

City Council Chamber, City Hall, Tuesday, November 27, 2007

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, November 27, 2007, Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, M. J. Khan, P. E., Pam Holm Adrian Garcia, Carol Alvarado, Peter Brown, Sue Lovell, Ronald C. Green and Michael Berry; 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 Ada Edwards absent due to being ill. Council Members Addie Wiseman and Melissa Noriega absent on personal business.

At 2:11 p.m. Mayor White called the meeting to order and stated that Council Member Clutterbuck would begin presentations. Council Members Johnson, Holm, Brown, Lovell and Berry absent. (NO QUORUM PRESENT)

Council Member Clutterbuck invited representatives of AARP to the podium and stated that an initiative was started by AARP called Divided We Fail Month, it was a national movement to support consumer, business and labor groups in discussion of healthcare issues and a listening event was scheduled for November 30, 2007, from 10:00 a.m. to 12 noon at the United Way of Greater Houston located at 50 Waugh Drive; and presented the representatives a Proclamation proclaiming today as "Divided We Fail Month" in Houston, Texas. Council Members Johnson, Holm, Brown and Berry absent.

Council Member Lawrence invited Ms. Rosemary Garbett to the podium and stated that Houston was a "can do city" and Ms. Garbett exemplified that, she took over her and her husband's restaurant after he passed on and continued to build and now had opened four restaurants; and presented Ms. Garbett a Proclamation proclaiming November 27, 2007, as "Rosemary S. Garbett Day" in Houston, Texas. Council Members Johnson, Alvarado, Brown and Berry absent.

Council Member Garcia invited those present with the Texas Barber College to the podium and stated that organizations who helped Houston's less fortunate and particularly Houston's youth always had a special place in his heart and one in his district was the Texas Barber College and Hair Styling School; that they gave free haircuts to youth before school started and this year gave 200 cuts; and presented a Proclamation to their representative proclaiming November 27, 2007, as "Texas Barber College and Hair Styling School Day" in Houston, Texas. Council Members Johnson, Alvarado, Brown and Berry absent.

At 2:23 p. m. Council Member Khan invited Imam Wazir Ali with ISGH (Islamic Society of Greater Houston) to lead all in prayer and Council Member Khan led in the pledge. Council Members Johnson, Clutterbuck, Alvarado and Green absent.

At 2:26 p.m. the City Secretary called the roll. Council Member Edwards absent due to being ill. Council Members Wiseman and Noriega absent on personal business. Council Member Johnson absent.

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

Council Member Green moved the rules be suspended for the purpose of hearing from Mr. Preston Roe and Mr. James Anthony at the top of the list of speakers, seconded by Council Member Khan, however a vote was not recorded as a quorum was not present. Council

Member Edwards absent due to being ill. Council Members Wiseman and Noriega absent on personal business. Council Members Johnson, Clutterbuck, Garcia, Alvarado, Lovell and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that he had an announcement which had to do with the news and then Council would immediately go to the first speaker, but the union representing city employees had purchased a large amount of radio advertising saying the City of Houston was using kids to answer 911 calls, but they did not have high school students answering 911; that they did have someone who graduated from the School of Law Enforcement who did work on the 911 calls; that the advertisement also said the City of Houston paid 25% less than Harris County dispatchers; that he commended the 36 employees who sat patiently and made lots of progress with the HOPE Union, but he wanted to see if some in the Union could hold the Union accountable; that the City of Houston paid \$27,000 for call takers and Harris County paid \$27,000, city employees would be treated fairly; that everyone made mistakes and they had to admit them and he wanted to see if the one who wrote this script full of errors was willing to admit it. Council Members Johnson, Clutterbuck, Garcia, Alvarado, Lovell and Berry absent. (NO QUORUM PRESENT)

At 2:33 p.m. the City Secretary began calling the public speakers. Council Members Johnson, Garcia, Alvarado, Lovell and Berry absent. (NO QUORUM PRESENT)

Mr. Preston Roe, 3731 Floinda, Houston, Texas 77021 (713-747-8182) appeared and stated that he was president of Super Neighborhood 68 and present to congratulate Council Member Edwards; that in 1999 one street in his area, Alberta, was omitted and he had worked since to get the street reconstructed; and now Project 448 was coming to fruition and nine of the eleven streets in the project were in Super Neighborhood 68; and he thanked all for what they were doing. Council Members Lawrence, Johnson, Garcia, Alvarado, Lovell and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that was the kind of civic involvement they liked to hear. Council Members Lawrence, Johnson, Garcia, Alvarado, Lovell and Berry absent. (NO QUORUM PRESENT)

Council Member Clutterbuck thanked Mr. Roe for appearing and stated that it took much energy to come speak in favor of something and the praise went to the community and Council Member Edwards, she had fought for this and wanted it handled swiftly and did not postpone it for her to be present; and all would miss her leadership. Council Members Lawrence, Garcia, Alvarado, Lovell and Berry absent. (NO QUORUM PRESENT)

Mr. James Anthony, 4922 Balkin, Houston, Texas 77021 (713-747-8182) appeared and stated that he also wanted to thank all for the streets to be reconstructed; that they had seven or eight more coming up and he wanted Council to know of their concerns. Council Members Lawrence, Garcia, Alvarado and Berry absent.

Mayor White stated that he would check and follow through this afternoon as to where they stood on this. Council Members Lawrence, Garcia, Alvarado and Berry absent.

Council Member Brown thanked Mr. Anthony for coming and showing appreciation for improvements being made in their neighborhood; that it was nice to have positive thinking and when the Mayor said he would check around Palm Center he would. Council Members Lawrence, Garcia, Alvarado and Berry absent.

Ms. Vivian Rashard, 4400 W. Airport #705, Houston, Texas 77045 (713-729-8879) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Garcia, Alvarado and Berry absent.

Ms. Sharon Alexander, 4331 Oxford, Houston, Texas 77022 (713-691-5871) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Garcia, Alvarado and Berry absent.

Mr. William Barker, 9966 Kirkdale, Houston, Texas 77089 (832-519-4332) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Garcia, Alvarado and Berry absent.

Mr. Curtis Morton, 13426 Ticonderogea, Houston, Texas 77044 (281-459-3964) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Garcia, Alvarado and Berry absent.

Mr. Alex Jimenez, 2501 Tanglewilde, Houston, Texas 77063 (832-272-6044) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Garcia, Alvarado and Berry absent.

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

Mr. Larry Love, 1146 Pennygent Lane, Channelview, Texas 77530 (281-452-4546) appeared and stated that he was starting an organization called Peoples Against Drugs; that incidents had happened in his life and recently he called in several tips to HPD and last time he called the officer had problems and told him avenues he could take to possibly assist law enforcement agencies in the city and he took it upon himself to do this and went out and observed things; that the officer told him there was a fine line between good police work and harassment and citizens needed to be more involved and that was what his organization was to do, get the community involved, and better the community and have a safe environment. Council Members Lawrence, Garcia, Alvarado and Berry absent.

Mayor White stated that he agreed with getting the community involved and if there would be one thing he observed which he thought could be done better with HPD resources what would that be; and Mr. Love stated that for example at each store front was a sign "No consumption of alcohol on the premises" and when officers saw individuals with open containers that gave opportunity to confront him and search him; that officers needed to take laws available and use them and also let the community know what they could do to assist them; and Mayor White stated that they could have "zero" tolerance on open beverage, they did it before in District 17 and parts of District 20 and District 6 and it did lead to arrests and there were rules which made sense, they had passed changes in the curfew ordinance and that helped. Council Members Lawrence, Holm, Alvarado and Berry absent.

Ms. Erma Spikes, 11702 Roandale, Houston, Texas 77048 (832-228-3182) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Holm, Alvarado and Berry absent.

Ms. Betty Heacker, 621 Del Norte, Houston, Texas 77018 (713-695-6017) appeared and stated that she owned the Wabash Antique and Feed Store and was president of Super Neighborhood 22 and resident of Shepherd Oaks; that the city would soon be building a 300 foot communication tower at HEC two blocks from her home and they had failed at trying to

move the tower out of their neighborhood and today she was trying to get monitoring devices at a handful of locations around their neighborhood to measure and record the radio frequency energies which would be transmitted from and aimed at the tower; that homeland security was interested in putting up such a tower in multiple locations around the country and many communities were looking into such installations and wrestling with how to balance improving first responder communication and how to keep nearby citizens safe, to her knowledge no city in the United States was looking at placing such a tower in a residential neighborhood, Houston would be the first, and no one in this room, this Administration or at HEC was qualified to determine whether the tower would have any long-term, negative health effects on people living, working or going to school nearby; that this was an instance where the science was lagging behind the technology; and while there was active ongoing research into the affects, much of the research was not yet mature enough to make any definitive judgments and her request was for the city to install monitor devices to measure and record the radio frequency activities so at some future date when information was available the city would be able to tell the community with some degree of certainty whether they were or were not safe and the information would not only benefit their community but communities everywhere and she was requesting the devices be installed at St. Pius High School, directly across the street from HEC, at Holm Elementary to the east of HEC and in her neighborhood on Hohldale and Del Norte and to the north near Tidwell; that the 13 devices slated for the tower would send and receive UHF, VHF and microwave and UHF frequencies pass through brick, mortar and bodies and they owed it to children growing up in the neighborhoods and those who attended the schools for them to know energies associated with the tower were doing them no harm; that putting up the monitors was the right thing to do. Council Members Lawrence, Holm and Berry absent.

Council Member Garcia thanked Ms. Heacker and her neighbors for being involved throughout the process and stated that they started with a 500 foot tower and now they were just under 300 feet; that the FONSI (Finding Of No Significant Impact) came back there would be no significant environmental impact to the community; that he specifically asked about some issues she touched on and he was under the impression the environmental impact addressed them; and Ms. Heacker stated that they did not; that the life science just was not there, there was a woman doing work at the University of Connecticut who was probably one doing the most work on this and did have much data, but she did not think the information was there and that the possibility for harm was great enough that going with caution was the least they could do; that there was no tower such as this anywhere she was aware of, this was a new breed of tower, nothing had such a number or diversity of devices and the information was largely not available. Council Members Lawrence, Holm and Berry absent.

