

City Council Chamber, City Hall, Tuesday, March 25, 2008

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, March 25, 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, Adrian Garcia, James G. Rodriguez, Peter Brown, Sue Lovell, Melissa Noriega, Ronald C. Green and Jolanda "Jo" Jones; Mr. Harlan Heilman, Division Chief, Claims & Subrogation Division, Legal Department; Ms. Claudia Vasquez, Director Citizens Assistance; Mr. Terence H. Fontaine, Deputy Chief of Staff for Operations; Ms. Marta Crinejo, Assistant Agenda Director; and Ms. Marty Stein, Agenda Director present.

At 2:08 p.m. Mayor White called the meeting to order and stated that Council Member Rodriguez would begin presentations. Council Members Lawrence, Clutterbuck, Adams, Brown and Jones absent.

Council Member Rodriguez invited those present for his presentation to the podium and stated that today he was presenting to a very successful nonprofit; that Council Member Alvarado had spearheaded an initiative "Dress for Success Houston" and they had served over 20,000 women since 1998 with over 3,000 last year and he applauded them on their good work; that they were partnering with the Greater Houston Convention and Visitors Bureau to use the visitor center as a drop off hub; that this year their suit drive was March 31 through April 6, 2008, and it would mark their tenth year here; and presented them a Proclamation wishing them success and proclaiming this as "Dress for Success Houston Week" in Houston, Texas. Council Members Lawrence and Brown absent.

Council Members thanked all involved and all who supported the "Dress for Success" which was also dressing for respect as the better you dressed the more you were respected and it was needed to get in the door; and encouraged all to donate; and upon questions, a spokesperson stated that a drop off point would be M W Cleaners and their web site was dressforsuccess.org/houston. Council Members Lawrence and Brown absent.

Council Member Garcia stated that he wanted to recognize the Houston Art Colony Association which had worked diligently at promoting various forms of beautiful art; and invited Mr. Bart Truxillo to speak; and Mr. Truxillo, who was present with others, stated that he was on the board of the Art Colony Association and they had been producing art events in Houston 36 years and 11 years in Memorial Park; that last year they gave away to nonprofit partners \$180,000 and they were ranked in the nation number three as the finest art show nation wide; that the festival would be this Friday through Sunday from 10:00 a.m. to 6:00 p.m. in Memorial Park with 300 artist; and he thanked all who helped them to accomplish their goal; and T-shirts and information were presented to all at the Council table. Council Members Lawrence, Johnson, Holm and Jones absent.

Council Member Noriega invited all with her presentation to the podium and stated that every generation had to be reminded how important education was; and April 1 through April 6, 2008, was "Education Go Get It Week" and there would be activities helping students learn how to access higher education opportunities and it would culminate with the national college fair on Sunday at the George R. Brown Convention Center with colleges represented and workshops on how to apply for college and financial aid; and presented a Proclamation proclaiming this week as "Education Go Get It Week", in Houston, Texas. Council Members Lawrence, Johnson, Holm and Jones absent.

Ms. Andrea Jones came to the podium and stated that Saturday, March 29, 2008, the Mayor's Office and the Greater Houston Builders Association were hosting "Come Home: The Home Buying Process" at the George R. Brown Convention Center and she was happy to have

with her some partners and sponsors of the event; that they were all excited about the event; and Mayor White stated that this was a special group; that they had an opportunity with over 60 exhibitors to make it so people could own their own house, there were myths in the market and money was available and Houston still had the most affordable housing in the market for a city of its size and he would ask Council Members to help distribute information; that it would be from 7:00 a.m. to 3:00 p.m. on Saturday, March 29, 2008, and people could go on line and check out their credit report and take the information with them; and he thanked all who worked with them on this. Council Members Johnson and Noriega absent.

Council Members thanked all for what they were doing; and upon questions by Council, Ms. Jones stated that they were looking for people with low to moderate income. Council Members Johnson, Lovell and Noriega absent.

At 2:36 p.m. Council Member Khan invited Dr. Bashee Khumawala, department chair and professor of the C. D. Bower College of Business and involved in Interfaith Ministries of Houston, to the podium to lead all in the prayer and Council Member Khan led all in the pledge. Council Member Noriega absent.

At 2:42 p.m. the City Secretary called the roll. Council Member Noriega absent.

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

Council Member Jones moved the rules be suspended for the purpose of hearing Ms. Angela Ho, Mr. Alexandro Mastache, Mr. Robert Broussard, Ms. Donna Sutton, Ms. Dawn Thorne and Mr. Joe H. Rafferty at the top of the speakers list, seconded by Council Member Garcia. Council Members Adams, Brown and Noriega absent.

Council Member Clutterbuck stated that it was often the habit of council, as a courtesy, to move people forward, but several District C residents were on the list and the motion would move them much further down and they knew they were near the top of the list and made sure they were present and she would vote against the motion; that all in her opinion were of equal value and present on important matters. Council Members Adams, Brown and Noriega absent.

Council Member Lawrence stated that the point of taking people out of order was for emergency purposes and she would ask colleagues to only bring them forward when it was an important reason. Council Members Adams, Brown and Noriega absent.

A vote was called on Council Member Jones's motion. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Holm, Lovell and Green voting no. Balance voting aye. Council Members Adams, Brown and Noriega absent. MOTION 2008-0192 FAILED.

Mayor White stated that he hoped there would be dialogue among Council Members so they had predictable rules Council Members could rely on for these particular motions; that it had nothing to do with what the citizens had to say and he did not vote against it, but thought the clarity of rules was needed. Council Members Adams, Brown and Noriega absent.

Council Member Garcia moved the rules be suspended for the purpose of adding Mr. Alan Askinson to the list of speakers after Ms. Terri Parris, seconded by Council Member Khan. All voting aye. Nays none. Council Members Adams, Brown and Noriega absent. MOTION 2008-0193 ADOPTED.

Council Member Green moved the rules be suspended for the purpose of adding President Joseph Charles to the list of speakers after Ms. Sherry Washington, seconded by

Council Member Khan. All voting aye. Nays none. Council Members Brown and Noriega absent. MOTION 2008-0194 ADOPTED.

At 2:48 p.m. the City Secretary began calling the public speakers. Council Members Brown and Noriega absent.

Mr. Richard Shaw, 2506 Sutherland, Houston, Texas 77023 (713-923-9473) appeared and stated that he was speaking on Agenda Items 35 and 35a, the proposed meet and confer agreement between the City of Houston and (Houston Organization of Public Employees) H.O.P.E. which was truly a milestone and all should be recognized for their leadership and diligence in bringing this opportunity about; that for him this was very personal, he spent almost 12 years representing municipal workers as a representative of AFSCME Local 1550, without meet and confer bargaining at its best it was collective begging and in the new relationship both parties stood eye to eye with dignity and mutual opportunity and it would create an environment of mutual opportunities for employees and make the community a better place, all would win; and the Harris County AFL-CIO urged all to adopt the agreement tomorrow and allow the lowest paid employees to get an immediate raise of 45%. Council Members Khan, Noriega, Green and Jones absent.

Mayor White thanked Mr. Shaw for his leadership. Council Members Khan, Noriega and Green absent.

Council Member Lawrence thanked Mr. Shaw for his work and stated that looking over the backup for the item she had one problem and would like something considered next time, it was that the people who made the team up were all above a pay grade 30 and it was important to look at the pay grade 2 would get a 3% raise and in one year make \$321.30 more, but the higher pay grade in a year would make \$6,558.24 and the lower pay grade needed the money a lot more; that need needed to be looked at and the \$6,558. would make a huge difference for a person making \$10,711 a year, it was more than half his salary and she felt that was a fallacy in this problem; that she felt 3% for all had a huge money difference; and Mayor White stated that it was important to the Administration that the lowest paid hourly employees be brought up quickly to a \$10.00 level, he would also mention there were levels of need at many different salary levels in the city and they increased the most at the \$8.00 and \$9.00 range, but they had a difficult time recruiting and retaining employees at the middle and top range and when balanced and taking into account health benefits, etc. Council Members Noriega and Green absent.

Council Member Lovell thanked Mr. Shaw for all his work and stated that she held a meeting with AFSCME and SEIU and she was proud of them coming together and forming HOPE and now they would make a historical vote and she thanked him for all his understanding. Council Members Lawrence, Noriega and Green absent.

Council Member Brown thanked Mr. Shaw for all the AFL-CIO and AFSCME and SEIU had done and Mr. Hall for leading negotiations; and stated this was a big step for the City of Houston and he hoped all would vote to pass it tomorrow as a week delay for those at the lowest pay made a difference. Council Members Lawrence, Sullivan, Khan, Noriega and Green absent.

Ms. Jere Talley, 1200 Travis, Houston, Texas 77002 (713-308-3416) appeared and stated that she was a Houston Police Department employee and member of HOPE (Houston Organization of Public Employees) and in October 2007, she appeared and asked Council to settle a contract with them which would include a living wage for all city workers and was proud today to say together they did achieve that; that they stood shoulder to shoulder and got the contract done and support from Council Members Adams, Lovell, Brown, Noriega, Garcia and

Rodriguez was invaluable and essential to success; and urged all to vote in favor of the agreement tomorrow. Council Members Lawrence, Sullivan, Khan, Noriega and Green absent.

Council Member Rodriguez thanked Ms. Talley for negotiating with class and working things out; that his grandfather was on the low-end of the pay scale in Public Works and would have been excited for this taking place. Council Members Lawrence, Sullivan, Khan, Noriega and Green absent.

Council Member Garcia thanked Ms. Talley for negotiating and stated that because they cared this was not fast, it was methodical and attentive to taxpayer money and still considerate to employees; and he thanked all involved in the process. Council Members Lawrence, Sullivan, Khan, Noriega and Green absent.

Council Member Adams thanked Ms. Talley and Mr. Shaw for all their work as many prayers were answered; that she viewed some checks and some guys only took home \$500.00 every two weeks and worked other jobs to get ends to meet and she applauded all and they had her support and urged all to vote for this tomorrow. Council Members Lawrence, Sullivan, Khan, Garcia, Noriega and Green absent.

Council Member Jones thanked all who negotiated for their work and stated that she was thankful the city was committed to all city workers and not just a few because all were front line; and she would be voting for this tomorrow. Council Members Lawrence, Sullivan, Khan, Garcia, Noriega and Green absent.

Council Member Lovell commended Ms. Talley and their team for all the negotiating and Mr. Hall and his team; and stated that they all did a historic job and had a fine and fair deal to be built upon in the future. Council Members Lawrence, Sullivan, Khan, Garcia, Noriega and Green absent.

Mr. Paul Johnson, Jr., 1723 Demaree Lane, Houston, Texas 77029 (832-352-8222) had reserved time to speak but was not present when his name was called. Council Members Garcia, Noriega and Green absent.

Ms. Terri Parris, 6430 Woodbrook Lane, Houston, Texas 77008 (713-417-8949) appeared and stated that she was president of Houston Media Source and present on behalf of the board to thank all for having renewed their contract and believing in them and their vision of the future. Council Members Lawrence, Sullivan, Khan, Garcia, Noriega and Green absent.

Mayor White thanked Ms. Parris for her service and asked that she convey that to all members of the board. Council Members Lawrence, Sullivan, Khan, Garcia, Noriega and Green absent.

Mr. Alan Askinson, who was previously added to the speakers list, appeared and stated that he was present to speak on an issue soon to be before Council, the closing of Canal Street in the Second Ward, it was not just a street crossing; that it was a railroad crossing and the idea was proposed by three developers, it was significant for all as the closing of the one crossing allowed them to create a quiet zone in the railroad which was a mile and a half long and all would benefit, residents of Clayton Homes, all apartment residents moving in and those who had been there many years and the private developers were the ones who agreed to pay closing cost and signal upgrades and Public Works took the offer and moved them from the bottom of the list to the top of the list so it was a wonderful collaborative effort. Council Members Lawrence, Sullivan, Garcia and Noriega absent.

Mayor White thanked Mr. Askinson for all he did here and for Houston. Council Members

Lawrence, Sullivan, Garcia and Noriega absent.

Mr. Joseph Ballard, 6302 Rocky Nook, Humble, Texas 77396 (281-850-0388) appeared and stated that he thanked Mayor White for projects being done in the Fifth Ward and the sting was well over due; that he bought pictures to be viewed; that they had been in the same condition for a while, a crack house was still there, another house was still standing when falling to the ground; that they were all dangerous buildings needing to be torn down with one being at 2710 Wang Street, much needed to be done and he would like to know how long they would stay standing. Council Members Lawrence, Sullivan, Garcia and Noriega absent.

Mayor White stated that if they were dangerous, Ms. Vasquez had the pictures and could get with Neighborhood Protection and report back to him their state, but generally there were about 17 or 18 different factors and the ordinance was plain; that there were also things which were a nuisance and that was a different strategy dealing with law enforcement. Council Members Lawrence, Garcia, Lovell and Noriega absent.

