

City Council Chamber, City Hall, Tuesday, August 21, 2007

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, August 21, 2007, Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Ada Edwards, M. J. Khan, P. E., Pam Holm, Adrian Garcia, Carol Alvarado, Sue Lovell, Melissa Noriega, Ronald C. Green; Ms. Connie Acosta, Division Chief, Labor Division, Legal Department; Ms. Claudia Vasquez, Director Citizens Assistance; Mr. Terence H. Fontaine, Deputy Chief of Staff for Operations; and Ms. Marty Stein, Agenda Director present. Council Member Addie Wiseman due to being ill. Council Member Peter Brown out of the city. Council Member Michael Berry absent.

At 2:02 p.m. Mayor White stated that presentations would begin with Council Member Lovell; and Council Member Lovell invited Mr. Jim Henley to the podium and stated that it was an honor to recognize someone who had made a huge impact on many students; that Mr. Henley started at Lanier Middle School in 1997 and would now be retiring, but one of his most memorable accomplishments was starting the Lanier Middle School Debate Team who had now won their 5th National consecutive Championship; and presented Mr. Henley a Proclamation saluting and commending him and proclaiming August 21, 2007, as "Jim Henley Day" in Houston, Texas. Council Members Lawrence, Johnson, Clutterbuck, Holm, Garcia, Alvarado, Lovell and Green absent. (NO QUORUM PRESENT)

Council Member Lovell stated that she had another special presentation and introduced Principal Julia Demit of Lanier Middle School and stated that she commended the students of the Lanier Middle School Debate Team as they took many hours honing their skills; and presented Ms. Demit a Proclamation proclaiming August 21, 2007, as "Lanier Middle School Debate Team Day" in Houston, Texas. Council Members Johnson, Clutterbuck, Holm, Garcia, Alvarado, Lovell and Green absent. (NO QUORUM PRESENT)

Mr. Henley stated that the debate team also included sixth graders and they were very special people; that they represented the City of Houston, Texas and the Houston Independent School District and brought honor to their school; that the team was 250 students and the winners came back to teach the upcoming and it was high school and middle school students all across the city represented here; and he was not retiring but helping start debate programs in inner city schools. Council Members Clutterbuck, Holm, Garcia, Alvarado, Lovell and Green absent. (NO QUORUM PRESENT)

Council Member Edwards thanked Mr. Henley for his work and stated that it was very important, he was much appreciated; and commended all on the debate team for their accomplishments. Council Members Johnson, Clutterbuck, Holm, Garcia, Alvarado, Lovell and Green absent. (NO QUORUM PRESENT)

Council Member Khan stated that August 15th was India's independence day and this year they honored all women achievers from the Indian American community and they wanted to show respect for work done by the City of Houston under leadership of Mayor White; and presented Mayor White with an achievement award for his invaluable contributions for uplifting the community; and Mayor White stated that organizers asked Council Member Khan to do this and he was much indebted to the organizers of India Fest for all they did for this great city. Council Members Clutterbuck, Holm, Garcia, Alvarado, Lovell and Green absent. (NO QUORUM PRESENT)

At 2:15 p. m. Council Member Garcia led all in prayer and in the pledge. Council Members Holm and Green absent.

At 2:18 p.m. Mayor White called the meeting to order and the City Secretary called the roll. Council Member Wiseman absent due to being ill. Council Member Brown out of the city. Council Member Berry absent.

Council Members Garcia and Lawrence moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Brown out of the city. Council Member Berry absent. MOTION ADOPTED.

Council Member Khan stated that as a point of personal privilege there was a group of Sharpstown Middle School students present who were a part of the Youth Intervention Program of NCI Neighborhood Centers, Inc. and asked them to stand to be recognized. Council Members Holm and Green absent.

Council Member Clutterbuck stated that as a point of personal privilege she wanted to introduce a group of boy scouts who were present working on their Eagle Scout badges and asked them to stand to be recognized. Council Members Holm and Green absent.

At 2:19 p.m. the City Secretary began calling the public speakers. Council Members Holm and Green absent.

Mr. Charles Eperson, 4305 Tanarak, Austin, Texas 78727 appeared and stated that he was executive director of a nonprofit corporation, the Brownfield Stewardship Fund and their purpose was dedicated to revitalizing blighted contaminated properties into safe and productive ones and was in favor of Item 45, the proposed municipal setting designation ordinance, it would allow the best use for properties with no hope; that he was a toxicologist and he was head of the TCEQ's voluntary cleanup program for eight years and during that time about 1,300 sites entered the voluntary cleanup program, but many entered and fell out because efforts could not be accomplished for redevelopment because of underlying groundwater contamination which could not be remediated to drinking water levels, even though it was well known to them and the TCEQ the groundwater did not plan to be used by anyone; that when he left he helped lead an effort in the statutory language for the municipal setting designation law, providing protection while encouraging redevelopment by allowing cities to have enforceable powers, etc.; that the MSD ordinance and Law did not provide anyone with a free "get out of jail" card for cleanup, all must be addressed. Council Members Edwards and Green absent.

Upon questions by Council Member Garcia, Mr. Eperson stated that he was correct they would not require as much remediation as previously and anyone getting an MSD and approached the state, the state's responsibility was to look at future use and risk and require a remediation to address any future possibilities of groundwater to surface water potential release; and he had information he would send him. Council Members Edwards and Green absent.

Council Member Noriega stated that she was astounded to find out there was a Brownfield Stewardship Fund; and upon questions, Mr. Eperson stated that they received funding from private foundations as well as acquiring properties, cleaning them and then selling them and taking those proceeds as well. Council Members Edwards and Green absent.

Upon questions by Council Member Holm, Mr. Eperson stated that the city was affirming through its future enforcement that the groundwater would not be used for ingestion purposes and the state evaluated any other conditions which may exist and if they said there was no other inhalation issues or exposures then there should be no additional risks; that the TCEQ had experience in looking at all conditions besides conditions, if there was a migration and it was next to a stream or bayou then the MSD changed in terms of cleanup standards and you would have to address any future risks so there would be no discharge into a stream; that the

ordinance did require you follow-up and get a closure through the TCEQ in order to keep the ordinance; that the city's ordinance was not allowing anything to happen that would not already be protected under the TCEQ but would allow development under specific more restricted terms. Council Members Clutterbuck, Garcia and Lovell absent.

Mr. Stuart A. Jones, 5430 LBS Freeway #1200, Dallas, Texas 75240 (214368-2152) appeared and stated that he was president of American Brownfield Corporation in Dallas, Texas, and founding trustee of the Brownfield Stewardship Fund; that since 1993 they and their partners had completed more than one dozen successful brownfield redevelopment and restoration projects and had been part of the national debate on brownfield redevelopment since its inception; that brownfield redevelopment addressed the three primary civic concerns of crime, schools and traffic in a positive way and job creation was a bonus; that the MSD Council was considering today would be the most important tool for Houston in its efforts to revitalize, abandon former industrial and commercial sites and to revive tired ailing retail sites and incorporated the best aspects of existing MSD ordinances in Texas, it was a win/win situation. Mayor White and Council Member Garcia absent. Council Member Alvarado presiding.

Council Member Alvarado stated that Mr. Jones stated it accurately; that what they were doing tomorrow was setting up the process, every application would have to come before Council for a vote; that it was land already contaminated and this would encourage remediation of surface contamination and they were doing it in the most environmental friendly way contaminated land could be handled. Mayor White, Council Members Holm and Garcia absent. Council Member Alvarado presiding.

Mr. Scott Leafe, 10260 Westheimer, Houston, Texas 77042 (713-806-3115) appeared and stated that he was with SKA Consulting, a professional environmental engineering firm in Houston, and he was asked to speak before Council about Mr. Frank Lu with Lovett Homes, he was a very aggressive developer in the city and recognized advantages of redeveloping very blighted properties and it was well known knowledge he had even taken on the MDI Superfund Site which sat for years with no activity, it was the first privatized superfund site in U. S. history; that he felt he could say this ordinance was a very successful program implemented elsewhere and would be very successful here; that from a technical prospective developers wanted to assure citizens this was not a circumvention of any rule, it was merely another tool which could be used to protect human health and environment and allow them to redirect resources onto sites which were serious problems; that the only difference in the MSD process was this allowed the city another tool to be used to close more contaminated sites; that they gave full support and urged Council's support. Mayor White, Council Members Holm, Garcia and Green absent. Council Member Alvarado presiding.

Upon questions by Council Member Khan, Mr. Leafe stated that sites they were talking about which would fall under the MSD jurisdiction had to meet all criteria to prevent exposure to human beings and the environment with the exception necessarily of ingestion exposure pathway and that meant drinking the water, so on sites with no contamination there was no prohibition to drinking the water and while it was not customary in and around the Houston area there were still water wells used for irrigation but not customarily for drinking; that the MSD got rid of the perception and made it what they knew was true; that there could be special restrictions on development of properties but only if the ground water contamination itself did not satisfy requirements for the MSD rule, which was there could be vapors coming up, etc., and vapor barriers would need to be placed below the foundation, but that was very site specific. Council Members Holm, Garcia and Green absent.

Upon questions by Council Member Edwards, Mr. Leafe stated that one of the greatest benefits would be redirecting resources to sites just sitting there because they were much to

expensive to clean; that they could allocate funds more efficiently and make significant differences; that the MSD program in conjunction with the other state regulations..., the state would not issue a certificate of completion certifying a property suitable for any given land use if there were continued ongoing monitor obligations not being met; that the TCEQ monitored and if they issued the certificate it was saying nothing else needed to be done or if something did need to be done it was clearly outlined on the certificate. Council Members Holm, Garcia and Green absent.

Ms. Lisa Waskom, 1108 W. 22nd, Houston, Texas 77008 (713-824-1934) appeared and stated that she was with Westin Solutions, doing environmental consulting work for a wide variety of clients, this was not talking about letting big chemical corporations or big oil companies who had contamination doing assessments and remediations, often it was just mom and pop shops where they did industrial use and could potentially cause groundwater contamination; and by passing the ordinance tomorrow Houston would be allowing individual property owners to bring their individual applications to Council for review, to see if the MSD processes were applicable to the property and all soil issues were addressed, assessed and remediated. Council Member Garcia absent.

Ms. Rogerlyn Carney, 16019 N. Face Drive, Houston, Texas 77073 (281-784-1665) appeared and stated that she worked for building services at Bush International Airport and today she and those with her were present with a great concern, shift changes, currently they had three eight hour shifts and management over the last two weeks came up with 10 hour shifts, but the concern was the time which was from 3:00 p.m. to 2:00 a.m.; that 80% of the building services department were women and some lived in neighborhoods you would not go in after 5:00 p.m.; that they took great pride in what they did so when visitors came they would see a clean airport with friendly faces and they were asking management to please reevaluate and come back to the table with a better time; that some had no spouses and this was their only means of support and they were asking Council to help. Council Member Garcia absent.

Council Member Khan thanked all for coming; and upon questions, Ms. Carney stated that they currently had three eight hour shifts and they were informed it would be changed to two ten hour shifts and the late shift would start at 3:00 p.m. and go to 2:00 a.m., previously the time was from 10:00 p.m. to 6:30 a.m.; that their concern was safety, it was not safe to travel during those hours; that there was no issue with a ten hour shift, only the time and they would like to go to the bargaining table, also when they were at a meeting she came back and found a piece of paper on her supervisor's desk which was a form to resign, so they were saying to either go along with this or sign the paper and resign and it was not fair to her, coworkers or the airport; that many women had children still going to school and they would not be home to receive them and that was not safe; and Council Member Khan stated that he would request the Mayor's Administration to look at the issue and maybe look at their concerns. Council Member Garcia absent.

Upon questions by Council Member Lawrence, Ms. Carney stated that her understanding was they had 190+ employees to work the two ten hour shifts; that she did not know if others would work the shift; and Council Member Lawrence stated that sometimes they could not use changes because of what the person did, but it would be interesting to see how many would work what she described to be a dangerous shift; and Ms. Carney stated that they could, but they were not asked, they were told this was the way it would be and they felt they were being treated wrong, some had worked there even ten years or more. Council Member Garcia absent.