Council Member Johnson thanked Ms. Heacker for coming and stated that she and her neighbors had worked on this for some time and she probably had more information than developers of the HEC tower; that when she spoke of monitoring devices what in particular and over what period of time did she expect the monitoring devices to be for what she thought they would need; and Ms. Heacker stated that in terms of how they would monitor, given that they had NASA, Rice University and the Texas Medical Center here along with the University of Houston there were plenty of assets and people they could call who were doing shielding work; that this style tower had not been created anywhere she was aware of, not with such a diversity of devices and they would need to make phone calls; and Council Member Johnson stated that he was concerned with the tower safety and he lived within eyesight of the tower; and upon further questions, Ms Heacker stated that other cities were placing the towers on air force bases or on top of mountains or tall commercial buildings, areas with much clear space, but not in neighborhoods; and they needed the monitoring devices and hopefully they would find there was no harm, but there were serious unanswered questions. Council Members Lawrence, Garcia, Green and Berry absent.

Ms. Doris Ceaser, 506 Perry, Houston, Texas 77021 (832-785-1142) appeared and stated that she was present seeking help; that she was being mentally tortured for ten years by a large organization and now physical torture had begun; and continued expressing her personal opinions until her time expired. Council Members Lawrence, Garcia, Lovell and Green absent.

Mayor White stated that she was not the only person who had reported those symptoms and there were people who were professionals who were able to assist people who expressed themselves such as what she had perceived; that they would give her a referral but it was up to her to take the next step in pursuing that referral. Council Members Lawrence, Garcia, Lovell and Green absent.

Mr. Ninghaw Chang, 13006 Hollow Brook, Houston, Texas 77082 (281-497-3673) appeared and stated that he wrote to the Mayor about his correspondence and he would like the Mayor to respond to him; that he wanted to make his contribution to the city and for the past few years he cooperated with the management of Public Works and Engineering for the purpose of getting the Mayor's goal of the most efficient, responsive and transparent local government in the country and he would like to meet with Council Member Khan if possible as he was in his district and to present to him letters he wrote to the Mayor to see if it was for consideration. Council Members Lawrence and Lovell absent.

Mayor White stated that with no objection Mr. Dennis Woodward would be added to the speakers list; and Mr. Dennis Woodward appeared, presented information and stated that he was present on behalf of the birds, mother birds and their babies were killed and if nothing was done to stop the ongoing tragedy then they were contributing to the deaths; that they needed an ordinance which would be enforced to make it illegal to feed stray cats; that there was a city law stating it was against the law for pets to run loose, but no one was ever cited for letting their cat out; that there were also regulations stating pets must be licensed and some did, but many did not and no one was ever cited for having no license; that he trapped many cats and turned them into BARC and Sunday, November 18th he was again turning in a stray cat and outside BARC was a bowl of food for stray cats and he spoke with Ms. Robertson with BARC today and she said they were allowed to do that because they were spayed and neutered, but the law did not state they could roam free if they were spayed or neutered and if they were going to feed strays then the law needed to be changed. Council Members Lawrence, and Garcia absent.

Mayor White thanked Mr. Woodward for his patience and for coming today and bringing the issue to Council's attention. Council Members Lawrence and Garcia absent.

At 3:08 p.m. City Council recessed until 9:00 a.m., Wednesday, November 28, 2007. Council Member Edwards absent due to being ill. Council Members Wiseman and Noriega absent on personal business. Council Members Lawrence and Garcia absent.

City Council Chamber, City Hall, Wednesday, November 28, 2007

The Houston City Council reconvened at 9:00 a.m. Wednesday, November 28, 2007 with Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Ada Edwards, Addie Wiseman, M. J. Khan, P. E., Pam Holm, Adrian Garcia, Carol Alvarado, Peter Brown, Sue Lovell, Melissa Noriega, Ronald C. Green and Michael Berry; Mr. Anthony Hall, Chief Administrative Office, Mayor's Office; Mr. Arturo Michel, City Attorney; Mr. Terence H. Fontaine, Deputy Chief of Staff for Operations; Ms. Marty Stein, Agenda Director and Ms. Marta Crinejo, Assistant Agenda Director, present.

At 8:23 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:25 a.m. Mayor White called the meeting to order and recognized Council Member Edwards. Council Members Johnson, Wiseman, Holm, Alvarado and Berry absent.

Council Member Edwards moved to suspend the rules to consider Item Numbers 5, 63, 8 and 9 out of order, seconded by Council Member Garcia. All voting aye. Nays none. MOTION 2007-1149 ADOPTED.

5. RECOMMENDATION from Director Solid Waste Management to rename the Northwest Service Center to the **THOMAS M. BUCHANAN NORTHWEST SERVICE CENTER** and the Southeast Service Center to the **CHARLES R. IDLEBIRD SOUTHEAST SERVICE CENTER - DISTRICTS A - LAWRENCE and I - ALVARADO** – was presented, moved by Council Member Khan, seconded by Council Member Edwards. All voting aye. Nays none. Council Members Johnson, Wiseman, Holm, Alvarado and Berry absent. MOTION 2007-1150 ADOPTED.

Mayor White invited Mr. Harry Hayes, Director, Solid Waste Management, Mr. Buck Buchanan and Mr. Charles Idlebird to the podium. Council Members Johnson, Wiseman, Holm, Alvarado and Berry absent.

Mr. Buchanan stated that it was indeed an honor and quite frankly to be honored at the same time as Mr. Idlebird really was a true honor, that Charles was a legend in the Solid Waste Department and whenever they hear somebody say “papa” they were talking about Mr. Idlebird, that he could not thank them enough for the honor, and it so happened that the Northwest Service Center was closest to his home and he would be over there checking things out, that he was truly honored by the recognition. Council Members Wiseman, Alvarado and Berry absent.

Mr. Idlebird stated that he was very honored to receive such an honor, that he did not feel worthy enough and felt that those who had gone on before him and those who worked with him were the ones who had done all the work, that he was just at the helm, that he appreciated their bestowing the honor upon him and thanked them all and Director Hayes and his co-workers in the Solid Waste Department, that he also prayed that the honor would serve as an incentive to the present employees and future employees that if they commit themselves and had the determination to serve the citizens of Houston they could have bestowed upon them an honor such as this. Council Members Wiseman and Alvarado.

Mayor White and Members of Council congratulated Mr. Buchanan and Mr. Idlebird on the renaming of the serviced centers and thanked them for their service to the City of Houston. Council Member Wiseman absent.

Council Member Alvarado moved to suspend the rules to consider Item No. 42-1 out of order, seconded by Council Member Garcia. All voting aye. Nays none. Mayor White and Council Member Wiseman absent. Mayor Pro Tem Berry presiding. MOTION 2007-1151 ADOPTED.

Council Member Garcia moved to suspend the rules to consider Item Numbers 18, 25 and 71 out of order, seconded by Council Member Khan. All voting aye. Nays none. Mayor White and Council Member Wiseman absent. Mayor Pro Tem Berry presiding. MOTION 2007-1152 ADOPTED.

63. ORDINANCE appropriating \$11,189,867.03 out of Street & Bridge Consolidated Construction Fund, \$342,932.97 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **JFT CONSTRUCTION, INC** for Neighborhood Street Reconstruction Project No. 448, WBS N-000380-0001-4, S-000500-0062-4; setting a

deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management, construction management, and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund & Water & Sewer System Consolidated Construction Fund - **DISTRICTS D - EDWARDS and E – WISEMAN** – was presented. Council Member Wiseman absent.

Council Member Edwards stated that she would like to encourage her colleagues to support the item, that these streets in District D had been in queue a long time and they were really excited about the opportunity, so she would appreciate their support. Council Member Wiseman absent.

A vote was called on Item No. 63. All voting aye. Nays none. Council Member Wiseman absent. ORDINANCE 2007-1295 ADOPTED.

Mayor White stated that the community and the entire City applauded her leadership on the issue, and Council Member Edwards stated that this was probably one of the two highlights of her journey on City Council, that it was worth the while and for the citizens in the area it was a real blessing for them and they were very excited. Council Member Wiseman absent.

8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$4,302,309.19 and acceptance of work on contract with **INSITUFORM TECHNOLOGIES, INC** for Sanitary Sewer Rehabilitation by Cured-In-Place Pipe Method, WBS R-000266-00A6-4 - 2.84% under the original contract amount - **DISTRICTS A - LAWRENCE; B - JOHNSON; C - CLUTTERBUCK; D - EDWARDS; F - KHAN; G - HOLM; H - GARCIA and I – ALVARADO** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent. MOTION 2007-1153 ADOPTED.
9. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,614,204.94 and acceptance of work on contract with **INSITUFORM TECHNOLOGIES, INC** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods, WBS R-000266-00A8-4 - 0.58% over the original contract amount - **DISTRICTS A - LAWRENCE; B - JOHNSON; D - EDWARDS; E - WISEMAN; H - GARCIA and I - ALVARADO** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent. MOTION 2007-1154 ADOPTED.
- 42-1. ORDINANCE approving and authorizing Compromise and Settlement Agreement between **MARIO GALLEGOS** and the City of Houston to settle a suit, Cause No. 2005-76353, 190th Judicial District Court, Harris County, Texas – was presented. Council Member Wiseman absent.

Council Member Clutterbuck stated that she had asked for a breakdown of the money and knew that several other Council offices had asked for it as well, that it was a significant amount of money and many of her constituents were asking about it and she would like to be able to explain what the breakdown was and what portion was accrued retirement, that she had not been provided with that. Council Member Wiseman absent.

Mayor White stated that there was a ruling in a Brownsville court and then a review of the law by the Legal Department and a general policy reflected both in law and thought the policies of the administration applicable to anyone that was a firefighter or police officers or for that

matter City employees who undertook public service in the form of election would not lose certain benefits by virtue of the fact that they put themselves available for public service and were chosen by the citizens, so it had to do with the pension, and Mayor White requested Mr. Michel to explain the breakdown. Council Member Wiseman absent.

