so they were going to talk to other Council Members with various school districts and go out and speak to superintends and try to get a partnership, they pay for it bi-annually not one lump sum, that Dr. Lawson was very excited about doing it and working with the school districts. Council Members Khan, Holm and Alvarado absent.

A vote was called on Item No. 58. All voting aye. Nays none. Council Members Clutterbuck and Noriega out of the city. Council Members Khan, Holm and Alvarado absent. ORDINANCE 2007-0882 ADOPTED.

60. 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 – (This was Item 30 on Agenda of July 18, 2007, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented, and tagged by Council Member Johnson. Council Members Khan, Holm, Alvarado and Berry absent.
61. 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 – (This was Item 31 on Agenda of July 18, 2007, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented, and tagged by Council Member Johnson. Council Members Khan, Holm, Alvarado and Berry absent.

Council Member Edwards stated that they had set a date of August 8, 2007 at 2:00 p.m. to have a special Housing Committee meeting regarding the DPC process, that she had asked Council Members if they had a developer or builder that they would like to be a part of that, that they did not want more than three, they had one that they were looking at from the district, that they would have Planning and Public Works and if someone had a builder they wanted to discuss the issue of Developer Participation Contracts as well as how that met with standards for home building, and also Public Works would be a part of that process. Council Members Khan, Holm, Alvarado and Berry absent.

Council Member Wiseman stated that August 8, 2007 would be a week from today, so it would be after they would hold the vote on these items. Council Members Khan, Holm, Alvarado and Berry absent.

Mayor White stated that he thought it was a very useful suggestion to have such a meeting, that was not the only discussion they would have as part of their regular course, but if Council Members thought it would be helpful and perhaps there could be a motion to delay for two weeks and then they could hold that meeting. Council Members Khan, Holm, Alvarado and Berry absent.

Council Member Johnson stated that he would release his tag on Item Numbers 60 and 61, and moved to postpone Item Numbers 60, 61, 62 and 63 for two weeks, seconded by Council Member Wiseman. Council Members Khan, Holm, Alvarado and Berry absent.

After further discussion by Council Members, a vote was called on the motion to postpone Item Numbers 60, 61, 62 and 63. All voting aye. Nays none. Council Members Clutterbuck and Noriega out of the city. Council Members Khan, Holm, Alvarado and Berry absent. MOTION 2007-0816 ADOPTED.

60. 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** – **(This was Item 30 on Agenda of July 18, 2007, TAGGED BY COUNCIL MEMBER WISEMAN)** – was again before Council, and postpone by MOTION 2007-0816. Council Members Khan, Holm, Alvarado and Berry absent.
61. 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** – **(This was Item 31 on Agenda of July 18, 2007, TAGGED BY COUNCIL MEMBER WISEMAN)** – was again before Council, and postpone by MOTION 2007-0816. Council Members Khan, Holm, Alvarado and Berry absent.
62. 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** – **(This was Item 32 on**

Agenda of July 18, 2007, TAGGED BY COUNCIL MEMBER WISEMAN – was presented, and postponed by MOTION 2007-0816. Council Members Khan, Holm, Alvarado and Berry absent.

63. 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** – (**This was Item 33 on Agenda of July 18, 2007, TAGGED BY COUNCIL MEMBER WISEMAN**) – was presented, and postponed by MOTION 2007-0816. Council Members Khan, Holm, Alvarado and Berry absent.
64. 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 – (**This was Item 34 on Agenda of July 18, 2007, TAGGED BY COUNCIL MEMBER WISEMAN**) – was presented. All voting aye. Nays none. Council Members Clutterbuck and Noriega out of the city. Council Members Khan, Holm, Alvarado and Berry absent. ORDINANCE 2007-0883 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Wiseman stated that she wanted to thank the Department of Public Works and Engineering, specifically Mr. Gary Norman and all of the wonderful folks who had worked very hard at repairing the potholes in Kingwood. Mayor White and Council Members Khan, Holm, Alvarado, Lovell and Berry absent. Council Member Green presiding. (NO QUORUM PRESENT)

Council Member Johnson stated that he was glad that they had gotten to the point where they were starting to have discussions about their DPCs and the development that had taken place in the district, that it was certainly exciting to see that now through input from certain Council Members and the community that they were now starting to look at the process; that the development that was coming into his district, followed the standards and rules, did not make him feel good because he thought the market had spoken and said that no longer could they just deal with low income housing, housing with no standards, no master plan community, that he thought they needed to start looking at that market and start recognizing that they needed to change their standards to fit the market, as opposed to sticking with what they all knew. Mayor White and Council Members Khan, Holm, Alvarado, Lovell and Berry absent. Council Member Green presiding. (NO QUORUM PRESENT)

