

City Council Chamber, City Hall, Tuesday, April 22, 2008

The Houston City Council reconvened at 1:30 p.m. Tuesday, April 22, 2008, with Mayor Pro Tem Adrian Garcia presiding, and with Council Members Toni Lawrence, Anne Clutterbuck, Wanda Adams, Mike Sullivan, Pam Holm, James Rodriguez, Peter Brown, Sue Lovell, Melissa Noriega and Jolanda "Jo" Jones; Mr. Harlan Heilman, Division Chief, Claims & Subrogation Division, Legal Department; Ms. Debra Dillard, Citizens Assistance; and Ms. Marty Stein, Agenda Director, present. Mayor Bill White and Council Member M. J. Khan, P. E. out of the city on city business. Council Members Jarvis Johnson and Ronald C. Green absent.

At 1:53 p.m. Mayor Pro Tem Garcia called the meeting to order and stated that Council Member Brown would begin presentations. Council Members Lawrence, Clutterbuck, Holm, Rodriguez and Jones absent.

Council Member Brown invited those present with the Yes School to the podium and stated that today they were honoring the Yes Academy who had taken a tour of City Hall and Annex to see how government was run and that the people were the city; and a spokesperson thanked the Council for inviting them and Mr. Welch for hosting them; that in Newsweek last year they got the distinction of being the number one high school in all of Houston, Texas and 100% of their graduates were accepted to four year colleges and went; and Council Member Brown presented them a Proclamation proclaiming today as "Yes Prep School Day" in Houston, Texas. Council Members Lawrence, Clutterbuck, Holm, Rodriguez and Jones absent. (NO QUORUM PRESENT)

Mayor Pro Tem Garcia stated that he congratulated all for representing their school as they had and he looked forward to their taking over the world. Council Members Lawrence, Clutterbuck, Holm, Rodriguez and Jones absent. (NO QUORUM PRESENT)

Council Member Brown invited those present with Escape Family Resources to the podium and stated that they were a wonderful organization, this month was Child Abuse Month and it was a terrible thing, but a fact of society and this organization was dedicated to providing services to families in crises and building strong families; and a spokesperson stated that he was president of board of directors this year and he was very proud to hold his position and be a part of the organization and what they were about was helping and educating families. Council Members Lawrence, Clutterbuck, Sullivan, Holm, Rodriguez and Jones absent. (NO QUORUM PRESENT)

Mayor Pro Tem Garcia stated that it was wonderful to help people less fortunate and he thanked them for what they did in lifting people up. Council Members Lawrence, Clutterbuck, Sullivan, Holm, Rodriguez and Jones absent. (NO QUORUM PRESENT)

Another Spokesperson for the group stated that they were a private nonprofit group with no federal, state or city funds but they would love to as it would allow them to do more work; that now they were in 42 locations of schools, churches and neighborhood centers and all classes were in English and Spanish and they were into prevention. Council Members Lawrence, Clutterbuck, Sullivan, Holm, Rodriguez and Jones absent. (NO QUORUM PRESENT)

Council Member Brown presented Escape Family Resources with a Proclamation in support of what the group did and proclaimed today as "Escape Family Resources Day" in Houston, Texas. Council Members Lawrence, Clutterbuck, Sullivan, Holm and Jones absent. (NO QUORUM PRESENT)

Council Member Lovell stated that today was Earth Day and she could think of no one who had made more people aware over the years in Houston regarding taking care of parks and

children more than Ms. Eleanor Tinsley and today she would present a Proclamation to the Eleanor Tinsley Elementary School and invited Council Member Tinsley, Kathleen Ownby, and the Principal and class members of Eleanor Tinsley Elementary School to the podium. Council Member Lovell stated that the Houston Galveston Area Council presented to the Eleanor Tinsley Elementary School a great honor for what they had done, they recognized the Spark Park and nature center with the 2007 Best Practices in Parks and Natural Areas Honor Award; and presented a Proclamation to the Principal for their school and students being very engaged in the community and creating an urban oasis and for the leadership of the principal and commitment of the parents, teachers, staff and neighbors; and sent continued best wishes and proclaimed today as "Eleanor Tinsley Elementary School Day". Council Members Lawrence, Clutterbuck, Sullivan, Holm and Jones absent. (NO QUORUM PRESENT)

Principal Zapata stated she thanked everyone, that when she took leadership two years ago there was interest in renovating the pond and the teachers and students planted flowers, sanded benches, etc., and all had a great experience. Council Members Lawrence, Clutterbuck, Sullivan, Holm and Jones absent. (NO QUORUM PRESENT)

Council Member Tinsley stated that it was delightful to be present again, she had sat there for 16 years and she appreciated the recognition of her school and the Spark Park Program. Council Members Sullivan and Jones absent.

Council Members confirmed accomplishments of the students and school; and the inspiration Council Member Tinsley and her daughter, Ms. Ownby, continued to provide; and congratulated all on their accomplishments; and Council Member Tinsley stated that they had 196 parks on school grounds on eight school districts since 1983 and she was very proud of the program.

Council Member Adams stated that she began working with the City of Houston in 2000 and began working with Officer Lawrence Chamberlain and she could always call on him for home repair programs, etc., when she was in need; and invited Officer Lawrence Chamberlain to the podium. Council Member Adams stated that the Houston Police Department played an invaluable role in Houston providing unparalleled levels of service and Officer Chamberlain had served since 1977 and presented him a Proclamation in recognition of his dedicated and loyal service and commended him and sent best wishes for a long and happy retirement; and proclaimed today as "Senior Police Officer Lawrence E. Chamberlain Day" in Houston, Texas.

At 2:30 p.m. Council Member Noriega led all in the prayer and pledge.

At 2:31 p.m. the City Secretary called the roll. Mayor White and Council Member Khan out of the city on city business. Council Members Johnson and Green absent.

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

Council Member Noriega moved the rules be suspended for the purpose of hearing Mr. Charles Bradley at the top of the speakers list, seconded by Council Member Brown. Council Member Lawrence voting no. Balance voting aye. Mayor White and Council Member Khan out of the city on city business. Council Members Johnson and Green absent Council Member Clutterbuck absent. MOTION 2008-0266 ADOPTED.

The City Secretary began calling the public speakers. Council Member Clutterbuck absent.

Mr. Charles Bradley, 635 West 21st, Houston, Texas 77008 (713-697-2424) appeared and stated that he was present on behalf of the Houston Council of the Blind, one issue with all blind and visually impaired people was pedestrian safety and ideal signals would be a device which could make their travel safer; that Houston said they would put in the signals and did some and they thanked them for it, but they would like for the program to continue and replace all bells, etc., to the talking signals; and Mr. Garrett would come behind him and speak more on this.

Council Member Noriega stated that if Mr. Garrett would like to take some of her time to present what he had that would be fine; and Mr. Michael Garrett proceeded to the podium.

Mr. Michael Garrett, 7806 Chaseway Drive, Missouri City, Texas 77489 (281-438-9665) appeared, presented copies of their resolution to all at the Council table and stated that one morning his phone rang at work and it was his 16 year old daughter historically trying to relate to him she was looking at her mother lying in the middle of the street having been run over by an HISD school bus and they believed if an audible pedestrian signal would have been at the intersection she may have been saved; that such signals were a very important part of their lives and the resolution was asking Council to put a line item in the budget and place the signals throughout the city and possibly save lives of visually impaired among others.

