

City Council Chamber, City Hall, Tuesday, February 12, 2008

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, February 12, 2008, Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Wanda Adams, Mike Sullivan, M. J. Khan, P. E., Pam Holm, James G. Rodriguez, Peter Brown, Sue Lovell, Melissa Noriega, Ronald C. Green and Jolanda "Jo" Jones; Mr. Don Cheatham, Division Chief, General Counsel 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 Adrian Garcia out of the city on city business.

At 2:07 p.m. Mayor White called the meeting to order and stated that Council Member Lawrence would begin presentations. Council Members Johnson, Clutterbuck, Sullivan, Holm, Noriega and Jones absent.

Council Member Lawrence invited Mr. Bob Schoelkopf, his wife, Chief Boriskie and firefighters of Station Four to the podium and stated that Mr. Schoelkopf had told her he wanted one thing done and that was a blinking light at Station Four on West Little York and he talked to the Chief and others numerous times for it; that she and the Chief and others decided it was time to recognize him; that the light appeared last year and in honor of it presented Mr. Schoelkopf a Certificate of Recognition for his many years of steadfast dedication to firefighters of Station Four. Mr. Schoelkopf stated that he appreciated the recognition and congratulated the Mayor and Council Members on their work. Council Members Johnson, Clutterbuck and Noriega absent.

Mayor White stated that he wanted his colleagues to know that Brandon Everett had really turned the corner, he was a firefighter who had really been struggling and he would like all to keep him in their prayers. Council Members Johnson and Noriega absent.

At 2:13 p.m. Council Member Lovell led all in the prayer and pledge. Council Members Johnson and Noriega absent.

Council Member Adams moved the rules be suspended for the purpose of hearing Ms. Maria Jiminez at the top of the two minute Non-Agenda speakers list, seconded by Council Member Khan. All voting aye. Nays none. Council Member Garcia out of the city on city business. Council Members Johnson and Noriega absent. MOTION 2008-0118 ADOPTED

At 2:14 p.m. the City Secretary called the roll. Council Member Garcia out of the city on city business. Council Members Johnson and Noriega absent.

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

Council Member Lawrence moved the rules be suspended for the purpose of hearing Mr. Gregg Schoener at the top of the Non-Agenda speakers list, seconded by Council Member Khan. All voting aye. Nays none. Council Member Garcia out of the city on city business. Council Members Johnson and Noriega absent. MOTION 2008-0119 ADOPTED.

At 2:16 p.m. the City Secretary began calling the public speakers. Council Members Johnson and Noriega absent.

Mr. Chris Amades, 222 Tanglely, Houston, Texas 77005 (713-758-1146) appeared and stated that he was co-chair of the Stop Ashby High Rise Task Force and asked those with him

to stand to be recognized. Mr. Amades stated that each Council Member's office was provided with a letter they sent to the developers of the proposed high rise yesterday and despite the exchange of possible compromise proposals they saw very little to be optimistic about, they said they needed a \$2.65 million payoff in order to build a six story project. Council Members Johnson and Noriega absent.

Upon questions by Council Member Clutterbuck, Mr. Amades stated that their concern was the policy implications requiring City of Houston residents to make tribute payments to keep objectionable land uses out of their neighborhoods, he believed it was Council's consideration of the high density ordinance which caused the developers to make alternative proposals to them, but did not believe any significant progress would be made on a settlement and encouraged the Administration to finalize the high density ordinance and get it voted or quickly identify alternative mechanisms to achieve the same result for the benefit of neighborhoods in Houston. Council Members Johnson and Noriega absent.

Upon questions by Council Member Lawrence, Mr. Amades stated that it was encouraging they even would consider alternatives and they had met several times and there was no reluctance on either side to call the other party. Council Members Johnson and Noriega absent.

Council Member Brown stated that he would urge Council to proceed with an analysis ordinance; and upon questions, Mr. Amades stated that he thought they needed to make sure the ordinance would result in a significant reduction of the scale of the development or look for another mechanism to avoid the same type impact. Council Members Johnson and Noriega absent.

Mayor White stated that based on the traffic impact analysis Mr. Icken and he made and information gathered in the field concerning congestion on Bissonnet, the traffic impact of the project described in a traffic impact analysis they submitted was excessive and they would use all legal tools available and other tools such as driveways and people were entitled to build multifamily residences in a certain area and they would not micromanage every single project which came through and in defense of his neighborhood and the Council some said the neighborhood or those in the Administration were giving the neighborhood special treatment and he would assure all they worked with developers on many projects involving high density development and generally developers were responsive and the fact there were more problems here was not because they paid more attention to a neighborhood but because they were doing it on merits as with other neighborhoods and developers. Council Members Johnson and Noriega absent.

Council Member Lovell stated that she was sorry the developers did not want to negotiate in a win/win and that was unfortunate and as chair of the Transportation Infrastructure and Aviation Committee they would have a traffic management plan where developers could come in and look at something predictable, what they could build and neighborhoods could predict how it would impact their neighborhood. Council Members Johnson and Noriega absent.

Ms. Laura Van Ness, 914 Main, Houston, Texas 77002 (713-829-2631) appeared and stated that she was the business development director of Central Houston and present to thank Council for looking at Deloitte in their pursuit of state incentives and working to provide fast track permitting so the incentive would be enabled; that she would also like to thank Mr. Tom Mesa for seeing this as potential opportunity and making sure it worked for the company as well as the city; that Deloitte was a good corporate citizen and everyone she looked at the incentive with said they could not employ or hire new disadvantaged employees but Deloitte was experienced with the incentive and believed they could and that was significant. Council Members Johnson and Noriega absent.

Council Member Rodriguez thanked Ms. Van Ness for all she did and stated she should bring more of such, if no one wanted them he would. Council Members Johnson and Noriega absent.

Council Member Adams stated that she set up a meeting with a representative from Deloitte because they would be taking them to local schools in HISD, they are going to try and get students into the programs during March and they would also partner with HCC to do a job fair with Deloitte and she looked forward to partnering with her company to take advantage of job opportunities. Council Members Johnson, Lovell and Noriega absent.

Mr. Greg Schoener, 1411 Mapleton, Houston, Texas 77043 (713-824-1629) appeared and stated that today he brought his children who wanted to meet Council; and Mayor White thanked him for bring them to see democracy in action; and Mr. Schoener stated that he apologized about saying Council raped citizens last week, it was not an appropriate statement. Council Members Johnson, Lovell and Noriega absent.

Council Member Clutterbuck thanked Mr. Schoener for coming and stated that Council Member Khan was interested in addressing his concerns, he was chair of the Flooding Committee. Council Members Johnson, Lovell and Noriega absent.

Council Member Khan thanked Mr. Schoener for coming and stated that citizens express views in many different ways and regarding flooding there was a meeting scheduled for the 26th of this month in this chamber at 10:00 a.m. and he should attend, they valued his impact and could not do the right thing until they heard from all stakeholders; and Mr. Schoener stated that a DVD was being passed around and he thought the vote was done to protect the people, but felt some of it was incorrect and he would appreciate all to view the DVD which was a study of the floodway and spoke directly to the White Oak Area. Council Members Johnson and Noriega absent.

Ms. Maria Jiminez, 7105 Sherman, Houston, Texas 70111 (713-857-3373) appeared and stated that she had lunch at Reliant Center and the keynote speaker spoke on the need of dignification of society, raising dignity to the same level as liberty and justice and freedom; that those who were serving them had only come up to \$6.00 an hour and no insurance; that Aramark was now singling out those who were participating and exercising their right to form a union, they began firing them, and she did not think such a situation should be tolerated, particularly in buildings such as the George R. Brown Convention Center, Reliant, etc., next time when there was a luncheon speaker or debating someone may ask the question about protecting dignity and rights of those in this city. Council Members Johnson, Khan and Noriega absent.

Ms. Vernita Murdoch, 320 Hamilton, Houston, Texas 77002 (414-750-8549) appeared and stated that she worked for Aramark as a janitor at the George R. Brown and on January 29th she was fired and she did not think that decision was fair or legal and she filed a federal charge against them to try and get her job back; that in October she spoke at a meeting where other workers kicked off a campaign for fair wages, dignity insurance and respect and after the event she was threatened for being involved in the union; that January 15th she spoke in front of Council and the next day Aramark suspended her and now after speaking January 28th was fired January 29th that the same thing happened to many other workers such as Antonio Gomez, Aurora Aviles, Maria Gallegos and Carolyn Cox who were present today; that this morning workers filed five more charges against Aramark and now the total charges against them were 9. Council Members Lawrence and Noriega absent.

Upon questions by Council Member Jones, Ms. Murdoch stated that she made \$6.30 an hour and no health insurance and they wanted the same process the janitors had when they formed their union; and Council Member Jones stated that she had sent a letter out and they

were listening. Council Members Lawrence and Noriega absent.

Mayor White stated that they respected the right of all citizens to come before Council but there were rules and regulations which had to be applied to all and he would mention there should be no clapping, etc. Council Members Lawrence and Noriega absent.

Ms. Carolyn Cox, 505 Bayou #204, Houston, Texas 77020 (713-237-0618) was present but indicated she would not appear at this time. Council Members Lawrence, Khan and Noriega absent.

Ms. Aurora Aviles, 2210 Stevens, Houston, Texas 77026 (281-840-8068) was present but indicated she would not appear at this time. Council Members Lawrence, Khan and Noriega absent.

Ms. Corrina Torres, 10803 Cora, Houston, Texas 77088 (832-594-6540) was present but indicated she would not appear at this time. Council Members Lawrence, Khan and Noriega absent.

Mr. Antonio Gomez, 209 Everton, Houston, Texas 77003 (832-766-2703) was present but indicated he would not appear at this time. Council Members Lawrence, Khan and Noriega absent.