Council Member Johnson stated that on August 10, 2007 there would be a golf tournament with the Rashard Lewis Foundation and the Rookie Foundation at the Redstone Golf Course; that they were helping to raise money for his Summer Swing, that would take place on August 11, 2007 at Sylvester Turner Park; that if anybody wanted to be a part of the golf tournament could call his office at 713-247-2009; that on Saturday they would be giving away school supplies, 1,000 backpacks, that there would be food, fun and entertainment, that he wanted to thank the Mayor's Special Events Office for doing such a good job; that they would have a celebrity softball game. Mayor White and Council Members Khan, Holm, Alvarado, Brown, Lovell and Berry absent. Council Member Green presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that they had passed out cards to announce Unity Day, that she thought it would be the start of something for the City of Houston, that they were really trying to get their communities to be proactive and interacting with one another, that it was not

going to be one week or one day, that it would start a whole year of activities to primarily getting their youth from various communities to understand and know various communities; that they could have an exchange program within the city limits of Houston because they had every country represented, every community and ethnic group represented, so ultimately that was where it was going, that they were going to be raising money that would provide scholarships for the youth in the City to visit some of the Sister Cities of Houston, so that they become a real integral part of what they knew as a international city. Council Members Johnson, Khan, Holm, Alvarado, Brown, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that the issue of community development was not single listed to developers and/or house building, it was also part of the vision of a city and she knew that Mayor White had given her the opportunity to investigate some programs and she really had found some good information about how do they encourage businesses to come into inner cities through the same way they encourage the Citgo's and the big corporations to come, but how do they use those same types of tools to bring businesses to communities that they normally would not come to, that she was finding a lot of information and was very encouraged and thought it would be helpful as how they moved forward. Council Members Johnson, Khan, Holm, Alvarado, Brown, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that mental health facts in the State of Texas, more than 666,000 Texas children from birth through age 17 years of age could be identified as being at risk for developing emotional disturbance, some 670,000 Texans, one in thirty, experience depression, manic depressive disorders and other depressive disorders, that nearly 200,000 Texans, one in one hundred, experience schizophrenic disorders, approximately 30,000 new cases of schizophrenic disorders occur each year and as many as two out of ten Texans would have one episode of major depression during their lifetime, so what did it mean to them sitting at the Council table, the recent police shootings, and it was not an attack on HPD, because when they call in a police officer they were basically saying to take care of it, that they had exhausted every other remedy and could not handle it and they needed them to come and take care of it, that she thought it brought up an interesting question for them as they moved forward, that she would like to know what was the current policy for HPD, that she kept hearing that they had special people that went out and that were called, that once again it was part of the analysis that she had been asking, how did they use their police force; that she did not know if she was a police officer and was standing out there and somebody had a gun and waving it back and forth, she did not know at what point she would do that, but she would like to know what the training was, what was the policy regarding that, that it was not only for HPD, she would like to know what it was for the Sheriff's Department, that she did not know who could give her that information, was there a special unit, that she understood that at the last shooting a special unit did come out initially but then the SWAT team was called out and she would like to know what brings that kind of activity around; that she would like to know how many dollars government spends on helping their mentally challenged residents, when they looked at the numbers just for Texas, and they were as of 2002, that was not even current in the sense of being the last 5 years, that how much money did the State, County, City and Federal give towards the handling or the management of people with mental challenges, they knew how much they gave towards physical challenges, which was zero to nil almost, and if they were a working poor person they probably had no access and if they took that to the point of the figures that she talked about, and they could get it all, they pulled it off of Texas Governmental websites, that the growing number of persons, especially young people, that were now being classified and being put on drugs such as Ritalin and so forth, what had been the effect of that, was that why they were seeing what seemed like a preponderance of mental episodes in their community, especially with their young people, the drugs, depression and activities they were involved in, what was causing a lot of it and was there anything that could be mitigated that was causing these episodes or were they just as a community just going crazy, there was something that was