Upon questions by Council Member Jones, Mr. Bradley stated that Mr. Marcotte had gone to the Mayor's Commission on Disabilities and made a presentation and promise of putting the signals in a year ago; that he did not think it went to Council for a vote; and Council Member Jones stated that someone from her staff would come and get information from him. Council Member Noriega absent.

Council Member Brown stated that it was a good suggestion and someone should check into how they were moving forward with implementing such improvements. Council Members Adams, Lovell, Holm and Noriega absent. (NO QUORUM PRESENT)

Mayor Pro Tem Garcia stated that the city did install the devices based on community requests and he would requests that where they had constituents or respective places of congregation it would be of value to have the devices installed; that there was never a dollar amount they could put on saving lives and they could place them with direction from the community; and Mr. Bradley stated that they would be happy to work with them. Council Members Adams, Lovell, Holm and Noriega absent. (NO QUORUM PRESENT)

Mr. Vincent Alexandria, 10280 Windmill Lakes Blvd. #6306, Houston, Texas 77075 (816-914-1560) appeared, presented information to the Council Members and stated that his packets had information pertaining to the Brother to Brother Symposium and a novel he wrote "Black Rain"; that he was asking Council to take one moment and consider themselves being illiterate and if so where would they be today; that every 16 minutes a student dropped out of school and it was broken dreams and broken lives and their symposium tried to change it and inspire; that they were a 501C3 organization and they gave books to each person who came through the door and he was asking for a financial commitment, but also for a commitment for Council Members to come and talk to students; that they would be holding an event at TSU, October 3rd and 4th. Council Members Adams, Lovell, Holm and Noriega absent. (NO QUORUM PRESENT)

Council Member Jones thanked Mr. Alexandria for coming and stated that reading was fundamental and it did open doors and gave hope and anything her office could do to make his event successful she would be glad to do. Council Member Noriega absent. Council Members Adams, Lovell, Holm and Noriega absent. (NO QUORUM PRESENT)

Council Member Rodriguez stated that he was excited to participate in the event; and

upon questions, Mr. Alexandria stated that they had done fund raising for the event and anything they could do would be appreciated. Council Members Adams, Lovell, Holm and Noriega absent. (NO QUORUM PRESENT)

Mr. Jeffrey Marinacci, 1614 Wakefield, Houston, Texas 77018 (713-956-1754) appeared and stated that he lived in Oak Forest and recently they had a large amount of homes for tear down and demolition and larger homes violating their deeds were being constructed and he had questions such as, what was the city's stance on enforcing deeds when there was no clear legal prohibition to do so; the odious covenants written into theirs and others were not enforceable; and there was a term of stories and height and again he was asking for clarity from the city in plain language, now that the city adopted residential building codes the term had more clarity and was enforceable. Council Members Holm and Noriega absent.

Council Member Lawrence stated that she understood Mr. Marinacci had conversations with Legal and she wanted to be sure he understood the city did operate under state law and could not do anything the legislature did not give permission to do; that he had good points, but due to the fact we were basically a property rights state they could not go out and zone an area or impose certain deed restrictions; that for some things he stated and the city had fought hard for homes of which violated height, but it was not height as much as it was floors, years ago when deed restrictions were done they designated how many floors a house could have and then ceilings were eight feet, but now people were putting 20 feet ceilings and the interpretation was different; that in her area someone put down they were adding a third floor, but in the area they could only have two floors so he came and stated he was adding an attic, he knew he was in violation, but built the third story and called it an attic; that there were loopholes and all they could do was go back and petition their area and get their restrictions changed. Council Members Holm, Rodriguez and Noriega absent.

Upon questions by Council Member Jones, Mr. Marinacci stated that his first question was what was the city's stance on enforcing deeds on non prohibited terms; the second was concept of stories in height; did the city enforce penalties for filing a false affidavit and would they consider publishing, such as the Better Business Bureau did, a list of builders who continually filed false affidavits with the city and also publish terms it could not enforce and then deeds could be rewritten so they could be enforceable. Council Members Holm, Rodriguez and Noriega absent.

Council Member Brown stated that Planning was in the process of researching and cataloging all subdivisions and specific deed restrictions and he felt it should be a priority to get subdivisions and deed restrictions documented; and upon questions, Mr. Marinacci stated they were in process of rewriting their deed restrictions and how they would enforce and manage the neighborhood. Council Members Holm, Rodriguez and Noriega absent.

Council Member Adams stated that she wanted the community to be aware of something Ms. Gafrick had said and that was one thing they could do now was communities which had deed restrictions should submit them to the Planning Department, currently only 40 communities had submitted theirs, but if they would submit those restrictions then they could be pulled up when someone applied for the permit; that the department also sent out a weekly news blast of permits applied for and they would like communities to sign up for that as well so they could see what was being built in their communities. Council Members Holm, Rodriguez and Noriega absent.

Mayor Pro Tem Garcia stated that he did thank him for coming and as he requested many here tried to give him feedback, it was not simple and the community could help; that there was much concern on his issue at the Council table. Council Members Holm, Rodriguez and Noriega absent.

Mr. James Garrett, 12114 Sandrock, Houston, Texas 77048 (281-520-0471) appeared and stated that an accident occurred with a METRO bus and his son was driving and it cost \$14,000 to repair and he made phone calls and went to the transit center to see what could be done, but they said all that could be done was to get a judgment and he expected someone to do a recovery and wanted to know what to do about the \$14,000, just endure it or what; and he would like it explained. Council Members Holm, Rodriguez and Noriega absent.

Mayor Pro Tem Garcia thanked Mr. Garrett for coming. Council Members Holm, Rodriguez and Noriega absent.

Mr. Charles Cupp, 1237 Althea Drive, Houston, Texas 77018 (713-682-7010) appeared, presented information and stated that he had to speak with Council because the Police Department refused to do an investigation on an attempted murder and he understood no one was hurt and no harm was done, but the attempt was made; that what he presented was location inquiry and you could go to the police department and find out whatever had occurred at any particular address and this particular sheet he turned in showed four murder investigations and he deleted names because he did not know them, but it showed how important such an inquiry was; that this person was a pal of the man in the Houston Chronicle who murdered and slaughtered two girls on the news lately, the incident report had a lot taken off because five years had passed and he was asking the HPD policy be changed so this information would continue to be there forever; that he did not want anything dropped off; that one murder was his son and one was before he was murdered and all investigations were on one person; that he joined Citizens Patrol and in retaliation for him standing up to them he was accused of assaulting one of them and he was in court, but found innocent; that when court was over the lawyer said he and his wife's life were in danger because of this person and his group ; that they fly around them and then brake and cause them to almost hit them and that to him was attempted murder and he again asked that information not be deleted off reports. Council Members Holm, Rodriguez and Noriega absent.

Mayor Pro Tem Garcia stated that Lt. Gallier was present and could visit with him on this matter. Council Members Holm, Rodriguez and Noriega absent.

Mr. Claude Brown, 3018 Hohl, Houston, Texas 77093 (832-885-9182) appeared and stated that he stood before Council before about a company next door to him and it was no better and it was destroying his family; that he was a disabled vet and he had nerve problems and it was getting worse; that they had no peace; and he gave Council Member Garcia a tape before and wondered if he looked at it. Council Members Holm, Rodriguez and Noriega absent.