Ms. Karen Kay Kristopher, 1415 South Voss, Houston, Texas 77057 (713-266-2715) appeared and stated that she was with the Houston Area Association for Decency and they promoted morality and decency in Houston, recently several had contacted them in the Galleria Area about the Treasures Topless Bar which was slated to be closed since 1997; that people were findings condoms, etc. on their grounds and Treasures with 250 others were slated to be shut down and she had a copy of the judgment. Council Members Lawrence, Khan and Noriega absent.

Council Member Holm stated that Ms. Kristopher believed there were clubs which should have been closed and were not; and upon questions, Mayor White stated that there were two on the closure proceedings; that he got status reports about every quarter since the judge ruled on it and a legal process was mapped out in order to close it down, it was serious and within the last 30 days there was a raid on Treasures and out of that came 13 arrests so they were accelerating the vice squad efforts and it was being taken seriously. Council Members Lawrence, Khan and Noriega absent.

Council Member Brown stated this Mayor had taken a tough stand, in a city without zoning it was not as easy to regulate and they needed tougher nuisance ordinances and he hoped to begin by giving operating permits and standards to renew and then shut them down if they did not meet the standards; and Mayor White stated that Legal could look and provide information, he thought after this lawsuit there should be tools but they did need to keep up on vice; that there were also longstanding laws like prostitution and his number one priority was to get officers up. Council Members Lawrence, Khan, Holm and Noriega absent.

Mr. Steve Wachel, 2839 Chimney Rock, Houston, Texas 77056 (713-840-8781) appeared, presented a picture and stated that he ran Chimney Rock Car Care next door to Treasures and for the last three years witnessed trash left over from what he called limousine prostitution left on his lot; that men coming out of the club were propositioned and they had just been in a bar. Council Members Lawrence and Holm absent.

Upon questions by Council Member Khan, Mr. Wachel stated they were next to Capital I behind Treasures; that it attracted prostitution, drug use, burglaries, etc., he noticed every day

the evidence of prostitution; that men coming from the club were propositioned and it was easy pickings after spending hours in a topless bar; that he would agree Treasures was a nuisance; and Council Member Khan stated that such nuisances did not add anything positive and only brought negativity and he agreed with him and hoped they would act sooner in shutting them down. Council Members Lawrence, Johnson and Holm absent.

Upon questions by Council Member Jones, Mr. Wachel stated that people used his lot to park and then walked over; and Council Member Jones stated that they would try and work with the District Council Member and follow-up. Council Members Johnson and Holm absent.

Council Member Clutterbuck stated that it was a good point that officers should also police adjacent properties to such clubs when the trouble spilled over. Council Members Johnson and Holm absent.

Mayor White stated that he got additional information on legal status and anytime now the Supreme Court would deny their appeals to the Supreme Court and there were nine people out of so many of the businesses which were appealing and Treasures was one of those and vice and narcotics was working very actively with a lot of overtime; that also a lot of land owners needed to take steps to protect their own property from those trespassing. Council Members Johnson and Holm absent.

Mr. Ronald Dewayne Hurd, 13826 Hollow Green, Houston, Texas 77082 (281-589-2046) had reserved time to speak but was not present when his name was called. Council Members Johnson and Holm absent.

Mr. Charles Harrison, 3611 Parkwood, Houston, Texas 77021 (832-494-6042) had reserved time to speak but was not present when his name was called. Council Members Johnson and Holm absent.

Mr/Coach R. J. (Bobby) Taylor, 3107 Sumpter, Houston, Texas 77026 (202-FA3-4511) had reserved time to speak but was not present when his name was called. Council Members Johnson and Holm absent.

Ms. Retha Smiley, 2309 Spence, Houston, Texas 77093 (713-695-3828) appeared and stated that she was a senior citizen and critically ill, she started her day with 11 prescriptions and her problem was trash was picked up for years in front of her house and the drain ditch did not drain right now; that she called 3-1-1 asking that it be repaired as the trash pickup machine caused the problem, but heard nothing; that her next problem was she had a large rotten tree and the city was not responsible but she did not know what to do, she was afraid it would fall on her house. Council Members Johnson, Holm and Rodriguez absent.

Mayor White stated that Jeff Henderson was present and between that and Ms. Vasquez he would ask they look into this, there should be an appropriate program, but he did not know all the facts and did not know if they could fix this, but if Solid Waste caused damage to an open ditch drain or culvert it would be looked into and Mr. Henderson may be able to speak with her on the tree removal. Council Members Johnson, Sullivan, Holm and Rodriguez absent.

Upon questions by Council Member Jones, Ms. Smiley stated that she called 3-1-1 and did get an incident number, she would have to see if she could find the number for her. Council Members Johnson, Sullivan, Holm and Rodriguez absent.

Council Member Adams stated that out of respect for Council Member Garcia she would like to get her information; that she had many former contacts some who cut trees for no charge and she would give her his information and she could call him and she would notify Council

Member Garcia. Council Members Johnson, Sullivan and Holm absent.

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

Mr. James Smith, 1534 West Donovan, Houston, Texas 77091 (281-687-1311) appeared and stated that one reason he was back before Council was they tried to get a drainage ditch for the Booker Landfill to ease the problem in the community and he hit a stonewall so he was asking his Council Member to see if it could happen; that his Council Member set up a meeting with Public Works and Legal and they met and agreed it would be fixed but nothing happened; that when he called to get on Council's agenda a number of people called him letting him know letters had been sent to those responsible, but if he had not scheduled to speak the letter may have never gone out and he was trying to make sure all way going smooth right now and they needed the Mayor's help. Council Members Sullivan and Holm absent.

Mayor White stated that he remembered that and had visited with the Director of Public Works; that Council Member Johnson brought this to their attention he would guess and sat with the Public Works Director and they would pursue this together, there was some legal obstacles because he would not put the drainage in and they could not go on private property to do so, but this was not acceptable and he thanked him for coming and reminding him; and to Mr. Norman he knew this was back and forth between Public Works and Legal but he would get a status report. Council Members Sullivan and Holm absent.

Council Member Johnson stated that he knew Mr. Smith had worked on this 20 plus years now, trying to stop the runoff water from the unlicensed, unpermitted landfill, which unfortunately was built before the city permitted them; that he appreciated him coming and staying active; that the letter was finally in the true owner's hands, Mr. Jose Gallegos, and now he was being given 30 days to come back and provide for the city a typographical survey for his land so they could then know where to put the drainage ditches; and upon questions, Mr. Smith stated that he was not sure how many people signed off on the drainage easement being able to be placed there; and Council Member Johnson stated that if Gallegos did not do it then they had the right to fine him up to \$2,000 a day after the 30 day period; and Mr. Smith stated that they found during their own inspection some homes were actually built on the landfill so if they came through their yards they would have the same problem as going through the landfill; and Council Member Johnson stated that he would stay on top to be sure the city did levy the fines; and Mayor White stated to Mr. Norman that the Council Member spoke of the dealings with Mr. Gallegos, in December there was a request for a survey and he just wanted people to take ownership with this and have a timetable and plan, he knew this was not an easy issue, but they needed a plan. Council Members Sullivan, Khan, Holm and Noriega absent.

Council Member Brown stated that Mr. Smith was very articulate and he appreciated him coming; and upon questions, Mr. Smith stated that three years ago the EPA went out and did a survey and the Health Department also did a survey of soil testing and so forth and at that time they said no findings, but here they were still stuck; and Mayor White stated that following the meeting he had with Council Member Johnson it was decided one of the first actions needing to be taken was that with the property owner. Council Members Sullivan, Holm and Noriega absent.

Mr. Chuck Brush, 8510 Sonnerville, Houston, Texas 77080 (713-460-1041) had reserved time to speak but was not present when his name was called. Council Members Sullivan, Holm and Noriega absent.

Mr. Christopher Emerson, 3405 Vintage, Houston, Texas 77026 (713-672-7630) appeared and stated that today he wanted to draw attention to a reality, mans inhumanity to human kind;

wrongfully convicted individuals had been before Council some saying they were not bitter, but all had one common thread which connected them to mistreatment and abuse and the thread was indignation; that his testament was he was wrongfully convicted and turned his bitterness into constructiveness; that the prosecutor in his case manufactured false evidence engaged in perjury and incited a corrupts judge to legally fire his attorney; and after being released from prison he was forced to wear a electronic monitor for 7-1/2 years. Mayor White, Council Members Sullivan and Holm absent. Vice Mayor Pro Tem Lovell presiding.

Upon questions by Council Member Jones, Mr. Emerson stated that there was a crucial need to employ an independent investigator to review many criminal cases; that justice was not a spectator sport; and Council Member Johnson gave him his support. Council Member Jones stated that she did represent Theron and did get two not guilty and she was able to show funny stuff that had gone on; that she believed it important for evidence collection to be done property along with its testing and that there should be an independent lab for any science; that unfortunately a number of citizens were convicted wrongfully and she would do what she could to help. Mayor White, Council Members Sullivan and Holm absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Johnson stated that his story was one of many and it needed to be told and have it embarrassed or the problem would continue to persist; that it needed to start with one force to affect many; and he thanked him and those with him for continuing the work. Mayor White, Council Members Sullivan and Holm absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Khan stated that he was sorry what he went though, it was not the way society was to operate; that all wanted to make Houston better but what held them down was problems like the crime lab and in the criminal justice system; that the D. A. office should be looking for the truth, why should anyone even need an attorney if the D. A. was doing the right thing; that Jolanda Jones article in the Chronicle was eye opening and he at least had his morale support. Mayor White, Council Members Sullivan and Holm absent. Vice Mayor Pro Tem Lovell presiding.

Vice Mayor Pro Tem Garcia Lovell stated that not a single member here was indifferent to what went on and many here voted for more than \$5 million to fix the crime lab and they continued to talk with stakeholders; that she was proud of the fact they had in place procedures which caught what was going on; and they did appreciate him coming. Mayor White, Council Members Johnson, Sullivan and Holm absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Jones stated that she understood what happened, but wanted Council to understand she was in courts daily and the way evidence was collected was deplorable and she hoped people got offended because when they criminalize people wrongly it was the people who paid the price and it needed to be given a long hard look. Mayor White, Council Members Johnson, Clutterbuck, Sullivan and Holm absent. Vice Mayor Pro Tem Lovell presiding.