Mr. Michel stated that he would explain it and make sure that they got a memo this afternoon; that there were a couple of ways to look at it, there were two primary claims and one had to do with being forced to leave and the other one would be a breach of contract for not being able to comply with the settlement agreement because under law they could not put him back, if they had a firefighter's compensation for the way they would slot the plaintiff it would be about \$111,000 or so a year so they were looking at a lawsuit that was a couple of years old and that would be a couple of years back pay and then a sort of year and three quarters in the future, but to reach specific figures they were looking at a way to compensate for loss pension and benefit, so the amount would not reflect any wages, attorney's fees, interest or anything of that nature, it would reflect a drop amount that he would have already accumulated of about \$223,000 and then there would have been, because his salary would have been lowered, a loss stream of future pension benefits of about \$270,000, discounting that fact in order to purchase an annuity, whether by the City or Mr. Gallegos, was the figure of \$200,000, which should cover that, it was going to have to be market priced when they sign the settlement agreement, so those two figures, the \$223,000 and \$200,000 was the way they calculated a way to approximate the payment, but there were different ways they could have approached that, that he would put it in a quick memo, that the negotiations were over the overall entire amount, including looking at the breach of contract claim, which could have been significant so what they did, the appropriate settlement that they negotiated down to was to look at what the lost benefits would have been and they would have been in the nature of pension benefits and were not accumulated leave or anything like that, so they looked at a past drop and then a future stream that had been reduced, that future stream, looking at actuarial charts, was at about \$270,000 and in order to purchase an annuity in order to make the payment for that future stream that figure was approximately \$200,000. Council Member Wiseman

A vote was called on Item No. 42-1. All voting aye. Nays none. Council Member Wiseman absent. ORDINANCE 2007-1296 ADOPTED.

18. **POWERLOGICS, INC** for Telecommunication Radio Tower and Equipment Shelters from the General Services Administration (GSA) Schedule 70 contract through the Cooperative Purchasing Program under Section 211 of the Government Act 2000 for the Mayor's Office of Public Safety and Homeland Security - \$1,978,588.96 - Grant Fund - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent. MOTION 2007-1155 ADOPTED.
25. **ORDINANCE AMENDING CHAPTER 16 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the creation of a Juvenile Case Manager Fund; containing other provisions relating to the foregoing subject; providing for severability – was presented. All voting aye. Nays none. Council Member Wiseman absent. ORDINANCE 2007-1297 ADOPTED.
71. **ORDINANCE AMENDING CHAPTER 11 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to fire alarm systems and various fees; containing findings and other provisions relating to the foregoing subject; providing for a collection fee; providing an effective date; providing for severability – **(This was Item 23 on Agenda of November 14, 2007, TAGGED BY COUNCIL MEMBER LAWRENCE)** – was presented. All voting aye. Nays none. Council Member Wiseman absent. ORDINANCE 2007-1298 ADOPTED.

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 1 through 66

MISCELLANEOUS - NUMBERS 1 through 4

1. RECOMMENDATION from Director Department of Public Works & Engineering for approval of additional allocation of funds for additional computational analysis service from **TEXAS TRANSPORTATION INSTITUTE** for video surveillance at railroad crossings, WBS N-000650-0037-3 - \$65,100.00 - Limited Use Roadway & Mobility Capital Fund No. 4034 **DISTRICTS B - JOHNSON; D - EDWARDS; E - WISEMAN; H - GARCIA and I - ALVARADO** - was presented, moved by Council Member Garcia, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent. MOTION 2007-1156 ADOPTED.
3. RECOMMENDATION from Director Department of Convention & Entertainment Facilities for the designation of a residential parking permit area in the Super Neighborhood of the Greater Heights **DISTRICT H - GARCIA** - was presented, moved by Council Member Garcia, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent. MOTION 2007-1157 ADOPTED.
4. RECOMMENDATION from Director Department of Convention & Entertainment Facilities for the designation of three residential parking permit areas in the Super Neighborhood of the Greater Third Ward - **DISTRICT D - EDWARDS** - was presented, moved by Council Member Garcia, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent. MOTION 2007-1158 ADOPTED.

ACCEPT WORK - NUMBERS 7 through 11

7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,750,595.02 and acceptance of work on contract with **TOTAL CONTRACTING LIMITED** for On-Call Drainage System Repair (Work Order Contract); WBS M-000243-0002-4 - 4.11% under the original contract amount - **DISTRICTS B - JOHNSON; C - CLUTTERBUCK; D - EDWARDS; E - WISEMAN; G - HOLM and I - ALVARADO** - was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Wiseman absent. MOTION 2007-1159 ADOPTED.
11. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$677,256.55 and acceptance of work on contract with **CHIEF ENVIRONMENTAL SURVEYS, INC** for Sanitary Sewer Cleaning and Television Inspection in Support of Rehabilitation, WBS R-000266-00C7-4 - 3.88% under the original contract amount - **DISTRICTS A - LAWRENCE; C - CLUTTERBUCK; D - EDWARDS; G - HOLM; H - GARCIA and I - ALVARADO** - was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Wiseman absent. MOTION 2007-1160 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 16 through 22A

16. ORDINANCE appropriating \$7,208,642.03 out of Police Consolidated Construction Fund, awarding construction contract to **PRIME CONTRACTORS, INC** for Mounted Patrol Facility Relocation, WBS G-000117-0001-4; setting a deadline for the proposer's

execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the proposer in default if it fails to meet the deadlines; providing funding for engineering testing, construction management services, office furniture, civic art program, and contingencies relating to construction of facilities financed by Police Consolidated Construction Fund – was presented. All voting aye. Nays none. Council Member Wiseman absent. ORDINANCE 2007-1299 ADOPTED.

- 16a. **JIMENEZ CONTRACT SERVICES, LTD.** for Office Furniture through the State of Texas Building and Procurement Commission's Contract for Police Department - \$83,453.03 - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent. MOTION 2007-1161 ADOPTED.
17. **EPI-USE AMERICA, INC** for EPI-USE Software Tools from the General Services Administration Schedule 70 Contract through the Cooperative Purchasing Program under Section 211 of the Government Act 2000 for the Information Technology Department - \$105,213.00 - General Fund - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent. MOTION 2007-1162 ADOPTED.
20. **AAR INCORPORATED** for Asbestos Abatement, Demolition, and Site Clean-up Services for Police Department - \$123,905.00 and contingencies for a total amount not to exceed \$130,100.25 Dangerous Building Fund - **DISTRICTS B - JOHNSON; H - GARCIA and I - ALVARADO** - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent. MOTION 2007-1163 ADOPTED.
21. ORDINANCE appropriating \$431,340.00 out of Equipment Acquisition Consolidated Fund for Purchase of Software and Professional Services from the General Services Administration Schedule 70 Contract through the Cooperative Purchasing Program for the Houston Police Department – was presented. All voting aye. Nays none. Council Member Wiseman absent. ORDINANCE 2007-1300 ADOPTED.
- 21a. **INFORMATION BUILDERS, INC** for Software and Professional Services from the General Services Administration Schedule (GSA) 70 Contract through the Cooperative Purchasing Program under Section 211 of the Government Act 2000 for the Houston Police Department - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent. MOTION 2007-1164 ADOPTED.
22. ORDINANCE appropriating \$220,721.90 out of Equipment Acquisition Consolidated Fund for Purchase of Thermolay Pothole Patch Bodies for Public Works & Engineering Department – was presented. All voting aye. Nays none. Council Member Wiseman absent. ORDINANCE 2007-1301 ADOPTED.
- 22a. **BERGKAMP, INC** for Thermolay Pothole Patch Bodies through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for Department of Public Works & Engineering - was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent. MOTION 2007-1165 ADOPTED.

24. RESOLUTION appointing **GARY W. STEIN** to serve as the City's representative on the **BOARD OF DIRECTORS of the HARRIS COUNTY APPRAISAL DISTRICT** for a two-year term commencing on January 1, 2008 and ending on December 31, 2009 – was presented. All voting aye. Nays none. Council Member Wiseman absent. RESOLUTION 2007-0045 ADOPTED.
27. ORDINANCE consenting to the addition of 10.335 acres of land to **CHIMNEY HILL MUNICIPAL UTILITY DISTRICT**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Wiseman absent. ORDINANCE 2007-1302 ADOPTED.
28. ORDINANCE consenting to the addition of 21.64 acres of land to **CINCO SOUTHWEST MUNICIPAL UTILITY DISTRICT NO. 2**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Wiseman absent. ORDINANCE 2007-1303 ADOPTED.
29. ORDINANCE consenting to the addition of 27.0650 acres of land to **GRANT ROAD PUBLIC UTILITY DISTRICT**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Wiseman absent. ORDINANCE 2007-1304 ADOPTED.
30. ORDINANCE consenting to the addition of 4.92 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 109**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Wiseman absent. ORDINANCE 2007-1305 ADOPTED.
31. ORDINANCE consenting to the addition of 27.1410 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 172**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Wiseman absent. ORDINANCE 2007-1306 ADOPTED.
32. ORDINANCE consenting to the addition of 2.434 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 216**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Wiseman absent. ORDINANCE 2007-1307 ADOPTED.
33. ORDINANCE consenting to the addition of 3.22 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 391**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Wiseman absent. ORDINANCE 2007-1308 ADOPTED.
34. ORDINANCE consenting to the addition of 63.94 acres of land to **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 96**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Wiseman absent. ORDINANCE 2007-1309 ADOPTED.
35. ORDINANCE consenting to the addition of 1.822 acres of land to **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 155**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Wiseman absent. ORDINANCE 2007-1310 ADOPTED.
36. ORDINANCE establishing the north and south sides of the 600 block of Highland Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT H - GARCIA** – was

- presented. All voting aye. Nays none. Council Member Wiseman absent. ORDINANCE 2007-1311 ADOPTED.
37. ORDINANCE establishing the north and south sides of the 1600 block of Kipling Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code Ordinances, Houston, Texas - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Wiseman absent. ORDINANCE 2007-1312 ADOPTED.
 38. ORDINANCE establishing the south side of the 2300 block of McClendon Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT C - CLUTTERBUCK** – was presented. All voting aye. Nays none. Council Member Wiseman absent. ORDINANCE 2007-1313 ADOPTED.
 39. ORDINANCE establishing City of Houston Election Precincts and designating polling places for the City of Houston Run-Off Election to be held on December 8, 2007 – was presented. All voting aye. Nays none. Council Member Wiseman absent. ORDINANCE 2007-1314 ADOPTED.
 40. ORDINANCE relating to the rescheduling or postponement of certain City Council meetings – was presented. All voting aye. Nays none. Council Member Wiseman absent. ORDINANCE 2007-1315 ADOPTED.
 41. ORDINANCE approving and authorizing agreement between the City of Houston and **CHINESE COMMUNITY CENTER, INC** to provide \$500,000.00 in Community Development Block Grant Funds for the Renovation of a public facility located at 9800 Town Park Drive, Houston, Texas **DISTRICT F - KHAN** – was presented. All voting aye. Nays none. Council Member Wiseman absent. ORDINANCE 2007-1316 ADOPTED.
 42. ORDINANCE approving and authorizing first amendment to Loan Agreement between the City of Houston and **SSFP REED ROAD V LP - DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Wiseman absent. ORDINANCE 2007-1317 ADOPTED.
 43. ORDINANCE approving and authorizing contract between the City of Houston and **CLARENCE A. WEST**, Attorney at Law, for Legal Services to include the representation of the City of Houston in connection with Access Line Reviews of certain telecommunications providers (“CTPs”); providing a maximum contract amount - \$175,000.00 - General Fund – was presented. All voting aye. Nays none. Council Member Wiseman absent. ORDINANCE 2007-1318 ADOPTED.
 44. ORDINANCE approving and authorizing contract between the City of Houston and **SMYSER KAPLAN & VESELKA, L.L.P.** for Legal Services relating to the representation of the City of Houston in Civil Action No. H-07-02944; RTM Media, LLC v. City of Houston; in the United States District Court for the Southern District of Texas; Cause No. 906556; Do Thanh Tran and Ana Alexia Tran V. City of Houston; in the Harris County Civil Court at Law No. 4, Harris County, Texas; and Cause No. 2007-66446; City of Houston v. Do Thanh Tran, et al.; in the 333rd District Court of Harris County, Texas; providing a maximum contract amount - \$225,000.00 - General Fund – was presented. All voting aye. Nays none. Council Member Wiseman absent. ORDINANCE 2007-1319 ADOPTED.