Council Member Johnson stated that he appreciated Mr. Ballard coming with an issue that had plagued District B and Fifth Ward for many years; that the only way to get attention on it was through true development and the article he brought in was a result of a meeting they had in Frenchtown where there was a community walk with ministers; that his question was valid on buildings which had permeated a large portion of underdeveloped communities, it was an ongoing battle and he was working with Neighborhood Protection daily and had presented a list to them and responsibility needed to be placed back on the people who owned the properties, which many were abandoned, or they needed to take the land and build on it; and Mr. Ballard stated that he agreed with him and disagreed with him, this particular place was like this since before he was born and it was not because they walked in the neighborhood; that he had a book of lots and he knew the Fifth Ward, it was not a lot of crime because people had a code, but it was years and they still had the same problems; and upon questions, Mr. Ballard stated that he knew nothing of Super Neighborhood Meetings in the Fifth Ward; and Council Member Johnson stated that the first Wednesday of every month they had a meeting and he appreciated him doing what he did. Council Members Lawrence, Garcia and Noriega absent.

Mr. Brian Cweren, 3311 Richmond #205, Houston, Texas 77098 (713-622-2111) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Garcia and Noriega absent.

Mr. Mohammad San, 28702 Savannah Drive, Spring, Texas 77381 (832-818-2900) appeared and stated that he was victimized by someone who was to do business with him and he needed to be paid back; that he went to HPD and they said he was victimized by a greed crime and nothing could be done; that he went to the DA and heard the same thing; and now he was here trying to get his money back. Council Members Lawrence, Garcia and Noriega absent.

Upon questions by Mayor White, Mr. San stated that he was a criminal walking the street with his money and living in the house while he (Mr. San) paid the bills; that he came and said lets get a bank loan and get property and keep it a couple of years and sell and make a profit; and he went to get the loan and now lost his house and business and he was saying he owed him nothing; that he needed help, he could not afford an attorney as he was now unemployed; and Mayor White stated that the issue was he may have a civil action, it was up to the District Attorney to determine whether to press for criminal fraud charges although it would be easier to prove civil fraud and he would not necessarily get his money back with a criminal fraud conviction; and upon questions, Mr. San stated that the man lived at 9528 Taminillo, it was a church, a property they bought as a business place with 9,000 square feet, he made him a mansion with his money; and Mayor White stated that it may be interesting for someone to take

on to see if someone was involved in a pattern of criminal fraud; that there was a time when the Attorney General's Office looked for cases like this and Citizens Assistance he believed had the number and that would be where he would direct him. Council Members Lawrence, Holm, Garcia, Rodriguez, Noriega and Jones absent.

Mr. David Fradkin, 5202 Cheena, Houston, Texas 77096 (713-446-8821) appeared and stated that he was a resident of Myerland and was on the Myerland Community Improvement Association Board of Directors for four years; that last May he had a sewage backup in his yard and started calling 311 and after the fifth or sixth visit by workers who showed no interest in trying to help fix the situation, each said he needed to contract with his own plumbing contractor, which he did and in the process found the backup was under the fence line of his neighbor's property and once the break was determined a city worker came out and determined it was in fact the city's responsibility and all they had to do was access a cleanout and insert a hose attachment to find where the break was and it could have been done on any visit they made; that it hurt him to the tune of about \$1,600.00 and he was accepting some responsibility as he did call the plumbing contractor, but he was advised to do so by the city on many occasions, the city had immunity to many legal issues in being sued, but in this case the city knew of the problem and advised him to do something and spend his money; that it was eventually fixed and was officially on his neighbor's property, but his yard had to be accessed. Council Members Lawrence, Holm, Garcia, Rodriguez, Noriega and Jones absent.

Council Member Clutterbuck stated to Mayor White that this was a serious situation and a valid point, if city workers appeared and multiple employees advised him to take corrective action privately and then would not reimburse once they found it was their responsibility to begin with it was a serious issue of trust and whether they were looking at the law correctly and he came today to see if there was another way to look at this; and Mayor White stated that he knew she had expressed to people her concern there be both principles applied generally and also fairness and he would say to Mr. Fradkin probably in this type of situation what they wanted to avoid was rules which would be unpredictable or subject to much negotiation, there should be mechanical rules and he knew the city attorney present and Council had taken a good look at this and he would guess the issue was where the....; and he would ask Mr. Heilman to say for the Council and Public Works both and Legal Department where a citizen complained of a repair needed to a water and sewer line in the city right of way and where the city declined to do so based on a good faith mistaken belief that the line break was not in the city right of way, could the city defray some of the expenses of the citizen who contracted to provide the services the city ordinarily would have offered, so it was a policy and legal question; that his gut was they needed a mechanical rule because he did not want to charge taxpayers with three lawyers to investigate each claim, when the city paid it was a neighbor paying, and he appreciated Mr. Fradkin bringing this to their attention and he could not say what the resolution would be but he would like Public Works and the Legal Department to tell him the answer to the question and it would not be a gift to the extent they were reimbursing people for services that otherwise the city should have provided, it was that the city could do quantum meruits just like everyone else could; and Mr. Heilman stated that there was an opinion on the books that provided that a governmental entity's immunity was now waived for quantum meruit claims; and Mayor White stated that he was talking about if someone was entitled to quantum meruit; that what this was saying was the state imposed some restrictions on the city and if they made a payment not authorized under state law it was considered a gift and there were tight laws on that. Council Members Lawrence, Holm, Garcia, Rodriguez, Noriega and Jones absent.

Ms. Deborah Elaine Allen, P. O. Box 26325, Houston, Texas 77257 (no phone) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Holm, Garcia, Rodriguez, Noriega and Jones absent.

Mr. Reginald Butler, 2610 Ridge Hollow Drive, Houston, Texas 77067 (713-550-7887) had

reserved time to speak but was not present when his name was called. Council Members Lawrence, Holm, Garcia, Rodriguez, Noriega and Jones 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 Lawrence, Holm, Garcia, Rodriguez, Noriega and Jones absent.

Ms. Carolyn Shannon, 2207 Triway Lane, Houston, Texas 77043 (713-464-8835) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Holm, Garcia, Rodriguez, Noriega and Jones absent.

Mr. James Burris, 4905 San Jacinto, Houston, Texas 77004 (713-942-2522) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Holm, Garcia, Rodriguez, Noriega and Jones absent.

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

Mr. Oliver Kinchen, 4516 Maxie Road, Houston, Texas 77007 (281-447-4049) appeared and stated that he wanted to thank all for the work being done in the West End on keeping drugs out; that he was present because of contractors putting up town houses there; that at one time the West End was an all Black community and now property was taken over because of tax, etc, and now they had a problem of buyers placing town houses and the area was not set for that, they were being built right on the property lines and water was now washing out those who wanted to stay; that his people bought on Maxie when it was a trail and now he could not keep anyone living there because contractors made so much noise and when it rained he flooded; that they wanted to buy the property but he did not want to sell and he had his two houses there leveled three times and now needed it again; and he talked to the builder. Council Members Lawrence, Holm, Garcia, Rodriguez, Noriega and Jones absent.

Upon questions by Mayor White, Mr. Kinchen stated that the house in front and in back needed leveling and he already did three times, it needed it because of surrounding property being built up and causing his to set when theirs was rising; that he had to level because his property was washing out, they were building right on the line and he had pictures, his property was between Fowler and Patterson; and Mayor White stated that they needed to get an inspector out and a report back; that they did have rules and when people built up their lots to flood their neighbors he knew they had red tagged them for enforcement; and said to Mr. Norman he wanted them to take a look at this and see what the situation was and whether there was compliance with the setback requirements. Council Members Lawrence, Holm, Garcia, Rodriguez, Noriega and Jones absent.

Upon questions by Council Member Brown, Mr. Kinchen stated that he had one lot 6,000 square feet and his two houses were still there; that they would be building behind him and were building on the side of him on Maxie going toward Patterson; and Council Member Brown stated that his situation was not unique, when they had building for more density coming into neighborhoods they were experiencing all kinds of problems and he thought it would help solve problems if Public Works would add to the design manual standards dealing with such issues; that putting culverts under driveways with open ditches was not working and drainage became non functional and they needed basic engineering design standards to alleviate such problems. Council Members Lawrence, Holm, Rodriguez, Noriega and Jones absent.

Mayor White stated that he was very familiar with the neighborhood and it was changing, but no one should be forced out; that first they would get a report back from Public Works on

building out to the lot line and he wanted someone to call him so he could give addresses of where he thought they should investigate and secondly, he knew they had red tagged, there were standards on what you could and could not do to build up your lot, but what they did not do as a city was require outside detention or greenspace for developments of less than a block and he was open to suggestions; and Mr. Kinchen stated from Yale to Shepherd and Washington across I-10 was West End and the whole area was built with town houses now and in the next 10 years there would not be homes, because people were having to sell and some were taking money below what they should; and Mayor White stated that some were taking money and selling their lots because the value had gone up and they made money they did not expect to make; and Mr. Kinchen stated that they tried to get a sign labeling their community and it was in the working for three years and the city had to give the okay to put it on I-10, it said West End Community established in 1800 and the hold up was the city; and Mayor White stated that it should not take three years for such a decision and he would like word from Public Works or Legal about it and a copy to him. Council Members Lawrence, Holm, Rodriguez, Noriega and Jones absent.

Council Member Garcia stated that his staff were on their way in to get particulars so they could follow-up with him. Council Members Lawrence, Holm, Rodriguez, Noriega and Jones absent.

Ms. Angela Ho, 9218 Sharpcrest, Houston, Texas 77026 (713-320-9067) appeared and stated that she lived in the Bellerive Senior Apartments and in November they had a fire and they were sent to the Hilton Hotel and they could not go back; that life was now difficult, she lost everything, her pictures, clothes, etc., and they would like the Housing Authority to give them their freedom back, the opportunity to go back and pick up their belongings. Mayor White, Council Members Lawrence, Sullivan, Holm and Noriega absent. Mayor Pro Tem Garcia presiding.

Council Member Khan thanked all who came today; that they were seniors and they were respected; that this was elderly housing behind Sharpstown Mall where there was a terrible fire last November and the Housing and Community Services department moved all residents to temporary housing and the department came up with plans to renovate the building so they could move back, but it took a lot longer than expected; that many had belongings in the building and the department was helping them retrieve the items; that he hoped they could expedite the renovation so they could permanently move back and that they could get their items; and upon questions, Ms. Ho stated that they talked about asbestos; that they did not allow those who lived on the fifth floor to go back, but she was on the north side and the north side was very clean; that instead of random samplings they wanted units they said were contaminated to be inspected to be sure there was contamination; that the fire was on the south side and the north side had nothing to do with it, they saw no smoke and wanted to go home; that Housing received a report in January and residents did not get one until last week. Council Members Sullivan, Holm and Noriega absent.

Council Member Jones stated that there were separate issues, one when they would get back in, but also their belongings; that the Houston Housing Authority contracted with a group and it was to find if there was contamination and they went out on January 11th with a representative of the Housing Authority and results was that nothing exceeded the OSHA total nuisance permissible and that none of the air contaminants detected exceeded any limits for the state; that another company said something different and based on her discussions with the residents was they just wanted their stuff; and Mayor White stated that to him it seemed like this, and if the Houston Housing Authority considered this a directive so be it, we lived in a country where there were fires and if they said to a citizen whose house burned down the government would prevent them from going back to recover their belongings it was pretty intrusive, if you wanted someone to say there may be asbestos and don't sue us then they were

warned, but it did not seem the role of government to tell someone they could not go back for their things; that he knew people with the Housing Authority were diligent and had a good heart but he had some suspension there was some legal council in what they did to limit liabilities, but if someone signed something saying they were told there may be asbestos and they wanted to get their belongings and would not sue; that they had to consider the circumstances of this case and he thought in a free country when a house burned down there had to be a good reason to prevent them from getting their property; that it did not mean to take money from another program. Council Members Holm, Noriega and Green absent.

Council Member Adams stated that she wanted to thank Mr. Horace Allison with the Houston Housing Authority for being present to help address needs; that she used to work at the Housing Authority and Bellerive was one of her properties and she knew they took great care of their seniors and knew Mr. Etuk and those there would do all they could to get this moving. Council Members Holm, Garcia, Noriega and Green absent.

Mr. Alexandro Mastache, 2602 Westglen #C20, Houston, Texas 77063 (832-212-5162) had reserved time to speak but was not present when his name was called. Council Members Holm, Garcia, Noriega and Green absent.

Mr. Robert Broussard, 6200 Marienette Drive, Houston, Texas 77036 (832-212-5762) had reserved time to speak but was not present when his name was called. Council Members Holm, Garcia, Noriega and Green absent.

Ms. Donna Sutton, 9400 Bellaire Blvd #303, Houston, Texas 77036 (713-339-1109) appeared and stated that she was a tenant of Bellerive on the eighth floor; that she was told her apartment was not damaged, but she left in her pajamas and slippers and you could not see in the hallway because of the smoke; that the Chinese community had a problem with language and she was hoping to speak for many of them also; that she was a senior but also disabled; that while in the hotel they were told the city would provide cleaning all their things in the apartment and delivered to their new homes and when Bellerive was ready the city or housing would move all back with their belongings, but now they said they would move nothing; that she went to try and get some belongings as they were told they could get four boxes but there was a form to sign that would not hold the Housing Authority liable for any smoke damage, any asbestos or anything missing and they had to sign it before they could get any belongings and she left under police guard to her car because she would not sign the form and went home and cried. Council Members Holm, Garcia, Brown and Noriega absent.