Mayor Pro Tem Garcia stated that they did make some progress, but regretfully because of how the business was situated near him it was causing him challenges; that he was looking at response the police had provided for their operation and the bottom line was there was no simple solution; that obviously his level of tolerance was at a different level of rules which applied and they were trying to find an answer, some of the traffic was routed away from him and if he would bear with them they were looking for solutions given rules they could work with. Council Members Holm, Rodriguez and Noriega absent.

Mr. Jose Rios, 8501-1/2 Wire Drive, Houston, Texas 77023 (713-245-9325) appeared and stated that he was very grateful to America and he got his disability from social security and things were working out; that he was alone 17 years now, he graduated with honors from Stephen F. Austin and many things came his way and now he had to go to two churches because of freedom of religion, but the problem of freedom of religion was it was causing youth a lot of confusion; that now you had to be 25 feet away from an entrance to smoke and now he had to deal with that; and continued expressing his personal opinions until his time expired.

Council Members Holm, Rodriguez and Noriega absent.

Mr. John Johnson, 7102 Wendemere, Houston, Texas 77088 (832-453-1900) appeared and stated that a drunk driver ran into his rental property and tore up a concrete fence and he called police and they came out; that the guy had no insurance and no drivers license and the police officer took his ID card and checked and said he had neither of the items so what did he want him to do, did he want him to write a report; and he told him yes so he did but then he gave him no incident report and he left and let the young man leave intoxicated with no drivers license and no insurance and he gave him no tickets; that he already had one investigation going on with permits about illegal fraudulent permits being pulled. Council Members Lawrence, Sullivan, Holm and Noriega absent. (NO QUORUM PRESENT)

Ms. Sonia Parker, 8503 Dorskocil Drive, Houston, Texas 77044 (832-486-9076) appeared and stated that her husband had recently returned home from Iraq, May 2007, and just recently found a job in January and that was a major problem; that she contacted over 200 organizations in Houston and no one helped; that this was a major problem with soldiers returning and she felt Houston should step up and do more. Council Members Holm and Noriega absent.

Council Member Jones stated that some people did care and those at the Council table cared; that her office was meeting with the one over Veterans Affairs with the City of Houston and they were struggling to find money for it, but she was one who was a child and whose Dad came back from Vietnam and had issues and actually killed himself; that she would try and help her husband get a job, but a lot of soldiers came back with psychological issues; and she would make sure her office stayed in contact with her. Council Members Holm and Noriega absent.

Council Member Adams stated that she applauded her for coming; and upon questions, Ms. Parker stated that she did speak with the director of Veterans Affairs and they were of assistance; and Council Member Adams stated that on Main they had a place for U. S. Vets and it was for housing, counseling, etc., and they would call her with the phone number, it could be another resource for them. Council Members Holm, Lovell and Noriega absent.

Mayor Pro Tem Garcia stated that Ms. Parker pointed out something that was going to be a bigger issue in the future, with the nation's finest coming back home; that Mayor White foresaw the challenge and convened a group of knowledgeable and capable people who made up stakeholders and they could use her insight to see how they could better do this and he was grateful the Mayor stepped up and began this and now Houston could serve as a model to other cities. Council Members Holm, Lovell and Noriega 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 Holm, Lovell and Noriega absent.

Mr. Trent Winters, 7967 W. Airport, Houston, Texas 77071(832-264-1816) appeared and stated that when it came to immigration it was good to see all the kids here today, but with two million coming in every year he wondered how many parents were not from here; that people were killing and they should not even be in the state. Council Members Holm and Noriega absent.

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (832-407-5344) appeared and stated that he was the official U. S. President and a crime victim and he repeatedly came here and nothing was done; and continued to express his personal opinions until his time appeared. Council Members Holm, Rodriguez and Noriega absent.

Mr. James Partsch Galvan, 1611 Holman, Houston, Texas 77004 (713-528-2607) had

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

At 3:30 p.m. City Council recessed until 9:00 a.m., Wednesday, April 23, 2008. Mayor White and Council Member Khan out of the city on city business. Council Members Johnson and Green absent. Council Members Holm, Rodriguez and Noriega absent.

The Houston City Council reconvened at 9:00 a.m. Wednesday, April 23, 2008, with Mayor Pro Tem Adrian Garcia presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Wanda Adams, Mike Sullivan, Pam Holm, James G. Rodriguez, Peter Brown, Sue Lovell, Melissa Noriega, Ronald C. Green and Jolanda "Jo" Jones; Mr. Arturo Michel, City Attorney; Mr. Terence Fontaine, Deputy Chief of Staff for Operations ; Ms. Martha Stein, Agenda Director and Ms. Marta Crinejo, Assistant Agenda Director, present. Mayor White and Council Member M. J. Khan, P. E. out of the city on city business.

At 9:21 a.m. Mayor Pro Tem Garcia called the meeting to order and stated that the first order of business was a public hearing. Council Members Johnson, Holm, Brown, Green and Jones absent.

HEARING - 9:00 A.M.

1. **PUBLIC HEARING** relative to proposed amendments to the Project and Financing Plan for Tax Increment **REINVESTMENT ZONE NUMBER TEN (LAKE HOUSTON ZONE) DISTRICT E – SULLIVAN** – was called. Council Members Johnson, Holm, Rodriguez, Brown, Green and Jones absent.

The City Secretary stated that Mr. Fiederlein would make remarks concerning the hearing. Council Members Johnson, Holm, Rodriguez, Brown, Green and Jones absent.

Mr. Fiederlein stated that on April 16, 2008 the Board of Directors of the Lake Houston TIRZ approved amendments to the TIRZs project and financing plan and forwarded them to the City for consideration, that the public hearing was a statutorily required part of the City's review process, that each Council office had been given a copy of the proposed second amended plan for the TIRZ and an official City statement had been distributed to each of them today as well; that the administration requested that the City Council approve the addition of \$17.6 million to the zones project and financing plan to fund the installation of needed water, waste water and drainage infrastructure in the Lake Houston area and to fund the design and construction of a new library facility and the conversion of the former library facility into a community center, that both the proposed Kingwood Library and the present library that was to be converted to a community center were outside the boundaries of the zone, that utilization of TIRZ funding would allow for the construction of the library facility that was significantly larger than the present library facility serving the area, that as such the facility would be able to have multiple meeting rooms that would be available for and were expected to be used for public meetings and other assemblies such as civic clubs, community organizations and City sponsored meetings, in addition to common reading and research areas, that the utilization of TIRZ funding would also allow for the conversion of the present library facility into a community center that would serve primarily as a meeting place for certain populations such as seniors and civic clubs, that because the new library and the community center were both places of public assembly they were eligible for TIRZ funding pursuant to Section 311010B of the TIRZ act; that in closing City staff had worked closely with the zone on the proposed second amended plan and would present later in the Council session a recommendation for City Council to approve the plan amendments. Council Members Johnson, Rodriguez, Brown, Lovell and Green absent.

Council Member Sullivan stated that he wanted to acknowledge the high degree of cooperation and talent and skill of Mr. Fiederlein and Ms. McAfee in helping him, that they had been working on it for weeks and it was a great project and plan and both he and the Mayor were very excited to move it forward. Council Members Johnson, Rodriguez, Brown, Lovell and Green absent.