Upon questions by Council Member Edwards, Ms. Carney stated that their union was not negotiating this; and Mayor White asked Council Member Edwards to yield and stated that there

was a lot of extensive work by a lot of people within the union on different proposals and counter proposals concerning formalities and procedures involving changes of work schedules and shift differential pay and those with the HOPE entity were continuing and he had feedback and was familiar with a couple of issues both on changes on work schedules and then on shift differential in pay and he had read the union's proposals and it was not their intention any good dialogue with employees should wait for or be slowed down for ongoing negotiations and the kind of issue posed by Council Member Lawrence and the hearing here he thought would be helpful if you looked at what Steven Williams had done in the Health Department where they had changes in work rules and making sure there was clear communication with employees and he would commend that model to the airport system; that they did have meet and confer discussions but prior, beginning to the partnership with ASCME they were familiar with the particular issue posed here; and Council Member Edwards stated that she was disappointed with the first meet and confer was denied by the governor and as hard as they fought to get the union started and established she just wanted to know if the union was doing what it was supposed to do, but she did hope they were successful and in any such negotiations the differential pay on shift change would be looked at; that she would wait to see what came out of the union negotiations and then she would give her advise. Council Member Garcia absent.

Upon questions by Council Member Johnson, Ms. Carney stated that she and the others present were third shift workers from 10:00 p.m. to 6:30 a.m. and the shift would change from 3:00 p.m. to 2:00 a.m. and it was they that were saying they had a problem, it hit them the hardest.

Upon questions by Council Member Alvarado, Mayor White stated that he would make sure Airport management got a report on this to the Council Members; that he would say there were several metrics by which the Airport management was judged by him, one general group fell under the heading of customer service where the employees before them were an important part and the other was cost per claimant and from time to time there were shift changes by departments to meet the two objectives, but they would get a report; and Council Member Alvarado stated that she hoped when management was making such decisions they did not just implement something without looking at the people who would help carry out the job such as leaving the airport at 2:00 a.m. to travel home; that she would withhold until she received her information and monitor negotiations and see how they turned out.

Council Member Noriega stated that she needed to go on record saying that as leadership in the City of Houston they wanted folks to be efficient and meet goals and do well with whatever their job was to do, but she had a problem with making a decision of this magnitude, in handing someone a form to resign, if that was the case; that she did not think that was the way they wanted to do business and there were many people standing before them and if you took 190 people and divided it into three shifts that was about 60 people per shift and there were about 25 people present, so that was a good chunk of the group; that she recollected spending at least an hour talking on management discipline, conversations between management and workers, and she was uncomfortable if that indeed happened here; that she may not have all information, but if this was correct she was very uncomfortable; and Ms. Carney stated that the form was not handed to them, it was on a supervisor's desk, she saw it and picked it up.

Ms. Martha Gonzalez, 623 Kaylyn, Houston, Texas 77060 (713-907-8026) appeared and stated that she worked with Building Services at Bush Intercontinental Airport and was present today as an employee, mother and grandmother, if someone worked nights there was usually an important reason for it and hers and many of her coworkers reason was that they had to take care of children, grandchildren, spouses or someone elderly during the day; that she watched her grandchildren, four of them and some were too small to go to school; that if she could not keep night shift she could no longer work for the city and she thought management was

counting on it, also if she had to leave the city and find another night shift her son would suffer, he had a serious heart condition and any interruption in his health care would be devastating, if she was forced to quit her son's life would be in danger; that Council Members knew whatever they had to do to keep their family healthy and whole they would do and that was why she was present. Council Member Lawrence absent.

Council Member Lovell allowed Ms. Gonzalez to continue; and Ms. Gonzalez stated that at 2:30 in the morning, when they were expected to leave work, was when bars were closing which added to the danger and some did not live in the safest of neighborhoods because of their economy and that was another risk; that Airport management stated they hoped the workforce would be 25% smaller when they moved to new shifts, so were they quietly hoping they would quit, it was wrong to treat employees this way and she hoped the Mayor and Council would help them; and Council Member Lovell stated that she had a couple of problems with this, knowing they were coming she did research and 80% of the employees in this group were women, making less than \$10.00 an hour and most over 40 years old; that many did take care of their children or grandchildren and she did wonder why there would be resignation forms; that the meeting was August 2nd, nineteen days ago and the next week shift bidding went on and when you had a schedule and children involved it was very difficult to do that and she believed they were asking to sit with management and work through it and they were frustrated they had not been able to do so; that she knew HOPE was working hard and that all were frustrated and wanting help and she was asking the Mayor to see if the Airport System would sit with them and work through this so that their lives would not be disrupted. Council Members Lawrence, Clutterbuck and Green absent.

Council Member Garcia thanked Ms. Gonzalez for coming and all who came for being supportive of one another and then stated that he did not know if Council had yet effectively communicated to department directors that the employees union was a real thing today and they wanted directors to understand these were issues they needed to become accustomed to resolving in a communication process, this reminded them of how things were years ago before they had a stronger union and this was hard to understand and he did not want to think Aviation would treat people like second hand citizens, as though they were expendable; that when they say they were given resignation forms under an order then it was clear what was being communicated. Council Members Lawrence, Clutterbuck and Green absent.

Council Member Garcia yielded to Mayor White who stated that on his first point he could say nothing better than what Council Member Edwards had used, under no proposal by the union or management was adjudication by Council proposed by either side in negotiations; that on the second point it was either the fact someone handed out resignation forms or there was an implication true or not true and his credibility of those involved would be based upon whether turned out to be true or not; that the speaker did not say the resignation forms were handed out, he did hear it around the Council table and maybe there were some Council Members who had information he did not, but they did have people they encouraged to work through this in both departments and his points were well taken and there were processes and individuals responsible for working out the problems; that while going through negotiations he did commend people to see what Mr. Williams had done, but he did not think in case someone was reporting these proceedings that they were handing out resignation forms and one issue which would be addressed with the Aviation System when it prepared a memo would be the workforce implications which may be a little different. Council Members Lawrence, Clutterbuck and Holm absent.

Council Member Edwards stated that she was disappointed as they had worked very hard to get the union established and she would like someone from the union to visit with her in the office and give information on what was going on; that she worked as a union organizer most of

her adult life and she would like someone to help her understand what was going on and if Council could be of any help. Council Members Lawrence, Clutterbuck and Holm absent.

Council Member Alvarado stated that she missed the part of resignation forms which angered her even more; that when you put all elements together of changing people shifts, give them little notice and then by the way there are resignation forms, all elements added up to what people saw as being weeded out and it was no wonder so many employees were present; that in effective management you did not put all those elements together and someone made that decision and now Council was dealing with it and this was not the first time they have had to deal with issues at the airport; that she and Council Member Garcia were there twice, if not once, and constantly over a period of time had to intervene on behalf of some employees; that there was a pattern they could not get to the bottom of and she wanted to make a point of clarification; that those present were employees of the Building Services Division of the Houston Airport System; and Ms. Gonzalez stated that was correct. Council Members Lawrence, Clutterbuck and Holm absent.

Council Member Noriega stated that it was easy to take something for granted that you did not see or deal with and folks cleaning bathrooms behind the scenes in the middle of the night was very real hard work and they did deserve respect for doing it; that this city depended on them to present the best face of the city; that also as a mother she was astounded to find how quickly her backup system evacuated when she needed help with childcare and she was sure that was the case with eldercare as well and she knew personally how difficult life could be when your insurance would not work right; that again she wanted to say this was important, it did matter and it did need to be addressed. Council Members Lawrence, Clutterbuck and Holm absent.

Mayor White thanked Ms. Gonzalez and her coworkers for coming; and Ms. Gonzalez stated that she would like to say she wanted to know she was a face and not just a number on a paycheck, she was a person and she did appreciate all taking their time with them; that she also wanted to stress the flyers were not handed out to them by management they were put on a desk for them to see, but they came from somewhere, they had no access to offices; and Mayor White stated that by the same token, they tried to talk to people and not about people and sometimes he had things on his desk people requested from him and he did not know of these circumstances, but her point was made by the fact her people's lives were involved and it was important. Council Members Lawrence, Holm, Alvarado and Noriega absent.

Mr. John McKnight, 10927 Ivy Ridge, Houston, Texas 77043 (832-236-7053) appeared and stated that he lived in West Houston and was present protesting the widening of Brittmore, a two lane road which went through a neighborhood, they would be making it a four lane with a cement slab in the middle such as a big industrial road; that his problem was it was very destructive, it ruined the neighborhood's integrity and hurt property value and it was not necessary; that he was asking the center of the street to have green tree lines, to be more neighborhood friendly and he did not know why the local Council Member was not on the same page if they were not. Mayor White, Council Members Edwards, Holm and Alvarado absent. Council Member Khan presiding.

Council Member Lawrence stated that they asked Public Works to talk with him; and upon questions, Mr. McKnight stated that as he was coming a voice mail on his phone came that someone from Public Works called; and Council Member Lawrence stated that she would like every four lane street to be a boulevard if that was what the neighborhood wanted, but right now Public Works was trying to acquire 40 different pieces just to have four lanes without a boulevard and that was a tremendous expense; and Public Works and TxDOT had deemed the road more industrial; and Mr. McKnight stated that Westview was tree lined and 100% industrial,

he was referring to the northside of Beltway 8; and Council Member Lawrence stated that he should call the number he had and speak with them a little more about the plans; and Mr. McKnight stated that he spoke with them for two years and they said the road was not wide enough, but again Westview would be the same width of the new road and it had trees in the center and that protected the tax base instead of a different look in the neighborhood. Mayor White, Council Members Edwards, Holm, Garcia and Alvarado absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Mr. Bart Womack, 8638 Fonte, Houston, Texas 77024 (832-236-5671) appeared and stated that words offered meaning and annunciation of truth, but when city government denied people access to instruments of communication which allowed them to create community dialogue then the truth died; that he found it disturbing speaking with the director of Houston Media Source when informed as of April 1, 2008, the station would only receive \$100,000 a year to operate and that would effectively destroy the community access to airways; that the city would still be pulling in the funds, but the money would go to police overtime pay and their budget was already over \$600,000,000 and the profit from red light cameras alone is noted to be \$4.5 to \$21.5 million and that was not even counting the recently awarded homeland security grant of \$50,000,000; that while the police budget grew the budget of Houston Media Source became smaller. Mayor White, Council Members Edwards, Holm, Garcia and Alvarado absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Council Member Clutterbuck thanked Mr. Womack for coming and stated that Council voted last year to begin to wean Houston Media Source off general fund dollars and the problem they were faced with, and she understood the Mayor was negotiating to come up with a better solution, was that there were legal opinions that the PEG funds Houston was receiving could only be used for capital improvements, not ongoing operations and that was the dilemma Houston Media Source was now in, but he did raise disturbing aspects if it was true PEG funds were going to pay for police overtime; and Mr. Womack stated that was the direct comment made by Finance Administration, he interviewed him personally; and Council Member Clutterbuck stated that she would look into that and hopefully the Mayor's creative approach to things like this and challenging the notion PEG revenues paid for by consumers were limited and it was not yet stagnant in her opinion. Council Members Holm, Garcia, Alvarado and Noriega absent.

Council Member Lawrence stated that next time he came if he would bring finance statements and state where he got them Council Members would be able to check his information; and Mr. Womack stated that he would do so but the information came from the accountant for Houston Media Source. Council Members Holm, Garcia, Alvarado and Noriega absent.

Mayor White stated that he was reporting on what he understood was told to him and he would say on the record and on Municipal Channel that he thought there had been confusion of the status of funds for municipal and public access and educational; that no funds in the agreements would be diverted for any other purpose and then they were trying to make sure they got full funding which was something he personally bargained for in something called Senate Bill 5 for the important functions of public access and municipal and other channels and he thought they would be able to wrap it up in a way which gave a sense of security and did not result in any elimination of funding in the near future; and Mr. Womack stated that he would be the first to applaud him when it happened; and Mayor White stated that he would be working on it daily. Council Members Khan, Holm, Garcia, Alvarado and Noriega absent. (NO QUORUM PRESENT)

Mr. Edward Dickey, 2011 Spenwick, Houston, Texas 77055 (713-935-9927) appeared and stated that he was happy to hear Mayor White would be standing up for the first amendment, for a second he wondered why they even saluted the flag when they trampled the First Amendment; and continued expressing his personal opinions until his time expired. Council Members Khan, Holm and Garcia absent.

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

Mr. Giovanni Campos, 4114 Hollybrook, Houston, Texas 77039 (713-799-8986) appeared and stated that he was present to express three concerns he had about the red light cameras; that he did thank those who made sure his problem was addressed properly and his only concerns now were that the traffic lights were set too fast and therefore people went through them on red and it was unsafe; that his second issue was the video, the only evidence against violators was the images of the videos and the policy was not to preserve all videos, if that was the case how would the violator have the ability to contest; that the law stated the city was to present the video, but judges did not have to show it; that his final concern was the way people were treated in the Municipal Courts, some judges acted as if they were judge, jury and executor and it was not right, people should be able to defend themselves and he was for the red light cameras providing the city allowed anyone requesting a hearing have the video available. Council Members Khan, Holm and Garcia absent.