Upon questions by Council Member Khan, Ms. Sutton stated that they had received letters in the mail about moving back and no one could get their belongings without signing the letter; and Council Member Khan stated that he was led to believe there had been several meetings with residents; and upon further questions, Ms. Sutton stated that she went to a meeting last week but the City of Houston was not there; that they were to pay \$3,400 to clean it up and seniors did not have that money. Council Members Holm, Brown and Noriega absent.

Council Member Lovell stated there were a lot of issues and she would like to get to the bottom and asked Mayor White if they could have a special meeting between residents, Housing and Council Members to find resolution as they could not do that here; and Mayor White stated yes, that he talked to Ms. Stein about the appropriate form on that, on the day of the fire and several times after the management of Houston Housing Authority was very concerned and gave status reports to him and others, usually government does not keep people from getting their belongings, but neither does it pay to clean their belongings if they don't have home owners insurance; that was the general rule, that they were saying with sprinkler systems to rebuild it would be \$20,000 a unit and there was no money, there was funding cutbacks from the HHA from the federal government and he wanted residents to know that HHA and this city

had paid special attention to this and there was a problematic issue of residents being told they could get two boxes of valuables and then told the rest of the possessions would be cleaned and delivered or stored, but if someone wanted more than two boxes it should be able to be done. Council Members Holm, Brown and Noriega absent.

Council Member Adams stated that the Housing Authority was a separate entity from the City of Houston which provided subsidy housing or low income housing; and upon questions, Mayor White stated that they worked with the Housing Authority as colleagues, they served the same customers and it was a separate entity and he asked the City Attorney about reclaiming belongings with asbestos concern and that the release should not cover everything else; that the Housing authority said it would normally not do all cleaning, neither did apartments, that the budget had a hole for reconstruction of the building and it was being given serious consideration; that there was other assistance to them through other social service agencies, but if someone had a few precious things the government should be humble about them going back in because 60 years later they may be sued for asbestos. Council Members Holm, Brown and Noriega absent.

Council Member Clutterbuck stated that she was confused because the Houston Housing Authority had jurisdiction over this and it was an agency administering federal government monies and rules and that was why it appeared Council had their hands tied to an extent because they were not fully in charge; and Mayor White stated that was correct, but in fairness the Mayor appointed and Council confirmed the board and they tried not to micromanage, but did want to be sure everyone had a place to sleep; that they did have a policy and a budget and if the federal government denied money to fix and insurance companies denied claims then they could go to the City of Houston for some money and they had and they were looking at what the most appropriate source of that money was, so they were independent of the city, but he did not want to give the impression they could not do anything they could probably be persuasive if there was a policy Council thought should be advocated. Council Members Holm, Brown, Noriega and Green absent.

Ms. Dawn Thorne, 8625 Winkler #3110, Houston, Texas 77017 (281-706-6330) appeared and stated that she was president of the Resident Council for Bellerive and present as things needed to be cleared up; that residents were not allowed in the apartment because it was said there was asbestos, Housing released the asbestos report and tenants took it upon themselves to get independent consultation to see how valid it was and three independent companies stated the asbestos report was not valid, it did not show steps Housing was taking and secondly, tenants were told they had to pay approximately \$3,400.00 to get their things cleaned but they were given a mandate that if they did not get their things done by April they would be dispose of it; and third the stress on them was horrendous, they had six deaths and three attempted suicides in four months and there was no way with the timeline people could get their things and personal items meant so much and substantiated their life. Council Members Sullivan, Holm, Brown, Noriega and Green absent.

Mayor White stated that in dealing with this issue; that it was their experience in dealing with the federal government on asbestos that the federal government prevented the city from knocking down crack houses if they did more than one a year in a several square block area without doing an expensive environmental assessment and on this asbestos he thought people should be able to get their stuff. Council Members Johnson, Holm, Brown, Noriega and Green absent.

Council Member Jones stated that they were victims of fire and lost important things; that people lived as long as they had reason and sometimes when older it was easier to die once that will was lost and she hoped Council would find a way to help those needing help; and committed that her office would do all they could. Council Members Johnson, Holm, Brown,

Noriega and Green absent.

Council Member Lovell stated if a letter could be sent from the city stating no personal items be removed so issues could be resolved some would have peace of mind and would like someone to do an independent study on asbestos to say where they stood; and would like clarification on the \$3,400 residents were to pay; and Mayor White stated that policies were needed and they would be made by the Housing Authority, but the Housing Authority was hearing from him here that the ultimatum or deadline concerning property being disposed of was something which needed to be reconsidered; that on the asbestos they could hire a fourth consultant or take a look at it and understand risks and HUD rules and risks to the population and on the third thing if someone had a picture frame, etc., there should be a plan and waiver form to waive that claim and needed to figure if the money should be an expense by the individual, a nonprofit, etc., but should not be tossed out in April. Council Members Johnson, Clutterbuck, Holm, Brown, Noriega and Green absent.

Council Member Rodriguez stated that Ms. Thorne was now in his district and if they could help with anything she should call their office; and he would ask if Council Members could get a briefing on what was being done to mitigate some of the issues; and Mayor White stated okay. Council Members Johnson, Clutterbuck, Holm, Brown, Noriega and Green absent.

Mr. Joe H. Rafferty, 11923 Carriage Hill, Houston, Texas 77077 (281-870-8676) appeared and stated that he was with Environmental Services and did environmental work for the past 34 years and present to speak on the report; that Housing seemed to use it as a reason for all this today, they needed to leave, clean, etc., because of asbestos, but as far as he could see after reviewing the report it was valid and samples were taken and tested correctly as far as he knew and they were tested in a certified lab, and summarized their summary which was that the concentration of asbestos fibers were lower than the limit of detection or marginally higher than limit of detection and that low levels of asbestos fibers were common in furnishings and other building contents especially when in buildings with asbestos materials and this was an old building; that the highest level of asbestos fibers found were at the low end of the moderate range and most were lower than the limit of detection. Council Members Johnson, Clutterbuck, Holm, Brown, Noriega and Green absent.

Council Member Adams moved the rules be suspended for the purpose of hearing from Mr. Horace Allison, a representative of the Housing Authority, seconded by Council Member Garcia. Council Members Johnson, Clutterbuck, Holm, Brown, Noriega and Green absent.

Hearing no objections Mayor White allowed Mr. Rafferty to finish; and Mr. Rafferty stated that the fire was in 503 and the two units 403 and 203 and it was not detected anywhere else. Council Members Johnson, Clutterbuck, Holm, Brown, Noriega and Green absent.

A vote was called on Council Member Adams's motion. All voting aye. Nays none. Council Members Johnson, Clutterbuck, Holm, Brown, Noriega and Green absent. MOTION 2008-0195 ADOPTED.

Mr. Horace Allison appeared at the podium and upon questions by Council Members stated that since November 26th the Housing Authority had been proactive in dealing with residents concerns; that they housed them in a hotel and then moved some into private housing and the Housing Authority was paying almost \$900.00 a month for those families; that some were moved into apartment complexes and they were paying no more than they were at the time they were at Belerive, if there was a difference the Housing Authority was paying; that with the generosity of organizations some furniture was delivered and they provided case management services dealing with concerns; that a contract began on the north side of the building, the least damaged side, it was begun yesterday and would be completed this summer

and then they would be allowed to return, it was about 50% of the units; that the more extensive side they were working on plans with an architect to get bid for that; that floors one through five would have to be completely demolished and floors six through eight would be handled similarly to the north side; that anticipated completion of the southern half of the building was around fall of this year and regarding the environmental report he was advised not to discuss that because of potential litigation and having some asbestos was like being a little bit pregnant; that they heard the Mayor's comments and were trying to find the best balance in dealing with personal contents; that residents of the north side were able to get six boxes and many came; that because of environmental issues on the south side they had limited the number to two boxes because the Housing Authority was paying for the cleaning, they paid \$50,000 plus, but they did increase their boxes to six each, they only cleaned nonporous items that could be cleaned on site and out of the 61 families affected in the area some 43 came with a list of things to get and some were still not picked up; that the waiver was revised and it was a letter letting them know they were not taking responsibility for their goods and the acknowledgement they signed on the notice letter was simply acknowledgment that they received the notice and they provided translators and the notice in different languages; that the \$3,400 was to clean their contents and they had applied for grants, etc., to assist in that funding; that his personal opinion was even a little asbestos was dangerous and everything was contaminated; that the building contained eight floors and on the north side the items left would be moved into the center of the room and covered during construction as those items showed no contamination; that items on the south side on floors one through five would need to be cleaned or disposed of and handling them as a part of the construction debris was a completely different cost; that it was not an allowable expense to clean them but demolition debris was an eligible expense. Council Members Johnson, Clutterbuck, Sullivan, Holm, Brown, Noriega and Green absent.

Mayor White stated that a number of things would not be resolved today other than items would not be hauled away tomorrow; that in fairness the issue was for removal of items as debris they believed they could get reimbursed from insurance and would not lose money for other activities for their Housing Authority clients and it was a lesser cost than cleanup; that for \$2,000 times 60, nonprofit agencies provided an umbrella of relief in other cases and what the Housing Authority was facing was where did they get money to reconstruct and he would work with them, but there were cutbacks in funding and when insurance paid was not always when cost incurred and that was another factor. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Adams thanked Mr. Allison for addressing Council and stated that she would request he provide the District Council Member, Council Member Khan, with a written time line so he would be able to address such with constituents who called; and upon questions, Mr. Allison stated that he was senior vice president of the Housing Authority and primarily handled all construction and development work. Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. (NO QUORUM PRESENT)

Mr. Alexandro Mastache, 2602 Westglen #C20, Houston, Texas 77063 (832-212-5162), who had not heard his name when previously called, appeared and stated that he was a resident of Bellerive and his apartment was on the fifth floor a few apartments from where the fire started; that they were moved and thought they could order food to their room but were told they had to go down and some required special diets, it was a broken promise and they were not fully furnished and had no television or phone; that he had a letter of November 29th and nothing was true. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Garcia stated that as he heard from the discussion over the last couple of hours it was a difficult circumstance, but they received much attention to this issue, it was discussed with the Mayor early this morning and he had been working on it since; and although they could not give answers at this moment they could be assured work was being done to get all answers. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Mr. Russell Hankins, 806 Saybrook, Houston, Texas 77024 (713-465-8542) appeared, presented information and stated that he wanted Mayor White present as he saw he was to be on a distinguished panel with Robert Redford and others Thursday night at the Wortham and he wanted to congratulate him; that they were to discuss the proposed TXU coal plants and protecting land and environment and Center Point Energy was determined to butcher, slaughter, etc., beautiful mature trees; that until last Monday he had 11 of 125 year old pine and oak trees and Center Point butchered them taking all limbs off one side and destroyed nature's balance and Monday trucks along with police pulled up ringing his door bell and he showed what happened and that he filed an appeal with the Texas Public Commission in Austin requesting facts be examined and an arbitrator assigned and the Center Point Director, Brad Tutunjian, just sneered and said it would be four to six weeks before he would hear from them and they were going to go on now and his appeal was ignored; that his trees were grandfathered, they existed long before the lines were erected and had never been a problem and instead of trimming they just cut them all off and he was furious. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Khan, Holm, Rodriguez, Brown, Noriega, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Garcia stated that they would make sure his documents got into the right hands. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Khan, Holm, Rodriguez, Brown, Noriega, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Ms. Sherry Washington, 8507 Cottage Gate, Houston, Texas 77088 (281-780-2333) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Khan, Holm, Rodriguez, Brown, Noriega, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

President Joseph Charles, who was previously added to the speakers list, appeared and stated that all were aware of his crime victim case pending; that he was the official U. S. President; he was addressing cash funds released by Bill White to Harris County via Judge Eckles in the sum of \$8 million which was being criminally withheld; being falsely arrested October 16th; and continued expressing his personal opinions until his time expired. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Mr. James Partsch Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) appeared and stated that he wished Kim, in the City Secretary's Office, a happy birthday; that he was proud to be an Obama delegate; that there was no toilet paper at the Mykawa City Jail; that when he became Mayor he would fire head of the Mykawa station; and continued expressing his personal opinions until his time expired. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Mr. Anthony Hurman, 13339 Lakeside Terrance Drive, Houston, Texas 77044 (281-454-5797) appeared and stated that he was a native Houstonian, married 30 years and this was his third time before Council; that he drove a truck for a living and in August he was coming home

with pipes and a white male was speeding and tailgating a car beside him about three feet and cut in front of him and when he started blowing he started riding his breaks; and his time expired. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

At 5:38 p.m. City Council recessed until 9:00 a.m., Wednesday, March 26, 2008. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Khan, Holm, Rodriguez, Brown, Noriega and Green absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

The Houston City Council reconvened at 9:00 a.m. Wednesday, March 26, 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, Adrian Garcia, 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.

At 9:23 a.m. Mayor White called the meeting to order. Council Members Sullivan, Garcia, Green and Jones absent.