Mr. Ronald Campbell, 8402 Quail Crest, Houston, Texas 77486 (281-438-4955) appeared and stated that he lived in the Quail Run Subdivision and a home next to him burned down on Mothers Day last year and all the debris was still there; that he called 3-1-1 and 9-1-1 to get help in getting it removed, but all he was told was it was in a legal stance and nothing could be done, but he was stuck living next to trash, weeds, possums, etc., and he had no recourse. Mayor White, Council Members Johnson, Clutterbuck, Sullivan and Holm absent. Vice Mayor Pro Tem Lovell presiding.

Upon questions by Council Member Adams, Mr. Campbell showed pictures to Council Member Adams; and Vice Mayor Pro Tem Lovell stated that this was under investigation for

arson and she did not understand why it took so long, but Captain Dupont was present and she could speak with him at this time. Council Member Adams stated that she knew he had spoken with Karen and they were waiting for an answer this afternoon; that she also spoke with Solid Waste Management to see what could be done to expedite getting rid of the debris in front of the house and Mr. Harry Hays stated that he would coordinate with Fire and pick it up on Thursday; that she wanted to know from the Fire Department how long it normally took for an investigation to go on, this was almost a year and she would call the Chief today as she did sympathize with him. Mayor White, Council Members Johnson, Clutterbuck, Sullivan, Holm and Brown absent. Vice Mayor Pro Tem Lovell presiding.

Mr. Percy Gonzalez, 5537 Harrisburg, Houston, Texas 7011 (713-921-3571) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Johnson, Clutterbuck, Sullivan, Holm and Brown absent. Vice Mayor Pro Tem Lovell presiding.

Mr. Mario Umazor, 1622 N. Main, Houston, Texas 77009 (713-227-6721) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Johnson, Clutterbuck, Sullivan, Holm and Brown absent. Vice Mayor Pro Tem Lovell presiding.

Mr. Rudy Southerland, 2202 Poco Drive, Missouri City, Texas 77489 (713-893-0716) appeared and stated that he was president and managing director of Al Ja Car LLC and in the category of professional services, prime contracts, according to the most recent disparity study by the City of Houston black businesses represented 12% of the available professional service firms and yet received only 3% of the prime contracts under \$25,000 and under \$500,000; and today the most recent fiscal year '08 report to the Council on Affirmative Action and Contract Compliance showed Black businesses had fallen to .8% of professional services in the subcontractor sector and 2.3% of prime contracts in the prime contractor sector. Mayor White, Council Members Johnson, Clutterbuck, Sullivan, Holm and Brown absent. Vice Mayor Pro Tem Lovell presiding.

Upon questions by Council Member Khan, Mr. Southerland stated that he should know what professional services were, they fell into the circle of knowledge and intellectual capital where you were not selling a widget you were selling intellectual capital; that Dr. Eleanor Mason Ramsey conducted the study and the city's most recent contract compliance report said it, so it was not his subjected opinion; and Council Member Khan stated that he looked forward to some of his solutions. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Holm and Brown absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Adams stated that she appreciated him coming; and upon questions, Mr. Southerland stated that his numbers came from a disparity study commissioned and prepared for the city, given to Ms. Velma Laws and prepared by Dr. Eleanor Mason Ramsey of Mason Tillman and Associates and that was 2003 through 2006; that the numbers for fiscal year '08 came from the report generated for Council based upon the ordinance established for Affirmative Action; and Council Member Adams stated that they had put together an Economic Advisory Council for MWBEs for District D and it would be represented by a diverse group of minority owned businesses within the district and they pooled minority businesses who worked with the city and they were looking at disparities' and percentages and they were trying to find ways to improve that; that they had identified 359 businesses and they wanted to see where they were in their business plans and economically and how they could connect them to city businesses, it was not by ethnicity or color, it was any minority business; and he could come speak with her and they could work together; and Mr. Southerland stated that he applauded her, but he came because it was not about getting opportunities for minorities, in school he worked as an individual and he did not come to be put into a bucket and categorized as a minority; that they had to start looking at the value they brought; that no one said when he called they could not do business with him because he was a Black man, but the statement was you all need to

go to Affirmative Action; that he called to the city as an executive of his firm and was told you all and if he was a White guy calling where would he be sent, was there Affirmative Action for a White guy. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Holm and Brown absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Green stated that he knew where he got the statistics and they were there, it was printed in the information he received and they were what they were and they were dismal; that he would like to follow-up with him and he knew Mr. Fontaine wanted to speak with him as well. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Holm and Brown absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell stated that Mr. Fontaine would like to visit with him, the dispositive study was complex and if he called the Mayor's Office to speak directly the Mayor then Mr. Lapin may have directed him to where he thought he may go. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Holm and Brown absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Noriega stated that she was delighted to find what her colleague was doing, but she was sorry this conversation kept coming up because he was right. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Sullivan and Holm absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Jones stated that she reached out to the Houston Minority Business Council and she hoped small business would grow and be in the positions for prime and not subs and she looked at Affirmative Action and Contract Compliance and was trying to figure ways to do better so everyone had the opportunity to do business if they were qualified; that some would argue what was minority were not numerically minority so they needed to think differently and she would like to engage him in conversation and hoped they could look forward; and Mr. Southerland stated that Affirmative Action should be a philosophy. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Holm, Noriega and Green absent.

Council Member Brown stated that he wanted to put him to work and wanted him to send a letter with specific recommendations of what he thought they could do to change and grow businesses; and Mr. Southerland stated that he had the suggestions and would provide them. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Holm, Noriega and Green absent.

Council Member Adams stated that when he made his original phone call to the Mayor's Office she believed he spoke to Mr. Richard Lapin and his first point of contact was to refer him to IT; and Mr. Southerland stated that was correct, then stated no, but shortly thereafter he received an email from IT stating they would be sending an RFP for his services soon. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Holm and Noriega absent.

Mayor White stated that because of the sheer number of vendors who approach the Mayor and because he could not do his job and meet with every prospective vendor he rarely met with vendors, but they were referred to departments to look for postings on procurements and people who worked with him tried to refer vendors to the appropriate departments as best they could; and he appreciated him being present. Council Members Lawrence, Johnson, Clutterbuck, Sullivan and Holm absent.

At 4:10 p.m. City Council recessed until 9:00 a.m., Wednesday, February 13, 2008. Council Member Garcia out of the city on city business. Council Members Lawrence, Johnson, Clutterbuck, Sullivan and Holm absent.

The Houston City Council reconvened at 9:00 a.m. Wednesday, February 13, 2008, with Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Wanda Adams, Mike Sullivan, M. J. Khan, P. E., Pam Holm, James G. Rodriguez, Peter Brown, Sue Lovell, Melissa Noriega, Ronald C. Green and Jolanda "Jo" Jones; Mr. Arturo Michel, City Attorney; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Ms. Martha Stein, Agenda Director and Ms. Marta Crinejo, Assistant Agenda Director, present. Council Member Adrian Garcia out of the city on city business.

At 9:29 a.m. Mayor White called the meeting to order. Council Members Adams, Holm, Brown, Green and Jones absent.

MAYOR'S REPORT

Mayor White stated that he would give a brief Mayor's Report about next week's Mayor's Report so that they could be thinking about and people in the administration could be circulating to Council Members some background on it, that he, the City and the citizens needed the help of people around the table on a couple of things that were exciting and good for Houstonians; that they were going to have two major citywide events over the next six weeks; one, an affordable housing fair so that people who were currently paying rent to somebody else could move into a house, that they had a lot of participation but it was hard to communicate to 2.2 million people and he wanted them to get the information during the week and maybe they could have a little discussion around the table because people may have ideas about how they could go about publicizing it in ways and they had some budget to do so and he need their help and assistance, that second, that they were having a green consumer expo on home repair, things that businesses could do to retrofit their businesses so they could cut their energy bills, that the energy bills in Texas had gone up by 60% over the last six years and that was money that came out of people's pockets, that they had a lot of exhibitors that were showing up to show families and businesses how they could cut their energy bills, that he needed their help, that he knew there would be a lot of interest if people knew what was going on, that they were doing promotions and interesting things, that he would ask Chris Butler and Andrea Young Jones and others to prepare something that he could send out concerning the affordable housing fair and their colleagues, Juan Chavez, and also if Mr. Eugster could prepare something, that they would give him a briefing, the exhibitors and sponsors on the green consumer expo and maybe they could have a little discussion where they had the Mayor's Report and they may have some ideas when they look at the communication plan about how they could do it different. Council Members Adams, Holm and Green absent.

CONSENT AGENDA NUMBERS 1 through 30

MISCELLANEOUS - NUMBERS 1 and 2

1. CONFIRMATION of the appointment of the following to the **ETHICS COMMITTEE**, for two-year staggered terms:
Position Five - **MR. RICK CAGNEY**
Position Seven - **MR. JOHN J. DOUGLASS**
- was presented, moved by Council Member Khan, seconded by Council Member Clutterbuck. All voting aye. Nays none. Council Member Garcia out of the city on city business. Council Members Adams, Holm, Green and Jones absent. MOTION 2008-0120 ADOPTED.
2. REQUEST from Mayor on recommendation from the Houston Bar Association to confirm the reappointment of **MR. RAUL SUAZO** to Position One and on recommendation from the Harris County Medical Society to confirm the reappointment of **MR. EUGENE V. BOISAUBIN, M.D.** to Position Three of the **ETHICS COMMITTEE**, for terms to expire December 31, 2009 - was presented, moved by Council Member Khan, seconded by

Council Member Clutterbuck. All voting aye. Nays none. Council Member Garcia out of the city on city business. Council Members Adams, Holm, Green and Jones absent. MOTION 2008-0121 ADOPTED.