driving people to these points of depression and schizophrenia, that how could a 22 year old man be depressed, what was he depressed about, that was the zenith of most people's lives, what would cause a young person of 22 years, that it was not name, shaming and blaming, it was just time for them, as a legislative body, to take responsibility to speak on the issues that they keep asking people to spend money on, that she would like to see, and did not know if it was possible, but when they had the Ida Delaney issues and the Bryan Gillum issues there was a group of people, including her and Controller Parker and people from the Bellaire and Pasadena Police Department and HPD, and they met at the Women's Center every Wednesday for a year to look at what was causing the rash of shootings and they came up with a manual that was given to the Police Department that was used for training and she was suggesting that at some point and time they live the philosophies that they talk about, they pray every Tuesday before they open the public session, that the holy books that she was familiar with all spoke of people speaking to issues, that if they believed that Jesus raised Lazarus from the dead, he did not go up there praying for them, he said rise, he said get up, it was not a long speech and talking, get up, that if they believed in the Bible, it said that life and death came through tongues, it said in the beginning was the word and the word was God and the word was made flesh, there was nothing before the word, that tells her that when they speak, when they cause things to come and talk about things, instead of just sitting back and waiting for somebody else to take the action she thought this body needed to speak on the issues of mental health in the City and what was it's relationship to public safety, to the ultimate future of the City, that if they had a lot of young people who were depressed and basically manic and so forth what did that mean for them 20 years out when they were gone and in retirement homes, who was going to be in charge, that she was sure there were thousands of young people that were doing wonderful, but if they had 10 of those thousands that were out there they would cause havoc throughout, that she was asking one, that she thought it was appropriate to find out what was the policy for HPD and where did they stand and how do they address it, if those figures were right, and they were for the year 2000, nearly 3 million Texans, one in seven, was living with some form of mental illness, and 90% of those people lived in their homes, they were not in facilities, they lived in their homes, so that meant it was in their community and she did not know how it was addressed. Council Members Johnson, Khan, Holm, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she would like to have a final report from Mr. Bromwich or somebody on the final report that was given, there were a lot of recommendations in that report, she did not know which ones were going to be taken, she did not know how they were moving forward on those recommendations, so she would really like to have a final hearing on what that report said and what it meant and where do they go, that Mr. Bromwich could be here or not, but she thought it was important that the public hear and see what the City Council was going to be doing regarding the final recommendations, they spent \$5 million on that report, that she thought they should have some discussion on that. Council Members Johnson, Khan, Holm, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Lawrence stated that Council Member Johnson talked about a wonderful celebration in a District A park and she had not gotten an invitation to be on the all star baseball team, but expected to get that since they were using a District A park. Council Members Johnson, Khan, Holm, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Lawrence stated that she wanted to thank Mr. Art Kidder, who attended a townhall meeting in Spring Shadows to try to address the flooding out there and hopefully they would be able to partner with the County. Council Members Johnson, Khan, Holm, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Lawrence stated that as to HPD she had some major questions about their deteriorating helicopters, she went ahead and voted for the parts and service trying to be sure that no tragedy happened as had happened in the last few weeks with helicopters, that she wanted to thank Chief Montalvo, Captain Runyan and Joe Finniger, and Mr. Fontaine who set up a conference call and talked to some helicopter companies, they were moving forward very rapidly on their fleet and how to make that fleet grow back to the size that they had in the 1970's, that things were very different today and she thought they needed to look at that and have a big concern for those people working with the helicopters and in that particular part of HPD. Council Members Johnson, Khan, Holm, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Lawrence stated that she called Mr. Dadoush, they had an emergency situation at one of the fire stations that a firefighter called her and she went by about 8:00 p.m., the whole ceiling was leaking water, that this was not the first fire station that had been redesigned and she felt they were not using their best architects or best engineering companies, that it had been an architectural engineering problem and they had just redone that fire station and there were some mistakes made there, that she would request that they evaluate every contractor the City used and not reuse people who were costing taxpayer dollars, that Mr. Dadoush moved those firefighters and the correction started yesterday morning at 7:30 a.m. and General Services got there and try to have a situation that mold was not established there, that the firefighters were having to sleep in the kitchen and living room because of what was designed there. Council Members Johnson, Khan, Holm, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Lawrence stated that she looked forward to many years hopefully of Mr. Harry Hayes, Solid Waste Management, providing services as the standard was set with Buck Buchanan. Council Members Johnson, Khan, Holm, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Garcia stated that Zachery Rash had been listening to government in action; that his grandmother Janet Rash had been a part of the process; that to Zachery and all the scouts, they were part of one of the greatest organizations in the Country, the Boy Scouts of America. Council Members Johnson, Khan, Holm, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Garcia stated that next week would be National Night Out and he would encourage all of the civic associations to please make plans to celebrate that important occasion; that for his district if they would communicate with them who was going to be doing what events and where so that they could make sure to put them on his route, that last year they did 22 locations and it was a lot of fun, but even then folks were calling and saying he did not stop at their's, that they would try to make it 24 this year, that it was always an honor to see the citizens of the City celebrating that important occasion and working as a community to keep Houston safe and healthy for families and children. Council Members Johnson, Khan, Holm, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Garcia stated that as they were discussing the Oversize Truck Ordinance he got an email and call from one of their good neighbors in the Eastend and she was watching the debate, that the Oversize Truck Ordinance had rankled a few feathers and by the same time he thought it had gotten some very important attention, that he knew there were some details that they needed to have answered but it was really no different, and he hoped they had the same courage, as SafeClear, when they worked to reengineer an industry and a process and set public policy that was not previously there and added some tremendous results, that he was excited because Jessica Hulsey sent information over saying that the streets over there were in