MAYOR'S REPORT - Project Houston Hope

Mayor White stated that often people ask what he wanted to try to accomplish with the City Council and the City employees in these years of term limits where they could count the months that they had to finish their job, that obviously City government, the basics, public safety, keeping water sewer and picking up the garbage were the number one in this and every administration, but there was sometimes where they had a chance to do something special, that Houston Hope was one of those things and it had taken a lot of work to accumulate vacant properties, to tear down crack houses, to come into neighborhoods that had been neglected and put in infrastructure, that they would get a status report from the huge team who had worked on it, that they had identified neighborhoods based on objective criteria, that unfortunately they had to have a lot of abandoned properties that were not paying taxes, crime to high, illegal dumping and infrastructure that had been dilapidated to get there, but they did have neighborhoods that met that criteria that were close to major employment centers where a lot of good people had a sense of civic pride and continuity and they were coming back, that it was not just programs like LARA, although that was part of it, it was also what they were doing with public safety, with infrastructure, with homebuilding on lots that were not LARA owned lots and what they were doing with communities there; and recognized Mr. Chris Butler, Special Assistant on Housing, single family housing in particular, and Mr. Juan Chavez, who headed their Mortgage Assistance and Homebuyers Assistance Program for a presentation. Council Members Garcia and Green absent.

Mr. Butler and Mr. Chavez reviewed a presentation titled "Houston Hope", a copy of which is on file in the City Secretary's office for review. Council Members Garcia, Lovell and Green absent.

Mayor White stated that they had about 50 grandfathered hourly motels in and around their Houston Hope neighborhoods and with the assistance of the City Attorney he thought they ought to have a hearing with the owners, maybe several hearings because there were a lot of owners, that he would like to understand their business plan and what they had done to help the neighborhood recently, that they would give him some assistance from Neighborhood Protection, HPD, photographs, recordings, records about Hot Taxes they paid, that he thought

they could use some help because he would like to understand what they thought the business plan was, that he was not saying they were going to regulate every part of human conduct, he was just saying that there were some things that should not be done in the middle of neighborhoods, that was an impediment to their going forward when they had some of these types of properties, that one of them they tried to buy out of foreclosure, they had not paid taxes for years, and somebody walked in and said they did not have the money and two days before they walked in and had the check last month, what was the business plan for that property, that he was not saying they did not have a right but the City had a right to know what their plan was. Council Members Garcia and Green absent.

Members of the City Council thanked and Mr. Chavez and Mr. Butler for the presentation and commended all who were involved with the program, and Council Member Clutterbuck stated that HISD should be involved with the Houston Hope Program to let young families know where the schools were in the Houston Hope area; and Council Member Khan asked if the City of Houston employees received down payment assistance, and Mayor White stated yes, but not on any preferential basis than any other citizen; that maybe at the next forum such as this maybe Ms. Clark and some of the personnel from the three school districts affected could be present, that there had been some dialog but there had to be more. Council Members Holm, Garcia and Noriega absent.

After further discussion by Council Members, Mayor White stated that people should note if they drove down some of those streets virtually every house had been built by many different builders, that he thought all that he knew of were built by firms that were owned by a minority, and a majority were female, that they were all minority builders and it was not because they had excluded anybody from the program it was because there was a whole group of entrepreneurs in the City that were coming along and saw an opportunity to build infield, that he would ask Council Members, and stated to Mr. Butler that they would work within the next week, to maybe sign a letter, and stated to Ms. Stein that there were going to be a couple of changes that they put on the agenda to simplify things for builders and for him and all Members of City Council to do a "to whom it may concern" to all homebuilders in their community saying that they really encourage their participation in the program, to please take a look at the program, that there may be some who had not built within the city limits because they had some stereotypes, but if they would help him do that, that they would not coerce anybody to do anything but right now there were some people who were still sitting on the sidelines and they had hundreds of lots to be built. Council Member Johnson absent.

Council Member Rodriguez moved to suspend the rules to consider Item No. 72 out of order at the end of the consent agenda, seconded by Council Member Garcia. All voting aye. Nays none. MOTION 2008-0196 ADOPTED.

Council Member Lovell moved to suspend the rules to consider Item Numbers 35 and 35a after the miscellaneous items removed for separate consideration, seconded by Council Member Garcia. All voting aye. Nays none. MOTION 2008-0197 ADOPTED.

CONSENT AGENDA NUMBERS 1 through 67

MISCELLANEOUS – NUMBER 4

4. RECOMMENDATION from Director General Services Department for approval of Computer Image for Dedication Plaque for Townwood Park, WBS F-504C12-0001-4 - **DISTRICT D – ADAMS** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. MOTION 2008-0198 ADOPTED.

DAMAGES - NUMBER 6

6. RECOMMENDATION from City Attorney for settlement of lawsuit styled **FREDERICK MORGAN and LINDA MORGAN v. the City of Houston**; in the Civil District Court 189th Judicial District of Harris County, Texas; Cause No. 2006-05404 - \$110,000.00 - Property and Casualty Fund – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. MOTION 2008-0199 ADOPTED.

ACCEPT WORK – NUMBER 8

8. RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$2,764,548.26 and acceptance of work on contract with **W. W. WEBBER, LLC (previously known as W. W. WEBBER, INC)** for Construction of Taxi Lane "K" at Ellington Field (EFD), Project No. 626; WBS A-000544-0001-4-01 and A-000544-0001-4-02- 1.41% over the original contract amount - **DISTRICT E - SULLIVAN** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. MOTION 2008-0200 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 14 through 23

14. ORDINANCE appropriating \$99,638.04 out of Fleet/Equipment Acquisition Internal Services Fund for the purchase of Cabs and Chassis with Utility Bodies for the Fire Department – was presented. All voting aye. Nays none. ORDINANCE 2008-0222 ADOPTED.
- 14a. **PHILPOTT MOTORS, LTD** for purchase of Cabs and Chassis with Utility Bodies for the Fire Department through the Texas Local Government Purchasing Cooperative – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. MOTION 2008-0201 ADOPTED.
15. ORDINANCE appropriating \$118,917.06 out of Parks Consolidated Construction Fund for purchase of a Pre-Engineered Building for the Lee and Joe Jamail Skatepark WBS F-000560-0001-4 under an existing contract with the State of Texas Building and Procurement Commission **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. ORDINANCE 2008-0223 ADOPTED.
- 15a. **ROMTEC, INC** for purchase of a Pre-Engineered Building from the State of Texas Building and Procurement Commission's Contract for the Park and Recreation Department – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. MOTION 2008-0202 ADOPTED.
16. **WHITE-TUCKER COMPANY** for purchase of Fuel Storage Tanks for the General Services Department - \$123,582.36 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. MOTION 2008-0203 ADOPTED.
17. ORDINANCE appropriating \$150,000.00 out of Public Health Consolidated Construction Fund and \$11,863.00 out of General Improvements Consolidated Construction Fund for purchase of furniture for the Department of Health and Human Services and Municipal Courts Judicial Department; WBS H-000068-0002-5, D-000105-0001-5 - **DISTRICTS B - JOHNSON and H - GARCIA** – was presented. All voting aye. Nays none. ORDINANCE 2008-0224 ADOPTED.
- 17a. **CONTRACT RESOURCE GROUP, LLC** for purchase of Furniture through the State of

Texas Building and Procurement Commission's Contract for the Health and Human Services and Municipal Courts Judicial Departments – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. MOTION 2008-0204 ADOPTED.

19. **BASIC INDUSTRIES, INC** for Asbestos Abatement, Demolition and Site Clean-up Services for Police Department - \$116,008.00 and contingencies for a total amount not to exceed \$121,808.40 Dangerous Building Consolidated Fund - **DISTRICTS B - JOHNSON, E - SULLIVAN and H - GARCIA** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. MOTION 2008-0205 ADOPTED.
20. **PHILPOTT MOTORS, LTD** for purchase of Truck with an Aerial Manlift through the Texas Local Government Purchasing Cooperative for the Houston Police Department - \$77,000.00 High Intensity Drug Trafficking Area Grant Fund – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. MOTION 2008-0206 ADOPTED.
21. **PIXELPUSHERS, INC d/b/a CIVICA SOFTWARE** for purchase of Automated License Plate Recognition Camera Systems for the Police Department - \$141,115.80 - Homeland Security Grant Fund – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. MOTION 2008-0207 ADOPTED.
22. ORDINANCE appropriating \$1,606,731.12 out of Fleet/Equipment Acquisition Internal Services Fund for the purchase of Automobiles, Vans, Pickup Trucks, and Associated Equipment for the Police and Fire Departments – was presented. All voting aye. Nays none. ORDINANCE 2008-0225 ADOPTED.
- 22a. **PHILPOTT MOTORS, LTD** - \$1,388,112.64 and **DALLAS DODGE CHRYSLER JEEP** - \$161,936.00 for purchase of Automobiles, Vans and Pickup Trucks through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for the Police and Fire Departments – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. MOTION 2008-0208 ADOPTED.
23. **AZTECA SYSTEMS, INC** for purchase of Software Upgrade for the Department of Public Works & Engineering - \$310,916.50 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. MOTION 2008-0209 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 31 through 61

31. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a portion of a 10-foot-wide utility easement and the attendant aerial easement (Parcel SY7-015), containing 0.1914 acre (8,336 square feet) of land, more or less, vacating and abandoning said tract of land to Family Warehouses, Ltd., abutting owner, in consideration of said owner's dedication of a 10-foot-wide utility easement (Parcel VY7-022) containing 0.0389 acre (1,694 square feet) of land, more or less, both being located in Reserve "X" of Westbury South, a subdivision recorded at Volume 56, Page 1, Harris County Map Records, in the J. P. Keating Survey and the H. T. & B. R. R. Co. Survey, A-1, Harris County, Texas, payment of \$10,420.00, and other consideration to the City - **DISTRICT C - CLUTTERBUCK** – was presented. All voting aye. Nays none. ORDINANCE 2008-0226 ADOPTED.

32. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a portion of Look Road (Parcel SY6-096) between Old Katy Road and Bunker Hill Road located in the Thomas A. Hoskins Survey, A-342, Houston, Harris County, Texas, containing 0.6540 acre (28,486 square feet) of land, more or less; vacating and abandoning said tract of land to Jim R. Smith, abutting owner, in consideration owner's conveyance to the City of a sanitary sewer easement (Parcel DY8-030), also located in said Thomas A. Hoskins Survey, A-342, containing 0.1394 acre (6,073 square feet) of land, more less, and owner's payment to the City of \$623,353.00 - **DISTRICT A - LAWRENCE** – was presented. All voting aye. Nays none. ORDINANCE 2008-0227 ADOPTED.
33. ORDINANCE consenting to the addition of 24.60 acres of land to **MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 94**, for inclusion in its district – was presented. All voting aye. Nays none. ORDINANCE 2008-0228 ADOPTED.
34. ORDINANCE consenting to the addition of 33.65 acres of land to **SPENCER ROAD PUBLIC UTILITY DISTRICT**, for inclusion in its district – was presented. All voting aye. Nays none. ORDINANCE 2008-0229 ADOPTED.
36. ORDINANCE approving and authorizing an application to the Office of the Governor, Criminal Justice Division, for assistance under the Juvenile Accountability Block Grant Program; declaring the City's eligibility for such grant; authorizing the Mayor or His Designee to act as the City's Representative in the application process, with the authority to approve, accept, reject, alter or terminate such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the program - \$131,401.00 Grant Fund - \$51,578.00 - General Fund – was presented. All voting aye. Nays none. ORDINANCE 2008-0230 ADOPTED.
38. ORDINANCE amending City of Houston Ordinance No. 2003-620, passed on June 25, 2003, which approved and authorized the submission of the 2003 Consolidated Plan to the United States Department of Housing and Urban Development, including a grant application for the twenty-ninth year of the Community Development Block Grant ("CDBG") Program, among others – had been pulled from the Agenda by the Administration, and was not considered.
40. ORDINANCE approving and authorizing an agreement between the City of Houston and **MULTICULTURAL EDUCATION AND COUNSELING** through the Arts to provide \$500,000.00 in Community Development Block Grant (CDBG) Funds for Renovation work at the Historic Dow School located at 1900 Kane Street, Houston, Texas - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. ORDINANCE 2008-0231 ADOPTED.
42. ORDINANCE approving and authorizing resolution and submission of an Urban Indoor Recreation Grant Application, in substantially the form attached hereto, by the Parks and Recreation Department to the Texas Parks and Wildlife Department (TPWD), authorizing the Mayor to sign the Resolution and committing matching funds for the **SAGEMONT PARK INDOOR RECREATION PROJECT - DISTRICT E - SULLIVAN** – was presented. All voting aye. Nays none. ORDINANCE 2008-0232 ADOPTED.
43. ORDINANCE approving and authorizing first amendment to the concession agreement (C#50257) between the City and **RMG, INC** for providing Concession and Vending Services at the Memorial Park Tennis Center - 6 Months - Revenue - **DISTRICT G - HOLM** – was presented. All voting aye. Nays none. ORDINANCE 2008-0233

ADOPTED.