Upon questions by Mayor White, Mr. Campos stated that there was no respect, they did not allow him to defend himself; and Mayor White stated that if he would mention to Ms. Dillard as they did collect citizens complaints and though they did not check every case they looked for patterns; and upon further questions, Mr. Campos stated that he was told the system overloaded or repairs were being done and he could not pull up the video, but in fact the video was not available, he personally called the agency in charge of the cameras and they told him the city policy was to not preserve videos and to him it was unacceptable because the city would face liabilities and there was a responsibility to maintain traffic lights accordingly in good working order and set at the minimum time allowed which was 3.1 seconds, pictures sent to him if analyzed would show a problem but the judge did not say it was unavailable, just that it could not be pulled up; that in the notice sent to violators it clearly stated the recorded images and video would be submitted as evidence in the Municipal Courts and he requested it and there was no video; that he wanted it proven to him the timing of the lights were correct because it was incorrect, it did not yield more than 2.2 seconds but it was claimed the yellow was set at 4.35; and Mayor White stated that he listened to what he said and would get a further briefing and he understood his defense was the timing of the light. Council Members Holm and Lovell absent.

Mr. Fred Galart, 600 Travis #3400, Houston, Texas 77002 (713-226-1186) appeared and stated that he was director of sales for Tyco Electronics, a \$12 billion company and most revenue came from wireless critical communication systems; that as most knew the City of Houston was in the process of releasing an RFP for a wireless communication system for the city which would probably be one of the largest procurements the city had ever experienced and he was present thanking them for allowing Tyco to participate in the process; that he made efforts to visit each Council Member to educate them on who they were and their business in Houston and they brought their bus and Council Members who could not come see had sent staff and he thanked them. Council Members Holm and Lovell absent.

Council Member Garcia thanked Mr. Galart for coming and stated that he did visit the command post and was very impressed with the amount of technology on a set of wheels; that

the best way to get the best deal was for the process to be competitive and he thanked him for being a part of the process. Council Members Holm and Lovell absent.

Mr. Declois Jarret, 1950 Arbor, Houston, Texas 77004 (713-820-2899) had reserved time to speak but was not present when his name was called. Council Members Holm and Lovell absent.

Mr. Jose Rios, 110 McCullough, San Antonio, Texas 78215 (713-946-1173) appeared, presented information to Ms. Vasquez and stated that he came to speak on air pollution which occurred when waste dried the air; that people produced most of the waste which caused the pollution in the form of gases; that the rapid grown of population and industry and increased use of autos and air space made air pollution a serious problem and the air was so full of pollutants it caused health problems and also harmed plants, animals, building materials, etc., damages by air pollution cost billions of dollars each year and that included health care and maintenance and it also caused damage to the environment. Council Members Holm, Lovell and Green absent.

Ms. Wanda Nobles, 12803 Northborough #1806, Houston, Texas 77067 (281-874-0314) appeared and stated that she would prefer Council allowing their spokesperson of their church, Rev. Marcus Nobles to speak in her place. Council Members Holm, Lovell and Green absent.

Council Member Khan moved the rules be suspended for the purpose of allowing Rev. Marcus Nobles to speak, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent due to being ill. Council Member Brown out of the city. Council Member Berry absent. Council Members Holm, Lovell and Green absent. MOTION 2007-0870 ADOPTED.

Rev. Marcus Nobles, who was previously added to the speakers list, appeared and stated that he was present as his church was in turmoil, many decisions were made by deacons and members had no say so as to how it should be governed; that they obtained documentation such as bylaws to state how the church was governed and they had yet produced them so he went to the Secretary of state and obtained the articles of incorporation as to who would be the board of directors to run the church and right now the church was struggling financially; that they tried to obtain grants to rebuild, some church members were very elderly and could not go to a restroom because the facilities had not been rebuilt and he was asking for a mediator to assist them in resolving their issues. Council Members Holm, Lovell and Green absent.

Mayor White stated that disputes between members of congregations, he had seen a few and you have to pinch yourself to remember it was a church, but he had seen them handled many different ways. Council Members Holm, Lovell and Green absent.

Upon questions by Council Member Edwards, Rev. Nobles stated that his church was located at 2006 Gray, Fifth Ward area, there was a body of deacons but two made all decisions; that they did have an attorney; and Council Member Edwards stated there were people who did mediation, but she did not think the city could do so, he could contact her office and she would give names of some; that she was not sure but maybe the city could check into it since it was a public place without restrooms maybe it was against the occupancy code; and upon question, Ms. Vasquez stated that she would work with it. Council Members Holm, Lovell and Green absent.

Mayor White stated that Ms. Acosta pointed out the dispute resolution center was in the business of having mediators now, but the word mediation meant both parties showed up, but they would get him the numbers. Council Members Holm, Lovell and Green absent.

Council Member Johnson stated that he pointed out what he was going to say in terms of the mediation center, people could help and he wanted someone listening from his office to come down; that he had a little experience working with nonprofits, bylaws and articles of incorporation and he hoped they could come to a friendly conclusion. Council Members Holm and Green absent.

Ms. Joy Keto, no address (no phone) had reserved time to speak but was not present when her name was called. Council Members Holm and Green absent.

Mr. Rodney Crimble, 60 Marshall, Houston, Texas 77006 (281-777-6749) had reserved time to speak but was not present when his name was called. Council Members Holm and Green absent.

Mr. Christobal Hinijosa, 810 McDaniel, Houston, Texas 77022 (713-742-5458) appeared and stated that a long issue had been mobile taco stands and consequences had been increased in the last two years; that there was a present proposal by Kevin Bailey and supported by Dwayne Bohac and the saddest thing about this was when you read HB83672 it was clear there were not only abnormalities but it had discriminating regulations; that Mayor White said he saw no discrimination in this law, but when you applied measures or regulations that not every business followed it was discriminating and to one of the smallest sectors of the immigrant community, the mobile taco stands, such as taking units to commissaries to be cleaned daily, there were about 1,600 units and only about 13 commissaries in the city and not every commissary worked 24 hours and they would only be able to provide service to about 1/3 of the units; that his question here was if they used common sense how would they support this when they knew the numbers. Council Members Holm and Green absent.

Council Member Khan stated that Mr. Hinijosa was speaking of those licensed mobile food vendors; and upon questions, Mr. Hinijosa stated that he was speaking of mobile taco stands which each unit had a permit because if they did not follow Health Department rules there would be no possibility for them to operate; they received harassment from the Health Department, police officers and Fire Department; that one issue was restrooms, the Health Department was demanding the unit have a restroom and why not enforce the same thing from Burger King and others who were opened 24 hours and did not allow customers in certain times to use restrooms, that was discrimination and they expected Council Members to implement or enforce justice for all and regulation which could be followed by all and not just by the weaker sector. Council Members Clutterbuck, Holm and Green absent.

Mayor White stated that he would like a report as Mr. Hinijosa mentioned they did not require restrooms for certain places which competed with them; and upon questions, Mr. Hinijosa stated that Burger King or other food businesses operated 24 hours, providing services, but they closed the building at 10:00 p.m. and they would not allow use of a restroom. Council Members Clutterbuck, Holm and Green absent.

Council Member Noriega stated that she needed to say she was concerned about folks attacking her colleagues, she did not want to see that, it was important to have a cordial conversation here, but she also needed to say this was an issue on the table when she was in Austin and she actually voted on it and it was a part of the conversation in the Legislature this session and the perception by members she interacted with was this was a discrimination issue, a problem and a way of interfering with a group of people making a living, the issue of whether folks in her neighborhood just wanted to work seemed to be coming to the table a great deal and she would encourage all to be as civil as they could, but she also wanted to say she agreed with the point that there was a group being targeted and felt it was a concern and she would like

them to have a conversation together to try and resolve it in as effective way as possible; that legislatures she sat with did see this as a concern and they just lost the vote, but the conversation occurred before and she did want to tell them she heard them, was concerned but also wanted all to be respectful. Council Members Clutterbuck, Holm, Lovell and Green absent.

Council Member Garcia thanked Mr. Hinijosa and all who came today to express their concerns and stated that much like the red light camera situation a state law was passed and they had to make adjustments locally to be in compliance and they were trying to do so with the changes, but on the other side he would encourage them to be involved in the process so they could be heard in a working environment, in committee, they were welcome to participate and help them understand their industry and if they had a technical expert to their industry he would encourage them to be involved in the process of making recommendations for the law; and Mr. Hinijosa stated they would like to be invited to such meetings. Council Members Clutterbuck, Khan, Holm, Lovell and Green absent. (NO QUORUM PRESENT)

Ms. Estella Jimenez, 1307 Brooks, Houston, Texas 77009 (832-309-6084) appeared and presented a statement from which she read in Spanish stating that September 1 a new law would be applied against mobile units, "against" because it was a racist and discriminatory law; that Mr. Bohac and others claimed to serve the community but they needed to help others not destroy them, they said they were worried about health, but why after one decade and there were no reports of intoxication or poisoning from such businesses; that there was already enough racism and they only wanted to work. Council Members Johnson, Clutterbuck, Khan, Holm, Lovell and Green absent. (NO QUORUM PRESENT)

Ms. Helinda Patino, 22008 Wren Road, New Caney, Texas 77357 (713-591-1808) appeared and stated in Spanish that she was a single mother who would have problems trying to get to the commissary and was asking Council Member Garcia to do something for the community; that she had no grease in her mobile unit as she only sold fruits and she was asking all Hispanic representatives on Council to pay attention to this issue; that she only worked two times a week and to move her unit would cause a lot of problems. Council Members Johnson, Khan, Holm, Lovell and Green absent. (NO QUORUM PRESENT)

Council Member Garcia stated that he did hear her concerns and they were trying to find a balance; that the communities were asking for better rules and regulations, people who looked like him; that they wanted better coordination of the mobile food industry and they were trying to work with rules and laws they had and that was why it was important for them to have a technical person work with the Council, there were state laws they could not touch and county laws they had to work with and it was important to all work for a common goal. Council Members Johnson, Khan, Holm, Lovell and Green absent. (NO QUORUM PRESENT)

Ms. Mary Torres, 3205 Hopper Road, Houston, Texas 77093 (832-659-8094) appeared and stated that she knew Council understood they had problems and she worked at her taco stand and had one child and each day was confusing and she had to pay for his daycare; that she had her taco stand eight years and paid taxes; that she did not know what the problem was her stand was very clean and why have a problem now. Council Members Johnson, Holm, Lovell and Green absent.

Upon questions by Council Member Garcia, Ms. Torres stated that there were 10 commissaries and not enough where she was and she would have to pay \$25.00 a day; that in the county there was one commissary and right now their water was picked up but with the passage of law in September it would end and they would have to take their units to the commissary which did not exist. Council Members Johnson, Holm, Lovell and Green absent.

Council Member Edwards stated that she hoped the Mayor would clarify that the mobile food ordinance was not just for those operating taco stands it was for all businesses under that category; and she understood their concerns but wondered if they had a solution; that the issue of commissary to her was for public safety and if there were not enough did they had another way to meet that issue; and Mr. Hinijosa stated that this was simple, there were not enough commissaries for the amount of units, in the county before someone came to pick up the dirty water and grease and to him the solution would be for the city to have someone pick it up or else they would have to build more commissaries. Council Members Lawrence, Johnson, Holm and Green absent.