horrible condition and it was the same thing that they heard from citizens in the near Northside, that they had citizens in the Denver Harbor area that he had been hearing from since taking office, so it was a huge issue, that they did not want to impede commerce by any stretch of the imagination but they were all in it together and they had to all contribute to making the City work and making it work for everyone, that folks were paying attention to the discussion and he looked forward to work to bring back a product that had many if not all the answers to the questions that had been raised. Council Members Johnson, Khan, Holm, Alvarado, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Garcia stated that Mr. Michael Moore, Mayor's office and Captain Moore in Burglary and Theft, had been working to make sure that they were also in another industry altering initiative, the scarp metal, that this morning they had a press conference at True Light Missionary Baptist Church, because True Light had been hit for the theft of their air conditioning unit three times in the last week, and there was a business in the near Northside, an air conditioning business was hit 6 times in 7 months, that churches, according to Captain Moore's research, had been hit 100 times since January of this year, what that was communicating was that churches in particular, and obviously small businesses as well, were at risk of losing their insurance coverage, that they had Mr. Edwards, who provided insurance for many of the churches who were present at the press conference, and indicated that churches ending up paying about \$15,000 for their insurance coverage, but the cost to replace the units that were being damaged was somewhere in the vicinity of \$25,000 on average, so at some point it became cost prohibitive for an insurance agent to provide coverage for some of the small churches and when they lose that coverage the small churches were extremely small and did not have \$25,000 on hand to replace the units three times or even on one occasion, so he wanted to thank the Burglary and Theft Division, Captain Moore in particular, for staying diligent, that he understood that some of the City facilities had also been targeted by the vandals, but Crime Stoppers helped to organize the press conference so they just wanted to remind folks that they were offering \$5,000 for anyone that had information of individuals that were committing the thefts and causing this kind of severe economic impact on churches and small business throughout the City, so if they knew of anyone who was doing it and bragging about it, to please call Crime Stoppers and make themselves eligible for a \$5,000 reward for the arrest and prosecution of those folks. Council Members Johnson, Khan, Holm, Alvarado, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Garcia stated that as to the commentary made by Council Member Edwards as to the mental health issues, that unfortunately it was a very timely commentary on the issue, but several weeks ago, seeing he success they had with another health care related initiative he asked Chief Hurtt and Mr. Williams, the Mental Health and Mental Retardation Association, to come together to look at a much more strategic and comprehensive approach to the issue, that he thought the real point to all of it was that State and Federal funding, if they did the tracking of the dollars, had literally disappeared from funding those good organizations that were doing that kind of work, so they locally were going to have to figure out a way to pony up some resources, either in cash or in FTE's to do something strategic, that Mr. Williams was a great creative thinker and they were going to use the same approach that they used with the Care Houston Initiative that had thus far for the Sunnyside area netted a 70% reduction in calls to the ambulance in a particular neighborhood, that he thought they could accomplish something similar to this issue as it related to the Mental Health community, that part of the anatomy to those issues were folks who either had a history began to not follow their prescriptions and for days or weeks or months prior to the time that HPD was called and it was just unfair both to the patients and folks suffering from these crisis as well as to the Police Department that HPD became the depository for help in this regard, so they were looking for and they had been having these discussions, that just as they get their thought process through he would ask Council Member Edwards to be a part of the work group, but he was hopeful that