Council Member Holm stated that it had been an evolution over the last few years of the use of TIRZ and the value that it was to the citizens and district, that in a City that was 650 square miles it did not matter how fabulous they were it was really hard for one department to manage all the infrastructure of it and the TIRZ was a really great opportunity when they had a great plan that provided infrastructure to use that spending power in such a way, so she really commended any time they identified the source and the resources that Tax Increment Zone philosophy could be to them. Council Members Johnson, Rodriguez, Brown, Lovell and Green absent.

The City Secretary announced that no one had signed up to appear at the public hearing and asked if there was anyone in the audience who wished to speak concerning the hearing, and heard none. Council Members Johnson, Rodriguez, Brown, Lovell and Green absent.

Council Member Clutterbuck moved to close the public hearing, seconded by Council Member Noriega. All voting aye. Nays none. Mayor White and Council Member Khan out of the city on city business. Council Members Johnson, Rodriguez, Brown, Lovell and Green absent. MOTION 2008-0267 ADOPTED.

- 1a. ORDINANCE approving Second Amendment of the Project Plan and Reinvestment Zone Financing Plan for **REINVESTMENT ZONE NUMBER TEN**, City of Houston, Texas (**LAKE HOUSTON ZONE**); authorizing the City Secretary to distribute such plans - **DISTRICT E – SULLIVAN** – was presented. All voting aye. Nays none. Mayor White and Council Member Khan out of the city on city business. Council Members Johnson, Brown and Green absent. ORDINANCE 2008-0337 ADOPTED.
- 1b. ORDINANCE approving and authorizing Third Amendment to Public Improvement Development Agreement between the City of Houston, Texas, **REINVESTMENT ZONE NUMBER TEN**, City of Houston, Texas (**LAKE HOUSTON ZONE**), and **FRIENDSWOOD DEVELOPMENT COMPANY, LTD.** for the Design, Construction and Acquisition of certain public improvements and for certain other project costs in the Lake Houston Zone - **DISTRICT E - SULLIVAN** – was presented. All voting aye. Nays none. Mayor White and Council Member Khan out of the city on city business. Council Members Brown and Green absent. ORDINANCE 2008-0338 ADOPTED.
- 1c. ORDINANCE relating to the Fiscal Affairs of **REINVESTMENT ZONE NUMBER TEN**, City of Houston, Texas (**LAKE HOUSTON ZONE**); approving the Fiscal Year 2009 Operating Budget and the Fiscal Year 2009-2013 Capital Improvement Budget for the Zone - **DISTRICT E - SULLIVAN** – was presented. All voting aye. Nays none. Mayor White and Council Member Khan out of the city on city business. Council Members Brown and Green absent. ORDINANCE 2008-0339 ADOPTED.

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 2 through 38

MISCELLANEOUS - NUMBERS 2 and 3

2. MOTION to approve request to reallocate Texas Transportation Commission funds for access management improvements along the State Highway 6 Corridor from FM 521 in Arcola, Texas to Interstate Highway 10 in Houston – was presented, moved by Council Member Clutterbuck, seconded by Council Member Noriega. All voting aye. Nays none. Mayor White and Council Member Khan out of the city on city business. Council Members Sullivan, Brown and Green absent. MOTION 2008-0268 ADOPTED.
3. RECOMMENDATION from Director General Services Department to allocate additional funds in the amount of \$55,500.00 to Professional Architectural Services Contract with **PIERCE GOODWIN ALEXANDER & LINVILLE, INC** for New Fire Station 24, WBS C-000051-0001-3 CDBG Fund - **DISTRICT D - ADAMS** – was presented, moved by Council Member Clutterbuck, seconded by Council Member Noriega. All voting aye. Nays none. Mayor White and Council Member Khan out of the city on city business. Council Members Sullivan, Brown and Green absent. MOTION 2008-0269 ADOPTED.

ACCEPT WORK - NUMBERS 5 through 9

5. RECOMMENDATION from Director Department of General Services for approval of final contract amount of \$176,681.00 and acceptance of work on contract with **ALL PLAY, INC** for Cliff Tuttle Skate Park, WBS F-000636-0001-4 - 4.96% over the original contract amount - **DISTRICT H - GARCIA** – was presented, moved by Council Member Clutterbuck, seconded by Council Member Noriega. All voting aye. Nays none. Mayor White and Council Member Khan out of the city on city business. Council Members Sullivan, Brown and Green absent. MOTION 2008-0270 ADOPTED.
6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,713,941.03 and acceptance of work on contract with **DURWOOD GREENE CONSTRUCTION, L.P.** for Generic City Wide Overlay Package #8, (Work Order Contract) WBS N-001037-0048-4 - 2.25% over the original contract amount **DISTRICTS B - JOHNSON; D - ADAMS; G - HOLM; H - GARCIA and I - RODRIGUEZ** – was presented, moved by Council Member Clutterbuck, seconded by Council Member Noriega. All voting aye. Nays none. Mayor White and Council Member Khan out of the city on city business. Council Members Sullivan, Brown and Green absent. MOTION 2008-0271 ADOPTED.
8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$2,809,061.10 and acceptance of work on contract with **UNDERGROUND TECHNOLOGIES, INC** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods, WBS R-000266-00S8-4 - 0.13% over the original contract amount **DISTRICTS A - LAWRENCE; B - JOHNSON; C - CLUTTERBUCK; E - SULLIVAN; F - KHAN; G - HOLM; H - GARCIA and I - RODRIGUEZ** – was presented, moved by Council Member Clutterbuck, seconded by Council Member Noriega. All voting aye. Nays none. Mayor White and Council Member Khan out of the city on city business. Council Members Sullivan, Brown and Green absent. MOTION 2008-0272 ADOPTED.
9. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,174,284.13 and acceptance of work on contract with **R. K. WHEATON, INC** for Water Line Replacement in the Houston Heights Subdivision, WBS S-000035-0094-4 - 8.09% under the original contract amount - **DISTRICT H - GARCIA** – was presented, moved by Council Member Clutterbuck, seconded by Council Member Noriega. All voting aye. Nays none. Mayor White and

Council Member Khan out of the city on city business. Council Members Sullivan, Brown and Green absent. MOTION 2008-0273 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 10 through 15

10. **LION APPAREL** for Uniforms and Accessories from the State of Texas Procurement and Support Services Contract through the State of Texas Cooperative Purchasing Program for Houston Airport System - \$123,400.00 - Enterprise Fund – was presented, moved by Council Member Clutterbuck, seconded by Council Member Noriega. All voting aye. Nays none. Mayor White and Council Member Khan out of the city on city business. Council Members Sullivan, Brown and Green absent. MOTION 2008-0274 ADOPTED.
11. **NWN CORPORATION** for Network Equipment through the City's Master Agreement with the Texas Department of Information Resources (DIR) for Houston Airport System - \$124,084.00 Enterprise Fund – was presented, moved by Council Member Clutterbuck, seconded by Council Member Noriega. All voting aye. Nays none. Mayor White and Council Member Khan out of the city on city business. Council Members Sullivan, Brown and Green absent. MOTION 2008-0275 ADOPTED.
12. **TEXAS LIQUA TECH SERVICES, INC** for Expansion Joint Replacement at the George R. Brown Convention Center Third Level Ramp for the Convention & Entertainment Facilities Department \$169,190.00 and contingencies for a total amount not to exceed \$177,649.50 - Enterprise Fund – was presented, moved by Council Member Clutterbuck, seconded by Council Member Noriega. All voting aye. Nays none. Mayor White and Council Member Khan out of the city on city business. Council Members Sullivan, Brown and Green absent. MOTION 2008-0276 ADOPTED.
15. **GTSI CORP** for Software Implementation and Installation Services through the City's Intergovernmental Agreement with the County of Fairfax for the Houston Emergency Center and Houston Fire Department - \$200,559.95 - Houston Emergency Center Fund – was presented, moved by Council Member Clutterbuck, seconded by Council Member Noriega. All voting aye. Nays none. Mayor White and Council Member Khan out of the city on city business. Council Members Sullivan, Brown and Green absent. MOTION 2008-0277 ADOPTED.