Ms. Gloria Peredo, 5910 Cochran, Houston, Texas 77009 (713-498-2210) appeared and stated in Spanish that she was present with her colleagues in the fight against moving their taco stands to the commissaries; that daily they had to spend \$25 and apart from that she has her family to support; that she was afraid to cause an accident while moving her taco stand; that she has a septic that drains the dirty water and they pay for that every 2 days; that she would like for Council Member Garcia to help them; that her business supports her family and she does not ask the government for any help; that she will not be able to abide by the new ordinance and neither will her colleagues; that she has nightmares about the situation; that she is a taxpayer and her children are American citizens and they ask her how will she support them if they close her taco stand; that inspectors have come to her taco stand and she has never received a violation. Council Members Lawrence, Johnson, Khan, Holm and Green absent. (NO QUORUM PRESENT)

Council Member Garcia stated that he understood her frustration and each time they tried to put new rules on industry they went through this; that he would assume visits to the commissary were proposed because according to the Health Department most of the industry was not compliant; and encouraged that they work hand in hand with his colleague in the Regulation Committee. Council Members Lawrence, Johnson, Clutterbuck, Holm and Green absent. (NO QUORUM PRESENT)

Ms. Blanca Velasquez, 5947 Belmar, Houston, Texas 77033 (713-734-4027) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Holm and Green absent. Council Member Alvarado presiding. (NO QUORUM PRESENT)

Mr. Marcos Almazan, 4100 Hill Road, Houston, Texas 77037 (832-577-5833) appeared and stated that Council Member Garcia wanted a solution to a problem which really did not exist, he said there was a problem with mobile units not going to the commissary and if you did take it to the commissary where did the waste go, into the drain, and what did the trucks do when they came, they picked it up and took it to the commissary, why go to the commissary when the trucks came to you; that he saw no problem. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Holm and Green absent. Council Member Alvarado presiding. (NO QUORUM PRESENT)

Council Member Garcia stated that he heard from health inspectors and the community and as he understood it the reason for visiting the commissaries was to make sure; that he said the water was being recycled and replaced with fresh water, but inspectors said it was not the case in many of their inspections and they were proposing a visit to the commissary because of those who did not comply, but they could not apply a rule for some and not all in the same industry; and he did not think it was fair comparing themselves to a restaurant, restaurants had grease traps and paid significant dollars in property taxes; and Mr. Almazan stated so it was money then; and Council Member Garcia stated it was not a fair comparison, but conversation should be centered around the quality of food; and Mr. Almazan stated that the taco stands had

better food; and Council Member Garcia stated he was probably correct, but no matter where it was prepared they had to count on that and the city had to be complaint with state rules; and Mr. Almazan stated that going daily to a commissary was not good; and Council Member Garcia stated that was what they were hearing and it would be reviewed. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Holm and Green absent. Council Member Alvarado presiding. (NO QUORUM PRESENT)

Council Member Khan stated that he did agree many mobile food units had better food than restaurants, they did a wonderful job, but there was one issue of the commissary and he thought all understood, but wondered what other issues they were facing; and upon questions, Mr. Almazan stated that many had been harassed, they were nitpicking at every little thing; and Council Member Khan stated that he had restaurants telling him inspectors nitpicked, but inspectors were given a job to do and did it in the most honest way possible; and Mr. Almazan stated that places did need inspecting but not to be overdone, they made a big issue of something small that could be taken care of right away, this was just little people trying to feed their family; and Council Member Khan stated that they picked on the big restaurant as much as the small guy because they heard from restaurants; and Mr. Almazan stated that rules should just be enforced equally, all should be treated the same; and Council Member Khan stated that with that part he totally agreed there should be no profiling in enforcement of any regulations and laws. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Holm and Green absent. Council Member Alvarado presiding. (NO QUORUM PRESENT)

Mr. Alberto Rodriguez, 5946 Belmark, Houston, Texas 77033 (713-392-4236) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Holm and Green absent. Council Member Alvarado presiding. (NO QUORUM PRESENT)

Mr. Eduardo Rodriguez, 8330 Triola, Houston, Texas 77036 (979-236-2204) appeared, presented information and stated that he was a part of the Gulfton Sharpstown Summer Program provided by Neighborhood Centers, Inc.; that he was 14 years old and a student at Sharpstown Middle School going into the 8th grade and his favorite field trip was the Holocaust Museum with the reason being it told the history of the Jews and Hitler and what had happened; that he was thankful he was picked for the program as without it he did not know what he would have done through the summer. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Holm and Green absent. Council Member Alvarado presiding. (NO QUORUM PRESENT)

Council Member Khan thanked Mr. Rodriguez for he and his group waiting patiently through the day; that he was very impressed with the program and thanked Neighborhood Centers for having it; and upon questions, Mr. Rodriguez stated that he was surprised at the way some spoke to the Council Members, even screaming and going on about the flag; and Council Member Khan stated that he hoped an important lesson they learned today was that the only way they could make it better for everyone was to participate and all who came today to speak were participating just as he was today; that it was also important to vote so they could choose who they wanted at the Council Table to represent them; that he appreciated their participation and hoped the program was a wonderful experience for them. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Holm and Green absent. Council Member Alvarado presiding. (NO QUORUM PRESENT)

Council Member Garcia stated that he would encourage him and others to attend meetings as much as possible or to watch them at home, they were not exciting but it was where the city functioned, where important decisions were made; that he thanked Mr. Cantu for participating in the program and bringing them today to see city government in action. Mayor

White, Council Members Lawrence, Johnson, Clutterbuck, Holm and Green absent. Council Member Alvarado presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Edwards, Mr. Rodriguez stated that in visiting the Holocaust Museum he learned what they went through; and Council Member Edwards stated that she would ask him to revisit the museum and look at the fact a whole world sat by and watched it happen, staying silent; and then ask himself if it was happening anywhere today in his country, in the world we were living in, were we being silent when millions of Jews were being taken, people knew what was happening but because it was not them they said nothing; and she would like to know then what he thought of people silently being destroyed and everyone crying after it was over, but while it happened, it just happened. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Holm and Green absent. Council Member Alvarado presiding. (NO QUORUM PRESENT)

Council Member Garcia stated that before he became a Council Member he was director of the City's Anti Gang Office and they worked to include the Holocaust Museum as a place of learning how to address violence some young people got into and it turned out to be very effective as it was certain symbols which turned out victimizing certain people, each time people went through the museum they realized they had a tremendous amount of control over what happened in neighborhoods, but they did not exert it, they did not practice that control and he appreciated his interest in the Holocaust Museum as you saw such a loss of life and promise in what people did to themselves and it could all be stopped and he hoped he would take that message back to his friends; that he would also like him to see the movie entitled "The Power of One", how just one person could make a lot of difference. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Holm and Green absent. Council Member Alvarado presiding. (NO QUORUM PRESENT)

Mr. Alphonso Fragoso, 8330 Triola, Houston, Texas 77036 (979-236-2204) appeared and stated that he went to Sharpstown Middle School and was a part of the Neighborhood Centers, Inc. Gulfton Sharpstown Summer Program and he learned from the program to respect other people, stay out of trouble and try to do better in school; that in the program they went on fieldtrips and Huntsville was his favorite as they had much fun swimming; that they roller skated and went to an arcade and they went to the Ripley House and spent time with others; that this program was the best thing that happened to him this year, it was to help them do better and he thanked all who gave him this opportunity of a lifetime. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Holm and Green absent. Council Member Alvarado presiding. (NO QUORUM PRESENT)

Council Member Garcia thanked Mr. Fragoso for coming and sharing his experiences and stated that a lot of things happened in places they visited such a Ripley House and with his acknowledgement of what he saw and experienced he was right on point, many worked hard to help a lot of young people and they hoped all young people would take advantage of great opportunities around schools which was a tremendous vehicle to succeed in life and give back to their family and community; and thanked him for participating in the program. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Holm and Green absent. Council Member Alvarado presiding. (NO QUORUM PRESENT)

Mr. DeAngelo Stewart, 8330 Triola, Houston, Texas 77036 (979-236-2204) appeared and stated that he was in the seventh grade and 12 years old and the Neighborhood Centers, Inc. Gulfton Sharpstown Youth Development Summer Program had inspired him to be a better person in life and school and in his behavior; that his favorite fieldtrip was Huntsville State Park where they canoed, were in paddle boats, etc., he also enjoyed the Holocaust Museum where he learned what had been done to the Jews and it was wrong and he actually learned what the

holocaust was. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Holm and Green absent. Council Member Alvarado presiding. (NO QUORUM PRESENT)

Council Member Garcia stated that Mr. Stewart spoke pretty big for being a small guy and he thanked him for participating in the program and for observing what he had; that his words spoke clearly that he witnessed a big door out there waiting for him to walk through and that many people were anxious and working hard for him to do that; that Mr. Cantu was a good person, good friend and he was one of those; and urged Mr. Stewart to stay focused. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Holm and Green absent. Council Member Alvarado presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Lovell, Mr. Stewart stated that he went to Sharpstown Middle School and would be in the seventh grade; that this summer he had a good time and he was ready to go back to school and work hard. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Holm and Green absent. Council Member Alvarado presiding. (NO QUORUM PRESENT)

Ms. Hazel Sanchez, 8596 Ariel, Houston, Texas 77074 (713-771-0838) appeared and stated that she was a part of the Gulfton Sharpstown Center Summer Program provided by Neighborhood Centers and she was 14 years old and a student at Sharpstown Middle School and going into the eighth grade; that this program allowed her to go to places she had not been before and it gave an opportunity to learn of trust and friendship; that her favorite part was going to Huntsville State Park because they spent time together, learned about one another and had fun; and she thanked Neighborhood Centers for the opportunity. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Holm and Green absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Council Member Garcia stated that the guys who came before her were all good guys but he was glad to see a young lady stepping up to the mike; that he had a 12 year old young lady himself; that if she would look around the Council Table women were making huge policy for the city; and he encouraged her to do good in her studies, to continue to have good friends around her, people who would lead her in a good and right direction; that she spoke of learning to trust people and she needed to learn to trust the right people, not follow just anyone's advise which was what he tried teaching his own daughter, she needed good friends around her who would look out for her in the right way and give her the right advice; that he was glad she participated in the program and wished her good luck. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Holm and Green absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Council Member Lovell stated that she wanted to say the same thing, it was good to see a young woman and if she would notice the majority of Council were women; and as Council Member Garcia said when she went back to school she should make good choices, good friends and stay out of trouble so she could have a good future and productive life; that she felt it was harder for young women to find things to keep them interested and participate in, it was easier for young men and one day they expected to hear great things from her. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Holm and Green absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Khan, Ms. Sanchez stated that one thing she learned today was Council Members had to have patience; and Council Member Khan stated that they were all glad each of them came today and he wanted to thank Neighborhood Centers and Mr. Cantu; that Sharpstown was a great place to live and he knew many who lived there; that they should make it a point to keep Sharpstown great as it used to be. Mayor White, Council

Members Lawrence, Johnson, Clutterbuck, Holm and Green absent. Council Member Khan presiding. (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. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Holm, Garcia and Green absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Mr. Christopher Balque, 8427 Gulf Tree Lane, Houston, Texas 77075 (713-203-2875) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Johnson, Clutterbuck, Holm, Garcia and Green absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Mr. Juan Garcia, 3611 Bell, Houston, Texas 77003 (713-225-8525) appeared, presented information and stated that he was present to complain about the pollution which Oak Farms Dairy produced in his neighborhood, he lived across the street from them and he and his wife raised five children there with his oldest daughter developing cancer at the age of 18 and his youngest son developed a heavy case of asthma; that the noise the company produced was very strong, they had 20 or 25 trailers with refrigeration and their motors ran at high speed day and night; that three years ago he developed asthma and now took treatments; that his grandchildren were also getting respiratory problems now; and he did not want Oak Farms to leave, but to reduce the noise and the smoke from the diesel engines, during the middle of the night when there was not much wind you could smell it very strong and the noise was also very loud. Mayor White, Council Members Johnson, Clutterbuck, Holm, Garcia and Green absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that her question was the same as before, if they were allowing Oak Farms five years to clean up their stuff then who was responsible for the constituents health bills in the meantime; and Ms. Acosta stated that she would check for her; and Council Member Edwards stated that she did not think constituents should be liable and would like information. Mayor White, Council Members Johnson, Clutterbuck, Holm, Garcia, Alvarado and Green absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Noriega, Mr. Garcia stated that now he was seeing his grandchildren suffering from the same as his children and they were little babies; that at night after playing outside too long they had to use a breathing machine; that one grandchild lived with him, the three year old, but the baby came every morning to stay; and Council Member Noriega stated that she did not live too far from Oak Farms and the agreement the city made was progress but she was not sure it was enough; and upon further questions, Mr. Garcia stated that he attended the meetings at the school, but he did not speak with them and they really needed help, it was very bad; and Council Member Noriega stated that they she was very sorry and she would continue working on this. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Holm, Garcia, Alvarado and Green absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Mr. Tom Bregel, 1644 Crestdale, Houston, Texas 77080 (713-461-3258) appeared and stated that he was sorry the rest of Council was not present to hear the public and his topic was noise pollution, boom boxes on his street, but having sat through the meeting he went to call 911 to see if HPD had an INS Division and after 13 rings was cut off and he called 311 and was transferred to the immigration part of HPD because he would imagine if the INS was present today they could have taken a bus load and he wondered how they got past security with no ID; that regarding noise pollution, cars would vibrate things in his home from the noise, from about 5:00 p.m. to 11:00 p.m. the boom boxes went on with jungle music; and continued expressing