they would be able to effect some change, albeit until the State government replenishes the resources that the agencies needed to a level that they had been in year's past, they would be treading water, but he wanted to thank Chief Hurtt, Chief McQuillen, Mr. Williams, Mr. Michael Downey, MHMRA, for being willing to step up and have the discussion and figure out how they could partner with one another to address this important issue. Council Members Johnson, Khan, Holm, Alvarado, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Garcia stated that thanks to the Houston Heights seniors they had a press conference to talk about Houston's emergency response in regards to the folks with special needs and they were promoting that if they thought they were in the special needs community that they call and get registered and make sure they were taking advantage of the resources, that they had a press conference at the Houston Heights House with Chief Storemski and members of the SEACH team and Red Cross and one of the folks recorded it and put it on UTube, that he would encourage folks to get on UTube and listen to the information and resources available for the special needs community. Council Members Johnson, Khan, Holm, Alvarado, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that the Harris County Hospital District had an important function on the provision of services to those who were indigent for mental health, that he had visited their facilities, that as they discussed it he would mention to Council Member Edwards and people around the Council table that it was a tremendous concern for Chief Hurtt personally and the command staff, that given the physical structure with which they live at the Federal, State and local, County and City, he wished he could tell them that he knew exactly what the silver bullet was but there was to often law enforcement who had a different mission and was called upon to deal with these situations and they could be preventable with other resources and with the appropriate amount of casework for those individuals who were suffering, that not all types of mental illness, and no one should be stereotyped, result in actions which could be of danger to the individual and others, but thank goodness science had come a long way in the last 40 to 50 years, and they were doing better, the scientists and health professionals, of diagnosing those that may be of some danger to themselves and others, whether funding had caught up with that he was not clear, that his wife had agreed to serve on the Board of the Menenger Clinic, which was going to be a real asset to the community, that he hoped people looked at the total sources of historical mission in funding of public mental health and private mental health services to their community and that they not ask law enforcement to bite off more than they could chew. Council Members Johnson, Khan, Holm, Alvarado, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Lovell stated that she wanted to thank Mayor White for today and what happened with the Old Sixth Ward, that it had been a very rewarding event to be a part of, that she hoped they could continue forward in some other neighborhoods in dealing with preserving, in a way and a process, maybe not on such a giant scope but maybe there would be blocks where people would want to preserve their blocks that they had, it was a great first step. Council Members Johnson, Khan, Holm, Garcia, Alvarado, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that in this community a lot of times they talked about home builders and developers versus residents, that nobody builds a house to sell to nobody, unless they go broke pretty quick, that in this case the majority of developers, home builders, were residents, not all of them, but to date much of that had been done through finance by residents of the community, or people who had a contract with the residents before they do it and they were doing it on the residents nickel and credit, that for those who sought to build within the City limits they were not sending a message that they could not build anywhere because they wanted to preserve, and help those who were investing in Houston, that for those where the houses were

not falling down there may be a different role for historical preservation than in places that needed to attract and protect the investment of those who needed new money going into a neighborhood, that they put to rest the idea that preservation was inconsistent with development, he thought that was the most important thing that they had done at the Council discussion. Council Members Johnson, Khan, Holm, Garcia, Alvarado, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she wanted to reiterate that her comments were not an attack on HPD, that she thought that HPD was being used as a dumping ground for the lack of responsibility; that her issues with MHMRA was that when she had to call them, there was an incident at one of the schools in District D they said they did not go where a person was acting out violently, that she understood what they did within a certain spectrum, but she would suggest that Mayor White pull in people that dealt with that community or those challenges on a daily basis, that people like U.S. Vets, the Homeless Coalition, there were groups that dealt with that, and she wanted to be very clear, that she thought the police were being given a raw deal because they were having to pickup where they were not doing what they had to do, but she knew they had a responsibility to speak on the issue, that if Mayor White or the Chairman were interested in developing a group of people to look at it, she thought it should be wider, that she thought the police should be involved, and education, she thought the school system needed to be involved, they needed to have some people that worked in the community, the church, but they needed to also have people that worked with people who were acting out these actions on a daily basis, not on an episodic basis, they had some very good tactics and she thought they could look in to see, but she thought the key for them as they moved forward was to look at prevention, how much of it was caused by people not having proper prenatal care, the stats that she talked about said how many babies were being born that were being diagnosed as being possible because of prenatal issues, that she was not trying to be a bleeding heart but thought there were some practical things that they as a society could do to look at what were the causes and factors for their children being so depressed at age 22 that they would do something like that and she thought it was meaningful and a very value and as the City moved forward with the greatness that it had, the propensity for, that they really needed to address it, that she appreciated the support and the work of HPD, but they really needed to get on top of it. Council Members Lawrence, Johnson, Khan, Holm, Garcia, Alvarado, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Brown stated that it occurred to him that a lot of what they talked about in the Council meeting fell under the category of sustainability, a sustainable City, economy, development and environment, that he had the pleasure of participating with Council Member Wiseman in the No Solo Driving Event that happened at the steps of City Hall and sponsored by the Houston Galveston Area Council, that he was looking at a No Solo Driving Pledge that he was mailing today, which encouraged all of them to carpool, that offered to his colleagues to pick the day and he would pick them up at home and drive them home in the evening, that they would carpool together, except for Council Member Wiseman who lived in Kingwood. Council Members Lawrence, Johnson, Khan, Holm, Garcia, Alvarado, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Wiseman stated that today they had their kickoff for Commute Solutions Month, that it was an HGAC program and was a year round program that provided a one stop resource for individuals and businesses looking for alternatives and was important for their air quality and for their mobility and transportation that they have alternatives and that they use those alternatives, so if anyone was interested she had signed a pledge this month to use an alternative as often as possible and would be taking the Metro Park-N-Ride, she would be taking the bus to town, that she was very excited to be able to do her part and they were