47. ORDINANCE awarding contract to **WINGO SERVICE COMPANY, INC** for Water Meter Instrumentation, Calibration and Repair Services for the Public Works and Engineering Department; providing a maximum contract amount - 3 years with two one-year options \$253,500.00 - Enterprise Fund – was presented. All voting aye. Nays none. Council Member Wiseman absent. ORDINANCE 2007-1320 ADOPTED.
48. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **GHX POWER SYSTEMS, INC (Formerly known as TOTAL POWER SYSTEMS, INC)** for Pump, Submersible-Large Repair Services for Public Works & Engineering Department approved and authorized by Ordinance No. 2003-802 – was presented. All voting aye. Nays none. Council Member Wiseman absent. ORDINANCE 2007-1321 ADOPTED.
49. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **PUMPS OF HOUSTON, INC** for Pump, Submersible-Large Repair Services for Public Works & Engineering Department approved and authorized by Ordinance No. 2003-801 – was presented. All voting aye. Nays none. Council Member Wiseman absent. ORDINANCE 2007-1322 ADOPTED.
52. ORDINANCE appropriating \$132,275.00 out of Fire Consolidated Construction Fund, awarding construction manager at Risk Contract to **GILBANE BUILDING COMPANY** for Fire Station No. 37, WBS C-000147-0002-4, and Fire Station No. 90, WBS C-000065-0002-4; providing funding for Civic Art Program financed by the Fire Consolidated Construction Fund - **DISTRICTS A - LAWRENCE and C - CLUTTERBUCK** – was presented. All voting aye. Nays none. Council Member Wiseman absent. ORDINANCE 2007-1323 ADOPTED.
53. ORDINANCE appropriating \$254,375.00 out of Public Library Consolidated Construction Fund, awarding construction manager at Risk Contract to **TEAL CONSTRUCTION COMPANY** for Bracewell Library, WBS E-000114-0001-4; Kendall Library, WBS E-000094-0001-4 and Oak Forest Library, WBS E-000073-0001-4; providing funding for Civic Art Program financed by the Public Library Consolidated Construction Fund - **DISTRICTS A - LAWRENCE; E - WISEMAN and G - HOLM** – was presented. All voting aye. Nays none. Council Member Wiseman absent. ORDINANCE 2007-1324 ADOPTED.
54. ORDINANCE appropriating \$50,000.00 out of Fire Consolidated Construction Fund; \$80,000.00 out of Police Consolidated Construction Fund; \$30,000.00 out of Solid Waste Consolidated Construction Fund; \$40,000.00 out of General Improvements Consolidated Construction Fund; and approving and authorizing Professional Consulting Services Agreement for Asbestos and Lead Program and General Environmental Services between the City of Houston and **SKA CONSULTING, L.P.**, WBS C-000170-0010-4, G-000122-0001-4, L-000052-0001-4, D-000073-0011-4 – was presented. All voting aye. Nays none. Council Member Wiseman absent. ORDINANCE 2007-1325 ADOPTED.
55. ORDINANCE appropriating \$100,000.00 out of Parks Consolidated Construction Fund; \$20,000.00 out of Fire Consolidated Construction Fund; and \$80,000.00 out of General Improvements Consolidated Construction Fund; approving and authorizing Professional Consulting Services Agreement for Asbestos and Lead Program and General Environmental Services between the City of Houston and **BROWN AND CALDWELL**, WBS F-000509-0050-4, C-000170-0010-4, and D-000073-0009-4 – was presented. All voting aye. Nays none. Council Member Wiseman absent. ORDINANCE 2007-1326 ADOPTED.

56. ORDINANCE appropriating \$100,000.00 out of General Improvements Consolidated Construction Fund; and \$100,000.00 out of Parks Consolidated Construction Fund; approving and authorizing Professional Consulting Services Agreement for Asbestos and Lead Program and General Environmental Services Contract between the City of Houston and **ENVIRONMENTAL RESOURCE CONSULTANTS, INC**, WBS D-000073-0012-4 and F-000509-0040-4 – was presented. All voting aye. Nays none. Council Member Wiseman absent. ORDINANCE 2007-1327 ADOPTED.
57. ORDINANCE appropriating \$50,000.00 out of Water & Sewer System Consolidated Construction Fund; \$75,000.00 out of Solid Waste Consolidated Construction Fund; \$25,000.00 out of General Improvements Consolidated Construction Fund; \$50,000.00 out of Parks Consolidated Construction Fund; and approving and authorizing Professional Consulting Services Agreement for Asbestos and Lead Program and General Environmental Services between the City of Houston and **MALCOLM PIRNIE, INC**, WBS R-000268-0060-4, L-000052-0001-4, D-000073-0008-4, F-000676-0001-4 – was presented. All voting aye. Nays none. Council Member Wiseman absent. ORDINANCE 2007-1328 ADOPTED.
58. ORDINANCE appropriating \$1,370,000.00 out of General Improvements Consolidated Construction Fund, and \$2,513,000.00 out of Public Health Consolidated Construction Fund; awarding construction contract to **THE GONZALEZ GROUP, LP**. for Renovation of Kashmere Multi-Service Center, WBS H-000053-0001-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing services, air quality monitoring, civic art program, construction management, and contingencies relating to construction of facilities financed out of the General Improvements Consolidated Construction Fund and Public Health Consolidated Construction Fund - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Member Wiseman absent. ORDINANCE 2007-1329 ADOPTED.
59. ORDINANCE approving and authorizing Untreated Water Supply Contract between the City of Houston and **HARRIS COUNTY** – was presented. All voting aye. Nays none. Council Member Wiseman absent. ORDINANCE 2007-1330 ADOPTED.
61. ORDINANCE appropriating \$270,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Construction Management and Inspection Services contract between the City of Houston and **ATSER, L.P.** for 69th Street Wastewater Treatment Plant Improvement - Package 1, WBS R-000509-0010-4 - **DISTRICT I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Wiseman absent. ORDINANCE 2007-1331 ADOPTED.
62. ORDINANCE appropriating \$2,187,100.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **R.K. WHEATON, INC** for Water Line Replacement in Spring Oaks, WBS S-000035-00L4-4; 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 - **DISTRICT A - LAWRENCE** – was presented. All voting aye. Nays none. Council Member Wiseman absent. ORDINANCE 2007-1332 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

2. ORDINANCE appropriating \$157,961.00 out of Water & Sewer System Consolidated Construction Fund and \$331,459.00 out of Metro Project Commercial Paper Series E Fund as an additional appropriation for San Felipe Pavement Improvements from Fountainview to Chimney Rock, WBS N-000750-0002-4; approving and authorizing first amendment to construction contract between the City of Houston and **JFT CONSTRUCTION, INC** (approved by Ordinance No. 2006-510) - **DISTRICT G - HOLM** – was presented. All voting aye. Nays none. Council Member Wiseman absent. ORDINANCE 2007-1333 ADOPTED.

- 2a. RECOMMENDATION from Director Department of Public Works & Engineering for approval of Change Order No. 3 in the amount of \$372,140.72 on contract with **JFT CONSTRUCTION, INC** for San Felipe Pavement Improvement from Fountainview Street to Chimney Rock Drive, WBS N-000750-0002-4 - **DISTRICT G - HOLM** - was presented, moved by Council Member Khan, seconded by Council Member Lawrence. All voting aye. Nays none. Council Member Wiseman absent. MOTION 2007-1166 ADOPTED.

ACCEPT WORK

6. ORDINANCE appropriating \$1,962,279.08 out of HAS-SUB Lien Bond 1998B AMT Construction (8006) Fund, and approving and authorizing compromise and settlement agreement between the City of Houston and **EMCOR GOWAN, INC f/k/a GOWAN, INC** and **YORK INTERNATIONAL, INC** to settle a claim; a joint venture to settle a claim arising out of activities financed by the Fund, WBS A-000091-0004-4-01 - **DISTRICT B – JOHNSON** – was presented, and tagged by Council Member Johnson. Council Member Wiseman absent.

- 6a. RECOMMENDATION from Director Houston Airport System and the City Attorney for approval of final contract amount of \$16,115,483.67 and acceptance of work on contract with **EMCOR GOWAN, INC f/k/a GOWAN, INC** and **YORK INTERNATIONAL, INC** for Central Plant Equipment Pre-purchase at George Bush Intercontinental Airport/Houston, Project 424D, WBS A-000091-0004-4-01, Contract No. 50637 - 4.97% over the original contract amount **DISTRICT B – JOHNSON** – was presented, and tagged by Council Member Johnson. Council Member Wiseman absent.

10. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$689,185.66 and acceptance of work on contract with **CHIEF ENVIRONMENTAL SURVEYS, INC** for Sanitary Sewer Cleaning and Television Inspection in Support of Rehabilitation, WBS R-000266-00B9-4 - 2.19% under the original contract amount - **DISTRICTS A - LAWRENCE; B - JOHNSON; C - CLUTTERBUCK; D - EDWARDS; E - WISEMAN; F - KHAN and I - ALVARADO** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado, and tagged by Council Member Johnson. Council Member Wiseman absent.