his personal opinions until his time expired. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Holm, Garcia, Alvarado and Green absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that an officer was present with HPD and could speak with him; and upon questions, Mr. Bregel stated that jungle music was a heavy beat, rap, not music to him; and he would say it came from the South American jungle or the African jungle or just a jungle jungle. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Holm, Garcia, Alvarado and Green absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Ms. Maria Vasquez, 8622 Wynlea, Houston, Texas 77061 (713-922-4684) appeared and stated that she only spoke Spanish, not English, but she had bought a new home in April and had a sewer problem, she called 311 and they came and then sent Public Works out at least four times and left her papers, but she was never able to figure out the problem and she had four small children at home and with the sewer backed up she was worried about their health. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Holm, Garcia, Alvarado and Green absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Council Member Khan stated that Mr. Norman was with Public Works and would visit with her after Council Members comments and give her an update on what was happening in her neighborhood and what they were planning to do. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Holm, Garcia, Alvarado and Green absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Council Member Edwards stated that she would like to make a suggestion, if they were going to permit constituents to come speak in Spanish they needed a translator present at all times, either through electronics or another manner; that they were tax paying citizens and they needed to be heard and a vehicle needed to be provided so all Council Members could engage with them. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Holm, Garcia, Alvarado and Green absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Khan, Ms. Acosta stated that Ms. Vasquez had stated that she bought a new home in April and had a sewer problem and 311 came and then sent Public Works at least four times and left her papers, but she was never able to figure out the particular problem; that she had four small children in her home and the sewer backed up into her home and she was worried about their health. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Holm, Garcia, Alvarado and Green absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Council Member Edwards stated to Mr. Norman that it sounded a lot like the problem she had when she bought a new home and he knew that problem; and Council Member Khan stated that after he did visit her would he follow-up and let Council Members know as he understood there was an issue of a motel in the area and whether they were illegally connecting to the lines or not; and if he would let Council Member Alvarado know since she was her District Council Member. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Holm, Garcia, Alvarado and Green absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Mr. Nebeil Al-Oboudi, 14129 1/2 Laterna Lane, Houston, Texas 77083 (281-575-9110) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Holm, Garcia, Alvarado and Green absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Ms. Kristal Casey, 1831 Sherwood Forest #22, Houston, Texas 77043 (713-480-3839) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Holm, Garcia, Alvarado and Green absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Ms. Chatauqua Allen, 26111 Ripley Hill Drive, Richmond, Texas 77469 (281-726-3917) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Holm, Garcia, Alvarado and Green absent. Council Member Khan presiding. (NO QUORUM PRESENT)

Ms. Brenda Sayers, 5006 Bataan, Houston, Texas 77033 (713-733-0368) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Holm, Garcia, Alvarado and Green absent. Council Member Khan presiding. (NO QUORUM PRESENT)

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (832-453-6376) appeared and stated that Council Member Gordon Quan approved him emergency protection, he was being tortured publicly; and continued expressing his personal opinions until his time expired. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Edwards, Holm, Garcia, Alvarado and Green absent. Council Member Khan presiding. (NO QUORUM PRESENT)

At 5:35 p.m. City Council recessed until 9:00 a.m., Wednesday, August 22, 2007. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Edwards, Holm, Garcia, Alvarado and Green absent. Council Member Khan presiding. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, August 22, 2007

A Regular Meeting of the Houston City Council was held at 9:00 a.m. Wednesday, August 22, 2007, Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Ada Edwards, Addie Wiseman, M. J. Khan, P. E., Pam Holm, Adrian Garcia, Carol Alvarado, Sue Lovell, Melissa Noriega, Ronald C. Green and Michael Berry; Mr. Anthony Hall, Chief Administrative Office, Mayor's Office; Mr. Arturo Michel, City Attorney; Ms. Marty Stein, Agenda Director and Ms. Marta Crinejo, Assistant Agenda Director, present. Council Member Peter Brown out of the city.

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

At 9:34 a.m. Mayor White called the meeting to order. Council Members Johnson, Clutterbuck, Wiseman and Garcia absent.

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 1 through 40

MISCELLANEOUS - NUMBERS 1 and 2

1. REQUEST from Mayor for confirmation of the appointment or reappointment of the following to the **ELECTRICAL BOARD**, for terms to expire January 2, 2009:
 - Position One - **MR. CHRIS J. FAHRENTHOLD**, reappointment
 - Position Three - **MR. HARRY HUGHES**, reappointment
 - Position Five - **MR. LARRY S. NEAL**, reappointment
 - Position Seven - **MR. SANTOSH MUKERJI**, reappointment

Position Nine - **MR. CHARLES S. PRICHARD**, appointment

- was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Brown out of the city. Council Members Johnson, Clutterbuck, Wiseman and Garcia absent. MOTION 2007-0871 ADOPTED.

2. REQUEST from Mayor for confirmation of the appointment of **MS. JUNE DEADRICK** to Position Six of the **MILLER THEATER ADVISORY BOARD**, for an unexpired term ending April 24, 2010 - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Brown out of the city. Council Members Johnson, Clutterbuck, Wiseman and Garcia absent. MOTION 2007-0872 ADOPTED.

Mayor White stated that the Miller Theater Advisory Board had done an incredible job and that was one reason why in the C&E Capitol Improvement Plan they had supported capitol improvements there, that a new professional staff had done an amazing job, and asked Ms. June Deadrick to stand and be recognized and thanked her for serving on the board; and also thanked Members of the Electrical Board for working hard. Council Members Johnson, Clutterbuck, Wiseman and Garcia absent.

DAMAGES - NUMBER 6

6. RECOMMENDATION from City Attorney for settlement of lawsuit styled **JOSHUA KITLER v. City of Houston**; in the 127th Judicial District Court of Harris County, Texas; Cause No. 2004-43763 - \$140,000.00 - Property and Casualty Fund - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Brown out of the city. Council Members Johnson, Clutterbuck, Wiseman and Garcia absent. MOTION 2007-0873 ADOPTED.

Council Member Noriega stated that she wanted to wish Council Member Lovell a happy birthday. Council Members Johnson, Clutterbuck, Wiseman and Garcia absent.

ACCEPT WORK - NUMBERS 7 through 9

7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$241,406.90 and acceptance of work on contract with **ACM CONTRACTORS, INC** for Safe Sidewalk Program 02 Project, WBS N-000800-02-4 18.35% under the original contract amount - **DISTRICTS B - JOHNSON and I - ALVARADO** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Brown out of the city. Council Members Johnson, Clutterbuck and Garcia absent. MOTION 2007-0874 ADOPTED.
8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,739,543.23 and acceptance of work on contract with **COLLINS CONSTRUCTION, LLC (formerly C AND C SERVICES)** for Water Line Replacement in the Bellfort North Subdivision, WBS S-000035-00B5-4 - 6.07% under the original contract amount **DISTRICT I - ALVARADO** – had been pulled from the Agenda by the Administration, and was not considered.
9. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,574,501.60 and acceptance of work on contract with **R. K. WHEATON, INC** for Water Line Replacement in Huntington Place Subdivision,

WBS S-000035-00C2-4 - 17.80% under the original contract amount - **DISTRICT H - GARCIA** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Brown out of the city. Council Members Johnson, Clutterbuck and Garcia absent. MOTION 2007-0875 ADOPTED.

PROPERTY - NUMBERS 11 and 12

11. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel AY3-045, located at 10919 Stancliff Road, owned by Natural Earth Products, a Texas general partnership comprised of J. M. Colgin and Tommy Cangelosi, for the **KEEGAN'S BAYOU HIKE AND BIKE TRAIL PROJECT from Brays Bayou to Kirkwood**, N-000420-0025-2-01 **DISTRICT C - CLUTTERBUCK** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Brown out of the city. Council Members Johnson, Clutterbuck and Garcia absent. MOTION 2007-0876 ADOPTED.
12. RECOMMENDATION from Director Department of Public Works & Engineering to purchase Parcel AY6-044, located at 7902 Long Point, owned by Tuo Houston Long Point, L.L.C., for the **LONG POINT AT WIRT INTERSECTION IMPROVEMENTS PROJECT from Pine Chase to Johanna**, N-000674-0001-2-01 - **DISTRICT A - LAWRENCE** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Brown out of the city. Council Members Johnson, Clutterbuck and Garcia absent. MOTION 2007-0877 ADOPTED.

PURCHASING AND TABULATION OF BIDS – NUMBER 15

15. **MCGARD, LLC** - \$70,804.00 and **METERGUARD, INC** - \$88,332.33 for Water Meter Locking Devices for Department of Public Works & Engineering - Enterprise Fund - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Brown out of the city. Council Members Johnson, Clutterbuck and Garcia absent. MOTION 2007-0878 ADOPTED.

ORDINANCES - NUMBERS 21 through 40

21. ORDINANCE approving and authorizing agreement between the City of Houston and (1) Reinvestment Zone Number Three, City of Houston, Texas (Main Street/Market Square Zone) and Main Street Market Square Redevelopment Authority; (2) Reinvestment Zone Number Seven, City of Houston, Texas (Old Spanish Trail/Almeda Corridors Zone and Old Spanish Trail/Almeda Corridors Redevelopment Authority; (3) Reinvestment Zone Number Eleven, City of Houston, Texas (Greater Greenspoint Zone) and Greater Greenspoint Redevelopment Authority; (4) Reinvestment Zone Number Thirteen, City of Houston, Texas (Old Sixth Ward Zone) and Old Sixth Ward Redevelopment Authority; (5) Reinvestment Zone Number Fourteen, City of Houston, Texas (Fourth Ward Zone) and Fourth Ward Redevelopment Authority; and (6) Reinvestment Zone Number Twenty, City of Houston, Texas (Southwest Houston Zone) and the Southwest Houston Redevelopment Authority providing for payment to the City of the Incremental Costs of Municipal Services relating to each zone - **DISTRICTS B - JOHNSON; D - EDWARDS; F - KHAN; H - GARCIA and I - ALVARADO** - was presented. All voting aye. Nays none. Council Member Brown out of the city. Council Members Johnson and Clutterbuck absent. ORDINANCE 2007-0942 ADOPTED.

22. ORDINANCE de-appropriating \$281,139.91 out of Tax Increment Reinvestment Zone (TIRZ) Affordable Housing Fund (Fund 872) originally appropriated pursuant to Ordinance No. 2005-0887 which authorized spending authority to use the TIRZ Funds to repair homes, as mandated by the U. S. Department of Housing and Urban Development (HUD), through the Texas Local Government Purchasing Cooperative - was presented. All voting aye. Nays none. Council Member Brown out of the city. Council Members Johnson and Clutterbuck absent. ORDINANCE 2007-0943 ADOPTED.
23. ORDINANCE repealing Ordinance No. 2006-0845 and de-appropriating \$500,000.00 out of Tax Increment Reinvestment Zone (TIRZ) Affordable Housing Fund (Fund 872) originally appropriated pursuant to Ordinance No. 2006-0845 which authorized spending authority to use the TIRZ Funds to repair homes, as mandated by the U. S. Department of Housing and Urban Development (HUD), through the Texas Local Government Purchasing Cooperative - was presented. All voting aye. Nays none. Council Member Brown out of the city. Council Members Johnson and Clutterbuck absent. ORDINANCE 2007-0944 ADOPTED.
24. ORDINANCE approving and authorizing contract between the City of Houston and **BERING OMEGA COMMUNITY SERVICES**, providing up to \$1,136,500.00 in Housing Opportunities For Persons With AIDS ("HOPWA") Funds for the administration of a tenant based rental assistance and short-term rent, mortgage and utility assistance program - **DISTRICT D - EDWARDS** - was presented. All voting aye. Nays none. Council Member Brown out of the city. Council Members Johnson and Clutterbuck absent. ORDINANCE 2007-0945 ADOPTED.
26. ORDINANCE awarding contract **NIVERCO MEDICAL SERVICES** for Lab Equipment Repairs for Various Departments; providing a maximum contract amount - 3 Years with two one-year options \$831,172.98 - General and Enterprise Funds - was presented. All voting aye. Nays none. Council Member Brown out of the city. Council Members Johnson and Clutterbuck absent. ORDINANCE 2007-0946 ADOPTED.
28. ORDINANCE approving and authorizing Amendment No. 7 to Lease Agreement between the City of Houston and **CROSS CONTINENTS INVESTMENT CO., LLC** for Office Space for the Houston Airport System - **DISTRICT B - JOHNSON** - was presented. All voting aye. Nays none. Council Member Brown out of the city. Council Members Johnson and Clutterbuck absent. ORDINANCE 2007-0947 ADOPTED.
31. ORDINANCE approving and authorizing second amendment to contract between the City of Houston and **3D/INTERNATIONAL, INC** (approved by Ordinance No. 05-0924) for Mounted Patrol Facility - Relocation, WBS G-000117-0001-3 and Forestry Complex - Relocation, WBS F-504A17-0001-3 - **DISTRICT A - LAWRENCE** - was presented. All voting aye. Nays none. Council Member Brown out of the city. Council Members Johnson and Clutterbuck absent. ORDINANCE 2007-0948 ADOPTED.
32. ORDINANCE appropriating \$500,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Professional Architectural Services Contract between the City of Houston and **HUITT-ZOLLARS, INC** for the Southern Right of Way and Fleet Maintenance Facility, WBS N-00653C-0001-3; providing funding for the Civic Art Program and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT D - EDWARDS** - was presented. All voting aye. Nays none. Council Member Brown out of the city. Council Members Johnson and Clutterbuck absent. ORDINANCE 2007-0949 ADOPTED.