encouraging everyone in the City to do their part, if just one day they took an alternative transportation method they could realize cleaner air and less congestion on their roadways.

Council Member Wiseman stated that they had a visitor present at their event from Oregon, Mr. Robert Dyke, who was present in the Council Chamber, that he was so encouraged by the presentation that he planned to go home and try to implement such a program back in Oregon. Council Members Lawrence, Johnson, Khan, Holm, Garcia, Alvarado, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Brown stated that Commute Solutions was a program for the month of August, so they were all going to try it hopefully and would say to the citizens of Houston to carpool, take transit or walk to work if they could do it, and they could cut down their carbon emissions, that he thought it sent a message about the City that hopefully would be taken back to the State of Oregon. Council Members Lawrence, Johnson, Khan, Holm, Garcia, Alvarado, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Brown stated that he had handed out some information about high speed rail in the United States, that they had the prospect of the Texas T-Bone, which was a high speed rail corridor connecting Houston, Dallas and Fort Worth, San Antonio and Austin, which he thought would be an extraordinary shot in the arm to their Texas economy and make them a much stronger player in the global community; that he had the opportunity to go to Berlin, Germany and to take a number of high speed rail trains that traveled at 350 kilometers per hour, which was about 200 miles per hour, they were safe, quiet and did not jiggle, it was an extraordinary thing, that Siemens was building a line which would open soon from Madrid to Barcelona and in terms of their opportunities it meant they could go from Houston to Dallas, get on downtown, go to the airport, because it connected city to city, airport to airport and get to Dallas in an hour and fifteen minutes, that he thought it would change the whole equation, that instead of their competing with Dallas, they would be working with Dallas as an economic unit that would be twice the size of what they were now and thought that was the direction they needed to head. Council Members Lawrence, Johnson, Khan, Holm, Garcia, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Brown stated that he wanted to compliment the Mayor on the economic mission that was taken to Moscow and to the Netherlands, of which he was able to participate in the Netherlands part, that he really got the very strong sense that the European union and Western Europe had made a real commitment to sustainability, that they had set goals for example that he thought would be emulated around the world, particularly in the developed countries, to reduce their carbon emissions from the year 2000 to the year 2030 by 30%, that he thought it would be a very ambitious goal for them, but in the case of the European union there were financial penalties if they did not meet that goal so they were inspired to do it, that in the Netherlands they saw a lot of alternative transportation, they saw more bicycles than they saw cars, they saw green architecture, they saw high speed rail, it was very inspiring and he thought that Houston could become a leader in sustainable development; that he thought they had some very good meetings about the issue of sustainability in the Port of Houston where there was an enormous opportunity and he looked forward to supporting the Mayor's initiative in that respect. Council Members Lawrence, Johnson, Khan, Holm, Garcia, Alvarado, Lovell, Green and Berry absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 1:08 p.m. Council Members Clutterbuck and Noriega out of the city. Council Members Lawrence, Johnson, Khan, Holm, Garcia, Alvarado, 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

Anna Russell, City Secretary