46. ORDINANCE awarding contract to **PHONOSCOPE COMMUNICATIONS, INC** for an internet service provider for the Information Technology Department; providing a maximum contract amount - 3 Years with two one-year options - \$580,692.00 - Central Services Revolving, HALAN and Greater Houston TranStar & Emergency Center Funds – was presented. All voting aye. Nays none. ORDINANCE 2008-0234 ADOPTED.
47. ORDINANCE amending Ordinance Number 2004-0207 to increase the maximum contract amount; approving and authorizing first amendment to contract between the City and **JEFFERSON WELLS INTERNATIONAL** for Payable Cost Recovery Services (#55769) \$300,000.00 - General Fund – had been pulled from the Agenda by the Administration, and was not considered.
48. ORDINANCE approving and authorizing Service Level Agreement between the City of Houston and **BEARINGPOINT, INC** to provide Online Payment Services for the Municipal Court Administration, Convention and Entertainment Facilities, and Administration and Regulatory Affairs and Planning and Development Departments - Revenue – was presented. All voting aye. Nays none. ORDINANCE 2008-0235 ADOPTED.
49. ORDINANCE approving and authorizing contract with **ARMOR HOLDINGS PRODUCTS, LLC** for Bullet-Resistant Body Armor for the Houston Police Department; providing a maximum contract amount - 5 Years - \$4,875,713.00 - General and Asset Forfeiture Funds – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.
50. ORDINANCE approving and authorizing contract between City of Houston and **CONCENTRA HEALTH SERVICES, DBA CONCENTRA MEDICAL CENTERS** for Occupational Medical Testing Services for Various Departments; providing a maximum contract amount - 3 Years with two one-year options - \$1,205,859.00 - General and Enterprise Funds – was presented. All voting aye. Nays none. ORDINANCE 2008-0236 ADOPTED.
55. ORDINANCE appropriating \$110,000.00 out of Reimbursement of Equipment/Projects Fund, awarding Construction Manager At Risk Contract to **SPAW GLASS CONSTRUCTION CORPORATION** for New Kingwood Library; WBS E-000097-0001-4 - **DISTRICT E - SULLIVAN** – was presented. All voting aye. Nays none. ORDINANCE 2008-0237 ADOPTED.
56. ORDINANCE appropriating \$805,555.00 out of Reimbursement of Equipment/Projects Fund and approving and authorizing Professional Architectural Services Contract between the City of Houston and **PERKINS + WILL, CRA, L.P.** for Design of Midwest Police Station - District 18; WBS G-000120-0001-3; providing funding for the Civic Art Program and contingencies relating to construction of facilities financed by the Reimbursement of Equipment/Projects Fund **DISTRICTS C - CLUTTERBUCK, F - KHAN and G -HOLM** – was presented. All voting aye. Nays none. ORDINANCE 2008-0238 ADOPTED.
58. ORDINANCE appropriating \$2,277,587.00 out of Airports Improvement Fund; WBS A-000475-0001-4-01; and awarding construction contract to **TJ&T ENTERPRISES, INC** for Wetlands Creation at Westside Mitigation Area, (Project No 586A), setting a deadline for TJ&T Enterprises, Inc execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding TJ&T Enterprises, Inc in default if it fails to meet the deadlines, providing funding for engineering testing services and for

contingencies relating to construction of facilities financed by such funds – was presented. All voting aye. Nays none. ORDINANCE 2008-0239 ADOPTED.

59. ORDINANCE amending Ordinance Number 80-130 to correct Items No. 73 and No. 74 to reflect no assessment, as the owners, Jerry Crawford, Jr. and wife, Alzena Crawford were not properly notified of the hearing on benefits, which negates the validity of the paving assessment lien against their properties, Lots 4, 7 and 8, Block 23, Pinecrest Court Section 3 - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. ORDINANCE 2008-0240 ADOPTED.
60. ORDINANCE appropriating \$1,663,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing professional engineering services contract between the City of Houston and **CHIANG, PATEL & YERBY, INC** for Intercontinental Airport Wastewater Treatment Plant Improvements; WBS R-000265-0060-3; providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. ORDINANCE 2008-0241 ADOPTED.
62. ORDINANCE granting to **CLEANSERVE, INC., a Texas Corporation**, the right, privilege and franchise to collect, haul and transport Solid Waste and Industrial Waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **FIRST READING** – was presented. All voting aye. Nays none. ORDINANCE 2008-0242 PASSED FIRST READING IN FULL.
63. ORDINANCE granting to **TROY CONSTRUCTION, LLC, a Texas Limited Liability Corporation**, the right, privilege and franchise to collect, haul and transport Solid Waste and Industrial Waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **FIRST READING** – was presented. All voting aye. Nays none. ORDINANCE 2008-0243 PASSED FIRST READING IN FULL.
64. ORDINANCE No. 2008-205, passed first reading March 12, 2008
ORDINANCE granting to **AAA FLEXIBLE PIPE CLEANING CO., INC., a Texas Corporation**, the right, privilege and franchise to collect, haul and transport Solid Waste and Industrial Waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **SECOND READING** – was presented. All voting aye. Nays none. ORDINANCE 2008-0205 PASSED SECOND READING IN FULL.
65. ORDINANCE No. 2008-206, passed first reading March 12, 2008
ORDINANCE granting to **CLEAN PIPE OF TEXAS, L.P., a Texas Limited Partnership**, the right, privilege and franchise to collect, haul and transport Solid Waste and Industrial Waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **SECOND READING** – was presented. All voting aye. Nays none. ORDINANCE 2008-0206 PASSED SECOND READING IN FULL.
66. ORDINANCE No. 2008-207, passed first reading March 12, 2008
ORDINANCE granting to **EVERGREEN ENVIRONMENTAL SERVICES, LLC, a Texas**

Limited Liability Corporation, the right, privilege and franchise to collect, haul and transport Solid Waste and Industrial Waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **SECOND READING** – was presented. All voting aye. Nays none. ORDINANCE 2008-0207 PASSED SECOND READING IN FULL.

67. ORDINANCE No. 2008-208, passed first reading March 12, 2008
ORDINANCE granting to **HAMMERHEAD INDUSTRIAL, INC., a Texas Corporation**, the right, privilege and franchise to collect, haul and transport Solid Waste and Industrial Waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **SECOND READING** – was presented. All voting aye. Nays none. ORDINANCE 2008-0208 PASSED SECOND READING IN FULL.
72. ORDINANCE approving and authorizing agreement between the City of Houston and **HOUSTON AREA COMMUNITY DEVELOPMENT CORPORATION** authorizing \$3,000,000.00 in Home Investment Partnerships (HOME) Funds for the rehabilitation of a fifty-seven (57) unit single room occupancy complex located at 1414 Congress Street - **DISTRICT I – RODRIGUEZ – (This was Item 37 on Agenda of March 12, 2008, TAGGED BY COUNCIL MEMBER JONES)** – was presented.

Council Member Rodriguez stated that he wanted to thank Mr. Sampley, Mr. Celli and New Hope Housing for coming by and discussing the item with him, that he intended to support the item because it was a preexisting item, but he would like to express his concern with a number of SRO facilities, soup kitchens and other type of ministries in District I, that he received several complaints on a weekly basis about the transients that it brought to the neighborhood, that he would like to work with the administration and the programs to try to consolidate these facilities into a central location and to get some of the soup kitchens out of the neighborhoods and into a better facility, that he wanted to work with the administration on the upcoming projects.

Mayor White stated that one way to address that issue was to have a place for people to have a roof over heads and have some people work with them with specialized services, some times mental health and alcohol and drug, and get them employed, but if there was community opposition to those facilities then there would be more people being served at least at soup kitchens, or living on the streets, and in many cases they had seen those places become magnets of crime, for example copper theft, they knew the way the copper rings work, that for them to help him think through that problem, because it was in several of their districts, particularly those immediately around the Central Business District, if they had a circle around there they would see the same issue, but unless they had SRO's then it was more on the streets, so that was what they were trying to work on; and Council Member Rodriguez stated that he would also like to encourage the administration to look at other districts besides District I, they had their fair share, and Mayor White stated there may that there were some things that were not as close to the Central Business Districts where the SRO's were located and they needed to be thinking about some things like that.

After further discussion a vote was called on Item No. 72. All voting aye. Nays none. ORDINANCE 2008-0244 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

1. REQUEST from Mayor for confirmation of the appointment of the following to the **BUILDING AND STANDARDS COMMISSION:**

PANEL 2

Position B2- **MS. JENIFER RENÉ POOL**, for a term to expire December 31, 2009

- was presented, moved by Council Member Lovell, seconded by Council Member Garcia. All voting aye. Nays none. MOTION 2008-0210 ADOPTED.

Mayor White and Members of Council congratulated Ms. Pool on her appointment and requested that she stand and be recognized.

2. REQUEST from Mayor for confirmation of the appointment of the following to the **REINVESTMENT ZONE NUMBER FIFTEEN, CITY OF HOUSTON, TEXAS (EAST DOWNTOWN ZONE) BOARD OF DIRECTORS**, for terms to expire July 6, 2009:

Position Three - **MS. JILL JEWETT**

Position Five - **MS. TINA ARIAS PETERMAN**

- was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. MOTION 2008-0211 ADOPTED.

3. RECOMMENDATION from Mayor's Office of Government Affairs for Membership with the **GULF COAST REGIONAL MOBILITY PARTNERS** - 1 Year - \$75,000.00 - General Fund - was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. MOTION 2008-0212 ADOPTED.

5. RECOMMENDATION from Chief of Police for Extension of Injury on duty leave for Officer **LEROY U. WEAVER** - was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. MOTION 2008-0213 ADOPTED.

35. ORDINANCE approving, authorizing and ratifying a Meet and Confer Agreement between the City of Houston and the **HOUSTON ORGANIZATION OF PUBLIC EMPLOYEES**, as the sole and exclusive bargaining agent for all municipal employees in the bargaining unit; providing for severability – was presented.

Mayor White and Members of Council congratulated everyone who participated in the efforts for the contract and recognized the Members of HOPE who were present in the audience.

A vote was called on Item No. 35. Council Members Lawrence and Sullivan voting no, balance voting aye. ORDINANCE 2008-0245 ADOPTED.

- 35a. ORDINANCE amending Exhibit "A" of City of Houston Ordinance No. 90-1292 (as amended by City of Houston Ordinance No. 2008-530), and Exhibit "B" of City of Houston Ordinance No. 2007-390 to amend the Master Classification Ordinance to revise the pay grade minimums and structure for certain classifications and increase pay grade maximums for all pay grades to reflect the compensation programs in the Meet and Confer Agreement between the City of Houston and the **HOUSTON ORGANIZATION OF PUBLIC EMPLOYEES**; add one job classification substituting the amended exhibits as part of the current master classification listing; providing for severability - was presented. A vote was called on Item No. 35. Council Members Lawrence and Sullivan voting no, balance voting aye. ORDINANCE 2008-0246 ADOPTED.

ACCEPT WORK

7. RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$9,742,875.33 and acceptance of work on contract with **W. W. WEBBER, LLC (previously known as W. W. WEBBER, INC)** for Demolition of Concourse "B" at William P. Hobby Airport (HOU), Project No. 417M; WBS A-000141-0005-4-01 - 6.14% over the original contract amount **DISTRICT I - RODRIGUEZ** - was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. MOTION 2008-0214 ADOPTED.
9. RECOMMENDATION from Director Houston Airport System for approval of final contract amount of \$27,328,690.09 and acceptance of work on contract with **W. W. WEBBER, LLC (previously known as W. W. WEBBER, INC)** for SMGCS/Civil Site Work for the Instrument Landing System CAT III for Runway 4-22, Project No. 566B and Airfield Pavement Rehabilitation, Project No. 566, both Projects at William P. Hobby Airport (HOU); WBS A-000385-0002-4-01 0.31% under the original contract amount - **DISTRICT I - RODRIGUEZ** - was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. MOTION 2008-0215 ADOPTED.
10. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$676,101.83 and acceptance of work on contract with **SPRING EQUIPMENT CO., INC** for Neighborhood Solid Waste Depository, WBS L-000043-0001-4 - 0.75% over the original contract amount - **DISTRICT I - RODRIGUEZ** - was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. MOTION 2008-0216 ADOPTED.
11. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$5,140,737.00 and acceptance of work on contract with **GILBANE BUILDING COMPANY** for Looscan Branch Library Replacement, WBS E-000095-0001-4 - 1.08% over the original contract amount - **DISTRICT G – HOLM** - - was presented, moved by Council Member Khan, seconded by Council Member Garcia.

Council Member Adams stated that yesterday they had the opportunity to discuss Item No. 11 and she wanted to bring to the Council Members attention that when contracts were being awarded and when they were looking at other subcontracts to make sure that they had the City of Houston certification so that they would not have any mistakes because this particular contractor used a company that was only HUD certified but did not have the City of Houston certification and also they needed to look at the history of doing business with the City because this particular contractor, since 2000, they had used them for 9 projects and out of the 9 times for 6 they received unsatisfactory, that they even received unsatisfactory in the contract compliance area, so she thought when they were working with the businesses and companies they really needed to look at the history and their MWBE participation, and to make sure when they were soliciting for subs that they make sure that they were Houston certified; that when they were unsure to go on the City's website and make sure they were one of their certified sub contractors, and Mayor White stated that he wanted to thank Council Member Adams for what she had stated and he was taking notes.

A vote was called on Item No. 11. All voting aye. Nays none. MOTION 2008-0218 ADOPTED.

12. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$5,014,115.14 and acceptance of work completed by

the **Surety, ST. PAUL FIRE AND MARINE INSURANCE COMPANY** on contract awarded to **CONTRACTOR TECHNOLOGY, LTD.**, for 36-inch Water Line along Hillcroft Ave., Holly Dunlap, and N. Braeswood Blvd. from Bissonnet to N. Braeswood Blvd., WBS S-000900-0089-4 - 4.91% under the original contract amount - **DISTRICTS C - CLUTTERBUCK and F - KHAN** - was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. MOTION 2008-0218 ADOPTED.