ORDINANCES - NUMBERS 16 through 38

16. ORDINANCE consenting to the addition of 37.69 acres of land to **GREENS PARKWAY MUNICIPAL UTILITY DISTRICT**, for inclusion in its district – was presented. All voting aye. Nays none. Mayor White and Council Member Khan out of the city on city business. Council Members Sullivan and Green absent. ORDINANCE 2008-0340 ADOPTED.
17. ORDINANCE approving and authorizing Purchase Agreement and Development Agreement between City of Houston, Seller, and **UNITY CHURCH OF CHRISTIANITY, a Texas Non-profit corporation, Purchaser**, for certain real property located at 6342 Fairdale, Houston, Texas, Parcel SY6-032, in consideration of purchaser's developing the property for public use and paying \$5,542,500.00 to the City - **DISTRICT C - CLUTTERBUCK** – was presented. All voting aye. Nays none. Mayor White and Council Member Khan out of the city on city business. Council Members Sullivan and Green absent. ORDINANCE 2008-0341 ADOPTED.
18. ORDINANCE relating to the Fiscal Affairs of the **UPTOWN DEVELOPMENT AUTHORITY** on behalf of **REINVESTMENT ZONE NUMBER SIXTEEN**, City of Houston, Texas

(**UPTOWN ZONE**); approving the Fiscal Year 2009 Operating Budget for the Authority and the Fiscal Year 2009-2013 Capital Improvement Budget for the Zone - **DISTRICTS C - CLUTTERBUCK and G - HOLM** – was presented. All voting aye. Nays none. Mayor White and Council Member Khan out of the city on city business. Council Members Sullivan and Green absent. ORDINANCE 2008-0342 ADOPTED.

19. ORDINANCE approving and authorizing Fourth Amendment to Lease and Development Agreement between the City of Houston and **BAYOU PLACE LIMITED PARTNERSHIP**, as assignee from 500 Texas Avenue Limited Partnership, related to the Bayou Place Complex – was presented. All voting aye. Nays none. Mayor White and Council Member Khan out of the city on city business. Council Members Sullivan and Green absent. ORDINANCE 2008-0343 ADOPTED.
20. ORDINANCE approving and authorizing First Amendment to contract between the City of Houston and **BAYLOR COLLEGE OF MEDICINE** for Professional Staffing Services for Houston Fire Department Base Station – was presented. All voting aye. Nays none. Mayor White and Council Member Khan out of the city on city business. Council Members Sullivan and Green absent. ORDINANCE 2008-0344 ADOPTED.
21. ORDINANCE awarding contract between the City of Houston and **QUESTMARK INFORMATION MANAGEMENT, INC** for Jury Noticing and Tracking Services for Municipal Courts Judicial Department; providing a maximum contract amount - 3 Years with two one-year options \$450,060.00 - General Fund – was presented. All voting aye. Nays none. Mayor White and Council Member Khan out of the city on city business. Council Members Sullivan and Green absent. ORDINANCE 2008-0345 ADOPTED.
22. ORDINANCE awarding contract to **BFI WASTE SERVICES OF TEXAS LP dba ALLIED WASTE SERVICES GROUP** for Solid Waste Disposal and Equipment Services for the Houston Airport System; providing maximum contract amount - 3 years with two-one year options \$4,070,083.22 - Enterprise Fund – was presented. All voting aye. Nays none. Mayor White and Council Member Khan out of the city on city business. Council Members Sullivan and Green absent. ORDINANCE 2008-0346 ADOPTED.
23. ORDINANCE awarding contract to **HOWSE BROTHERS SANITATION SERVICES, INC dba UNITED SITE SERVICES** for Portable Toilet Leasing Services for Various Departments; providing maximum contract amount - 3 years with two-one year options - \$1,842,250.00 - General, Enterprise, Stormwater and Special Revenue Funds – was presented. All voting aye. Nays none. Mayor White and Council Member Khan out of the city on city business. Council Members Sullivan and Green absent. ORDINANCE 2008-0347 ADOPTED.
24. ORDINANCE appropriating \$41,679.00 out of Fire Consolidated Construction Fund for Purchase of Capital Equipment for General Services Department for the Fire Department's Fire Station No. 62, WBS C-0000EQ-0003-5-01 - **DISTRICT A - LAWRENCE** – was presented. All voting aye. Nays none. Mayor White and Council Member Khan out of the city on city business. Council Members Sullivan and Green absent. ORDINANCE 2008-0348 ADOPTED.
25. Omitted
26. ORDINANCE appropriating \$770,000.00 out of Water & Sewer System Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **SHRADER ENGINEERING COMPANY** for Scada and Wireless Communication Improvements at Various Wastewater Treatment

Plant Facilities, WBS R-000512-0013-3; providing funding for contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – was presented. All voting aye. Nays none. Mayor White and Council Member Khan out of the city on city business. Council Members Sullivan and Green absent. ORDINANCE 2008-0349 ADOPTED.

29. ORDINANCE appropriating \$150,000.00 out of Water & Sewer Contributed Capital Fund; and \$1,678,700.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **D. L. ELLIOTT ENTERPRISES, INC** for Water Line Replacement in Sandalwood Area, WBS S-000035-00D3-4; 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 Contributed Capital Fund and Water & Sewer System Consolidated Construction Fund **DISTRICT G - HOLM** – was presented. All voting aye. Nays none. Mayor White and Council Member Khan out of the city on city business. Council Members Sullivan and Green absent. ORDINANCE 2008-0350 ADOPTED.
30. ORDINANCE appropriating \$2,125,000.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **BLASTCO TEXAS, INC** for Rehabilitation of Ground Storage Tanks, WBS S-000600-00B6-4; 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 - **DISTRICTS C - CLUTTERBUCK and D - ADAMS** – was presented. All voting aye. Nays none. Mayor White and Council Member Khan out of the city on city business. Council Members Sullivan and Green absent. ORDINANCE 2008-0351 ADOPTED.
31. ORDINANCE appropriating \$1,034,000.00 out of Fire Consolidated Construction Fund, awarding construction contract to **TIMES CONSTRUCTION, INC** for New Fire Station 24, WBS C 000051-0001-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the city; holding the bidder in default if it fails to meet the deadlines; providing funding for materials testing services, construction management, civic art, and contingencies relating to construction of facilities financed by Fire Consolidated Construction Fund and Federal Government-Grant Fund \$1,944,500.00 - CDBG Funds - **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. Mayor White and Council Member Khan out of the city on city business. Council Members Sullivan and Green absent. ORDINANCE 2008-0352 ADOPTED.
32. ORDINANCE awarding construction contract to **SEA-BREEZE ROOFING, INC** for Emancipation Park Roof Replacement, WBS F-000635-0001-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for construction management, and contingencies relating to construction of facilities financed out of the Federal Government-Grant Fund - \$204,257.00 - CDBG Funds – was presented. All voting aye. Nays none. Mayor White and Council Member Khan out of the city on city business. Council Members Sullivan and Green absent. ORDINANCE 2008-0353 ADOPTED.
33. ORDINANCE appropriating \$35,805,112.69 out of HAS Consolidated 2004 NONAMT Construction Fund, WBS A-000514-0002-4-01 and awarding construction contract to **W.**