ACCEPT WORK - NUMBERS 3 through 7

3. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$4,856,372.50 and acceptance of work on contract with **MORGANTI TEXAS, INC** for Southwest Multi-Service Center, WBS D-000072-0001-4 - 23.20% over the original contract amount - **DISTRICT F - KHAN** - was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Garcia out of the city on city business. Council Members Adams, Green and Jones absent. MOTION 2008-0122 ADOPTED.
4. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$1,302,362.85 and acceptance of work on contract with **RESICOM, INC** for MacGregor Park Road Improvements, WBS F-504A21-0021-4 - 4.09% over the original contract amount **DISTRICT D - ADAMS** - was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Garcia out of the city on city business. Council Members Adams, Green and Jones absent. MOTION 2008-0123 ADOPTED.
7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,637,633.34 payable to the **Surety, UNITED FIRE AND CASUALTY COMPANY** on contract awarded to **GSG TEXAS, INC** and acceptance of work for 36-inch Water Line along N. Eldridge Parkway from South of IH-10 ROW to Sandbridge Drive, WBS S-000900-0097-4 - 15.30% under the original contract amount - **DISTRICT G - HOLM** - was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Garcia out of the city on city business. Council Members Adams, Green and Jones absent. MOTION 2008-0124 ADOPTED.

PROPERTY - NUMBER 8

8. RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners, into the Registry of the Court, pay all costs of Court and not file any objections to the award in connection with eminent domain proceeding styled City of Houston v. Tony Alexander, et al., Cause No. 881,204; for acquisition of Parcels CY4-006 and CY4-007; for the **FRESH WATER SUPPLY DISTRICT NO. 23 BUFFER ZONE PROJECT**; WBS/CIP R-000265-0027-3 - **DISTRICT B - JOHNSON** - was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Garcia out of the city on city business. Council Members Adams and Green absent. MOTION 2008-0125 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 9 through 30

10. ORDINANCE approving and authorizing the sale and a Special Warranty Deed conveying to Houston Independent School District (HISD) of a tract of land containing 0.6012 acres (26,188 square feet), more or less, located in the John Austin 2 Leagues Survey A-245, Harris County, Texas, Parcel SY8-008, for expansion of the Helms Community Learning Center, 503 West 21st Street, in consideration of HISD's dedication of an easement for sanitary sewer purposes containing 0.0278 acres (1,210 square feet), more or less, Parcel DY8-026, payment of \$556,000.00 and other consideration to the City - **DISTRICT H -**

GARCIA - was presented. All voting aye. Nays none. Council Member Garcia out of the city on city business. Council Members Adams and Green absent. ORDINANCE 2008-0106 ADOPTED.

11. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of Ellen Lane from Sheffield Road to Lila Lane (Parcel SY6-011), and a portion of Lila Lane, adjacent to Lots 5 and 7, Block 12 (Parcel SY6-019), vacating and abandoning said lanes to Womble Company, Inc., the abutting owner, in consideration of its conveyance to the City of two easements for right of way purposes (Parcels AY6-076A and AY6-076B) for, and the construction of a cul-de-sac at the dead-end portion of Lila Lane, and its payment of \$600.00 (minimum fee) and other consideration to the City; the abandonment parcels and the conveyance parcels all located within Woodland Acres Replat, Houston, Harris County, Texas - **DISTRICT E - SULLIVAN** - was presented. All voting aye. Nays none. Council Member Garcia out of the city on city business. Council Members Adams and Green absent. ORDINANCE 2008-0107 ADOPTED.
12. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of the former Interwood Municipal Utility District Site (Parcel SY6-001), located in the Willis Avery Survey, A-104, Houston, Harris County, Texas, containing 244,488 square feet (5.613 acres) of land, more or less; vacating and abandoning said tract of land to Sunlake Limited, abutting owner, in consideration of owner's payment of \$97,800.00 and other consideration to the City - **DISTRICT B - JOHNSON** - was presented. All voting aye. Nays none. Council Member Garcia out of the city on city business. Council Members Adams and Green absent. ORDINANCE 2008-0108 ADOPTED.
13. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a 10-foot-wide storm sewer easement from Post Oak Place Drive South to its terminus (Parcel SY7-029), located in Unrestricted Reserve "A", Forty-Six Hundred Fifteen Post Oak Place Subdivision, William White Survey, A-836, Harris County, Texas, containing 2,901 square feet (0.0666 acres) of land, more or less; vacating and abandoning said easement to LG Law Limited Partnership, owner, in consideration of owner's payment of \$94,282.00 and other consideration to the City - **DISTRICT G - HOLM** - was presented. All voting aye. Nays none. Council Member Garcia out of the city on city business. Council Members Adams and Green absent. ORDINANCE 2008-0109 ADOPTED.
15. ORDINANCE amending City of Houston Ordinance No. 2008-52 relating to the reorganization of the Finance & Administration Department to correct scrivener's errors and the omission of other provisions relating to the subject of such ordinance. - was presented. All voting aye. Nays none. Council Member Garcia out of the city on city business. Council Members Adams and Green absent. ORDINANCE 2008-0110 ADOPTED.
19. ORDINANCE approving and authorizing Interlocal Agreements between the City of Houston, the **TEXAS DEPARTMENT OF PUBLIC SAFETY (DPS)**, the **METRO POLICE DEPARTMENT** and the **FORT BEND COUNTY SHERIFF'S OFFICE**; for their participation in the Major Accessory Shop Enforcement/16 Grant - was presented. All voting aye. Nays none. Council Member Garcia out of the city on city business. Council Members Adams and Green absent. ORDINANCE 2008-0111 ADOPTED.
23. ORDINANCE appropriating \$551,600.00 out of Public Library Consolidated Construction Fund; \$137,900.00 out of Parks Consolidated Construction Fund; approving and

authorizing Professional Architectural Services Contract between the City of Houston and **ENGLISH + ASSOCIATES ARCHITECTS, INC** for Kendall Library Replacement/Community Center, WBS E-000094-0002-3 and F-000673-0001-3; providing funding for the Civic Art Program; providing funding for contingencies relating to construction of facilities financed by the Public Library Consolidated Construction Fund and the Parks Consolidated Construction Fund **DISTRICT G - HOLM** - was presented. All voting aye. Nays none. Council Member Garcia out of the city on city business. Council Members Adams and Green absent. ORDINANCE 2008-0112 ADOPTED.

25. ORDINANCE appropriating \$48,553.79 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Developer Participation Contract between the City of Houston and **THE METHODIST HOSPITAL** for Construction of Water Lines along Main Street to serve the Methodist Outpatient Center, WBS S-000802-0058-4 - **DISTRICT C - CLUTTERBUCK** - was presented. All voting aye. Nays none. Council Member Garcia out of the city on city business. Council Members Adams and Green absent. ORDINANCE 2008-0113 ADOPTED.
26. ORDINANCE approving and authorizing Professional Engineering Agreement between the City of Houston and **MALCOLM PIRNIE, INC** for Treatment Optimization and Support Services; providing a maximum contract amount - 5 Years - \$3,600,000.00 - Enterprise Fund - was presented. All voting aye. Nays none. Council Member Garcia out of the city on city business. Council Members Adams and Green absent. ORDINANCE 2008-0114 ADOPTED.
28. ORDINANCE appropriating \$759,000.00 out of Drainage Improvements Commercial Paper Series F, Fund; awarding contract to **TJ&T ENTERPRISES, INC** for Local Drainage Project for Drainage Ditch at Colgate, Farther Point, and Pine Briar Circle, WBS M-000126-00S9-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management, and contingencies relating to construction of facilities financed by the Drainage Improvements Commercial Paper Series F Fund - **DISTRICTS G - HOLM and I - RODRIGUEZ** - was presented. All voting aye. Nays none. Council Member Garcia out of the city on city business. Council Members Adams and Green absent. ORDINANCE 2008-0115 ADOPTED.
29. ORDINANCE appropriating \$2,074,600.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **ACM CONTRACTORS, INC** for Water Line Replacement in First Ward Section I, WBS S-000035-00F1-4; 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 H - GARCIA** - was presented. All voting aye. Nays none. Council Member Garcia out of the city on city business. Council Members Adams and Green absent. ORDINANCE 2008-0116 ADOPTED.
30. ORDINANCE appropriating \$2,578,600.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **ACM CONTRACTORS, INC** for Water Line Replacement in First Ward Section II, WBS S-000035-00F2-4; 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 H - GARCIA** - was presented. All voting aye. Nays none. Council Member Garcia out of the city on city business. Council Members Adams and Green absent. ORDINANCE 2008-0117 ADOPTED.

Council Member Rodriguez moved to suspend the rules to consider Item No. 16 out of order, seconded by Council Member Khan. All voting aye. Nays none. Council Member Garcia out of the city on city business. Council Members Adams and Green absent. MOTION 2008-0126 ADOPTED.

Council Member Brown stated that he wanted to wish all the women at the Council table a Happy Valentines Day and passed out a box of candy to each one. Council Members Adams and Green absent.

16. ORDINANCE ordaining the City of Houston's participation in the Texas Enterprise Zone Program pursuant to the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code ("ACT"), providing certain incentives, designating a liaison for communication with interested parties, and nominating **DELOITTE LLP AND SUBSIDIARIES** to the Office of the Governor Economic Development & Tourism ("EDT") through the Economic Development Bank ("Bank") as an enterprise project – was presented. All voting aye. Nays none. Council Member Garcia out of the city on city business. Council Members Adams and Green absent. ORDINANCE 2008-0118 ADOPTED.