33. ORDINANCE appropriating \$1,365,000.00 out of Fire Consolidated Construction Fund; awarding construction contract to **TIMES CONSTRUCTION, INC** for New Addition to Fire Station No. 35, WBS C-000142-0002-4; setting a deadline for the proposer's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the proposer in default if it fails to meet the deadlines; providing funding for engineering and testing services, construction management, Civic Art Program, and contingencies relating to construction of facilities financed by the Fire Consolidated Construction Fund - **DISTRICT D - EDWARDS** - was presented. All voting aye. Nays none. Council Member Brown out of the city. Council Members Johnson and Clutterbuck absent. ORDINANCE 2007-0950 ADOPTED.
34. ORDINANCE appropriating \$17,248,700.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **LEM CONSTRUCTION CO., INC** for Kingwood West Wastewater Treatment Plant Improvements, WBS R-000265-0029-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT E - WISEMAN** - was presented. All voting aye. Nays none. Council Member Brown out of the city. Council Members Johnson and Clutterbuck absent. ORDINANCE 2007-0951 ADOPTED.
35. ORDINANCE appropriating \$2,226,858.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **RELIANCE CONSTRUCTION SERVICES, L.P.** for Wastewater Collection System Rehabilitation and Renewal, WBS R-000266-0101-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, project management, and contingencies relating to construction of facilities financed out of the Water & Sewer System Consolidated Construction Fund - was presented. All voting aye. Nays none. Council Member Brown out of the city. Council Members Johnson and Clutterbuck absent. ORDINANCE 2007-0952 ADOPTED.
36. ORDINANCE appropriating \$2,205,700.00 out of Water & Sewer System Consolidated Construction Fund No. 8500, awarding contract to **MCKINNEY CONSTRUCTION, INC** for Water Line Replacement in Croyden Gardens North West Area, WBS S-000035-00F8-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management, construction management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund No. 8500 - **DISTRICT H - GARCIA** - was presented. All voting aye. Nays none. Council Member Brown out of the city. Council Members Johnson and Clutterbuck absent. ORDINANCE 2007-0953 ADOPTED.
37. ORDINANCE appropriating \$2,058,260.00 out of Water & Sewer System Consolidated Construction Fund No. 8500; awarding contract to **COLLINS CONSTRUCTION, L.L.C.** for Water Line Replacement in Willow Run South, WBS S-000035-00G1-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management, construction management and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund No. 8500 - **DISTRICT B - JOHNSON** -

was presented. All voting aye. Nays none. Council Member Brown out of the city. Council Members Johnson and Clutterbuck absent. ORDINANCE 2007-0954 ADOPTED.

38. ORDINANCE appropriating \$2,580,290.00 out of Water & Sewer System Consolidated Construction Fund No. 8500, awarding contract to **D. L. ELLIOTT ENTERPRISES, INC** for Water Line Replacement in Buxley Area, WBS S-000035-00G2-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund No. 8500 **DISTRICT D - EDWARDS** - was presented. All voting aye. Nays none. Council Member Brown out of the city. Council Members Johnson and Clutterbuck absent. ORDINANCE 2007-0955 ADOPTED.
39. ORDINANCE No. 2007-940, passed first reading August 15, 2007
ORDINANCE granting to **AGGREGATE HAULERS, L.P., a Texas Limited Partnership**, 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 Member Brown out of the city. Council Members Johnson and Clutterbuck absent. ORDINANCE 2007-0940 PASSED SECOND READING IN FULL.
40. ORDINANCE No. 2007-941, passed first reading August 15, 2007
ORDINANCE granting to **VEOLIA ES TECHNICAL SOLUTIONS, LLC, a Texas Limited Liability 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 Member Brown out of the city. Council Members Johnson and Clutterbuck absent. ORDINANCE 2007-0941 PASSED SECOND READING IN FULL.

Council Member Clutterbuck moved to suspend the rules to consider Item No. 16 out of order, seconded by Council Member Khan. All voting aye. Nays none. Council Member Brown out of the city. Council Members Johnson and Clutterbuck absent. MOTION 2007-0879 ADOPTED.

16. ORDINANCE **AMENDING SECTION 40-455 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to size requirements for newsracks; containing other provisions relating to the foregoing subject; providing for severability – was presented, and tagged by Council Member Lawrence. Council Members Johnson and Clutterbuck absent.

After discussion by Council Members, Mayor White stated that Item No. 16 had been tagged. Council Members Johnson and Clutterbuck absent.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

3. REQUEST from Mayor for confirmation of the appointment of the following to serve as **ADJUDICATION HEARING OFFICERS** for the **PHOTOGRAPHIC TRAFFIC SIGNAL ENFORCEMENT PROGRAM** for two year terms commencing on September 1, 2007:

MR. MANUEL BARRERA, JR.	-	Full-Time
MR. ROBERT HINOJOSA	-	Full-Time
MR. JOSE LOPEZ	-	Part-Time
MS. BEVERLY SPENCER	-	Part-Time
MR. DON BYRNES	-	Part-Time
MR. GERARDO CANTU	-	Part-Time
MS. SYLVIA CASTILLO	-	Part-Time

- was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Brown out of the city. Council Members Johnson and Clutterbuck absent. MOTION 2007-0880 ADOPTED.

4. RECOMMENDATION from Director Planning & Development Department to designate an Honorary Street Marker for **DR. ELIJAH J. THOMAS - DISTRICT I – ALVARADO** – was presented, and tagged by Council Member Lawrence. Council Members Johnson and Clutterbuck absent.

Council Member Lawrence stated that she thought who they were giving the honorary street marker to, Pastor Thomas, was a very outstanding man, from the information listed in the bio included in the backup, that the problem was, and maybe they had done it before and the question did not come to her, that when they gave somebody a gift they paid for it, that looking through the Council passing the item as far as honorary street markers back in the early 1990's it did not designate where the dollars came from, and to tell people, who did not even know this person, as taxpayers, that they wanted them to pay for the marker, that she thought the church or other sources needed to step up and pay the \$300 for the maker and not ask people who did not even know him to pay for it, that was not a gift when they asked somebody else to pay for something they were going to give somebody, so she thought they needed to look at it, that she did not realize they were having the City to pay for it all this time and now that she did she wanted to bring it forward and thought the church would do the right thing or somebody would do the right thing and pay the money for it because it was their gift to the outstanding pastor. Council Members Johnson and Clutterbuck absent.

Council Member Alvarado stated that she had the opportunity to talk with Council Member Lawrence but would respectfully disagree, that maybe the policy did need to be revisited but she did not think it was the time, right when they had something before them because then it makes it look like and gives the impression that they were picking and choosing who was worthy of a street marker sign, that they had the policy in place, she thought, since maybe the early 1990's and they did have honorary street markers and bridges, that she knew in Council Member Garcia's district they had Hernandez Bridge, on Main Street, and this was a community, Oak Hill Missionary Baptist Church, that had chosen to honor Dr. Elijah Thomas and had gone through the process and she thought to stop it right when they were about to vote on it was disingenuous, that they should pass the item, that if they wanted to tag it that was fine, but next week they should pass it and then revisit the policy. Council Members Johnson and Clutterbuck absent.

Council Member Edwards stated that she agreed with both Council Members but thought the appropriate thing would be to let this particular one stand on it's own and then if there were questions regarding policy then they move forward from there; that the other point was that the

members of the church were taxpayers to, so if they wanted \$300 of their taxpayer dollars spent for their pastor she thought they had the right to request that because it was their money as well, that she did not think it was appropriate for them to change the policy in the middle of the stream, if they could pass it and then take it to committee and maybe look at it. Council Members Johnson and Clutterbuck absent.

Mayor White stated that he would encourage some dialog during the week so that everybody was clear, that none of the Council Members were at all putting at issue the propriety of Dr. Thomas, it was just a public policy issue. Council Members Johnson and Clutterbuck absent.

DAMAGES

5. RECOMMENDATION from City Attorney for settlement of lawsuit styled **SPELVIN JACKSON, et al** v. City of Houston; in the 269th Judicial District Court of Harris County, Texas; Cause No. 2005-50761 - \$60,000.00 - Property and Casualty Fund - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Brown out of the city. Council Members Johnson and Clutterbuck absent. MOTION 2007-0881 ADOPTED.

PROPERTY

10. RECOMMENDATION from Director Finance & Administration Department for sale of a tax foreclosed property (Cause #2001-54285; Account 116-571-000-0005), described as 1.2977 acres or 56,528 squares of Unrestricted Reserve E of Town & County North, Section 1, a subdivision in Harris County at 0 Lumpkin Rd., Houston, TX 77043, to **HOUSTON COMMUNITY COLLEGE SYSTEM** for zero dollars, inasmuch as there are numerous easements, etc. and no physical access to the property it will be impossible for the property to be developed for commercial or residential purposes - **DISTRICT A - LAWRENCE** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Brown out of the city. Council Members Johnson, Clutterbuck and Green absent. MOTION 2007-0882 ADOPTED.

PURCHASING AND TABULATION OF BIDS

13. **TOTER INCORPORATED** for Automated Refuse Carts from the State of Texas Building and Procurement Commission's Contract through the State of Texas Cooperative Purchasing Program for Solid Waste Management Department - \$888,800.00 - General Fund - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Brown out of the city. Council Members Johnson and Clutterbuck absent. MOTION 2007-0883 ADOPTED.
14. **FERGUSON WATERWORKS, INC** for Water Service Connection Parts for Department of Public Works & Engineering - \$952,874.65 - Enterprise Fund - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Brown out of the city. Council Member Clutterbuck absent. MOTION 2007-0884 ADOPTED.

ORDINANCES

17. ORDINANCE AMENDING CHAPTER 45 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS, relating to Photographic Traffic Signal Enforcement Systems; containing other provisions relating to the foregoing subject; providing an effective date; providing for

severability – was presented, and tagged by Council Member Wiseman. Council Member Clutterbuck absent.

18. ORDINANCE approving and authorizing the sale to the State of Texas, of a tract of land containing 1.292 acres (56,279 square feet), more or less, for the construction of a new Texas Department of Transportation Administration Building, 6810 Old Katy Road, being located in the John Reinerman Survey, A-642, Harris County, Texas, Parcel SY7-107; in consideration of the State of Texas' payment of \$450,232.00, and other consideration to the City - **DISTRICT H - GARCIA** - was presented. All voting aye. Nays none. Council Member Brown out of the city. Council Member Clutterbuck absent. ORDINANCE 2007-0956 ADOPTED.
19. ORDINANCE consenting to the creation of the **HARRIS COUNTY IMPROVEMENT DISTRICT NO. 9** and the inclusion of certain land within the district – was presented, and tagged by Council Member Wiseman. Council Member Clutterbuck absent.
20. ORDINANCE appropriating \$300,000.00 out of the TIRZ Affordable Housing Fund (Fund 2409) and authorizing issuance of a purchase order to the Land Assemblage Redevelopment Authority (“LARA”) to cover costs to promote home ownership opportunities in Houston Hope Areas of the City of Houston - was presented. All voting aye. Nays none. Council Member Brown out of the city. Council Member Clutterbuck absent. ORDINANCE 2007-0957 ADOPTED.
25. ORDINANCE awarding contracts to **TIBH INDUSTRIES, INC, JEFFERSON MOWING, JUAREZ MOWING, BIO LANDSCAPE & MAINTENANCE, INC** and **THR ENTERPRISES, INC** for Weed Mowing and Debris Removal Services for Police Department; providing a maximum contract amount - 3 Years with two one-year options - \$5,000,000.00 - General Fund – was presented, and tagged by Council Member Holm. Council Member Clutterbuck absent. (Note: Council Member Holm released her tag later in the meeting.)
27. ORDINANCE awarding contracts to **DRC EMERGENCY SERVICES, LLC** and **OMNI PINNACLE, LLC** for Disaster Debris Removal Services for the Solid Waste Management Department – was presented, and tagged by Council Members Johnson and Holm. Council Member Clutterbuck absent. (Note: Council Member Johnson released his tag later in the meeting.)
29. 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** – was presented, and tagged by Council Members Noriega, Garcia and Alvarado. Council Member Clutterbuck absent.
30. ORDINANCE appropriating \$5,877,250.00 out of Airports Improvement Fund, WBS A-000439-0003-4-01 and awarding construction contract to **HONEYWELL INTERNATIONAL, INC** for Security System Upgrades and Modifications at William P. Hobby Airport, (Project 612W); setting a deadline for Honeywell International, Inc's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding Honeywell International, Inc, in default if it fails to meet the deadlines; providing funding for contingencies relating to construction of the facilities

financed by such fund - **DISTRICT I – ALVARADO** – was presented, and tagged by Council Members Alvarado, Garcia and Johnson. Council Member Clutterbuck absent.