PROPERTY

13. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from Karen Riddle, Abel Permits, on behalf of Pedro Arreguin, for abandonment and sale of ±21,760-square-foot of excess dedicated Dacoma Street right-of-way from Hurfus Street to Karbach Street, adjacent to Lot 75 of the Eureka Acres Subdivision, Parcel SY8-010 - **APPRAISERS - DISTRICT H - GARCIA** - was presented, moved by Council Member Khan, seconded by Council Member Garcia.

Council Member Lawrence stated that she would tag the item and would like to see what kind of restrictions they were going to put on the signage, that the backup talked about a sign being put there and it was next to a very nice Compass Bank and across from Sterling Bank and the last thing they wanted was a billboard, that it said on premise sign but was that in writing, she did not know, how big could the sign be, she did not know, but she was very concerned with that area; that she would like to see some restrictions put on the property they were selling.

Mayor White stated that the item had been tagged, and that they would work on it.

PURCHASING AND TABULATION OF BIDS

18. ORDINANCE appropriating \$1,150,000.00 out of Public Library Consolidated Construction Fund to Purchase Equipment to support the new services provided as part of the Renovations to Jones Central Library; WBS E-000011-0001-5-01 – was presented. All voting aye. Nays none. ORDINANCE 2008-0247 ADOPTED.
- 18a. **CULTURAL SURROUNDINGS** for purchase of Equipment at Jones Central Library through the Local Government Purchasing Cooperative - was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. MOTION 2008-0219 ADOPTED.
24. **AMEND MOTION #2008-0113, 2/6/08**, to increase spending authority for purchase of Professional Advertising Services from **GREATER HOUSTON CONVENTION AND VISITORS BUREAU** for advertising for Houston Police Department Recruiting Program - \$210,000.00 General Fund - was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. MOTION 2008-0220 ADOPTED.

RESOLUTIONS AND ORDINANCES

25. RESOLUTION regarding assurances to the NFL concerning support for **SUPER BOWL XLVI** – was presented. All voting aye. Nays none. RESOLUTION 2008-0008 ADOPTED.
26. ORDINANCE **AMENDING CHAPTER 28 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to convenience stores; containing findings and other provisions relating to the foregoing subject; providing for severability – was presented.

After discussion by Council Members, Mayor White stated that he was sort of concerned when they convened the task force that they do something that was effective, that they avoid one size fits all if it did not fit and that they do things where they considered what the cost was for those providing services, that he would tell them that he got a note from Bill Hobby along with a study that was done in another city where they had done a statistical analysis of which convenience stores with which characteristics were likely to be the magnets for crime, victimizing both the clerks and those who patronized it and then Jenny Bailey and Chief Trevino did their own statistical analysis and one thing that they found was that there were places that were magnets of crime throughout the City unfortunately and there were places that were safe that were in some of the most crime stricken neighborhoods, that it was a surprise to them, these were what the numbers told them and finally they saw some of the things that the safer places had in common, that the cost was not just the cost to the store owner, that when somebody was stabbed and went down to Ben Taub and then there was the human, emotional and taxpayer cost and a law enforcement cost in the investigation and there was a cost also in the feeling and fear and security of the community, some of the basic items, a drop safe, \$150, surveillance camera system, \$1,000, a silent alarm system, \$300 for installation and the alarm fees, so he thought they did a balance and that was why they had not addressed lighting yet because they did not want to do one size fits all and how do they measure it, etc., that all of the law enforcement and others knew that good lighting was the secret but they did not know the formula yet and he really commended everybody for their participation. Council Members Johnson, Adams, Garcia and Rodriguez absent.

After further discussion by Council Members, Council Member Clutterbuck stated that one of the items was that they were requiring employee, manager and supervisor safety training at least annually and asked what exactly was the safety training, that she did not see it defined more specifically than it was in the ordinance, and Council Member Khan stated that there was a training video which was developed by HPD, that it had been there for some time now and HPD made a tremendous effort to distribute it to the convenience stores and the trade groups to have their people trained, that he believed that it was less than an hour video and that was what was required, but through the ordinance they were also requiring documentation for that, that they had to let their employees watch it and document as to what day and name, that it was not a huge training program, that HPD had the video and was developed about six or seven years ago, that Office Sidiki did a good job in distributing it to various convenience stores, that it was not something new. Council Members Rodriguez and Noriega absent.

A vote was called on Item No. 26. All voting aye. Nays none. Council Members Rodriguez and Noriega absent. ORDINANCE 2008-0248 ADOPTED.

27. **ORDINANCE AMENDING CHAPTER 8 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to mobile automobile repair businesses and the licensing thereof; containing findings and other provisions relating to the foregoing subject; providing for severability – was presented. All voting aye. Nays none. Council Member Noriega absent. ORDINANCE 2008-0249 ADOPTED.

28. ORDINANCE amending Section 10-551 of the Code of Ordinances, Houston, Texas, relating to compliance with deed restrictions involving certain fences; containing other provisions relating to the foregoing subject; providing for severability – was presented.

Upon questions by Council Member Holm, Mayor White requested that the City Attorney inform him and others of what remedies would be available to them if they felt that there was a false statement on a government record, that there was probably something that could be done, that if Council Member Holm could walk them through two or three clear cases he would appreciate it and then they would figure out what a remedy was, and Mr. Michel stated that there were some things they had in the works now that were going to involve what would work

with the Public Works process, that he thought that with the District Attorney, one issue was that he would like more specificity on the things that were most common, the set backs and the things that typically made up these types of violations, that he could prepare a memo by the next Council meeting that could show some alternatives and perhaps go into some of the case studies that they were talking about to get some feedback on what might be an appropriate way to do it, and it was also an issue of what Public Works needed to process their permitting, so that it flowed through and at the same time addressing the problem; and Mayor White stated that maybe it was well intended that the way they wrote the certification was to certify the stuff that the City could enforce and the City limited the stuff that it could enforce, that it had not said that it did not violate deed restrictions, it said that they did not violate deed restrictions that the City could enforce, that for example, first they were going to change the certification and then they were changing the stuff the City could enforce, for example fencing today, but there had been the little areas, that probably were in there by design, that they were trying to close the loop hole so they could go after people big time.

Council Member Clutterbuck stated that she had two questions with regard to the ordinance, the first, the ordinance only addressed fences that they permitted, fences or walls that one must obtain a permit for, did it mean that the ordinance would not apply to fences that did not require a permit, that there may be fences that did not require a permit under the City ordinances but would also violate a neighborhood deed restrictions and did that mean they would therefore not enforce that deed restriction with regard to that fence; that the second question related to a particular person's complaint and whether or not they would now be able to retroactively enforce the deed restrictions against a wall or fence that was improperly permitted or perhaps properly permitted in violation of the affidavit that was sworn out, and Mr. Michel stated that on the first question he thought her reading was correct, it would only address what was being permitted; that on the second question the City could enforce regarding that prior incident, he did not think it was an *ex post facto* law, all it really did was give the City the authority to proceed, the activity was still illegal beforehand; and Council Member Clutterbuck asked if it was what they intended to do, did they intend to limit their ability to enforce deed restrictions with regard only to fences that required a permit in the City or was it their intent as a body to help neighborhoods enforce their deed restrictions in regards to all fences, and Mayor White stated that he would pose generally to Members of City Council the issue of to what extent should the City undertake to enforce some legal deed restrictions, allocate their resources, how much should be done by private civic groups and neighbors versus the citizens of the community, etc., that they all knew that it was a real sore spot at civic clubs and the Legislature repeatedly had given the civic groups and neighbors laws and the ability to recover legal fees in order to enforce deed restrictions, so to what extent and when should they look to private attorney's representing the civic clubs or to what extent should they have it be as a matter of right for any deed restriction whatsoever even if it was aesthetic in nature, and asked Mr. Michel to address the question posed by Council Member Clutterbuck, was it a conscious matter of policy and if so was there any insight to that, and Mr. Michel stated that it was done consciously and the attempt was nearly narrowly to address the issue at hand that came up in her district, and he thought it was a bigger policy issue of how they wanted to do it, they could either amend at the table or at a future Council meeting, as early as next week, or they may want to have a committee meeting, they could go through a wide range and determine what the policy should be and then adopt an ordinance and they could do it at once or they could do it at what was the most pressing or most important.

Council Member Sullivan stated that he wanted to make sure that they were not going to enact an ordinance that required the average homeowner who wanted to replace their fence or maybe repair their fence to actually have to get a permit, that would be a real burden, they had active deed restrictions in most of District E and they were good, that he would like to continue to see the HOAs enforce those deed restrictions and not come to the City for the City to pick that responsibility up, but could the average home owner, with the proposed ordinance, still

replace their fence and not have to get a permit, and Mr. Michel stated yes, depending on the structure of the fence it did not affect the permitting at all, in other words, what they had to obtain a permit before had not changed whatsoever, so if it was under eight feet they would not obtain a permit.

Council Member Lawrence stated that she thought every District Council Member knew how many times the lies took place in their district and if they did not catch them and they build on Sunday, the City was closed, and that was what they do they come in on Sunday and build, that they would have to tear it down at their expense and they would be pressing charges, that was going to have to be a policy, no matter what they changed they had to have an enforcement policy, and Mayor White stated to Mr. Michel if they did something that was a Class C Misdemeanor that said fraud in connection with obtaining permit where there was a false filing, that would be something that they might think about. Council Member Green absent.

Council Member Rodriguez stated that he thought they were in the process of developing a deed restriction data base and the data base was supposed to help and alleviate some of those concerns because it was real timely information and they could pinpoint when people were applying for permits if they were deed restricted areas or not, that it would help clear up some of the confusion, and he wanted to know where they were in that process, and Mayor White stated that at the committee meeting that Council Member Clutterbuck referred to and that Council Member Lawrence would hold they could have a briefing on that. Council Member Noriega absent.

After further discussion by Council Members, Council Member Lawrence stated that they had a special called meeting coming up to do some TIRZ budgets and they would bring the ordinance forward as soon as possible. Mayor White and Council Member Clutterbuck absent. Mayor Pro Tem Garcia presiding.

A vote was called on Item No. 28. All voting aye. Nays none. Mayor White and Council Member Clutterbuck absent. Mayor Pro Tem Garcia presiding. ORDINANCE 2008-0250 ADOPTED.

29. ORDINANCE supplementing the City of Houston, Texas Master Ordinance No. 2004-299, providing for the issuance of Combined Utility System Revenue and Refunding Obligations and authorizing issuance of City of Houston, Texas, Combined Utility System First Lien Revenue and Refunding Bonds, Series 2008B and Series 2008C, providing for the amounts, interest rates, prices, and terms thereof and other matters relating thereto; providing for the payment thereof; making other provisions regarding such bonds and matters incident thereto; authorizing the defeasance, final payment, and discharge of certain Combined Utility System Commercial Paper Notes; authorizing the execution and delivery of an Escrow Agreement; authorizing the purchase of and subscription for certain Escrowed Securities; authorizing Bond Insurance, a Reserve Fund Surety Policy and Reimbursement Agreement, Escrow Verification and Engagement of an Escrow Agent, a Bond Counsel Agreement, a Special Tax Counsel Agreement, authorizing execution and delivery of a Paying Agent/Registrar Agreement; and declaring an emergency - \$320,000.00 Enterprise Fund – was presented. All voting aye. Nays none. Mayor White and Council Member Clutterbuck absent. Mayor Pro Tem Garcia presiding. ORDINANCE 2008-0251 ADOPTED.
30. ORDINANCE supplementing the City of Houston, Texas Master Ordinance No. 2004-299; supplementing and amending Ordinance No. 2004-300 as it relates to City of Houston, Texas, Combined Utility System First Lien Revenue Refunding Bonds, Series 2004B (the "Series 2004B Bonds"); repealing Ordinance No. 2008-214; ratifying the acts of the City

Controller to convert the Series 2004B Bonds from an Auction Rate Mode to a Weekly Mode and authorizing the Mayor and City Controller to take such actions concerning interest rates, prices, and terms thereof and certain other matters relating thereto as may be necessary for such conversion; authorizing the amendment or replacement of certain Qualified Hedge Agreements; authorizing a Paying Agent/Registrar Agreement; Tender Agent Agreements, Remarketing Agreements, a Credit Facility, a Bond Counsel Agreement, Special Disclosure Counsel Agreement, Supplemental Financial Advisor Agreement, and other necessary agreements or documents related to the Bonds; and declaring an emergency - \$900,000.00 - Enterprise Fund – was presented. All voting aye. Nays none. Mayor White and Council Member Clutterbuck absent. Mayor Pro Tem Garcia presiding. ORDINANCE 2008-0252 ADOPTED.

Council Member Brown moved to suspend the rules to consider Item No. 68 out of order, seconded by Council Member Khan. All voting aye. Nays none. Council Member Sullivan absent. MOTION 2008-0221 ADOPTED.