Council Member Rodriguez stated that he wanted to thank Mr. Tom Mesa's team and all of the staff that worked on the issue, that he looked forward to more economic development projects for the City and he really thought it was a win/win, that they definitely would hold Deloitte accountable and looked forward to having the job fairs really soon. Council Members Adams and Green absent.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

ACCEPT WORK

5. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$208,919.88 and acceptance of work on contract with **BOYER, INC** for Mason Park Pavilion, WBS F-000615-0001-4 - 4.86% over the original contract amount - **DISTRICT I – RODRIGUEZ** – was presented, moved by Council Member Khan, seconded by Council Member Lovell. All voting aye. Nays none. Council Member Garcia out of the city on city business. Council Members Adams and Green absent. MOTION 2008-0127 ADOPTED.
6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$180,769.75 and acceptance of work on contract with **TIKON GROUP, INC** for Safe Sidewalk Program - 34 Corners, WBS N-000610A-00H6-4 - 3.48% over the original contract amount - **DISTRICTS C - CLUTTERBUCK; D - ADAMS; G - HOLM and I – RODRIGUEZ** – was presented, moved by Council Member Khan, seconded by Council Member Lovell. Council Members Adams and Green absent.

Upon questions by Council Member Brown, Mayor White stated that they did have a sidewalk program and there were criteria which were used in prioritizing the sidewalks that

could include pluses and minuses of doing in house work versus contracting out, they were amenable to that but whenever they dealt with improvements it was always how much of this and how little of something else, so they could say double the sidewalk program by talking \$10 million out of other capital improvements but that was the type of stuff that he needed their help in thinking through, that they could see some pros and cons, that he would suggest they have some appropriate committee hearing or something like that. Council Member Adams absent.

After further discussion Council Member Sullivan stated that he would like to ask that Public Works somehow notify Council Members when they proposed to do the work; that they had an irritating situation in Kingwood a year and a half ago where some sidewalks were proposed by a resident who did not live in the area, but traversed the area and thought it was a good idea, that it was pushed through but they were not well received by the homeowners and they were hearing now that there was potential flooding from minor rains into those homes because of the engineering, that they were looking into it and he had met with Mr. Gary Norman this week about that very issue, that while the program was good, and he would support it, he would just ask that communication with Council Members be kept in mind. Council Member Adams absent.

After further discussion Mayor White stated to Mr. Gary Norman that if they had a hearing or meeting at an appropriate committee on all aspects of sidewalks he sure hoped that somebody would show him the user friendly web application where somebody could click on the City of Houston and then do a search for sidewalks on the site and have a current status of the sidewalk petitions and projects right there, that if they did not have people within Public Works who could do that then he would get a high school intern to do it because it was not that hard, that today they could get off the shelf, that he thought MicroSoft had sold a hundred thousand applications of software that allowed them to patch in their database on sidewalks to a location program, on Google or any other application, so please help him and the Council Members what progress they could make so that if anybody wanted to know the current status of any request for sidewalks or plans to do sidewalks they could find it on their website easily, that maybe that function was available, that he tried it the other day and could not find it, but that was the kind of thing the City should be moving towards. Council Members Adams and Noriega absent.

After further discussion, Mayor White stated that he wanted Mr. Norman to pass on to Director Marcotte that they had talked about the issue of in house and having the budget to keep a continual work flow; that they got some undercurrents here and there that may appear in comments that people got around the Council table and they wanted to know where they were coming from and it might be because they took some work in house that they used to contract out for, that he was all for it, they had done it with project management and they could do it with sidewalks; that he thought it would be appropriate to have a committee hearing on it and he thought Council Member Lovell probably could convene a hearing and encouraged people who were not part of the committee to attend that committee hearing and get briefed on all these things and for there to be a good and open dialog.

A vote was called on Item No. 6. All voting aye. Nays none. Council Member Garcia out of the city on city business. MOTION 2008-0128 ADOPTED.

RESOLUTIONS AND ORDINANCES

9. RESOLUTION approving and authorizing the submission of an application for grant assistance to the State of Texas through the Governor's Criminal Justice Division ("CJD") for a Safe and Drug Free Schools and Communities (SDFSC) Act Fund Grant to support the After-School Achievement Program (ASAP); declaring the City's eligibility for such grant; authorizing the Director of the Parks & Recreation Department to act as the City's representative in the application process, to accept such grant funds, if awarded, and to

apply for and accept all subsequent awards, if any, pertaining to the program - was presented. All voting aye. Nays none. Council Member Garcia out of the city on city business. RESOLUTION 2008-0003 ADOPTED.

14. ORDINANCE approving and authorizing contract between the City of Houston and **HARRIS COUNTY-HOUSTON SPORTS AUTHORITY** for hosting the Spring 2008 NCAA Division II Sports Championships in Memorial Park and other City of Houston Park Facilities - **DISTRICT G – HOLM** – was presented. All voting aye. Nays none. Council Member Garcia out of the city on city business. ORDINANCE 2008-0119 ADOPTED.
17. ORDINANCE approving and authorizing first amended and restated Interlocal Agreement between the City of Houston and **HARRIS COUNTY** to assist in the administration of the Harris County Stay In School Program – was presented, and tagged by Council Member Jones. (Note: Council Member Jones released her tag later in the meeting.)

After discussion by Council Members, Mayor White stated that Item No. 17 had been tagged.

18. ORDINANCE approving and authorizing the submission of an application for grant assistance to the State of Texas through the Criminal Justice Division, Office of the Governor (“CJD”) for the Police Storefront Crisis Team Grant/16 Program; declaring the City’s eligibility for such grant; authorizing the Mayor to act as the City’s Representative in the application process; authorizing the Chief of the Houston Police Department to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program – was presented. All voting aye. Nays none. Council Member Garcia out of the city on city business. ORDINANCE 2008-0120 ADOPTED.
20. ORDINANCE approving and authorizing contract between the City of Houston and **AKIN, GUMP, STRAUSS, HAUER & FELD, LLP** for Representation before the United States Congress and Federal Agencies - 3 Years - \$828,000.00 - General Fund – was presented. All voting aye. Nays none. Council Member Garcia out of the city on city business. ORDINANCE 2008-0121 ADOPTED.
21. ORDINANCE awarding contract between the City of Houston and **JOHNSON CONTROLS, INC** for Energy Management and Maintenance Services for General Services Department; providing a maximum contract amount - 5 Years with two one-year options - \$8,336,069.00 - General Fund – was presented. All voting aye. Nays none. Council Member Garcia out of the city on city business. ORDINANCE 2008-0122 ADOPTED.
22. ORDINANCE amending Ordinance No. 2005-0314 to increase the maximum contact amount of Contract No. 54733 between the City of Houston and **SYNAGRO OF TEXAS-CDR, INC** for Dewatering, Processing, Hauling and Disposal of Biosolids from the City’s Wastewater Treatment Plants - \$1,200,000.00 - Enterprise Fund – was presented. All voting aye. Nays none. Council Member Garcia out of the city on city business. ORDINANCE 2008-0123 ADOPTED.
24. ORDINANCE appropriating \$639,100.00 out of Street & Bridge Consolidated Construction Fund for Local Match Funds under contract between the City of Houston (City) and **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** for Bikeway Project West Houston Trail - Phase II (Contract No. C036061), WBS N-000420-019A-4; providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICTS A - LAWRENCE and G - HOLM** –

was presented. All voting aye. Nays none. Council Member Garcia out of the city on city business. ORDINANCE 2008-0124 ADOPTED.

Council Member Brown stated that he was concerned about the cost per linear foot of the bikeway project and assumed that it included the right-of-way acquisition and a lot of other things but even so the \$261 per linear foot was probably the most expensive bikeway they had in the City; and Mayor White stated that he had the same reaction and did not know if it included right-of-way, that there was a group of citizens and there had been over 100 hours of meetings with the Director of Public Works and others and TXDOT, that one of the issues was the TXDOT standards, that it was critical to get the federal funding, that for a while it was held up, that they had gotten the cost down from what it was but it still seemed to be a little case of over design to him, that there were some issues where they were faced with the alternative of either trying to change federal rules or TXDOT standards or going forward, that they had pressure from him and others to move things out, that at some point he may want to get a briefing because they would find that most of the design considerations were driven by TXDOT on the program. Council Members Adams, Noriega and Jones absent.

Council Member Lawrence stated that a lot of the trails was also generated with the Energy Corridor, that the trail system that they were building out there would eventually connect to parks in District A, in the Spring Branch area, was outstanding, that it was a shame, they were going to put a trail under Highway 6 and it was all set to go but the Williams Brothers had a deadline to finish early and that would be included in their project and the days that it would take to that they would not get the bump by finishing early so they had to abolish that, the trails even further out west and the trails in that area. Council Members Adams, Noriega and Jones absent.

27. ORDINANCE appropriating \$150,000.00 out of Drainage Improvements Commercial Paper Series F, Fund No. 4030 as an additional appropriation for Professional Engineering Services Contract between the City of Houston and **POLYTECH, INC d/b/a PTI, INCORPORATED** for Negotiated Storm Drainage Systems Work Orders (approved by Ordinance No. 06-0151), WBS M-000126-0056-3; providing funding for contingencies relating to construction of facilities financed by the Drainage Improvements Commercial Paper Series F, Fund No. 4030 – was presented. All voting aye. Nays none. Council Member Garcia out of the city on city business. Council Members Adams and Jones absent. ORDINANCE 2008-0125 ADOPTED.

NON CONSENT AGENDA - NUMBER 31

PURCHASING AND TABULATION OF BIDS

31. **RED RIVER SPECIALTIES, INC** - \$1,340,438.00, **HELENA CHEMICAL COMPANY** - \$1,347,979.95, **UAP DISTRIBUTION, INC** - \$1,009,855.48, **SAN JACINTO ENVIRONMENTAL** - \$54,550.50 and **PRO ALLIANCE** - \$264,391.66 for Chemicals, Lawn, Garden and Insecticide for Various Departments

COUNCIL DRAW LOTS

GROUP I, Item Nos. 8 and 9 due to receiving identical bids from **UAP DISTRIBUTION** and **BROOKSIDE EQUIPMENT SALES** in the amount of \$18,812.50 – was presented, and Council Member Holm drew Brookside Equipment Sales. Council Members Adams and Jones absent.