W. WEBBER, LLC for Rehabilitation of Runway 9-27 at George Bush Intercontinental Airport/Houston, Project No. 423, setting a deadline for W. W. Webber, LLC's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding W. W. Webber, LLC in default if it fails to meet the deadlines; providing funding for engineering testing services, and for contingencies relating to construction of the facilities financed by such fund - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Mayor White and Council Member Khan out of the city on city business. Council Members Sullivan and Green absent. ORDINANCE 2008-0354 ADOPTED.

34. ORDINANCE No. 2008-322, passed first reading April 16, 2008
ORDINANCE granting to **ARROW SERVICES 123, 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. Mayor White and Council Member Khan out of the city on city business. Council Members Sullivan and Green absent. ORDINANCE 2008-0322 PASSED SECOND READING IN FULL.
35. ORDINANCE No. 2008-323, passed first reading April 16, 2008
ORDINANCE granting to **PERFORMANCE CONTRACTING, INC, a Kansas 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. Mayor White and Council Member Khan out of the city on city business. Council Members Sullivan and Green absent. ORDINANCE 2008-0323 PASSED SECOND READING IN FULL.
36. ORDINANCE No. 2008-324, passed first reading April 16, 2008
ORDINANCE granting to **MILLENNIUM PROJECT SOLUTIONS, 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. Mayor White and Council Member Khan out of the city on city business. Council Members Sullivan and Green absent. ORDINANCE 2008-0324 PASSED SECOND READING IN FULL.
37. ORDINANCE granting to **INLAND ENVIRONMENTS, LTD., 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 - **FIRST READING** – was presented. All voting aye. Nays none. Mayor White and Council Member Khan out of the city on city business. Council Members Sullivan and Green absent. ORDINANCE 2008-0355 PASSED FIRST READING IN FULL.
38. ORDINANCE granting to **STANZ INTEGRATED CLEANING SOLUTIONS, a Texas Sole Proprietorship**, the right, privilege and franchise to collect, haul and transport Solid Waste and Industrial Waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions; and making certain findings related thereto - **FIRST READING** –

was presented. All voting aye. Nays none. Mayor White and Council Member Khan out of the city on city business. Council Members Sullivan and Green absent. ORDINANCE 2008-0356 PASSED FIRST READING IN FULL.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

4. RECOMMENDATION from Director Department of Public Works & Engineering for payment of funds for traffic signal operations and maintenance on the Metro Light Rail Traffic Signal System pursuant to the Operations and Maintenance Agreement between the City of Houston and **METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY, TEXAS** - \$200,986.80 General Fund – was presented. Council Member Green absent.

Council Member Holm stated that she was going to tag Item No. 4 and would like to have an opportunity during the week to get some information; that she understood that in a 2003 agreement with Metro they agreed to pay \$200,000 per year for signalization, that she was confused why they would pay Metro for the City's signals, that she would like somebody to review that with her, that she would also like to take the opportunity to kind of review in the future if that was how they were going to handle it, that it seemed to that if somebody used the City's property that they should be paying for the maintenance of it and not the taxpayers, that she had a lot of questions, and she would also like to see the records, and asked if it cost about \$702 a year to maintain every signal in the City and if so it seemed to her that they might be looking at the signalization throughout the City to make sure that they could improve those maintenance costs. Council Member Green absent.

ACCEPT WORK

7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$3,770,266.82 and acceptance of work on contract with **DURWOOD GREENE CONSTRUCTION, L.P.** for Generic City Wide Overlay Package #9, (Work Order Contract) WBS N-001037-0049-4 - 3.80% over the original contract amount **DISTRICTS A - LAWRENCE; B - JOHNSON; D - ADAMS; E - SULLIVAN; H - GARCIA and I - RODRIGUEZ** – was presented, moved by Council Member Clutterbuck, seconded by Council Member Noriega. All voting aye. Nays none. Mayor White and Council Member Khan out of the city on city business. Council Member Green absent. MOTION 2008-0278 ADOPTED.

PURCHASING AND TABULATION OF BIDS

13. ORDINANCE appropriating \$1,484,013.00 out of Equipment Acquisition Consolidated Fund for purchase of 2-Passenger Helicopters for the Police Department – was presented. Council Member Green absent.

Council Member Holm stated that she would tag Item No. 13 and would like some information on why with all their needs for police cars and everything else she questioned \$17 million to buy 16 helicopters right now, so if she could have some information and backup on that and on the analysis that it was of more priority than anything else. Council Member Green absent.

Council Member Clutterbuck stated that she too would like to add her tag to Item No. 13.

After further discussion by Council Members, Mayor Pro Tem Garcia stated that the

vessels that the fleet had now came on literally about the same time he came on, that he may have held up pretty well in terms of wear and tear but those vessels did not, that they make news when the vehicles had to sit down in the middle of a ballfield or neighborhood and thank goodness they had been able to sit down without any injury or loss of life, but these vessels required tremendous care and thought that one of the things that Terrance and Joe and others had done, and the Mayor in particular, was to look at the way they were using their maintenance dollars and making sure that they gave coverage to the City in terms of the square miles that they had to cover, that he did not like comparing themselves to other cities, but when they looked at Los Angeles who had 30 or 40 helicopters and then they also hear a lot of heartburn from people when they got into high speed chases and they had unfortunate accidents and people complain about putting other folks in danger, it was the helicopters that helped to resolve and minimize that danger as much as possible, so he would urge that his colleagues would hopefully get their questions answered but in public safety it was always hard to find what was the most pressing priority, but he would tell them that this was one that ranked up there with hiring new officers. Council Member Green absent.

After further discussion Council Member Adams moved to suspend the rules to hear from Mr. Joe Fenninger to be able to address their questions, seconded by Council Member Lovell. All voting aye. Nays none. Mayor White and Council Member Khan out of the city on city business. Council Member Green absent.

Mayor Pro Tem Garcia stated that Joe had done a tremendous job making sure that their financial resources were effectively utilized, and stated that Council Member Holm had mentioned some earlier questions and asked for Mr. Fenninger to respond. Council Members Lawrence and Green absent.