68. MUNICIPAL setting designation ordinance prohibiting the use of designated groundwater from beneath a 15.6635-acre (682,302 square foot) tract of land out of the Dairy Subdivision, a subdivision recorded in Volume 1, Page 23 and Block I, Reserve “A” of Corporate Centre Westchase, a subdivision recorded at Film Code Number 528260, both of the Harris County Map Records, and same being out of the residue of a 99.416-acre tract conveyed to Texas and New Orleans Railroad Company as recorded in Volume 3091, Page 298 and Volume 3091, Page 305 of the Harris County Deed Records (H.C.D.R.), West Park Drive, a 100-foot right-of-way (R.O.W.) as recorded in the Harris County Clerk’s File Number (H.C.C.F. No.) F324484, the residue of a 6.7912-acre tract conveyed to Crystal Chemical Company as recorded in H.C.C.F. No. G154538, the Harris County Flood Control District Easements as recorded in Volume 6872, Page 340 and Volume 7185, Page 146 H.C.D.R., and a called 3.8001-acre tract conveyed to Union Pacific Railroad Company as recorded in H.C.C.F. No. X654066, located in the Henry Woodruff Survey, Abstract 844, City of Houston, Harris County, Texas, generally located near the intersection of Beltway 8 and Westpark Drive; and supporting issuance of a Municipal Setting Designation by the Texas Commission on Environmental Quality - **DISTRICT G – HOLM – (This was Item 1A on Agenda of March 12, 2008, TAGGED BY COUNCIL MEMBER HOLM)** – was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2008-0253 ADOPTED.

37. ORDINANCE approving and authorizing contract between the City and **LEADSONLINE, LLC** for On-Line Property Crimes Database Subscription Services for the Houston Police Department; providing a maximum contract amount - 5 years - \$293,520.00 - General Fund – was presented. Council Member Sullivan absent.

Council Member Garcia stated that one of the areas that had long challenged the community and Police Department was the ability to effectively monitor pawn shops, that he was hopeful that they would be able to get deeper inside of those operations and make sure that they were giving citizens and the Houston Police Department an opportunity to effectively monitor that area in the near future; that this item was going to help them substantially with the continued fight against the scrap metal thefts. Council Member Sullivan absent.

A vote was called on Item No. 37. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2008-0254 ADOPTED.

39. ORDINANCE appropriating \$2,300,000.00 out of the TIRZ Affordable Housing Fund (Fund 2409) and approving and authorizing a fourth amendment to land assembly grant agreement between the City of Houston and the **LAND ASSEMBLAGE**

REDEVELOPMENT AUTHORITY (“LARA”) to provide funds for certain approved costs – was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2008-0255 ADOPTED.

41. ORDINANCE approving and authorizing resolution and submission of an Urban Outdoor Recreation Grant Application, in substantially the form attached hereto, by the Parks and Recreation Department to the Texas Parks and Wildlife Department (TPWD), authorizing the Mayor to sign the Resolution and committing matching funds for the **HERMAN BROWN PARK IMPROVEMENTS PROJECT - DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Member Sullivan absent. ORDINANCE 2008-0256 ADOPTED.
44. ORDINANCE altering and establishing maximum Prima Facie Speed Limits in certain zones in the City of Houston; containing findings and other provisions relating to the foregoing subject; providing a repealer; containing a savings clause; providing for severability; declaring certain conduct to be unlawful and providing a penalty – was presented. Council Member Sullivan absent.

Council Member Lawrence moved to amend Item No. 44 to separate the two changes for Westview Drive speed limits listed in Table 1, seconded by Council Member Khan. All voting aye. Nays none. MOTION 2008-0222 ADOPTED.

Council Member Lawrence stated that she would tag the two changes for Westview Drive speed limits.

A vote was called on Item No. 45 as amended. All voting aye. Nays none. ORDINANCE 2008-0257 ADOPTED AS AMENDED.

45. ORDINANCE approving and authorizing contract between the City of Houston and **MONTY PARTNERS LLP** for Legal Services; providing a maximum contract - \$157,925.00 Property & Casualty Fund – was presented. All voting aye. Nays none. ORDINANCE 2008-0258 ADOPTED.
51. ORDINANCE approving and authorizing Revenue Contract between the City and **FRONTIER ASSOCIATES, LLC** for Weatherization Services; authorizing the creation of the Residential Energy Efficiency Program Fund to be administered by the General Services Department; directing the deposit of revenue from all fees received from **FRONTIER ASSOCIATES, LLC** into the fund and providing that monies in the fund shall be expended only for residential energy efficiency program purposes; appropriating monies in the fund for future contracts related to the Residential Energy Efficiency Program Fund - Revenue – was presented. All voting aye. Nays none. ORDINANCE 2008-0259 ADOPTED.
52. ORDINANCE appropriating \$500,000.00 TIRZ Affordable Housing Fund and approving and authorizing professional services contract between the City and **ESPA CORP.** for the Residential Energy Efficiency Program; WBS P-002003-0001-4; providing a maximum contract amount of \$700,000.00 – was presented. All voting aye. Nays none. ORDINANCE 2008-0260 ADOPTED.
53. ORDINANCE appropriating \$562,500.00 out of Homeless and Housing Consolidated Fund and \$437,500.00 out of the TIRZ Affordable Housing Fund and approving and authorizing a Job Order Contract between the City of Houston and **DIRECT ENERGY, LP** for the Residential Energy Efficiency Program; WBS P-002003-0001-4; providing a maximum contract amount of \$2,400,000.00 – was presented. All voting aye. Nays none.

ORDINANCE 2008-0261 ADOPTED.

54. ORDINANCE appropriating \$562,500.00 out of Homeless and Housing Consolidated Fund and \$437,500.00 out of the TIRZ Affordable Housing Fund and approving and authorizing a Job Order Contract between the City of Houston and **PAYLESS INSULATION, INC d/b/a PAYLESS INSULATION** for the Residential Energy Efficiency Program; WBS P-002003-0001-4; providing a maximum contract amount of \$2,400,000.00 – was presented. All voting aye. Nays none. ORDINANCE 2008-0262 ADOPTED.
57. ORDINANCE appropriating \$650,000.00 out of Houston Airport System Consolidated 2001 AMT Fund, and approving and authorizing contract between City of Houston and **W. D. SCHOCK CO.** for Real Property Consulting Services for the Houston Airport System; WBS A-000476-0009-2-01-01; Project 617E - **DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ** – was presented. All voting aye. Nays none. ORDINANCE 2008-0263 ADOPTED.
61. ORDINANCE appropriating \$1,163,094.45 out of Street & Bridge Consolidated Construction Fund awarding contract to **ACM CONTRACTORS, INC** for Safe Sidewalk Program J1 Work Authorization Project, WBS N-00610A-00J1-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management, and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICTS C - CLUTTERBUCK; D - ADAMS; F - KHAN; G - HOLM; H - GARCIA and I - RODRIGUEZ** – was presented. All voting aye. Nays none. ORDINANCE 2008-0264 ADOPTED.

MATTERS HELD - NUMBERS 69 through 72

69. MOTION by Council Member Khan/Seconded by Council Member Lovell to adopt recommendation from Director General Services Department for approval of final contract amount of \$2,874,140.00 and acceptance of work on contract with **MERIDIAN COMMERCIAL, L.P.** for Renovation of Police Stations: Central, NW, SW, & Magnolia, WBS G-000064-0001-4 - 20.56% over the original contract amount - **DISTRICTS A - LAWRENCE; C - CLUTTERBUCK; H - GARCIA and I - RODRIGUEZ** – (This was Item 4 on Agenda of March 12, 2008, TAGGED BY COUNCIL MEMBERS JONES and RODRIGUEZ) – was presented. All voting aye. Nays none. MOTION 2008-0223 ADOPTED.
70. ORDINANCE appropriating \$230,230.62 out of Fire Consolidated Construction Fund as an additional appropriation for Construction Services for Various Houston Fire Stations, WBS C-000089-0003-4, under an existing citywide contract with **SPRING EQUIPMENT COMPANY, INC** - **DISTRICTS A - LAWRENCE; B - JOHNSON; E - SULLIVAN; F - KHAN and G - HOLM** – (This was Item 22 on Agenda of March 12, 2008, TAGGED BY COUNCIL MEMBER JONES) – was presented. All voting aye. Nays none. ORDINANCE 2008-0265 ADOPTED.
71. ORDINANCE appropriating \$2,770,600.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **PELTIER BROTHERS CONSTRUCTION, LTD.,** for Easthaven Wastewater Treatment Plant Lift Station Replacement, WBS R-000267-00H2-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering testing, project

management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICT E – SULLIVAN – (This was Item 26 on Agenda of March 12, 2008, TAGGED BY COUNCIL MEMBER JONES)**
– was presented. All voting aye. Nays none. ORDINANCE 2008-0266 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Rodriguez stated that he wanted to congratulate AARP on their 50th anniversary and to thank them for their commitment to their community, that yesterday he went to Furr High School in his district and AARP presented Furr High School with a check for \$100,000 for the Ethel Percy Andrews Foundation Award recipient, that it was pretty significant for Furr High School and they were the only school in Texas to receive the award.

Council Member Rodriguez stated that in reading the Houston Business Journal he came across an article regarding their benzene levels and how there was a difference of opinion in terms of the readings, that in the City they had their own reports but people like Texas Chemical Council say that the benzene levels were down, so he just wanted to get some clarification to see where they were with that, that his staff was working on a townhall to address some of the issues but he wanted a report because people like GASP, the TCEQ and the City monitors showed that the levels had actually increased around the City, that he knew their environmental team was making strides in this effort but he definitely would like to get a report, and Mayor White stated that they would get him a report, that in particular the amount that was reported or that people who applied for permits and reported, from 2004 through 2006, according to the permit applications, those declined and to the extent that there were reductions in emissions during those years he really commended the businesses for doing that, that what he had asked an analysis for was how had it affected what they detected at the monitors that they measured, and it was his recollection that the monitored levels during those years were pretty flat, there was a time where the industry did come down pretty significantly in the benzene reductions and was to be commended, but they still had, as they saw those figures, 400 to 500 tons, it was still a lot, that there question was where were they going in the future, in the last six months the monitored amounts had been going up, he wished he could report something differently, but they would get a report to him and to others reconciling that. Council Members Khan and Holm absent.

Council Member Rodriguez stated that he wanted to invite everybody out to a Dangerous Building Workshop that he was hosting on March 27, 2008 at 6:30 p.m. at the Denver Harbor Multi Service Center; that one of the concerns that he was hearing out in the community was that they were very aggressive in demolishing the buildings early on but he was told that a State law had kind of tied their hands in terms of how many buildings they could demolish within a certain radius due to asbestos concerns, so he definitely would like to work with the administration and Ann Travis on revisiting it and trying to get the law changed in the upcoming Legislative session, and Mayor White asked Ms. Stein to remind him as he considered filling a little bit of hole and a source of funding and explore the use of some non federal funds. Council Members Khan and Noriega absent.

Council Member Jones stated that as she visited different communities within the City she had often heard the issue of quiet zones and they talked about it a couple of meetings ago, that she was watching the news last night and they had reported that Sugarland had spent \$800,000 for quiet turf zones and they had focused it on intersections so she would ask if the administration could look at it because at least there was that representation on the news last night that it was the first of it's kind with Union Pacific in the United States, so she would like for them to take a lead over Sugarland. Council Members Khan and Noriega absent.

Council Member Jones stated that a couple of weeks ago the Cy Fair High School Girls Basketball Team was recognized for the State 5A Championship and since that time she was pleased to report that Nneka Ogwaumike was named the Gatorade 2008 National Basketball Player of the Year, that she was now a finalist to be Gatorade Athletic Player of the Year, that along with her great achievement Nneka had maintained a 3.89 GPA and would be attending Stanford University, that she was a community volunteer and a senior class president and was Miss Cy Fair. Council Members Khan and Noriega absent.

Council Member Jones stated that recently she had a lot of questions as it related to HPD and she would like to thank Chief Hurtt, Captain Mark Curran and Assistant Chief Mike Durden for their prompt response to any questions that she had, that they had worked diligently with her and her Constituent Services Director, Will Trevino. Council Members Johnson, Clutterbuck, Khan, Rodriguez and Noriega absent.

Council Member Holm stated that District G was celebrating, that Amy Yancy got engaged on Easter Sunday, on her birthday, in her home State of Alabama, that she was marrying a fine young man, Chad Whited, that when he finishes medical school it was her guess that they would be settling in Texas, that they shared her joy. Council Members Johnson, Clutterbuck, Khan, Rodriguez and Noriega absent.

Council Member Sullivan stated that they had their vote on HOPE and he wanted everyone at the Council table to know that he respected the work that all of their City employees did and did not think there was a stronger supporter at the Council table for all City employees and to kind underscore that he wanted to say that last week he worked with Byron Wilson with the Sign Administration, that he was driving down Kingwood Drive at 7:00 a.m. and Mr. Wilson was out picking up bandit signs on Kingwood Drive, that he compliment Mr. Wilson on the job he was doing for the residents of District E in Kingwood; that he had met with Mr. Christy to talk about real estate issues in District E; that last night he spent about an hour and a half with Joe Turner and the Parks Group that ran F.M. Law Park, The First Tee Program, which was exciting; that Officer Tommy Derr out of the Mykawa Substation gave him a ride along last week; that he visited the Kingwood Library project; and consulted with a trusted friend at the Houston Fire Department, District Chief Tom Slagel, who was helping him understand the business of the Fire Department. Council Members Johnson, Khan, Holm, Rodriguez, Noriega and Jones absent.