GROUP I, Item No. 19, GROUP II, Item Nos. 44, 78 and 81 due to receiving identical bids from **HELENA CHEMICAL COMPANY, RED RIVER SPECIALTIES, INC** and **UAP DISTRIBUTION** in the amount of \$104,473.00 – was presented, and Council Member

Holm drew Red River Specialties, Inc.. Council Members Adams and Jones absent.

GROUP II, Item Nos. 41 and 68 due to receiving identical bids from **HELENA CHEMICAL COMPANY** and **RED RIVER SPECIALTIES, INC** in the amount of \$35,250.00 – was presented, and Council Member Holm drew Red River Specialties, Inc.. Council Members Adams and Jones absent.

GROUP II, Item Nos. 46 and 65 due to receiving identical bids from **RED RIVER SPECIALTIES, INC** and **UAP DISTRIBUTION** in the amount of \$26,880.00 – was presented, and Council Member Holm drew Red River Specialties, Inc.. Council Members Adams and Jones absent.

Council Member Khan moved to approve the recommendation and to award to the bidders drawn, seconded by Council Member Lovell. Council Member Garcia out of the city on city business. Council Members Adams and Jones absent. MOTION 2008-0129 ADOPTED.

MATTERS HELD - NUMBERS 32 through 36C

32. MOTION by Council Member Khan/Seconded by Council Member Garcia to adopt recommendation from Purchasing Agent to award to **GLOBAL SEARCH ASSOCIATES, LLC** for an Executive Search for position of Deputy Director Finance & Administration for Houston Airport System - \$131,000.00 - Enterprise Fund – **(This was Item 11 on Agenda of February 6, 2008, TAGGED BY COUNCIL MEMBER HOLM)** – was presented. All voting aye. Nays none. Council Member Garcia out of the city on city business. Council Members Adams and Jones absent. MOTION 2008-0130 ADOPTED.

33. ORDINANCE **AMENDING CHAPTER 40 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to the acceptance of existing alleys by the City – **(This was Item 15 on Agenda of February 6, 2008, TAGGED BY COUNCIL MEMBER CLUTTERBUCK)** - was presented. Council Members Adams and Jones absent.

Council Member Clutterbuck moved to postpone Item No. 33 for two weeks, seconded by Council Member Khan. All voting aye. Nays none. Council Member Garcia out of the city on city business. Council Members Adams and Jones absent. MOTION 2008-0131 ADOPTED.

34. ORDINANCE awarding contract to **MERRELL BROS., INC** for Onsite Water Treatment Sludge Dewatering, Hauling & Disposal Services for the Public Works & Engineering Department; providing a maximum contract amount - 3 Years - \$3,852,811.00 - Enterprise Fund - **DISTRICTS B - JOHNSON and E - SULLIVAN** - **(This was Item 26 on Agenda of February 6, 2008, TAGGED BY COUNCIL MEMBER GARCIA)** – was presented. All voting aye. Nays none. Council Member Garcia out of the city on city business. Council Member Jones absent. ORDINANCE 2008-0126 ADOPTED.

35. ORDINANCE awarding contract to **STATEWIDE TREE SERVICE, INC** for Tree Planting Services for Parks & Recreation Department; providing a maximum contract amount - 2 Years \$736,521.00 - Street & Bridge Consolidated and Grant Funds – **(This was Item 27 on Agenda of February 6, 2008, TAGGED BY COUNCIL MEMBER HOLM)** - was presented. Council Member Jones absent.

After discussion, Council Member Holm stated that right now they had a contract for a low bid of \$736,000 for 32 different sites, which was a small, minuscule amount of money and it did not necessarily relate to a specific project, the intention was 1% for a qualifying project and this was more at the discretion of as need, that this was not a picture of a neighborhood or an

esplanade project, that she would like for them to entertain examining and even codifying an ordinance, the value and importance of having a landscape plan, for several reasons, that one, they knew that TXDOT had the same type of resolution and because of funding were taking an amount of money they were no longer using and she thought they probably should codify it in an ordinance some how so they would make a commitment to their future, but second, it also needed to be an objective process that really made sure that they encouraged the participation of their communities in it; that in this one there were two District G projects that the community had not been involved in at all and she would like the opportunity to at least for those projects have that 1% and be able to work with the community and the contractor to make sure that they plant and take advantage, if they could, of opportunities of really making it move forward.

Mayor White stated that maybe at a Quality of Life Committee meeting, that they had a number of different issues on tree planting; that they wanted to make that they got the right balance and were able to accommodate the desires of a neighborhood and also have some objective criteria. Council Member Jones absent.

After further discussion by Council Members a vote was called on Item No. 35. All voting aye. Nays none. Council Member Garcia out of the city on city business. ORDINANCE 2008-0127 ADOPTED.

36. WRITTEN Motion by Council Member Clutterbuck to amend Item 36C below:
I move to amend Item 55C, revisions to Chapter 45 in section 45-163 to strike the existing number 1 and in lieu of add a new number 1 that reads: "Would require a number of off-street parking spaces pursuant to Article VIII of Chapter 26 of this Code that is greater by 100 percent or more than the number of off street parking spaces provided under the current use of the parcel;" – was before Council.
- 36a. WRITTEN Motion by Council Member Lawrence to amend Item 36C below:
Replace multi family residential development in Sec. 45-163 with residential development and to add the definition of Residential to Sec. 45-162 as follows:
Residential shall mean pertaining to the use of land for premises that contain habitable rooms for nontransient occupancy and that are designed primarily for living, sleeping, cooking and eating therein. A premises that is designed primarily for living, sleeping, cooking and eating therein will be deemed to be residential in character unless it is actually occupied and used exclusively for other purposes. Hotels, suites hotels, motels and day care centers shall not be considered to be residential – was before Council.
- 37b. WRITTEN Motion by Council Member Garcia to amend Item 36C below:
I move to modify section 45-163(3) by omitting the words "with two-way traffic." – **(These was Item 34b on Agenda of February 6, 2008, POSTPONED BY MOTION #2008-114)** – was before Council.
- 37c. ORDINANCE **AMENDING CHAPTER 45 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to high-density multi-family development on two-way, two-lane local and collector streets – **(These were Items 34, 34a, 34b and 34c on Agenda of February 6, 2008, POSTPONED BY MOTION #2008-114)** – was before Council.

Council Member Clutterbuck moved to postpone Item Numbers 36, 36a, 36b and 36c for two weeks, seconded by Council Member Khan.

Mayor White stated that the City of Houston had an interest in the traffic impact of new developments, it was nothing new, that it was something Council Member Lovell first brought up concerning the number of high density developments that were occurring between Main Street and immediately to the west of 610 Loop, that they did and had for some time, at least a couple

of years, asked various people to do traffic impact studies and analyze the traffic whenever a developer came to them with some of those high density, particularly high rise, projects and they should know that they would use the authority that they had in order to try to come up with something that would be fair and applicable not just to this neighborhood but to others taking into account the traffic counts that they had gotten on Bissonnet and other things, that to the people within the neighborhood, just so he was clear, they were not giving anybody veto power over what a developer could or could not propose, that he knew of no neighborhood in the City that had ever said they wanted more multi family projects, that he believed that people who rented were deserving of a place to live without having to drive forty or fifty miles out, and so do most people in the City, so they would come up with some rules and criteria about what would be permitted that may or may not be exactly what somebody would do if they owned the land next door to them, that he would encourage people to have dialog but they were not going to either, if the developers threatened that they could build whatever they thought they could build they would probably have to take some legal action in order to do so and he did not know what the outcome of that would be, the neighborhood ought to know that as well, that for the neighborhood groups that they had been working diligently with using objective criteria, as provided by TTI and others and he thanked the Council Members who participated in that so that they could apply the criteria to other similarly situated situations. Council Member Noriega absent.

After further discussion by Council Members, Mayor White stated that there was no site plan pending, that on this particular project the developers were requested to meet with a person at Public Works to develop protocols for a traffic impact study, that it had been done on numerous occasions by various individuals, that a classic case would be Boulevard Place, that he knew they were familiar with, as part of that traffic engineering study people put in two new streets in order to prove mobility, that meeting did not occur and then there was a period and because it did not occur there was an approval that did not have the appropriate reviews within the Public Works Department and there was an acceptance of a traffic engineering study for about a week before it was brought to their attention and then they immediately corrected the misimpression that the traffic engineering study showed a plan that would be acceptable to the City; that no doubt about it they were growing and growing faster then they ever had, that they were developing rules and regulations in response to their needs, but they all knew that was not half bad, rather than having one size fits all before they needed it, that he would say to correct the misimpression the developers were in the same situation as a number of different developers had been in who worked for the City to work through these problems, that it did not mean they were bad people it just meant that it was a routine type of issue that they tended to deal with everyday in the City of Houston. Council Members Johnson, Rodriguez, Green and Jones absent.

After further discussion Mayor White stated that there was a very significant relationship between this, Chapter 42 and the work of the Planning Committee and the Regulatory Affairs Committee of the City Council, and he would like to work with the Members of the City Council to chart out a process, that he thought they had a lot of talent on the Planning Commission and one of their subcommittees had come up with a recommendation that was given some thought concerning action management tools, and those were different for new development and special problems, where they had a built environment, they could not just oppose Sugarland's code on a build environment otherwise they may have legal takings because if somebody could not get on or off their property then they would have a problem; that with Council Members Lovell and Lawrence, Carol Lewis, Marlene Gafrick and others to come up with a multi step process when it came to the issue of high density, high rise high density, that he hoped they were not going to start all over because they would have had hundreds of hours go to waste of coming up with a first draft for those people who chose to participate, so they should work together to come up with a process; that second, so they were using some common vocabulary, so that they would know what he was talking about, he thought there could be a criteria that applied citywide but

that had different consequences administratively concerning different types of projects, that they wanted standards that were non discriminatory that were known in advance, but the last thing they needed was one size fits all, because those were the things that invited ridicule and non enforcement; that finally, so everybody would know where he was coming from, like consumers of housing, including apartments, actually knew a lot about what they liked, that they actually may prefer to live where they preferred to live and sometimes it was where people currently lived; that he had somebody who was applauding a high quality of life for a high rise residential unit that she moved into a year ago, who was very concerned that they stop other high rise development close by, that there was a demand for housing where consumers wanted to live and they had to make sure that those consumers also had a voice at the Council table.