Council Member Alvarado asked for response from Affirmative Action on each of the MWBE items she would appreciate it. Council Member Clutterbuck absent.

MATTERS HELD - NUMBERS 41 through 52

41. 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** – (This was Item 72 on Agenda of August 8, 2007, POSTPONED BY MOTION #2007-843) - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Brown out of the city. MOTION 2007-0885 ADOPTED.
42. 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** – (**This was Item 76 on Agenda of August 8, 2007, POSTPONED BY MOTION #2007-846**) – was presented.

Council Member Garcia offered the following written motion to amend Item No. 42 to add the following language:

“WHEREAS, the Parties desire to transfer to the interstate highway system inventory all maintenance, operation and jurisdiction of the Hempstead Highway right-of-way from IH 610 to W. 18th Street, exclusive of the City’s water and sewer lines located under and within the Hempstead Highway right-of-way, NOW, THEREFORE....”

A vote was called on Council Member Garcia’s motion to amend Item No. 42. All voting aye. Nays none. Council Member Brown out of the city. MOTION 2007-0886 ADOPTED.

A vote was called on Item No. 42 as amended. Council Member Brown out of the city. RESOLUTION 2007-0033 ADOPTED.

Council Member Holm stated that she would release her tag on Item No. 25.

25. ORDINANCE awarding contracts to **TIBH INDUSTRIES, INC, JEFFERSON MOWING, JUAREZ MOWING, BIO LANDSCAPE & MAINTENANCE, INC** and **THR ENTERPRISES, INC** for Weed Mowing and Debris Removal Services for Police Department; providing a maximum contract amount - 3 Years with two one-year options - \$5,000,000.00 - General Fund – was again before the Council. All voting aye. Nays none. Council Member Brown out of the city. ORDINANCE 2007-0958 ADOPTED.
43. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Joyce Sanders, on behalf of the Estate of Raymond Sanders, for abandonment and sale of excess Yellowstone Street right-of-way from Eastwood Street to the eastern property line of Lot 1, Block 24, in exchange for the conveyance to the City of a utility easement, both located in the Foster Place Subdivision, out of the Washington County R. R. Survey, Parcels SY7-075 and VY8-032 - **STAFF APPRAISERS DISTRICT D - EDWARDS** – (**This was Item 7 on Agenda of August 15, 2007, TAGGED BY COUNCIL MEMBER EDWARDS**) – was presented,

moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Brown out of the city. MOTION 2007-0887 ADOPTED.

44. MOTION by Council Member Khan/Seconded by Council Member Alvarado to adopt recommendation from Finance & Administration Department to award to **APPLE GLASS COMPANY** for Automotive Glass for Various Departments - \$552,246.88 General Fund – **(This was Item 10 on Agenda of August 15, 2007, TAGGED BY COUNCIL MEMBER JOHNSON)** – was presented.

Council Member Lawrence stated that they checked out the past history and thought the same company got it before, that it was a five year contract and the windshields they were using were excellent and she did not have a problem with that, but that was not all that the amendment took in, that she thought from windshields to termites to gift stores seemed like a lot to put in one amendment, especially with no backup, that she would like to see in their MWBE process who were the other candidates, who else were they trying to look at or was somebody just arbitrarily saying they were sending all the contracts to this one person, that they had no backup on Endo Pest and The Christian Book Store in the past week, so she was wondering who made those decisions, that hopefully there were a lot of people involved and not just one person had the power to decide who got those.

Council Member Holm stated that she was concerned that in order to meet an MWBE component they were going to spend money on exterminators and a Christian book store for printing, that if there was an MWBE component to an automotive glass contract then it ought to be an MWBE providing something to do with automotive glass, that was it the exterminating contract for the automotive glass company for a year, what was it that they were paying for and what were they printing that had to do with automotive glass.

Council Member Johnson stated that he had some of the same concerns, why such a low capacity on automotive glass, that he was sure that in this City they could find a corporation that could do some of this work; that his feeling was that to simply do a 2% goal in itself was an insult to the whole MWBE process, that he did not like the low goals that he continued to see on many of the contracts that they were letting in the City, that he would like a better answer on what they were doing with the MWBE goals they were setting for these contracts.

Council Member Garcia stated these were good questions that his colleagues were raising, however in visiting with the City Attorney he had been able to better understand why on manufactured goods why it was complicated to break the product down because they could not buy auto glass from one company and then go get an MWBE with another company for auto glass and then one windshield did not function and then they tried to figure out under what contract it was bought, that they had to have some degree of consistency with some of those manufactured goods, that he was frustrated that they, as the decision makers on these things, and they tried to pay attention to detail, were not getting effective briefings on these goals and it was frustrating to him as Chair that he had to figure out how he was going to understand what they were seeing at the Council table, and his staff tried to raise questions when they could but sometimes it was not until they got the agenda on Friday and then they had a couple of days to try to dig into the details and finance, that he was frustrated that they were not getting a better explanation of how the goals were being set, not to say that there was nothing wrong with them, but it would help to get a paragraph or so to say this was why it was 2%, this was why it was Endo Pest, that it would help to break those issues down to resolve some degree of anxiety at the table. Council Member Noriega absent.

Council Member Edwards stated that she thought that former Council Member Gordon Quan probably developed one of the best processes for they types of briefing that Council

Member Garcia was speaking of, that when something was going to agenda that it had to come through the committee first to look at all those particulars and she knew it got kind of tiring and boring but it gave them a consistent way to address those issues; that regarding the termites and the auto glass company, she had friends that were software companies who were the MWBE part of a dress manufacturing company, but they were not making the dresses but were part of the whole package, that were they saying that the MWBE person had to be directly germane to the product itself and not to the overall operation of the company that made the product. Council Member Noriega absent.

Mayor White stated that if he listened to the dialog around the table and the number of things that were tagged he thought it was worthy of a legal briefing that was very careful, the City Attorney was in court last week and would be back in court about legal challenges to the program, that he thought there might be a misunderstanding of what the law permits or does not permit concerning goals, they did not have quotas, it was against the law, that if somebody said they wanted to do that they would undermine the program, that they should help them work through this type of issue and he thought the administration and the Affirmative Action Department on a particular issue of some of these ancillary services, which were provided to the firms that provide goods and services to the City, would go whatever way the majority of the Council Members wanted and that was where they needed the Council Members help. Council Member Noriega absent.

Council Member Berry stated that his concern with the item was not primarily legal in nature, but in the operation and how he thought the public viewed their Affirmative Action Program and their attempts to both set goals and achieve them, that while it was only a goal it was odd that the MWBE component lined up to be exactly 2% and oddly enough \$5,522.47 for exterminating and as luck would have it exactly that amount for printing services, which worked out for each of them to be exactly 1% of the total and double that it was 2% so they met their goal, that maybe the goal should have been 25% so they would actually bring someone into the process that would be a contributing part, that for those who did not like the goal oriented process in the MWBE process it looked like there was an \$11,000 cost of doing business in order to get a City contract and for those who did favor the process he saw what a joke, they got a goal but what it really meant it was a cost of doing business, so go and find a buddy who happened to qualify as a woman or minority owned business, and whether they were for or against the program everybody could agree that was not what the program should be about. Council Member Edwards absent.

Council Member Alvarado stated that she felt insulted because those of them who had been advocates for the Affirmative Action Program, for somebody to put this type of contract forward and think the Council would not catch and if they caught it thought they would be okay with it and accept it because they gave them 2%, was a bunch of bull, that nobody was stepping up to the plate and saying this was why they were having a problem, that she had been in City government for over 10 years and this was the first time she saw problem after problem with meeting the goals, what had changed, there was something happening and somebody responsible and until that person steps up or was pointed out they were going to have the discussion over and over, that she did not know why with the MWBE goals and the program something does not happen. Council Member Edwards absent.

Council Member Lovell stated that one thing may be that they were not doing good forecasting, good businesses forecast what their needs were, they did two, three and five year plans, that going out and making sure that they meet the MWBE goal by incubating and encouraging the businesses that they were going to need to meet their goal, even under MWBE and making sure that they were there, that this was one of the things that she saw happening, they were not going out and saying that three years from now Public Works was going to be

working on a project and were going to need these services, so in the business plan how could they meet those other goals. Council Members Wiseman and Holm absent.

Mayor White stated that he would encourage the Council Members to play through their minds the comments around the table because it just may be that there was a contractor who watched the Municipal Channel and gets it and thinks there were things said around the Council table which meant that it would be better to stretch and get 2% than to get zero, they did not pick sub contractors but there may be things said around the table that cause contractors not to want to come in at zero; that if they wanted to hear it first they were hearing it from him, that he thought there were very significant risks that there would be people who complied with the law with what was called good faith efforts that were directly related to raising the MWBE goals by Members of the Council because if people felt that they could not obtain the goal in a highly competitive market where those subcontractors with track records were highly sought after, they would do less, they would comply with the law, but it was one of things of unintended consequences; that they were absolutely right that building capacity was critical. Council Members Wiseman and Holm absent.

Council Member Khan stated that he thought the goals also had to emphasize that they needed to develop capacity in the area where the contract was, that he believed they needed to support and enhance the mentoring program because that was where he saw the possibility of higher goals and developing high capacity among the minority firms could be achieved. Council Members Wiseman, Garcia, Holm and Berry absent.

Council Member Green stated that no matter what they thought about the program it was really a prima facie evidence of why people hated the program, and he was very familiar with the Fifth Circuit and the Supreme Court ruling on the issue and thought they needed to push the incubation process and try to find the vendors, that he would tag the item. Council Members Wiseman, Garcia, Holm and Berry absent.

After a further lengthy discussion by Council Members, Council Member Noriega stated that she wanted to echo what Council Member Lovell stated and offered her support and help. Council Member Holm absent.

Mayor White stated that Item No. 44 had been tagged.

45. **ORDINANCE AMENDING CHAPTER 47 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, by adding Article XIII relating to groundwater; providing a process for establishing municipal setting designation ordinances to prohibit certain contaminated groundwater from potable use; containing findings and other provisions relating to the foregoing subject; providing a penalty; providing for severability; providing an effective date – **(This was Item 13 on Agenda of August 15, 2007, TAGGED BY COUNCIL MEMBERS GARCIA, HOLM, BERRY, WISEMAN and JOHNSON)** – was presented. All voting aye. Nays none. Council Member Brown out of the city. Council Member Holm absent. **ORDINANCE 2007-0959 ADOPTED.**

46. **ORDINANCE** consenting to the addition of 45.97 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 382**, for inclusion in its district - **DISTRICT E – WISEMAN** – **(This was Item 17 on Agenda of August 15, 2007, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. All voting aye. Nays none. Council Member Brown out of the city. Council Member Holm absent. **ORDINANCE 2007-0960 ADOPTED.**

47. ORDINANCE approving and accepting the **TEXAS DEPARTMENT ON AGING AND DISABILITY SERVICES (DADS)** FY2008-2010 Area Plan on behalf of the **HARRIS COUNTY AREA AGENCY ON AGING (HCAAA)** for Supportive Services, Nutrition Services, Caregiver Programs, Administration, Health Maintenance, State General Revenue, Assisted Living, Ombudsman Activity, and Elder Abuse Prevention; declaring HCAAA's eligibility for such plan funding; authorizing the Director of the Health and Human Services Department of the City of Houston to act as the HCAAA's representative for purposes of the DADS FY2008-2010 Area Plan; authorizing the Director of the Health & Human Services Department of the City of Houston to apply for, accept and expend the DADS FY2008-2010 Area Plan Funds, if awarded, and to apply for, accept and expend all subsequent DADS FY2008-2010 Area Plan Awards, if any, pertaining to the Plan - \$10,376,717.00 - General and Grant Funds – **(This was Item 19 on Agenda of August 15, 2007, TAGGED BY COUNCIL MEMBER CLUTTERBUCK)** – was presented. All voting aye. Nays none. Council Member Brown out of the city. Council Member Holm absent. ORDINANCE 2007-0961 ADOPTED.
48. ORDINANCE awarding contract to **PRECISION PNEUMATICS, INC** for Maintenance and Repair of Air Compressors for Various Departments; providing a maximum contract amount - 3 Years with two one-year options - \$2,606,831.00 - General and Enterprise Funds – **(This was Item 22 on Agenda of August 15, 2007, TAGGED BY COUNCIL MEMBER JOHNSON)** – was presented. All voting aye. Nays none. Council Member Brown out of the city. Council Member Holm absent. ORDINANCE 2007-0962 ADOPTED.
49. ORDINANCE awarding contract to **BL TECHNOLOGY, INC** for Security System Installation and Repair Services for the General Services Department; providing a maximum contract amount 3 Years with two one-year options - \$16,259,339.00 - General, Grant, Enterprise and Other Funds – **(This was Item 23 on Agenda of August 15, 2007, TAGGED BY COUNCIL MEMBERS JOHNSON, GARCIA and ALVARADO)** – was presented. Council Member Holm absent.