Mr. Fenninger stated that these were capital items that would be amortized over a 15 year period of time so it was not as though they were purchasing with \$18 million up front; that there were three components to these and they saw two of the components here, the three Schweizers that were the trainer helicopters, the eight MD500Es, that were patrol helicopters and the third component were the forward looking infrared radar, they referred to that as FLIR,, there would be a third RCA coming forward in about a week or two; that when they purchased in the past they were able to buy the FLIR along with the MD500s together, this time they purchased the MD500s without the FLIR, they were going to install the FLIRs themselves and would save a good sum of money on that by doing it themselves, they were trying to keep the cost down, but again he would emphasize that the cost would be spread over a 15 year period of time, that the life expectancy of the units was a minimum of 15 years and probably more likely 20 years, that as they could see by the units that they had here the newest one that was in their fleet at this time was a 2006 model, MD500E and after that the youngest ones that were operating at this time were MD500Es that were 1990, 1991 and 1993, they only had four patrol helicopters flying at this time, they owned nine, three of them were the trainers, the Schweizers, those were 33 years old and were purchased in June 1975, but they were primarily for trainers that could carry two people, they could not put FLIRs on them, they did not have the lift capacity, they could not put spotlights on them because they did not have the lift capacity and if they flew into a headwind they might be able to stand still relative to the ground, so they were really not meant for patrol or for chase. Council Members Johnson and Green absent.

After further discussion Mayor Pro Tem Garcia asked those with the Helicopter Division present in the audience to stand and be recognized and thanked them for their work. Council Members Johnson and Green absent.

Mayor Pro Tem Garcia stated that Item No. 13 had been tagged by Council Members Holm and Clutterbuck. Council Members Johnson and Green absent.

- 13a. **AIR-FLITE, INC** for 2-Passenger Helicopters for Police Department – was presented, and tagged by Council Members Holm and Clutterbuck. Council Members Johnson and Green absent.
14. ORDINANCE appropriating \$15,192,816.00 out of Equipment Acquisition Consolidated Fund for purchase of 4-Passenger Helicopters for the Police Department – was presented, and tagged by Council Members Holm and Clutterbuck. Council Members Johnson and Green absent.
- 14a. **MD HELICOPTERS, INC** for 4-Passenger Helicopters for Police Department – was presented, and tagged by Council Members Holm and Clutterbuck. Council Member Green absent.

ORDINANCES

27. ORDINANCE appropriating \$430,000.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation to Professional Engineering Services Contract between the City of Houston and **CARTER & BURGESS, INC** for Design of Water Lines and Brick Street Preservation and Restoration in the Freedman's Town Area, WBS S-000455-0001-3 and N-001315-0001-3; providing funding for contingencies relating to construction of facilities financed by Street & Bridge Consolidated Construction Fund - **DISTRICT I – RODRIGUEZ** – was presented. Council Member Green absent.

After discussion by Council Members, Council Member Lawrence stated that she would tag Item No. 27. Council Member Green absent.

28. ORDINANCE appropriating \$689,912.00 out of Street & Bridge Consolidated Construction Fund, awarding contract to **DEYAR BUILDERS, INC** for Safe Sidewalk Program F2, WBS N-00610A-00F2-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management, and contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT E – SULLIVAN** – was presented. Council Member Green absent.

Council Member Sullivan moved to postpone Item No. 28 for two weeks, and stated that he did his due diligence and looked at all the listings for the proposed worked and felt an obligation, since he inherited it from his predecessor, an obligation to go out and actually see what they were doing, seconded by Council Member Clutterbuck. All voting aye. Nays none. Mayor White and Council Member Khan out of the city on city business. Council Member Green absent. MOTION 2008-0280 ADOPTED.

NON CONSENT AGENDA - NUMBERS 39 and 40

MISCELLANEOUS

39. **SET A PUBLIC HEARING DATE** relative to proposed amendments to the Project and Financing Plan for Tax Increment Reinvestment Zone Number Seven (OST/Alameda Zone) **DISTRICTS D - ADAMS and I – RODRIGUEZ - SUGGESTED HEARING DATE - WEDNESDAY - MAY 7, 2008 - 9:00 A.M.** – was presented. Council Member Green absent.

Council Member Clutterbuck moved to set the hearing for Wednesday, May 7, 2008 at 9:00 a.m., seconded by Council Member Lovell. All voting aye. Nays none. Mayor White and Council Member Khan out of the city on city business. Council Member Green absent. MOTION 2008-0281 ADOPTED.

40. **SET A PUBLIC HEARING DATE** relative to proposed amendments to the Project and Financing Plan for Tax Increment Reinvestment Zone Number Eleven (Greater Greenspoint Zone) **DISTRICT B – JOHNSON - SUGGESTED HEARING DATE - WEDNESDAY - MAY 7, 2008 - 9:00 A.M.** – was presented, moved by Council Member Lovell, seconded by Council Member Clutterbuck. All voting aye. Nays none. Mayor White and Council Member Khan out of the city on city business. Council Member Green absent. MOTION 2008-0282 ADOPTED.

MATTERS HELD - NUMBERS 41 through 44

41. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,028,219.25 and acceptance of work on contract with **SOUTH COAST CONSTRUCTION, INC** for Reconstruction of West Little York Bridge over Vogel Creek, WBS N-000687-0004-4 - 1.95% under the original contract amount - **DISTRICT A – LAWRENCE – (This was Item 4 on Agenda of April 16, 2008, TAGGED BY COUNCIL MEMBERS RODRIGUEZ, GARCIA, JONES, GREEN and ADAMS)** - was presented, moved by Council Member Clutterbuck, seconded by Council Member Noriega. All voting aye. Nays none. Mayor White and Council Member Khan out of the city on city business. Council Member Green absent. MOTION 2008-0283 ADOPTED.
42. ORDINANCE approving and authorizing agreement between the City of Houston and **MEMORIAL ASSISTANCE MINISTRIES, INC** to provide a \$150,000.00 grant of Federal Community Development Block Grant ("CDBG") Funds for costs to construct additional parking at a facility located at 1625 Blalock Road, Houston, Texas, which provides services to low-income persons – **(This was Item 15 on Agenda of April 16, 2008, TAGGED BY COUNCIL MEMBER GREEN)** – was presented. Council Member Green absent.

Council Member Brown stated that he thought when the item came up before they had requested cost information, why it was so much per square foot compared to another item on the agenda and he never received any information and moved to delay Item No. 42 to the end of the agenda, seconded by Council Member Clutterbuck. Council Member Green absent.

Mayor Pro Tem Garcia stated that if there was no objection they would delay Item No. 42 by unanimous consent. Council Member Green absent.

43. ORDINANCE approving and authorizing a Term Sheet with **CONTINENTAL AIRLINES, INC** for Terminal B Expansion Program at George Bush Intercontinental Airport/Houston - **DISTRICT B – JOHNSON – (This was Item 16 on Agenda of April 16, 2008, TAGGED BY COUNCIL MEMBER JOHNSON)** – was presented. Council Member Green absent.

Council Member Johnson stated that they had come back and given him information that he needed and in respect to Continental Airlines he also appreciated the fact that they had been forthright in talking about many of the issues that he felt near and dear in respect to what the agreements would look like, the MWBE participation, the concessions and just the whole nine yards, that what they were going to be looking for was an opportunity of coming back and setting opportunities to have different contractors and vendors to sit at the table and have full

disclosure of what the project was as opposed to waiting until the deal was already done.

After further discussion by Council Members, a vote was called on Item No. 43. All voting aye. Nays none. Mayor White and Council Member Khan out of the city on city business. ORDINANCE 2008-0357 ADOPTED.