After further discussion Mayor White stated that they had a very diverse group of life experiences, skills, some solid citizens on the Planning Commission and he wanted to make sure that their talents and what they saw, every two weeks of listening to this, was well utilized, that they tended to have something where what was the balance between things on which the Planning Commission had discretion and not, that he felt a little bit more comfortable with things that were in the category of variances, but it was hard to say that a person ought to be able to, when they buy a piece of land or sell a piece of land, handicap things that the most experienced lobbyist at City Hall could not handicap, on the other hand if they wanted a variance from existing rules should there not be some more discretion that the body had according to criteria to give those variances, and that was something that he wanted people's eyes and ears to take a look at as they moved forward and what should be the role of the Planning Commission, that at a minimum he thought the Planning Commission, because they hear so many of these disputes, ought to at least review and make some recommendations on some of the things that affect the planning of the City, so if they developed a template on traffic access management over the next two years, that went beyond the high density, he thought they ought to invite those citizens to the Planning Commission to take a cut at it and have their own hearing in addition to any Council committee hearing.

A vote was called on Council Member Clutterbuck motion to postpone Item No. 36, 36a, 36b and 36c for two weeks. All voting aye. Nays none. Council Member Garcia out of the city on city businesses. MOTION 2008-0132 ADOPTED.

Council Member Jones stated that she wanted to release her tag on Item No. 17.

17. ORDINANCE approving and authorizing first amended and restated Interlocal Agreement between the City of Houston and **HARRIS COUNTY** to assist in the administration of the Harris County Stay In School Program – was again before the City Council. All voting aye. Nays none. Council Member Garcia out of the city on city business. ORDINANCE 2008-0128 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Brown stated that he wanted to talk about quality versus quantity, that he thought they needed to recognize that whatever actions they took about looking toward the future, how the City grows and changes, that it was not just how many houses were built in Houston, but the quality of the neighborhoods that those houses comprised, that he thought they needed a greater emphasis on quality; that litter on a stick, ghastly overhead utility poles and wires that disfigured the urban landscape; that he had prepared with CenterPoint and Reliant a new set of standards for better regulating utility easements and the placement of poles and wires, that he had sent it to Public Works and hoped that they would get some action on that soon; that on open ditches they were moving forward on that; that related to the impact of high density on low density neighborhoods he thought they needed to take a harder look at the concept of setbacks and buffers, the kind of rules that would create the predictability that both

neighborhoods and developers wanted; better regulating curb cuts; that he wanted to support a Site Plan Review Ordinance and would like Council Member Lovell committee to review the ordinance; that they could have a minimal neighborhood impact analysis. Council Members Clutterbuck, Khan, Lovell, Noriega and Green absent.

Council Member Brown stated that on May 16, 2008 there would be a group of outsiders holding a conference at the Omni, with some so called experts trying to diagnose the City of Houston and what they should do. Council Members Khan, Holm, Lovell, Noriega and Green absent.

Council Member Brown stated that he taught a graduate class at Texas Southern University on Urban Planning and had seven students, that he was sad to say that one of his students was murdered on Saturday night, Mr. Ryan Ching, an exchange student from Mainland China. Council Members Sullivan, Khan, Holm, Lovell, Noriega and Green absent.

Council Member Brown stated that he got a call from the Museum Area Municipal Association representative, the area between Montrose, Mandell, Highway 59 and Bissonnet, that there was a spike in crime in that area, that he also got a call from Rice University in the last two weeks and they had 11 assaults and robberies at Rice University, that the people in the museum association said that they never see a policeman out there and he was only saying that they needed to do things differently than they were doing or they were not going to win the battle against crime. Council Members Sullivan, Khan, Holm, Lovell, Noriega and Green absent.

Council Member Clutterbuck stated that there was a armed robbery at 8:30 a.m. on Monday at the corner of Sunset Boulevard and Wilton, which was a block from Fleming Park and was a pedestrian friendly and pedestrian encouraged neighborhood, that it was a neighborhood where Senator Rodney Ellis also lived in and he had expressed concern; that in speaking with individual captains in the South Central Division and others they were extremely concerned about it as well; that some of the armed robberies and assaults were being performed by some of the homeless in their community, about 30% of the crime being committed in the Museum District, that was an issue that perhaps they could couple their efforts with the Coalition for the Homeless and others to target the issue. Council Members Lawrence, Sullivan, Khan, Holm, Lovell, Noriega and Green absent.

Council Member Clutterbuck stated that they were going to be having their Financial Literacy Class for Members of the City Council on Friday, that it was a good opportunity for a refresher course for everybody, that she looked forward to seeing everybody at 8:30 a.m. on Friday morning in the City Council Annex. Council Members Lawrence, Sullivan, Khan, Holm, Lovell, Noriega and Green absent.

Council Member Rodriguez stated that wanted to bring an issue to the Mayor's attention, that he received an email from the East End Little League, who played at Diaz Park, that they had a new concession stand and they could not utilize the concession stand because it was now listed as a servery and not a concession stand, so they were having a hard time obtaining permits to serve hot dogs, Frito pies, nachos and popcorn, that the Health Department was saying that they needed to serve prepackaged food; that he remembered looking at documents, as the Chief of Staff to his predecessor, that said concession stand, no where did they ever see servery in the RCA or on the CIP books, that he wanted to bring it to the Mayor's attention, that Michael Moore, Terence Fontaine, Issa Dadoush and Joe Turner, were all looking at it. Council Members Lawrence, Clutterbuck, Sullivan, Khan, Holm, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Mayor White stated that he wanted to know from those people and Director Williams by

the Friday agenda briefing just what they could do about it, they responded to the parents in the community, that he jumpstarted and raised private funds for a bathroom and then they did the concession stand and they maintained the fields, they used them, that he did know that there were some issues, he was told, that they did not want anybody getting poisoned, so if somebody could explain to him what they were doing, that they would work through it and make sure what could be done within the facility, if it could be modified and also things that they had done before. Council Members Lawrence, Clutterbuck, Sullivan, Khan, Holm, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Rodriguez stated that they were opening up the Denver Harbor Storefront and wanted to thank the Mayor for his help on it. Council Members Lawrence, Clutterbuck, Sullivan, Khan, Holm, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Adams stated that off of Airport on a street called El Pico, for the last 8 years there had been on a vacant lot an 18 wheel trailer with about 300 or 400 tires inside the trailer, that she had reported the issue to Neighborhood Protection to see if they could get the trailer removed, that her concern was a school across the street on Scott Street where kids were walking home and crossing through the vacant lot, that she was concerned about the safety, and also why did it take so long to remove items off of vacant property, that she thought it was something that they needed to look into. Council Members Sullivan, Khan, Holm, Rodriguez, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Adams stated that when it came to single family development in communities, specifically Hiram Clark, you were building under 72 homes and looking at a way to exit, Regg Street, and the builder notified the community but they were not aware Brentwood would open, all the traffic would be dumped into the community and Council Member Clutterbuck worked hard in support of her district and she wanted to work as hard for hers; and when the ordinances were being developed to protect traffic impact she wanted it for hers; that they were now saying they were getting more crime and when they did not go to a community to see what the community wanted she wanted to know who gave the okay to open the streets; and she would like the Mayor to help her. Council Members Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Adams stated that they had an issue with Croquet Street in the Corinthian Point Neighborhood, building was going on and an elementary school was there; that the community of Windsor Village was protesting having the street opened and the powers that be wanted it open, but she felt those living there should have a voice; that they had been there 30 to 40 years and now new development was coming and they wanted it for cut through and she wanted Council and Planning to look at ways before approving such things, she wanted the impact looked at; and Mayor White stated that on the first issue he would like to see a chronology in Legal and Neighborhood Protection on the first address of why has ...; he wanted a chronology from 311 calls, it would have taken him 20 minutes when practicing law to do a nuisance petition, why couldn't an 18 wheeler be carted off for scrap, they had them carting off cars, he was tired of this; to the City Attorney, if someone abandoned an eighteen wheeler full of tires and it was a nuisance, he did not understand why it could not be hauled off; that they would do an investigation and see if the information today was accurate, but he could not file the petitions himself; and Mr. Michel stated he understood. Council Members Sullivan, Khan, Holm, Rodriguez, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Mayor White stated that on the second item, he would ask Ms. Stein and Mr. Icken, many appeared on the community of Brentwood and he would have a briefing, he had received letters around Windsor Village and they needed to communicate what it meant when you put in stub streets and Council Member Lawrence had some views, but he would work with her on that

and find the right balance. Council Members Sullivan, Khan, Holm, Rodriguez, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Brown stated that he knew the two subdivisions and it was not just cut through traffic, but also access by fire and emergency vehicles; that they could make additions to the Public Works design manual and it would clear up such things; and he wanted to know how to change the manual so they would not have the disconnected streets; and Mayor White stated that they could discuss it further, but there were two different issues, one, a regular street grid with the issue of stub street being apparent to anyone who would drive by and if you wanted a network affect with a regular grid that worked like downtown then you had more streets and people had more options; that they had standards and tried to give people notice by the stub street; that if they wanted a situation that did not have connectivity and make subdivisions more like self contained islands then that was different and if there was a silver bullet he would like to look at it and he would look at this particular street design. Council Members Sullivan, Holm, Rodriguez, Lovell, Noriega and Green absent.

Council Member Jones stated that she wanted to commend Mr. Eric Portier, she attended a Senior Valentine Day Lunch and they had a good time and some from Gallena Park High School helped seniors get around and she encouraged helping people who lived long to live a dignified life. Council Members Sullivan, Holm, Rodriguez, Lovell, Noriega and Green absent.