Council Member Sullivan stated that they would have a stake holders meeting on Thursday night from 6:30 p.m. to 8:00 p.m. at the University of Houston Clear Lake to talk about the future uses of Sylvan Rodriguez Park, that they had a long term plan that they wanted to get input from the public on, that he had nothing in mind for that park himself but wanted to make sure that the citizens had the resources and facilities available to them that were in their community. Council Members Johnson, Khan, Holm, Rodriguez, Noriega, Green and Jones absent.

Council Member Lovell stated that they did a lot of good work today and congratulations to HOPE again. Council Members Johnson, Khan, Holm, Rodriguez, Noriega, Green and Jones absent.

Council Member Lovell stated that she thought the whole Houston Hope project was an incredibly rewarding program, that it was incredible to see lots that were sitting there and taxes not being paid and to see families moved in, she was so pleased to be a part of it and thanked Mayor White for his vision on that. Council Members Johnson, Khan, Holm, Rodriguez, Noriega, Green and Jones absent.

Council Member Lovell stated that yesterday at the Council public session they had some speakers that were moved forward and there was some discussion and a vote on it and she would like to maybe take a leadership position on it and maybe getting together some Council Members and sitting down and going over some of the procedures that they had, that maybe what they found acceptable and not acceptable and sort of rules at the table about things so that a Council Member was not put in the position of moving somebody and being voted down, or if there was just an understanding that if someone was present unless it was an emergency, and to revisit that and revisiting moving some of the items up and also maybe revisit the issue of pop off, that she thought they lost a lot of people, especially during long meetings, because they had a lot of time for pop off, to maybe shorten it and maybe they would have more people that would participate who were not at the beginning of the discussion, that she would like to take a leadership position on it, maybe with the Agenda Director to sit down with some Council Members and come up with some guide lines and things that everybody could agree on and procedures since she did not think they had the rules and protocol committee anymore. Council Members Johnson, Khan, Holm, Rodriguez, Noriega, Green and Jones absent.

Mayor White stated that he would really appreciate the advice of the Mayor Pro Tem and Agenda Director and with some counsel by the City Attorney on the Open Meetings Act issues, that he would really appreciate the two Council Members that had been elected by their peers on Council, that if the Council Members themselves could come up with stuff even if it was not a formal rule but some kind of understanding, that Mr. Michel would help people do it in an appropriate way. Council Members Johnson, Khan, Holm, Rodriguez, Noriega, Green and Jones absent.

Council Member Lawrence stated that today at 2:00 p.m. they would be having a Regulations Development and Neighborhood Protection Committee meeting, they would be talking about right of ways and DPCs, so she would urge her colleagues who were on that committee to please come. Council Members Johnson, Sullivan, Khan, Holm, Rodriguez, Noriega, Green and Jones absent.

Council Member Lawrence stated that today was Robert Frost's birthday, he was born in 1874, and also it was Sandra Day O'Connor's birthday. Council Members Johnson, Sullivan, Khan, Holm, Rodriguez, Noriega, Green and Jones absent. (No Quorum Present)

Council Member Garcia stated that today for the City employees it was extremely historical and a good day for them and he wanted to continue to applaud the administration for all their good work; that it was also an important day for convenience store owners, that Mr. Tahir was present in the audience, that he wanted to give accolades to Council Member Khan, had it not been for his urgency and attention to the issue of crime afflicting convenience store and gas stations alike they may not have convened a task force at all and may not have had the opportunity to have the pleasure of the leadership of Mr. Tahir. Council Members Johnson, Sullivan, Khan, Holm, Rodriguez, Lovell, Noriega, Green and Jones absent. (No Quorum Present)

Council Member Garcia stated that he wanted to thank the Houston Police Department for their leadership and their good work, that in Denver Harbor yesterday they celebrated a very important announcement, a 27% reduction in crime thanks to Chief Hurtt, the leadership of the northeast officers for their good work in working with HISD and the community, that it was 27% overall combined in very serious categories, that he wanted to commend the Houston Police Department for working with the community in the Denver Harbor area. Council Members Johnson, Sullivan, Khan, Holm, Rodriguez, Lovell, Noriega, Green and Jones absent. (No Quorum Present)

Council Member Garcia stated that on Saturday would be the Denver Harbor Little League Parade and he would encourage everyone to come out and support the Denver Harbor Little League and cheer those kids on to the beginning of a tough season. Council Members Johnson, Sullivan, Khan, Holm, Rodriguez, Lovell, Noriega, Green and Jones absent. (No Quorum Present)

Council Member Garcia stated that they heard of the unfortunate accident involving an icon of the Hispanic community, Mr. Emilio Navairra, that a lot of the community came out to pray for he and his family, that they were hoping that he makes a recovery, that he really had some severe injuries that he was working against, that his brother Raul was grateful that if it was going to happen that it happened in Houston because of the medical facilities that were available and were being leveraged to Emilio, that he would like to ask Captain Dupont for her assistance because he was told that in part of what had enabled there to be hope for Emilio's recovery was that a paramedic or an ambulance was driving by at the time of the accident and made a quick response, that they also needed to recognize who those individuals were to make sure that the family was very grateful, that he spent some time with them last night and they were very grateful how the City was turning out and wanted to make sure that all prayers were extended to all families in Houston for anyone grieving and having a loved one in a hospital at this time. Council Members Johnson, Sullivan, Khan, Holm, Rodriguez, Lovell, Noriega, Green and Jones absent. (No Quorum Present)

Council Member Brown stated that he wanted to recognize one of the great art events that occurred in the world every two years, the Houston Photo Fest, that journalists, artists, photographers, gallery owners and newspaper editors came from around the world to Houston every two years to participate in this extraordinary event related to the art of photography. Council Members Johnson, Sullivan, Khan, Holm, Rodriguez, Noriega, Green and Jones absent. (No Quorum Present)

Council Member Brown stated that they had three or four commercial trash hauler items on the agenda where they gave these large commercial trash haulers franchises, that he thought that with the stroke of a pen they could create the incentives, in terms of the franchise fees that they charged, to have these trash haulers motivate to recycle the commercial waste that they had, that he did not see any reason why they should not move on that immediately, that there were different ways to create incentive, that they charged 4% of the value of their annual trash that was collected, hauled and deposited, for example they could reduce that to a smaller monetary charge if they would recycle, or they could eliminate the amount of waste that was recycled from the actual charge that they would levy on them; that they also needed to get to speed on the auditing and levying and collection of the franchise fees that were owed to the City, that he thought there was some incentive there and had spoken to some of the trash haulers and they would welcome that, of course they would have to go through a bidding process but he thought it would be a good step forward and there was an enormous amount of waste that occurred all over the City. Council Members Johnson, Sullivan, Khan, Holm, Rodriguez, Noriega, Green and Jones absent. (No Quorum Present)

Council Member Brown stated that he wanted to make everybody aware of a photograph of 2200 Richmond, and he passed out a copy of the photograph, that it was an example of the kind of regulations that they did not have that caused a lot of problems in the City; that the utility poles were placed where the sidewalks should go, that they were right next to the curb and it was a dangerous situation, that this occurs all over the City because they did not have any standards, that it was a simple matter to come together and write some decent standards which prevent this sort of thing from happening, that maybe they should have a livable city task force; that based on a lot of contact he had with neighborhoods there were a lot of problems out there, the Ashby High Rise issue was not going away, that the City had very limited tools to influence a development that negatively impacted their neighborhoods, that there was nothing wrong, they

were not tampering with the private market place, the government had a role in promoting more attractive and more compatible development and he thought they were very close to that, that he would even suggest at this point that they needed some kind of stop gap, neighborhood conservation ordinance that would require, for example, that there be a sketch plat or site plan review prior to any plat being approved, and the ability of neighborhoods to comment on the developments that would negatively impact them. Council Members Johnson, Sullivan, Khan, Holm, Rodriguez, Lovell, Noriega, Green and Jones absent. (No Quorum Present)

Mayor White asked Council Member Brown if he had something on the management of the right-of-way, if he thought there was a standard, that if he would suggest something specific which they ought to look at, that he understood what he said and he wanted to get into who reviewed the site plan and by what criteria because they did not want it to be suggestive or by neighborhood protest, but if they took it as an example of when the structure was built and when each of the improvements went in, what he thought a standard should be now or in the future that would address the issue here that he thought they ought to address, and Council Member Brown stated that he had actually been working on that with Mr. Icken's office, but if they did have a site plan they would have found out there was not room to put the power lines there and the sidewalk, there was no site plan and nobody knew that until after the fact, that the utilities should have been some where else and Centerpoint actually agreed with that, and Mayor White asked if there was anything preventing Centerpoint from putting the poles somewhere else and Council Member Brown stated yes because the easement was not included on the plat, that they actually had a requirement to include utility easements on the plat and they were not enforcing that, that he had read it in the City code and that would be a simple way to do it. Council Members Johnson, Sullivan, Khan, Holm, Rodriguez, Lovell, Noriega, Green and Jones absent. (No Quorum Present)

Council Member Lawrence stated that they would be discussing that today and she would like for him to come to the committee meeting at 2:00 p.m. and talk very specifically about things that could be done in the right-of-way and they could be sure that they were followed through on. Council Members Johnson, Sullivan, Khan, Holm, Rodriguez, Lovell, Noriega, Green and Jones absent. (No Quorum Present)

Council Member Clutterbuck stated that she would like to suggest, as they were preparing their Legislative agenda to go to Austin, that they have a discussion about how to initiate legislation at the State level to enable neighborhoods to enact deed restrictions or to renew their deed restrictions more readily; and Mayor White stated that ideas are very welcome on that issue and there were people that passed laws almost every session because the citizens wanted, and if they could come up with what the Houston agenda ought to be and if people wanted to go through it and say how to make it a lot easier they would support it. Council Members Johnson, Sullivan, Khan, Holm, Rodriguez, Lovell, Noriega, Green and Jones absent. (No Quorum Present)

Council Member Clutterbuck stated that the next meeting of the Budget and Fiscal Affairs Committee would be on Tuesday, April 1, 2008 at 10:00 a.m. in the Council Chamber. Council Members Johnson, Sullivan, Khan, Holm, Rodriguez, Lovell, Noriega, Green and Jones absent. (No Quorum Present)

Council Member Adams stated that tomorrow they would start their Economic Empower You HISD School Tour in District D, that it would be at Yates High School at 9:00 a.m., the purpose of the tour was to educate their youth, who were in the 11th and 12th grade, about making good choices about careers, that they partnered with Deloitte and they were helping them kickoff the school tour, that also Texas Southern University and HCC would be there; that they were also kicking off their Economic Advisory Council and this week they would do a tour

of the Houston Hope areas and the entire District. Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Rodriguez, Noriega, Green and Jones absent. (No Quorum Present)

Council Member Adams stated that she wanted to applaud the West Montgomery Civic Association for inviting her to their meeting last night, they were able to discuss some issues and update them on Roseneath Street, that prior to the meeting they had already set the date of April 1, 2008 to meet with the Roseneath Street residents about the status of Roseneath and she wanted to thank Mr. Art Kidder and his team for educating the community on how long it was going to take, that she was not happy with how long it was going to take but at least they were starting something to help resolve that sinkhole issue that was out there. Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Rodriguez, Noriega, Green and Jones absent. (No Quorum Present)

Council Member Adams stated that this past Saturday they celebrated the Home Going Service of Constable A. B. Chambers, that he was the first African American Constable in the State of Texas, that they wanted to give their condolences to Mrs. Chambers and the family of Constable A. B. Chambers. Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega, Green and Jones absent. (No Quorum Present)

Council Member Adams stated that she was blessed to be a City of Houston employee and a City Council Member and to be able to vote on the HOPE contract, that she was proud to have served on both sides and to know that it would be a contract that included pay raises for every worker for every year of the agreement. Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega, Green and Jones absent. (No Quorum Present)

Council Member Adams stated that on Saturday the South Central Little League would kickoff their opening day, that she would have the opportunity to throw out the first pitch, that they would have an education fair as well along with health checks, cholesterol screenings and all that, so they were asking the community to come out on March 29, 2008 beginning at 10:00 a.m. at Sunnyside Park, at 3502 Bellfort, that she wanted to thank Liberty Bank, Marcus Smith, DeAndre Sands with A Rocket and Marvin Chaney Ledett for their sponsorship for the event. Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega, Green and Jones absent. (No Quorum Present)

Council Member Adams stated that she wanted to thank her colleagues and the community for the love and support, for all the cards, flowers and phone calls during the passing of her sister, they had a great celebration last Tuesday for her Home Going Service and she wanted to thank everyone publicly, that she wanted to thank everyone for their love and support. Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega, Green and Jones absent. (No Quorum Present)

Council Member Lovell stated that she wanted to congratulate South Central Little Leagues, they used to interleague play and she would lay down a challenge that Near Town Little League would like to challenge South Central Little League in a game. Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega, Green and Jones absent. (No Quorum Present)

There being no further business before Council, the City Council adjourned at 12:16 p.m. Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Rodriguez, Brown, Noriega, Green and Jones 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