Council Member Johnson stated that on Item Numbers 10, 12 and 13 he would like to get some information on why the items were separated in the manner that they were, that he would tag Item Numbers 10, 12 and 13. (Note: Council Member Johnson released his tag later in the meeting.)

Mayor White stated that they would get that information for Council Member Johnson. Council Member Wiseman absent.

12. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$689,650.19 and acceptance of work on contract with **CHIEF ENVIRONMENTAL SURVEYS, INC** for Sanitary Sewer Cleaning and Television Inspection in Support of Rehabilitation, WBS R-000266-00C8-4 - 2.18% under the original contract amount - **DISTRICTS A - LAWRENCE; B - JOHNSON; C - CLUTTERBUCK; E - WISEMAN; G - HOLM; H - GARCIA and I - ALVARADO** – was presented, and tagged by Council Member Johnson. (Note: Council Member Johnson released his tag later in the meeting.)
13. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$740,244.84 and acceptance of work on contract with **CHIEF ENVIRONMENTAL SURVEYS, INC** for Sanitary Sewer Cleaning and Television Inspection in Support of Rehabilitation, WBS R-000266-00C9-4 - 5.00% over the original contract amount – was presented, and tagged by Council Member Johnson. (Note: Council Member Johnson released his tag later in the meeting.)

After discussion by Mayor White and Council Members, Council Member Johnson stated that he would release his tag on Item Numbers 10, 12 and 13. Council Members Wiseman and Noriega absent.

Mayor White stated that if there was no objection they would consider Item Numbers 10, 12 and 13 at this time. Council Member Wiseman absent.

10. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$689,185.66 and acceptance of work on contract with **CHIEF ENVIRONMENTAL SURVEYS, INC** for Sanitary Sewer Cleaning and Television Inspection in Support of Rehabilitation, WBS R-000266-00B9-4 - 2.19% under the original contract amount - **DISTRICTS A - LAWRENCE; B - JOHNSON; C - CLUTTERBUCK; D - EDWARDS; E - WISEMAN; F - KHAN and I - ALVARADO** – was again before Council. All voting aye. Nays none. Council Member Wiseman MOTION 2007-1167 ADOPTED.
12. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$689,650.19 and acceptance of work on contract with **CHIEF ENVIRONMENTAL SURVEYS, INC** for Sanitary Sewer Cleaning and Television Inspection in Support of Rehabilitation, WBS R-000266-00C8-4 - 2.18% under the original contract amount - **DISTRICTS A - LAWRENCE; B - JOHNSON; C - CLUTTERBUCK; E - WISEMAN; G - HOLM; H - GARCIA and I - ALVARADO** – was again before Council, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman MOTION 2007-1168 ADOPTED.
13. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$740,244.84 and acceptance of work on contract with **CHIEF ENVIRONMENTAL SURVEYS, INC** for Sanitary Sewer Cleaning and Television Inspection in Support of Rehabilitation, WBS R-000266-00C9-4 - 5.00% over the original contract amount – was again before Council, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman MOTION 2007-1169 ADOPTED.

14. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,352,198.21 and acceptance of work on contract with **D. L. ELLIOTT ENTERPRISES, INC** for On-Call Water Main and Sanitary Sewer Extensions, WBS S-000801-00P4-4 - 9.85% under the original contract amount – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent. MOTION 2007-1170 ADOPTED.

PROPERTY

15. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Creative Consultants, on behalf of John C. Bybee Estate (Clinton Bybee, Administrator), for abandonment and sale of Hall Road, from the east right-of-way line of Monroe Road east ±900 feet, in exchange for the conveyance to the City of right-of-way for and construction of a 60-foot-wide road connecting the remainder of Hall Road south to the Beltway 8 right-of-way, ±42,724 square feet of right of way along the west side of Monroe Road for the widening of Monroe Road, and a 10-foot-wide water line easement, all out of the Robert Cameron Survey, A-211, Parcels SY8-023, AY8-059A, AY8-059B and KY8-102 - **DISTRICT E - WISEMAN** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent. MOTION 2007-1171 ADOPTED.

PURCHASING AND TABULATION OF BIDS

19. **AMEND MOTION #2005-198, 3/2/05, as amended by Motion #2007-1009, 10/10/07, TO EXTEND** expiration date from March 2, 2008 to March 1, 2010, and **TO INCREASE** the award amount from \$749,701.96 to \$1,249,701.96 for Barcoded Traffic and Non-Traffic Citations for the Municipal Courts, awarded to **WORKFLOW ONE (formerly THE RELIZON COMPANY)** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Wiseman absent. MOTION 2007-1172 ADOPTED.
23. **RANGE KLEEN MFG., INC** for Fat Trapper Containers and Bags for Department of Public Works & Engineering - \$63,600.00 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. Council Member Wiseman absent.

After discussion by Council Members, Council Member Wiseman stated that she would tag Item No. 23. Council Members Edwards and Berry absent.

RESOLUTIONS AND ORDINANCES

26. ORDINANCE **AMENDING ARTICLE VIII OF CHAPTER 26 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Off-Street Parking and Loading Requirements in the South Main/Texas Medical Center Area; containing other provisions relating to the foregoing subject; providing for severability - **DISTRICT D – EDWARDS** – was presented. All voting aye. Nays none. Council Members Edwards and Berry absent. ORDINANCE 2007-1334 ADOPTED.
45. ORDINANCE approving and authorizing Legal Services Engagement Letter Agreements between the City of Houston and **ANDREWS KURTH LLP** and **FULBRIGHT & JAWORSKI L.L.P.** for Legal Services associated with the restructuring of the Combined

Utility System (CUS) Variable Bond Series 2004C Debt from Taxable to Tax-exempt Status; providing a maximum contract amount - Not to exceed \$595,000.00 - Enterprise Fund – was presented. All voting aye. Nays none. Council Members Edwards and Berry absent. ORDINANCE 2007-1335 ADOPTED.

46. ORDINANCE amending Ordinance Number 2003-0529 to increase the maximum contract amount for contract between the City and **DELOITTE & TOUCHE LLP** for Professional Auditing Services (#55019) - \$1,795,000.00 - General Fund – was presented. Council Members Edwards and Berry absent.

Council Member Brown stated that he was aware of some issues that this same firm had brought up related to bookkeeping matters both in the Controller's office and F&A, not that he was criticizing because it was a tough job, that there were also some cases where there had been City programs that should have been audited and had not been audited, that he would like to see as part of this, without causing a great deal of additional work, some kind of report to Council about what Deloitte & Touche was coming up with in terms of their audits of the various activities that they had in the City, that in one particular case, although they were unsure of the money involved, were the commercial trash hauling franchises, which they had a very interesting and productive meeting this week on, that it should have started being audited five years ago and it had not been audited yet, and they were hiring a separate consultant, he understood to do that audit and he wondered why Deloitte & Touche had not come up with that in their previous activities, that in general he would like to see some directive from the administration that they get a overall report, perhaps to the Fiscal Affairs Committee, that would keep them better informed. Council Members Edwards and Berry absent.

Mayor White stated that on the issue of what they call an internal audit, which was different from the audit they would do for a financial statement, but was similar to an internal function of a corporation, they wanted those capabilities strengthened and they had generally gotten a whole lot better on their franchise fee collections on telecom cable but there were others that they needed to do as well as keep up on the audit of collections of ambulance receipts and the like and he thought that was worthy; that he thought they had on next week's agenda the audit for the Solid Waste Department, and on that particular issue they had to listen really carefully and would ask the City Attorney to form a independent judgment about some of the issues involved on that particular item. Council Members Edwards, Wiseman and Berry absent.

Council Member Khan asked if on these professional services contracts was it possible to add MWBE to the contracts, and Mayor White stated that he did not know because he did not have the RCA but knew that in their general audit there was at least one MWBE contractor, that he did know that the MWBE subcontractor, in significant part because of City work, may be up to 180 employees now, that he did not know it if was doubled from what it was four years ago, that he thought it was McConnell Jones, that they would get that information for Council Member Khan. Council Members Edwards, Noriega and Berry absent.

A vote was called on Item No. 46. All voting aye. Nays none. Council Members Edwards, Lovell, Noriega and Berry absent. ORDINANCE 2007-1336 ADOPTED.

50. ORDINANCE approving and authorizing contract between the City of Houston and the **HOUSTON ARTS ALLIANCE** for civic art and conservation administration services on behalf of the General Services Department; providing a maximum contract amount - \$1,617,636.05 - Civic Art Funds - was presented. All voting aye. Nays none. Council Members Edwards, Lovell, Noriega and Berry absent. ORDINANCE 2007-1337 ADOPTED.

51. ORDINANCE approving and authorizing contract between the City of Houston and the **HOUSTON ARTS ALLIANCE** for city-wide art consulting services on behalf of the General Services Department - \$48,750.00 - General Fund - \$1,617,636.05 - Civic Art Funds - was presented. All voting aye. Nays none. Council Members Edwards, Lovell, Noriega and Berry absent. ORDINANCE 2007-1338 ADOPTED.
60. ORDINANCE finding and declaring public convenience and necessity for the acquisition of Fee Simple Title or easements for rights-of-way in connection with the public improvement project known as the Kirby Drive Storm Sewer Relief Project, Segment 4 (from Robinhood Street to Interstate 59); authorizing the acquisition of certain real property interests within the right-of-way alignment and payment of the costs of such purchases and/or condemnations of such real property and associated costs for Appraisal Fees, Title Policies/Services, Recording Fees, Court Costs, and Expert Witness Fees in connection with the acquisition of Fee Simple or easements in, over, upon, under, and across 15 parcels of land situated in the A.C. Reynolds Survey, Abstract No. 61, Harris County, Texas, and being more specifically situated within Blocks 1, 4, 9, 12, 13, and 20 of West Houston Addition Subdivision, according to the plat thereof as recorded in Volume 60, Page 184 of the Harris County Map Records, Blocks 5 and 8 of Sunset Court Addition according to the plat thereof as recorded in Volume 725, Page 596 of the Harris County Deed Records, Block 3 of the Mellon Addition a Subdivision according to the plat thereof as recorded in Volume 572, Page 276 of the Harris County Deed Records, and Block 2 of Monona Court Subdivision according to the plat therefore as recorded in Volume 7, Page 69 of the Harris County Map Records in Harris County, Texas - \$1,617,636.05 - Civic Art Funds - was presented. All voting aye. Nays none. Council Members Edwards, Lovell, Noriega and Berry absent. ORDINANCE 2007-1339 ADOPTED.
64. ORDINANCE No. 2007-1256, passed second reading November 14, 2007
ORDINANCE granting to **FOWLER'S TRANSFER, a Texas sole proprietorship**, the right, privilege and franchise to collect, haul and transport Solid Waste and Industrial Waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **THIRD AND FINAL READING** - was presented. All voting aye. Nays none. Council Members Edwards, Noriega and Berry absent. ORDINANCE 2007-1256 ADOPTED THIRD AND FINAL READING IN FULL.
65. ORDINANCE No. 2007-1257, passed second reading November 14, 2007
ORDINANCE granting to **COOPERS-SANITECH, INC, a Texas corporation**, the right, privilege and franchise to collect, haul and transport Solid Waste and Industrial Waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **THIRD AND FINAL READING** - was presented. All voting aye. Nays none. Council Members Edwards, Noriega and Berry absent. ORDINANCE 2007-1257 ADOPTED THIRD AND FINAL READING IN FULL.
66. ORDINANCE No. 2007-1258, passed second reading November 14, 2007
ORDINANCE granting to **RUSTIN TRANSPORTATION COMPANY, 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 - **THIRD AND FINAL READING** - was presented. All voting aye. Nays none. Council Members Edwards,

Noriega and Berry absent. ORDINANCE 2007-1258 ADOPTED THIRD AND FINAL READING IN FULL.