Council Member Jones stated that she attended a CIP Meeting, Council Members Rodriguez and Lawrence, with staff and it was very informative to hear what constituents wanted. Council Members Sullivan, Holm, Rodriguez, Lovell, Noriega and Green absent.

Council Member Jones stated that her office received a call from Toni Valone of Tony's and some way his water was turned off Friday evening when all were there eating and she commended her staff members for still being at work and being able to get the water turned back on and she wanted to commend Public Works for getting it done. Council Members Sullivan, Holm, Rodriguez, Lovell, Noriega and Green absent.

Council Member Jones stated that the Brown Motel had a shoot out a couple of years ago, when they thought there was a serial killer, it was one of the last victims, and it was adjacent to her grandmother's house; that based on what she had seen they were the flagship of crime in the neighborhood, a lot of prostitution went on there and she was thankful she spoke to Ms. Hargrove with Planning to find out what kind of permits they were trying to get, she had tried to contact them and also left a note for them to call but had received nothing and she would like the Mayor's Office to look at the little lease they had faxed her Uncle, the Naran Corporation, dba Brown's Motel, Kirit Patel, they needed to pay attention because if the hotel was not operating she would suspect all the crime next to her grandmother would not happen either and along the same lines cattycorner to her house was apartments which used to be a halfway house and she had a son and there were other children living there, but they stayed up late and played loud music and they needed to do a better job of permitting to keep nuisances out of neighborhoods and at the corner was apartments with prostitution, drugs, gun shots and recently three murders, etc., and she did not see police there too often; that she understood they told the city they would lease to college students, but she did not think so; that when someone came to the city saying what they would do with property they needed to do a better job monitoring them; and again she wanted to know what the Brown Motel was trying to do, why they needed more parking. Council Members Adams, Sullivan, Holm, Rodriguez, Lovell, Noriega and Green absent.

Mayor White stated that he was told FAST with HPD did certain things they did not talk about, but it seemed that was about five months ago and he called private attorneys to say the

city may not have enough attorneys to bring on the lawsuits and asked for help and he was sure they had state of the art data basis at the Brown Motel, an ordinance was passed which required them to do certain things with books and records which would be audible and could result in license being revoked and he wanted to know where they stood on this kind of stuff; that it did not take that long to file a petition, how many cases were brought to trial, how many petitions were filed or was it because there was no nuisance, no violations of the law; and to Mr. Michel if people were too busy then he may need to get his license; that they needed an injunction, the judge needed to hear, if they needed then come to him for money in the budget. Council Members Adams, Sullivan, Holm, Rodriguez, Lovell, Noriega and Green absent.

Council Member Lawrence stated welcome to Mini Max and Rosslyn Bridge she had to say to Wanda Adams and she would be glad to meet with her on stub streets and what was with that problem, it was something needing to be addressed. Council Members Adams, Sullivan, Holm, Rodriguez, Lovell, Noriega and Green absent.

Council Member Lawrence stated a very big thanks to all city employees who came to her CIP meeting, it was the best ever, very precise and questions were written and turned in; that it did not beat Council Member Sullivan's meeting of 45 minutes, but did make it 1-1/2 hours and was very efficient; and a special thanks to Alfred Brantley again with Special Events for staying late, etc., he was a wonderful employee Susan Christian had. Council Members Adams, Sullivan, Holm, Rodriguez, Lovell, Noriega and Green absent.

Council Member Lawrence stated that over the past week there was a crew of citizens who made a difference, Ms. Janice Gabriel had a crew of citizens out mulching Antoine and she thanked Janice and Charles for all they did. Council Members Adams, Sullivan, Holm, Rodriguez, Lovell, Noriega and Green absent.

Council Member Johnson stated in respect to CIP Meetings, the District B CIP would be Thursday, February 21st from 7:00 p.m. to 9:00 p.m. at the Acres Home Multi Service Center, 6719 West Montgomery; that currently they were going to all civic club meetings having pre-CIP meetings, it was important to come documented so they could see all items they wanted on the CIP on there; that they wanted to make sure dollars were being placed where there was a need and many times citizens may not understand the petition process and he wanted to make sure communities were given the dollars but they still had to be participatory and he encouraged all to come. Council Members Adams, Sullivan, Holm, Rodriguez, Lovell, Noriega and Green absent.

Council Member Johnson stated that a concert would take place at the Hobby Center on February 28th at 10:00 a.m. and in Zulker Hall at 7:30 p.m. and it was a great concern he was doing in conjunction with Maestro Tom Jones, the Thunder Bases and Lindsey Papillion, it was a Black history musical which would take you from across Africa, the Atlantic Ocean and slave trade to ride and prominence; that it was a great show and many would get a cultural experience not to forget. Council Members Clutterbuck, Adams, Sullivan, Holm, Rodriguez, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Johnson stated that February 21st he with many other dignitaries would be hosting a reception for the Ambassador of South Africa, it would be great opportunity to establish an exchange for business and educational purposes. Council Members Clutterbuck, Adams, Sullivan, Holm, Rodriguez, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Johnson stated that Mayor White had been doing a lot of work in the Houston Hope areas and he appreciated it; that it was important to develop the neighborhoods and the opportunity for affordable homes and he believed through the Houston Hope

communities greater development would be spurred; and he was asking the Mayor to ask those involved with Houston Hope to keep him informed so he could continue to be engaged; and with the LAURA lots, the farmland idea was one he thought was great in respect to maintaining and controlling them, but they needed long-term and he spoke with Ann Travis about getting state legislation which would help get right of first refusal, the sweat equity program, and he wanted to continue to be active with that; and Mayor White stated that he had a meeting internally every two weeks and he might see if that fit his bill and get the information, every week they had drawdown's, etc., and wanted it to be no big deal if someone was building a new house; that Mr. Michel, approximately after the Stop Trashing Houston Campaign they talked about a set of forms, to subcontract with someone to mow a lot in a defined criteria for long-term tax abandon and they filled out the form swearing they did something and the consideration for that was the lien and then they filed the lien; that a lot was happening and Tinnermon probably had the list and they would get out of the way of neighbors who wanted to bid and he gave direction to do that, under state law they could not give the property, but it would be helpful if Council Members could say here are the forms to fill out, go mow, handle the affidavit and file the lien. Council Members Clutterbuck, Adams, Sullivan, Holm, Rodriguez, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Khan stated that today students were present from China visiting City Hall in an exchange program with Lamar High School and he welcomed them to Houston. Council Members Clutterbuck, Adams, Sullivan, Holm, Rodriguez, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Khan stated that a youth group, Texans Together, was a group of students who worked to improve the community and they would meet February 16 at the Alief Community Center, 11903 Bellaire Blvd., 10:30 a.m.; that they were nonprofit and this would be their first work group meeting and input and leadership was welcome from all sectors of the Alief Community and for information call Ms. Kristine Swan at texantgether.org. Council Members Johnson, Clutterbuck, Adams, Sullivan, Holm, Rodriguez, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Khan stated that also this week they were welcoming the Minister of State and Chief Executive of the Trade Development of Pakistan whose visit was to explore opportunities of trade relations between Texas and Pakistan and he welcomed him to Houston. Council Members Lawrence, Johnson, Clutterbuck, Adams, Sullivan, Holm, Rodriguez, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Khan stated that the Asia Society had several events going on, their 2008 Annual Conference which was industry and energy challenge and achievements, Friday, February 15th, Intercontinental Hotel, 8:30 a.m. and their Tiger Ball would be held February 15th at the same location and was a premiere event in Houston. Council Members Lawrence, Johnson, Clutterbuck, Adams, Sullivan, Holm, Rodriguez, Brown, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Khan stated that the Alliance for Multi Cultural Committee Services was holding their 2008 Stars Among Us Gala, February 28th, Western Galleria Hotel, 6:30 p.m. and they worked with new comers, refugees and immigrants, and they helped those with many challenges. Council Members Lawrence, Johnson, Clutterbuck, Adams, Sullivan, Holm, Rodriguez, Brown, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Khan stated that he received an email where the City of Houston was recognized as America's most accessible city for those with disabilities and it was a great honor and he congratulated those in the Administration. Council Members Lawrence, Johnson, Clutterbuck, Adams, Sullivan, Holm, Rodriguez, Brown, Lovell, Noriega and Green absent. (NO

QUORUM PRESENT)

Council Member Khan stated that many asked him what happened with TxDOT, there were reports they stopped working on their projects and he wondered how long and would like someone to check, many had concerns with the construction projects being halted and so they wanted the status of those projects in the Houston area. Council Members Lawrence, Johnson, Clutterbuck, Adams, Sullivan, Holm, Rodriguez, Brown, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Khan stated that he talked to many who had concerns of the inspection and permitting process, they were saying they were business people and if the city wanted to charge more it was fine, but they could not afford an inspector to come and list a number of things they needed to do for their occupancy permit for example and then get those fixed and the inspector would come and say that was fixed but would identify more things needing to be fixed and he would like someone to look at that; and Mayor White stated that he could help him look at one or two instances and they could work through the cases; that government did not do a good job... if someone did not comply he wanted them written up, but it was reasonable to say do it at one time and they needed quality control mechanisms in place; and to Council Member Johnson if ...;to Mr. Michel he wanted a time period where they would have something, he thought it was assigned to Legal, how did someone mow and get sweat equity and the forms he wanted for the next door neighbor, not for lawyers and there should be a plain English way to express it; and Mr. Michel stated that it would be done before the next Council Meeting if they had nothing and work with the Council Member on it. Council Members Lawrence, Johnson, Clutterbuck, Adams, Sullivan, Holm, Rodriguez, Brown, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 12:03 p.m. Council Member Garcia out of the city on city business. Council Members Lawrence, Johnson, Clutterbuck, Adams, Sullivan, Holm, Rodriguez, Brown, Lovell, Noriega and Green 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