After discussion by Council Members, Council Member Berry requested a rough estimate of what they lost per year in books that Item No. 49 could save. Council Member Holm absent.

Council Member Green stated that he would tag Item No. 49. Council Member Holm absent.

50. ORDINANCE appropriating \$208,068.00 out of Water & Sewer System Consolidated Construction Fund and \$168,481.00 out of Drainage Improvement CPaper Series F Fund and approving and authorizing Interlocal Cost Sharing Contract between the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 410**, WBS S-000800-0103-4, R-000800-0103-4, M-000800-0103-4 - **DISTRICT E - WISEMAN** – **(This was Item 27 on Agenda of August 15, 2007, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. Council Member Holm absent.

Council Member Wiseman moved to postpone Item No. 50 for one week, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Brown out of the city. Council Member Holm absent. MOTION 2007-0888 ADOPTED.

51. RECOMMENDATION from Finance & Administration Department to award to **SAFETY SHOE DISTRIBUTORS, L.L.P.** for Safety Footwear for Various Departments - \$3,902,931.46 minus a commission fee for Internet-based reverse auction services for a net award amount not to exceed \$3,882,931.46 - General, Enterprise, Fleet Management, Park Special Revenue and Storm Water Funds – **(This was Item 34 on Agenda of**

August 15, 2007, POSTPONED BY MOTION #2007-864) – was presented. Council Member Holm absent.

After discussion by Council Members, a vote was called on Item No. 51, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Brown out of the city. Council Members Wiseman and Holm absent. MOTION 2007-0889 ADOPTED.

Council Member Johnson stated that he would release his tag on Item No. 27, and Mayor White stated that the item was additionally tagged by Council Member Holm. Council Members Wiseman and Holm absent. Council Members Wiseman and Holm absent.

52. ORDINANCE appropriating \$1,069,642.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **CLEANSERVE, INC** for Sanitary Sewer Cleaning and Television Inspection in support of Rehabilitation, WBS R-000266-0108-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, project management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – **(This was Item 41 on Agenda of August 15, 2007, POSTPONED BY MOTION #2007-863)** – was presented. All voting aye. Nays none. Council Member Brown out of the city. Council Members Wiseman and Holm absent. ORDINANCE 2007-0963 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Lovell stated that she wanted to thank everyone for making her 57th Birthday wonderful. Council Members Holm, Wiseman and Berry absent.

Council Member Lovell stated that the HISD Bond Election that was coming up in November was a very important issue, that she was a supporter of HISD, even though she was critical of them at times she really wanted them to succeed, that she was very concerned about what was going on in the bond election, that she was hearing that there may be schools closed and it very much concerned her that it was going on, that she was going to reserve her support for the issue until she had an opportunity to speak with the people from HISD on the issue and would urge anybody to reserve making up their mind until there was an opportunity to really hear about what was really going on. Council Members Wiseman, Khan, Holm and Berry absent.

Council Member Edwards stated that today's conversation at the table was very frustrating and challenging for her, that they had the opportunity and responsibility to critic everyone that worked for the City, that she had a problem when they maligned people through implication or inference, imply that some of their workers were either illegally or unethically working, if that was the issue then she thought it was an issue that should be dealt with in the proper manner. Council Members Johnson, Wiseman, Khan, Holm, Noriega and Berry absent.

Council Member Edwards stated that she would ask what were they going to do regarding the recommendations of the Crime Lab final report. Council Members Johnson, Wiseman, Khan, Holm, Noriega and Berry absent.

Council Member Edwards stated that the flooding that happened at Scott and 610 last week was something that had been going on for a while; that they had talked about it with Public Works and they thought it was a collapsed sewer line that was TXDOT's responsibility and in

talking with them again they thought it was the same problem and she guessed TXDOT was not into maintenance but something needed to happen because it was going to get worse, that somebody needed to fix it, did they have the authority to fix it, that she wanted to thank Public Works for checking into it and was waiting for their final word. Council Members Johnson, Clutterbuck, Wiseman, Khan, Holm, Noriega and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that Unity Day was a big success and wanted to thank all of the people who worked so hard, that they had wonderful exchanges between community centers and their children. Council Members Johnson, Clutterbuck, Wiseman, Khan, Holm, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Edwards stated that she had gotten about 10 calls from veterans who wanted to say thank you for somebody paying attention to their needs, that there were some young people who lived in District D who were thankful that somebody was paying attention to what was going on in their lives and trying to help. Council Members Johnson, Clutterbuck, Wiseman, Khan, Holm, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Lawrence stated that they had a Health Fair at the Spring Branch Family Development Center, that there were forty vendors who stepped up, that there was a whole program of entertainment, that they gave out over 2,000 backpacks and did over 800 shots, that it was a very big success and she wanted to thank everyone who volunteered, that at 7:00 a.m. they had over 200 families in line for shots and backpacks and fun and games for the kids all day, that it was a big success. Council Members Johnson, Clutterbuck, Wiseman, Khan, Holm, Alvarado, Lovell, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Garcia stated that school was back in session so to please respect the school zones and the school zone lights and make sure they were looking out for the kids as they were making their way to school. Council Members Johnson, Clutterbuck, Wiseman, Holm, Alvarado, Lovell, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Garcia stated that he wanted to thank the Texas Barber College in his district, located on Cavalcade, they were again hosting a free haircut for the kids, that he wanted to thank the college. Council Members Johnson, Clutterbuck, Edwards, Wiseman, Holm, Alvarado, Lovell, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Garcia stated that he had seen his colleagues at the funeral for Chief Jahnke, that it was a beautiful service; that there was a call out to the City Council from the family in regards to HMO Blue regarding the benefits of the employees, that he would ask when they got to the point of renewing the contract or putting the contract out to bid that there were ways that they could leverage more for the employees with a contract like this, that he would ask Mayor White to keep that on the front burner when they get to that point so they could make sure when they were paying \$238 million for a contract that their employees experience should be a good one and not a frustrating one. Council Members Johnson, Edwards, Wiseman, Holm, Alvarado, Lovell, Noriega and Berry absent. (NO QUORUM PRESENT)

Council Member Garcia stated that he wanted to say go "Dynamo", that they were setting themselves for another run and hopefully all things would continue on that track; that it was football season, that their new quarterback was zeroing in on the Dallas Cowboys. Council Members Johnson, Wiseman, Holm, Alvarado, Lovell and Noriega absent.

Council Member Khan stated that on Saturday they would celebrate the bicentennial of Nigeria, that it was a two day event, August 25 and 26, 2007, that on Saturday the celebration would be at Amity Park, 12509 Alief Clodine Road; that also on Saturday the American

Federation of Muslims from Indian origin, AFMI, would be holding their national convention at the Marriott Westchase Hotel, that the theme this year was Education and Economic Parity. Council Members Lawrence, Wiseman, Holm, Alvarado, Lovell and Noriega absent.

Council Member Green stated that the next Budget and Fiscal Affairs Committee meeting would be on Tuesday, September 4, 2007 at 10:00 a.m. in the Council Chamber. Council Members Lawrence, Wiseman, Holm, Alvarado, Lovell and Noriega absent.

Council Member Green stated that he had visited China and visited their Sister City Shenzhen, which was a thriving area that was filled with foreign investment, that the whole purpose of the Sister City Program was to build bilateral relations with other cities, that it was a great experience, that he led a trade delegation with State Representative Borris Miles and the trip was organized by the Houston Citizens Chamber of Commerce. Council Members Lawrence, Wiseman, Holm, Alvarado, Lovell and Noriega absent.

Council Member Berry stated that he wanted to commend the leadership of Mr. Kent Robertson at BARC, that there had been a group who had been making sure that they treat their animals in a humane fashion and he appreciated that, that he thought Mr. Robertson took on a big job and was making a lot of changes and seemed to aggressively want to reform that organization and make it something that they were all proud of. Council Members Lawrence, Wiseman, Holm, Garcia, Alvarado and Noriega absent.

Council Member Berry stated that a woman named June Willis sent them a letter, that she was 71 years old and on a fixed income, that for years she had dealt with the cat population in her community and created her own trap, fix and release program, that one of her neighbors had managed to get them cited and Mr. Robertson had been wanting to help her and they needed an ordinance to do that, so he would be asking the appropriate people within the administration to help them in drafting the ordinance to protect the neighborhoods. Council Members Lawrence, Wiseman, Holm, Garcia, Alvarado and Noriega absent.

Council Member Berry stated that he knew that Council Member Alvarado, when there were some funds left over in her Council office last year, contributed that to a soccer goal or batting cage and that was an important activity and the settlement today made him think about it, the young man who unfortunately was killed by one of the soccer goals and he was concerned reading the article, that he did not want the answer to be that they remove goals when they were questionable, but if they were going to remove them that they replace them, that they were important to neighborhoods and kids and he would like from Parks an updated report on how many they were inspecting and how many had been removed and not replaced. Council Members Lawrence, Wiseman, Holm, Garcia, Alvarado, Lovell and Noriega absent. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that she to was encouraged by a lot of the changes they were seeing at BARC, that she, Mayor White and Mr. Fontaine corresponded several months ago about her eagerness to get BARC's registration forms online and to have BARC also hooked up to the 3-1-1 system and she would appreciate an update on that. Council Members Lawrence, Wiseman, Holm, Garcia, Alvarado, Lovell and Noriega absent. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that she wanted to thank the many community volunteers who showed up for the District C trash removal day, their C3 Day, that it was on Saturday, that they had over 250 volunteers show up. Council Members Lawrence, Wiseman, Holm, Garcia, Alvarado, Lovell, Noriega and Berry absent. (NO QUORUM PRESENT)

Council Member Johnson stated that he wanted to talk about the "Jena Six", that it was a travesty that was taking place in Jena, Louisiana where six high school teenage Black males were being incarcerated for having a school yard fight, that the District Attorney actually told the students that with a stroke of a pen, prior to those students being arrested, he would destroy their lives, that it was because of a protest that the Black students participated in, that he thought that such a travesty in the United States, in this day and age, such racial overtones, he would encourage everyone to go on line and find out what was going on, that he would encourage everyone to take a bus ride to Jena, Louisiana, September 20, 2007, that he would be helping sponsor bus rides and buses to go down there and send a strong message, if they needed information they could call his office at 713-247-2009. Council Members Lawrence, Wiseman, Holm, Garcia, Alvarado, Lovell, Noriega and Berry absent. (NO QUORUM PRESENT)

Council Member Johnson stated that as to HISD, they were doing their new bond election, passing an \$805 million bond election, but unfortunately the bond election was calling for the closure of many schools that were in District B, that it was certainly something that he would never be in favor of, that it had set back his ability to negotiate with developers to move into District B; that he understood the economics that came along with it, there was a declining enrollment in the HISD School System and he believed it was because they had a declining development community in the City of Houston, but as the development was coming back into the city limits he thought what they had not done with HISD and the City of Houston standpoint was to work collaboratively together to insure not only the survival of the HISD schools but certainly the survival of the City of Houston, that he believed they should have some dialog with HISD to insure that it was the best possible scenario or solution that they had for those schools. Council Members Lawrence, Wiseman, Holm, Garcia, Alvarado, Lovell, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Johnson stated that he wanted to tell his daughter, Nalyia Johnson, good luck, that it was her very first day of school. Council Members Lawrence, Wiseman, Holm, Garcia, Alvarado, Lovell, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 11:43 p.m. Council Member Brown out of the city. Council Members Lawrence, Wiseman, Holm, Garcia, Alvarado, Lovell, Noriega, 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