NON CONSENT AGENDA - NUMBER 67

MISCELLANEOUS

67. **SET DATE FOR PUBLIC HEARINGS** relative to proposed amendments to Project and Financing Plans for Tax Increment Reinvestment Zone No. 3 (Main Street/Market Square Zone) and Tax Increment Reinvestment Zone No. 14 (Fourth Ward Zone) - **SUGGESTED DATE FOR HEARINGS - 9:00 A.M. - WEDNESDAY - DECEMBER 5, 2007** - was presented. Council Members Edwards, Lovell, Noriega and Berry absent.

Council Member Khan moved to set 9:00 a.m., Wednesday, December 5, 2007, for public hearings relative to proposed amendments to Project and Financing Plans for Tax Increment Reinvestment Zone No. 3 (Main Street/Market Square Zone) and Tax Increment Reinvestment Zone No. 14 (Fourth Ward Zone), seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Edwards, Noriega and Berry absent. MOTION 1173 ADOPTED.

MATTERS HELD - NUMBERS 68 through 71

68. RECOMMENDATION from City Attorney to allocate an additional \$120,000.00 to contract for litigation support services between the City of Houston and **BECK REDDEN AND SECREST, L.L.P.** - CIP Cost Recovery Fund – **(This was Item 5 on Agenda of November 14, 2007, TAGGED BY COUNCIL MEMBER GREEN)** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Members Edwards, Noriega and Berry absent. MOTION 2007-1174 ADOPTED.
69. MOTION by Council Member Khan/Seconded by Council Member Alvarado to adopt recommendation from the Mayor's Office of Government Affairs for renewal of membership in the **TEXAS MUNICIPAL LEAGUE** - 1 Year - \$72,558.00 - General Fund – **(This was Item 7 on Agenda of November 14, 2007, TAGGED BY COUNCIL MEMBER LAWRENCE)** – was presented. Council Members Edwards, Noriega and Berry absent.

After discussion by Council Members, a vote was called on Item No. 69. All voting aye. Nays none. Council Members Edwards, Noriega and Berry absent. MOTION 2007-1175 ADOPTED.

70. RECOMMENDATION from Director General Services Department to declare the following properties surplus - **DISTRICTS B - JOHNSON; C - CLUTTERBUCK; E - WISEMAN; F - KHAN; H - GARCIA and I - ALVARADO:**

8600 Block of West Airport	Former Water Facility
9002 Stella Link	Former Water Facility
12500 Block of Frazier River	Former Water Facility
11451 New Brook Drive	Former Water Facility
1400 Block of Hussion (east)	Former Water Facility
1400 Block of Hussion (west)	Former Water Facility
1400 Block of Milby	Former Water Facility
1400 Block of Miller	Former Water Facility
Edwards Drive	Former Wastewater Facility
6331 Micollet	Former Water Facility
7800 Block of Tidwell Road	Unused Remaining Right of Way

5000 Block of Hirsch
5000 Block of Hirsch
Old Galveston Road/Beltway 8
803 Ennis

Unused Remaining Right of Way
Unused Remaining Right of Way
Former Public Utility Site
Former Maintenance Facility

- **(This was Item 10 on Agenda of November 14, 2007, TAGGED BY COUNCIL MEMBER BROWN)** – was presented, and tagged by Council Member Wiseman. Council Members Edwards and Berry absent.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Wiseman stated that they had this issue come up before, that in Kingwood, Severn Trant had the contract to provide water services for that area, however it was just a contract for them to do it for them, but on more than one instance a constituent would call 3-1-1 or the department asking for help on a water service matter and the City tells them to call Severn Trant and not the City because they do not provide the service, that was a real issue because they did and they were the ones who needed to coordinate any repairs or response with Severn Trant, that it was the City that should be working on that, so the Mayor's assistance in trying to correct that miscommunication would be greatly appreciated. Council Members Edwards, Khan, Holm, Noriega and Berry absent.

Mayor White asked Mr. Norman if Director Marcotte could make a note, that he did not know all the history but Council Member Wiseman made a point that he would put under the heading of customer service. Council Members Edwards, Khan, Holm, Noriega and Berry absent.

Council Member Wiseman stated that another issue was something that she had brought up in the past, that it was truly disheartening when they see a community who had gone out of their way to make something happen, that Beverly Hills Community Center, the community took it upon themselves to gather petitions as required to change the name of the Beverly Hills Community Center to honor a long standing member of the community that had passed away, Mr. Dick Dickinson, who passed away about two years ago, that when trying to follow up on the status of the name change the City could not locate the petition that had been sent in, that unfortunately they sent in the original and did not have copies and now the City was telling them they had to go out and gather new signatures all over again because they had lost the petition, that to her it did not seem right, that it was by no fault of their own, they went through so much effort, that she would like to see the City step up to the plate and do what was right and go ahead and proceed with the process of naming the center in honor of Mr. Dickinson, that she had asked on more than one occasion from the Parks Department why they could not do this and the response was that they were sorry, that it should not be difficult for them to go out and gather more signatures, which again she thought was not the right approach for them to take, so the Mayor's assistance in trying to address and clarify that for them and the constituents, she thought, would be appreciated very much, and Mayor White stated that she make sure that they had some of the details because he had never heard of it, and Council Member Wiseman stated that she would be happy to share it with his staff. Council Members Lawrence, Edwards, Khan, Holm, Noriega and Berry absent.

Council Member Wiseman stated that she wanted to wish a happy birthday to her favorite constituent, her son, Jefferson Wiseman, who was turning 16 today. Council Members Lawrence, Edwards, Khan, Holm, Noriega and Berry absent.

Council Member Johnson stated that over the last couple of days Hester House Community Center in the Fifth Ward Community had all the copper stolen out of the air conditioning units and the next day at Atherton Elementary, the copper was stolen out of the air

conditioning units, that the two were right across the street from one another, that he knew it was an issue that they had been dealing with for quite some time and they had to find a solution to not only find the individuals who were stealing the copper but certainly who they were selling the copper to, that he would be penning a letter to Chief Hurtt and Captain Moore to find out what they were doing in the Fifth Ward Community to try to beef up patrol and could the school district and the City of Houston come together to see how they might be able to remediate the problem. Council Members Lawrence, Edwards, Khan, Holm, Noriega and Berry absent.

Council Member Johnson stated that he was glad that they had footage of the train and the young man who lost his foot coming from E.O. Smith, that he knew this was also an issue that they had dealing with for quite some time, that he one of the things that he had witnessed at the train tracks, very near schools, was that the trains were on the tracks between the hours of 7:15 am. and 8:30 a.m., 2:30 p.m. and 4:00 p.m., that those were the critical times when children were trying to get to school and leaving from school, that HISD had done what it needed to do to put crossing guards at the crossing grades so that they could monitor the children, but the children had to wait sometimes an hour to try to get home because there were trains on the tracks, that he was asking for there to be dialog with Union Pacific to discuss times where they could start prohibiting the trains from being on the tracks near the schools, that he was not saying all tracks, but he was talking about trains that were near elementary schools or middle schools, and the critical times should be during those school hours; that unfortunately these children did not have another way to get to school because the buses did not run in their community, HISD had a policy that if it was two miles they could not ride the bus and unfortunately many of the students did not have transportation, their parents did not have cars, so they needed to bring the leadership together so they could talk about those critical hours. Council Members Edwards, Holm, Garcia, Noriega and Berry absent.

Council Member Johnson stated that he wanted to say good luck to his son, Jarvis Johnson, II, who was playing in the super bowl of their flag football team and would be playing on Saturday at Strait Jesuit, that they were the Inwood Dad's Club Falcons and were looking for a victory. Council Members Edwards, Holm, Garcia, Noriega and Berry absent.

Mayor White stated that on the first issue that Council Member Johnson mentioned he wanted Council Member Lawrence and Mr. Trahan and Mr. Michel to hear what he would like to do, and he wanted their input on it, that he would commit to send out something on Citizens Net and think of how to do it right now, that he would put up \$10,000 for anybody who had a lead resulting in an arrest for the copper theft in the last 36 hours at both Hester Houston and Atherton Elementary, that it was an outrage, that he knew they had been looking at the wholesalers as opposed to some of the people on the streets, but he did not care who it was they should go out and send a message, that generally there was somebody who had information in the area, and asked Council Member Johnson how they should publicize it, and Council Member Johnson stated that it was like campaigning to get into office, they go door to door and store to store, that it had to be somebody with some familiarity with that area so they had to get into those communities, that neighborhood did not have a lot of email so they needed to make sure that if they were not doing an auto dialer or going door to door and putting those flyers, they had to call them, and Mayor White stated that if Mr. Moore was listening they ought to do it within the next 24 hours while the lead was hot and while it was in memory, that they ought to do auto dialer, that they would be surprised, the people with email knew people around there and they were seeing more and more density in every part of the City, so they would do that, that what would they do if they wanted to get out on Saturday, how did they think they ought to do that, that they could summon Citizens Assistance and various Council Members offices, that they had about 100 people in the Mayor's Youth Council, so to Mr. Moore, if there was a way they could send the word out to the Mayor's Youth Council, that he would ask somebody to come up with a time and date and basically a walk list around the vicinity where

they could hand somebody something that says reward and tell people what happened and have some assurances that there would be complete confidentiality, that it had to result in an arrest, but if they send an email out, and he would say to Mr. Moore and various Council offices and to the Mayor's Youth Council and some people in the Citizens Assistance Office, maybe they could fan out and knock on a bunch of doors and try to cover all the doors within a several mile radius, and Council Member Johnson stated that if they could get some flyers together right now they could put them at the school, that obviously all of the parents picking up their kids lived in that area, and Mayor White stated that if they got the flyer and deal with the people at the school so that everybody who picks up a young person would get handed a flyer, that they should see if they could do that by the end of the day, that if there was a problem, he would say to those in the office watching the Council meeting, that he would talk to the principal and he was sure they would want to cooperate with them, so they would work on it, that he would ask Council Member Lawrence, based on her experience with Crime Stoppers, if he made a commitment right here and now that there would be \$10,000 donated to Crime Stoppers did she think it was fair for them to do this. Council Members Wiseman, Edwards, Holm, Noriega and Berry absent.

Council Member Lawrence stated that absolutely, what they would do was get a press conference right away and Katherine Cabaniss could handle that and was sure that she would go ahead and push it, that it was amazing that the press conferences at noon were when all the bad guys watched tv, so between 1:00 p.m. and 2:00 p.m. after their press conference they get hundreds of calls on various felons and things going on in the City, that possibly tomorrow Crime Stoppers could have a press conference, that she thought it would be really good for Council Member Johnson to be there with Crime Stoppers since it was in his district, that she thought it was doable, and asked if there was a contract person in the Mayor's office that they could talk to and Mayor White stated that it was Michael Moore. Council Members Wiseman, Edwards, Holm, Noriega and Berry absent.

Council Member Brown stated that he had two leads and did not want a reward, that on I45 North, the southeast corner of 610 and I-45 they would see a tractor trailer parked in a vacant area with a big sign in English and Spanish that they buy scrap copper; that there was another similar facility in the eastside on Market Street, that they were buying scrap metals, copper, etc., that they were fly by night operators, that they ought to send a sting operation out there and find out whether they had all the licenses and so forth that he was supposed to have based on the ordinance. Council Members Clutterbuck, Wiseman, Edwards, Holm, Noriega and Berry absent.

Council Member Garcia stated that they had to find out what the addresses were; that if it was a mobile unit in the ordinance they prohibited those, that it had to be a permanent fixture, that Sergeant McGinty was monitoring it. Council Members Lawrence, Clutterbuck, Wiseman, Edwards, Holm, Noriega and Berry absent.

Mayor White stated that as to the trains blocking intersections, like the one that was pulling through real slow, that it was one of the places where they now had camera's, that they would take a look and he made a note about that crossing and what they would do for safely crossing, that he would ask Mr. Fontaine and Ms. Clarke to work with Council Members, that HISD should have an assembly with pictures, that people who do defensive driving say that it works, that most of the kids probably know that they should not jump on a train while it is moving, but something that lets people see what happens to kids legs, what it looks like when a young person's foot is crushed, that they ought to make the program mandatory for those schools, that they would work with them and maybe he would have more success with HISD then he had recently on some things, but to really emphasize that they ought to do it, and asked

Council Member Johnson if he thought that was in part responsive. Council Members Lawrence, Wiseman, Edwards, Holm, Noriega and Berry absent.

Council Member Johnson stated that he did, that when he worked at E. O. Smith as the after school coordinator they did much of that, but unless it was consistently done throughout the year it just did not work, that they had to have a deterrent but they also had to take away the attractiveness of those trains or the opportunity because if it was hot or raining or cold and a child was having to stand at that crossing grade and the train is just there they take their chances to get home, that he agreed that they should step up their efforts to educate the children, that Southern Pacific would tell them that they do that, they go to E. O. Smith four times a year, that he was asking Union Pacific as well to get those trains off the tracks during those pivotal hours in which they were going to have hundreds or thousands of children at one particular time trying to get across those tracks, that was his point, that there were two responsible parties there.

Council Member Lovell stated that she wanted to say congratulations to the Houston Dynamos, that it was great to stand on the stage with them last week and celebrate their championship, that it was a great response from the City to them. Council Members Johnson, Wiseman, Edwards, Holm, Noriega and Berry absent.

Council Member Lovell stated that she wanted to comment Mayor White and his staff on the situation at Inwood Oaks, that what she had seen on the news reports was very appalling to see the conditions that people were being forced to live in, that she hoped they come to have really stiff penalties against landlords that would treat people who lived in their facilities the way these people had been treated, that she thought they were due some special punishment and some strict regulations about people being treated like that. Council Members Wiseman, Edwards, Holm, Noriega and Berry absent.

Council Member Lovell stated that early voting would start today and she would encourage everyone to go and vote. Council Members Wiseman, Edwards, Holm, Noriega and Berry absent.

Council Member Lawrence stated that Inwood Oaks was something that a number of them, including State Representative Sylvester Turner, had worked very hard on getting it closed down so she commended the City and the officers, that there had been a lot of constables working in that complex, it was actually District B, but right behind it was District A, that even the FBI had set up a trailer and a lot of arrests had been made so it was the right thing to do, that it was her understanding that the owner lived in Louisiana, that she thought the Legal Department really needed to look at it and some of the owners of vast number of multi family units, what they could do as far as those that owed hundreds of thousands of dollars of back taxes, what they could do with those owners that were really not concerned with the quality of life in those complexes, what the City could legally do, that they had a great ordinance in place but it needed some help, it needed to be strengthened and she thought they could play on the multi family security and safety ordinance that they had in place; that they had previous large owners coming back to Houston and were looking at apartments to buy, they were not good owners in the early 1990's, that one particular one was out of the federal penitentiary right now and back in Houston and looking for other apartments to buy again, so they seriously needed to look at it, that everybody deserved a certain quality of life. Council Members Johnson, Wiseman, Edwards, Holm, Noriega and Berry absent.

Council Member Lawrence stated that this weekend she would encourage people to come to a barbeque at the V.F.W., it would be for Officer Victor Hill who was shot in the chest when he was handcuffing a man, that it was on Long Point, that it would start at 10:30 a.m. and hoped to see her fellow Council Members and constituents out there, that he was a Spring Branch officer. Council Members Johnson, Wiseman, Edwards, Holm, Noriega and Berry absent.

Mayor White stated to Mr. Michel that they had talked about civil action against some of the slum lords, that if somebody could do some research, that suppose if somebody had a number of violations that they require them to put up a very visible big sign saying that the property was owned by a slum lord, or something, that he knew there had been some litigation where they did some stuff on sex offenders, that they had registration and there had been various municipalities who had enacted laws which required people to put signs in front of their yard, and could they do that. Council Members Johnson, Wiseman, Edwards, Holm, Noriega and Berry absent.

Council Member Garcia stated that they would have a townhall meeting on the Minority Woman Business Enterprise discussion, that they were all invited, if they were a small business and curious and interested on how to do business with the City of Houston this was a good opportunity to sit in and understand the particulars that were involved with it, that it would be December 10, 2007, at 2:00 p.m. in the Council Chamber. Council Members Lawrence, Johnson, Wiseman, Edwards, Holm, Noriega and Berry absent.

Council Member Garcia stated that he and Mayor White had a discussion with some of the local media regarding the H.O.P.E. advertising the kids working in the dispatch center, that he took exception with the picture they were painting, that he respected the folks in labor but thought it was entirely unfair to the young people who were choosing a career in public safety to paint them as kids, but rather they were young people who had achieved a degree of accomplishment and had taken on the challenge of working in a stressful environment as the Houston Emergency Communication Center, they had received the training and had met all of the particular criteria, they were not just putting kids in front of a dispatch consol and not giving them any direction and letting them answer life threatening calls, but rather they were answering the non emergency calls, which a lot of that was really information that folks were asking about, they wanted to know what division to call to follow up on their report, how long it would take to get a patrol car out, where could they go to make a report, they just came back from vacation and a burglary had occurred, that was not the same as answering a call where there was a burglary in progress, that he would really urge their folks (the union) to be responsible, he was in total support and wanted to see a good contract come before their municipal employees, but not under tactics of this nature, that if they wanted to call the young people at the HEC center kids, then in realty they had kids in Afghanistan and Iraq and if they were good enough to serve the Country then he thought they were good enough to serve the City of Houston; that he wanted to commend Mr. Cutler, who had really helped to turn the HEC center around. Council Members Lawrence, Johnson, Wiseman, Edwards, Holm, Brown, Noriega and Berry absent. (NO QUORUM PRESENT)

Council Member Garcia stated that he wanted to make sure that people understood that the Houston Police Department had gone through not one but two very recent audits on it's statistics and reporting processes, that one was with the FBI and the other with the Texas Department of Public Safety, that the FBI had given HPD it's best rating, a 10, that DPS had also given it's stamp of approval for how HPD was reporting it's information, that there had been room for improvement and Chief Hurtt was always looking for ways to tighten things up and was working on some initiatives to improve and he commended him on it. Council Members Lawrence, Johnson, Wiseman, Edwards, Holm, Brown, Noriega and Berry absent. (NO QUORUM PRESENT)

Council Member Garcia stated that today at 12:00 p.m. they would be having a "Get Your Vote On", that Young People for a Better and United Houston was a teenage voter registration initiative that he had launched and started at Same Houston High School, that they already had 25 deputized voter registrars on campus, that they were going to replicate that into other areas of his district and the City, that he wanted to commend his staff members Tonya McConny, Jason Cisneros and Adrian Allen for their work in organizing it, that it would be from 12:00 p.m. to 6:00 p.m., that some of the folks who had stepped up included Marcus Spears, former NFL player and retired as a Houston Texan, a positive teenage rapper, Baby Jay, from Galena Park, Mike Chavala, Houston Dynamo, the Mariachi Group from Patrick Henry Middle School, Michael Bower and Fred Weary of the Houston Texans, MECCA, the hip hop group from his district, Jay Xavier, another positive teen performer, and Aviso the Powerhouse of Houston would be performing. that all of his colleagues were invited to come by and share and encourage young people to understand the value of being a registered voter. Council Members Lawrence, Johnson, Wiseman, Edwards, Holm, Lovell, Noriega and Berry absent. (NO QUORUM PRESENT)

Council Member Khan stated that he wanted to talk about the fire they had on Bellerive Drive, that he wanted to commend the Houston Fire Department, that it was a huge potential disaster which was averted by the Fire Department, that there were senior citizens who lived there and was about a 210 unit building, that it was a facility which was administered by the Housing and Community Development Department; that the building was just under the height limit where it would require an alarm system, so his request would be to maybe have some people take a look as to how do they deal with these things, especially a City administered building. Council Members Lawrence, Johnson, Wiseman, Edwards, Holm, Garcia, Lovell, Noriega and Berry absent. (NO QUORUM PRESENT)

Council Member Khan stated that he wanted to recognize some City employees, Mr. Michael Talley, Assistant Manager in Public Works and Mr. Felix Powell, Manager in Public Works, that they were with him visiting a home, that it was a situation where they wondered why things were happening the way they were, that it was a water line which was placed back in the early 1990's and somehow the contractor, when they put the backfill, apparently did not do it properly so there were three or four houses, one house belonged to Regina and Ed Seal, and not only the driveway was sinking but the area in the front yard and the neighbors driveway were all sinking, that they had tried to get attention from the City for all this time and in the past they had not been successful, so he had the City personnel with him and he would be sending a request to Mr. Marcotte to see what could be done because it was really a bad situation. Council Members Lawrence, Johnson, Wiseman, Edwards, Holm, Garcia, Lovell, Noriega and Berry absent. (NO QUORUM PRESENT)

Council Member Khan stated that Anthony Freddie, one of the most outstanding employees they had, was with him yesterday visiting in Huntington Village with a lot of Neighborhood Protection issues, that the civic club had a list of properties for them to visit, but Anthony pointed out some that were not even on their list, that there were situations which needed to be handled, abandoned properties, broken windows and overgrown yards, but there was one which was really serious, an abandoned house with an active pool in the back, the fence was broken so any kid walking in that area could go to the pool and start playing around and it could be a potential disaster, that Anthony was looking into it and said that it should be treated as an emergency and would be looking to solving that issue. Council Members Lawrence, Johnson, Wiseman, Edwards, Holm, Garcia, Lovell, Noriega and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that he thought the City Attorney was monitoring the meeting and Council Member Green could help him, that Council Member Holm had raised the issue that if they had a swimming pool in an abandoned house then why could they not get a mandatory injunction against the owner to fill it in if there was competent testimony that it was a hazard, that as a sanction if somebody violated the injunction then what were their remedies, and Mr. Michel stated that he thought there was a clear path, that he thought the elements for a nuisance with safety were there and it was just putting together the evidence, that he agreed with Mayor White. Council Members Lawrence, Johnson, Wiseman, Edwards, Holm, Garcia, Lovell, Noriega and Berry absent. (NO QUORUM PRESENT)

Council Member Green stated that he wanted to remind his colleagues that the next Budget and Fiscal Affairs Committee meeting would be next week, Tuesday, December 4, 2007 in the Council Chamber at 10:00 a.m. Council Members Lawrence, Johnson, Wiseman, Edwards, Holm, Garcia, Lovell, Noriega and Berry absent. (NO QUORUM PRESENT)

Council Member Green stated that the HEB Feast of Sharing, Second Annual Holiday Dinner, would take place, Sunday, December 9, 2007 from 1:00 p.m. to 5:00 p.m. at the George R. Brown Convention Center; that the Houston Bar Association would also host a Day of Giving in lieu of their Annual Christmas Social on January 12, 2008, from 9:00 a.m. to 12:30 p.m., that there would be volunteer attorneys who would provide brief legal consultation and advice to qualifying participants at 10 locations across Houston, that they were encouraging all lawyers to volunteer and if there was anybody they knew who was in need of legal counseling have them call 713-228-0732; that the Solid Waste Department would be holding their Fifth Holiday Curbside Food Drive to benefit needy families, that they could leave can goods next to their trash can or somewhere nearby and the Solid Waste Department would pick it up, that they could also bring it to any one of their service centers, for more information they could contact Marina Joseph at 713-837-9164. Council Members Lawrence, Johnson, Wiseman, Edwards, Holm, Garcia, Lovell, Noriega and Berry absent. (NO QUORUM PRESENT)

Council Member Khan stated that they were partnering with neighborhood centers and several neighborhood businesses to adopt several families this Christmas season from the Gulfton area, that with everybody's contributions and donations they would be able to help these families over the holidays, that they could provide toys, games, clothes, household items and educational items, that the gifts for all members of a family needed to be new and unwrapped, that there would be a box in the lobby of the City Hall Annex, that they appreciate the neighborhood centers for taking the lead in helping families in the area. Council Members Lawrence, Johnson, Wiseman, Edwards, Holm, Garcia, Lovell, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Brown stated that as to Item Numbers 51 and 52, the Houston Arts Alliance, that it was a major step forward for the City of Houston in terms of the City's involvement in and support for the arts, that last night at his house they had a party for the Houston Arts Alliance. Council Members Lawrence, Johnson, Wiseman, Edwards, Holm, Garcia, Alvarado, Lovell, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Brown stated that he wanted to reactivate his recommendation that they set up within the General Services Department a sidewalk repair and extension program, that somehow they could take the Safe Walk to Schools federal money and put that with some other sources and actually have a construction team that would extend, fill in and repair sidewalks and curbs in the City of Houston; that he had a complaint from a constituent about a deteriorated sidewalk and curb which was causing a dangerous traffic situation out in Briargrove Park, that he said that that City felt no responsibility for it because the City did not cause the damage; that they talked about having developers, instead of building a little piece of sidewalk

in front of one house contribute about \$1,000 per a 50 foot lot to a fund and then when the whole block was ready to have a nice new sidewalk that was coordinated, that he was hoping they could move forward on that. Council Members Lawrence, Johnson, Wiseman, Edwards, Holm, Garcia, Alvarado, Lovell, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that Council Member Brown had proposed at a prior Council meeting that they had what he thought was at least \$1 million of sidewalks per district, or something like that, that he went back and got the numbers and thought they were about \$1.2 million a district on the sidewalk construction and extension per district, that he remembered the comment that Council Member Brown made on the priority about sidewalks on schools, that following that Council meeting he examined the criteria they used for sidewalks and would say that he was relieved to find out that indeed the proximity to schools was number one in the criteria they used for the priorities on the sidewalks; that on the sidewalk maintenance that was an issue on which he would like Council input about if they were to start down that road how much it would cost and where they should cut, what capitol projects they should cut in order to fund it, that historically, so everybody knew, the deal had been they would put in a sidewalk but would not maintain it and that the owners of that right-of-way had a responsibility to maintain it; that he was asking for help and was not being defensive on it, it was all a matter of budget, that on curbs they used a criteria of not unless there was some sort of danger, should there be another criteria they use for the curbs and how much would it cost, that maybe Council Member Brown could help him take a look at it and think about what should their criteria be, what would the expense be, if it was more of an aesthetic issue what would the expense be and then of course they had to figure out where they would take the money out of, so those were some of the issues, that on the issue of curb repair he was not saying he knew the answer, but it was bigger than a 3-1-1 and not like a pothole repair, basically they had some fair amount of unrepaired curbs, just for want of a better word, the economy in the City of Houston, unless they met the criteria of being somehow dangerous, and asked Council Member Brown what he thought they ought to do about curb repair, and Council Member Brown stated that he would have to get back to him and would give him a memo on it. Council Members Lawrence, Johnson, Wiseman, Edwards, Holm, Garcia, Lovell, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Brown stated that prior to going yesterday to the EPA hearing and giving some testimony, as did Mayor White and Council Member Alvarado and others, he took the opportunity to read very carefully he Greater Houston Partnership Regional Air Quality Task Force Report, which was issued rather recently, that he was astounded by the lack of content of that report, that they did mention nine critical pollutants that they knew about but it seemed to him that it was something that was published 5 years ago. Council Members Lawrence, Johnson, Wiseman, Edwards, Holm, Garcia, Lovell, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Brown stated that he had given a photograph of solar covered parking areas that the City of Los Angeles assisted with financially and it generated a huge amount of electricity and he would like to see some of these at their airports, and Mayor White stated that he was excited when he saw them and would like to work with him and Cris Eugster and would like the Market Square Downtown Management District tell him why they could not do some of them downtown in their open parking spaces, that he thought it would do a lot of the direction and image of that community, that he wanted to cost it out, they were getting a bunch of PV panels donated by BP right now for use in some of the Houston Hope neighborhoods, that he wanted to know why they could not do it now and why they should not dedicate a portion of the TIRZ funding for Market Square Mid Town, that if it was fairly reasonable in relation to the cost of electricity then they ought to do it. Council Members Lawrence, Johnson, Wiseman, Edwards, Holm, Garcia, Lovell, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that as they were moving forward and implementing certain changes in the heavy trash pickup schedule, which was extremely important for their City, and she thought they had a uniform agreement from many of the communities that they needed to keep the tree waste and recyclable limb waste and those type of things, grass clippings, etc. out of their landfills, that she was continuing to urge all of them to work together and to let Director Hayes know that they were available to be partners in notifying the community as much as possible about the changes in the heavy trash pickup schedule, that she got a call from a constituent whose heavy trash was not picked up on schedule and her concern was that the heavy trash pickup cycle that was reflected on the Solid Waste Department website was not accurate and she also received a concern from a neighbor in Westbury, where they had multiple complaints from that very active community, that she paid her water bill on line and while they notified a lot of constituents about it through the water bill she personally never even opens the bill and just pays it on line, and they were trying to encourage people to do that as well, so there were a number of ways that they needed to be notifying the community; that she was looking forward to talking with Director Hayes about the Essex Court neighborhood, which had service for many years and they did not fall within the neighborhood definition that was excluded from pickup but there had been a decision made that they may end up having service cut off after many years, that they would have some constituents at public session on Tuesday to talk about it and she was eager to work with Director Hayes to see what kind of flexibility they could find to make sure the constituents continued to have their service, and that was different from the heavy trash pickup, that she wanted to commend Director Hayes for his willingness to work with the community, and he should let them know how they could continue to help him on behalf of the constituents that were affected by it and called her office every day. Council Members Lawrence, Johnson, Wiseman, Edwards, Holm, Garcia, Alvarado, Brown, Lovell, Noriega, Green and Berry absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 12:03 p.m. Council Members Lawrence, Johnson, Wiseman, Edwards, Holm, Garcia, Alvarado, Brown, 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