43a. ORDINANCE providing for Passenger Facility Charges at George Bush Intercontinental Airport/Houston - **DISTRICT B - JOHNSON** – **(This was Item 16a on Agenda of April 16, 2008, TAGGED BY COUNCIL MEMBER JOHNSON)** - was presented. All voting aye. Nays none. Mayor White and Council Member Khan out of the city on city business. ORDINANCE 2008-0358 ADOPTED.

44. ORDINANCE amending Ordinance No. 2008-118 relating to the City of Houston's participation in the Texas Enterprise Zone Program pursuant to the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code, providing certain incentives, designating a liaison for communication with interested parties, and nominating **DELOITTE LLP** to the Office of the Governor Economic Development & Tourism through the Economic Development Bank as an enterprise project – **(This was Item 24 on Agenda of April 16, 2008, TAGGED BY COUNCIL MEMBERS GREEN and RODRIGUEZ)** - was presented. All voting aye. Nays none. Mayor White and Council Member Khan out of the city on city business. ORDINANCE 2008-0359 ADOPTED.

42. ORDINANCE approving and authorizing agreement between the City of Houston and **MEMORIAL ASSISTANCE MINISTRIES, INC** to provide a \$150,000.00 grant of Federal Community Development Block Grant ("CDBG") Funds for costs to construct additional parking at a facility located at 1625 Blalock Road, Houston, Texas, which provides services to low-income persons – **(This was Item 15 on Agenda of April 16, 2008, TAGGED BY COUNCIL MEMBER GREEN)** – was again before the City Council. All voting aye. Nays none. Mayor White and Council Member Khan out of the city on city business. ORDINANCE 2008-0360 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Lawrence stated that she wanted to remind everybody to come to the Regulation Development Neighborhood Protection meeting on Wednesday at 2:00 p.m. that they would be talking about changes to Chapter 42, right-of-way issues and also neighborhood speed signs, if they needed any information they would be glad to get it to them. Council Member Jones absent.

Council Member Johnson stated that they would be having a Second Chance Symposium this weekend at the Acres Homes Multi Service Center, that it was a symposium he was hosting to give individuals who may have offences on their record a chance to have their records expunged so they may become employable, that it would be on Saturday, April 26, from 9:30 a.m. to 2:00 p.m., for more information they could call his office at 713-247-2009. Council Members Lawrence, Sullivan, Noriega and Jones absent.

Council Member Johnson stated as to smoke detectors in District B, they would be doing it in District B and Debbie Allen would be the person of contact, that it would be a great program to insure that the senior citizens and individuals of Acres Homes would be given smoke detectors. Council Members Lawrence, Sullivan, Noriega and Jones absent.

Council Member Johnson stated that the Morning Glory Breakfast would be at the Prince Complex Center at 3000 Jensen, that it would be hosted by the Senior Citizens Center of Greater Northside, Ms. Connie Rose was the Executive Director of the Program, that she

provided breakfast and lunch to many of the senior citizens of the Fifth Ward Community, that she had been doing that for well over 30 years and they thanked her for all of her efforts. Council Members Lawrence, Sullivan and Noriega absent.

Council Member Johnson stated that he would be having a meeting in the Settegast Community, slated for April 28, 2008 at Saint Paul's Baptist Church at 10:00 a.m., that the program that they were incorporating was a Sweat Equity Program in their neighborhoods that put the ownership responsibility back on the communities but also gave them fruit to their labor.; that they would be joined by HPD, Neighborhood Protection, Solid Waste, as well as Public Works to discuss how they were going to start creating a plan of action for their community but then certainly how they were going to receive the fruits of their labor. Council Members Sullivan and Noriega absent.

Council Member Holm stated that District G had another wedding plan, Brittany Phillips and Jordan Faulk who got engaged last weekend. Council Members Johnson, Sullivan and Noriega absent.

Council Member Holm stated that she wanted to thank Kent Robertson, Director of BARC, that over the last years they had so many questions and lack of confidence on the communities part on BARC, that yesterday they had a very interesting happening in District G, that for over 30 years it had been the home peacocks in west Houston, they had come off of the bayou and coexisted with the residents and through a call BARC responded and went out yesterday and started picking up some of the peacocks and tried to move them to a preserve, that Mr. Robertson immediately addressed this and the peacocks were back home, that the neighborhood was dealing with it. Council Members Johnson and Sullivan absent.

Council Member Brown stated that he had the opportunity to attend the Houston Grand Opera's performance of La Boheme; that he attended the U.S. Men's Clay Court Championship Tennis, the finals occurred at the River Oaks Country Clubs, that it was the first year they hosted the championship at River Oaks. Council Members Johnson and Sullivan absent.

Council Member Brown stated that he wanted to talk about turning Houston green, a green sustainable city, and if they looked at Dr. Steven Kleinberg's recent report, the Houston Area Survey 2008, they would see that there was a very strong message there, that it was time to get serious about the environment and how they managed growth and change and development in the City of Houston. Council Members Lawrence, Johnson, Sullivan and Holm absent.

Council Member Brown stated that Friday, April 25, 2008, was a very special day in the City where they recognize their need to conserve energy, it was called "Lights Out Houston"; that at 10:00 p.m. on Friday the owners downtown were going to turn the lights out in the buildings, after the cleaning was done, for the whole weekend, that they were going to measure how much energy they saved as a result of this, that the City and Harris County were also going to turn off non essential lights this weekend, and he would encourage everybody in the City of Houston to turn their lights off at 10:00 p.m. on Friday and be a good steward of the environment. Council Members Lawrence, Johnson, Sullivan and Holm absent.

Council Member Clutterbuck stated that she wanted to announce a joint meeting of the Budget and Fiscal Affairs Committee and the Human Services and Technology Committee, of which Council Member Johnson was Chair, and the Housing and Community Development Committee, of which Council Member Jones was Chair, that they would be holding a joint meeting to discuss the 2008 Consolidated Action Plan for HUD Grants, and Mr. Richard Celli, Director of Housing would be making that presentation, that it was a wonderful opportunity to see all of the progress that was going on, that as they prepared for their Budget and Fiscal

Affairs meeting it was a vital part of all of their budget matters and she looked forward to seeing everybody today at 2:00 p.m. in the Council Chamber. Council Members Lawrence, Johnson, Sullivan and Holm absent.

Council Member Clutterbuck stated that she wanted to express her thanks to the people in the Public Works Department who had worked tirelessly on a very important issue to constituent of District C who reside along Brays Bayou where unfortunately they had not only, she thought, three City of Houston sewage processing plants, but also the cities of Bellaire and West University Place also had their individual sewage processing plants; that when they contacted Public Works this week about a persistent problem inside the Loop off of north and South Braeswood they received very prompt attention, that after repeated visits Public Works was finally able to discover that a manhole near the particular apartment that was complaining about it was the source of the order and they installed an order knocker and the situation, as she understood, had greatly improved, that she wanted to thank all of the Public Works staff who worked very hard. Council Members Lawrence, Johnson, Sullivan, Holm, Rodriguez and Green absent.

Council Member Noriega stated that she wanted to comment on something that occurred last Saturday and it was something that happens twice a year, it was the Rebuilding Together Houston Effort, that her staff participated in the program and the crew was lead by the Mayor's Citizen Assistance Staff and included other departments including Affirmative Action, the Library service, Houston Police Department, Public Works and Engineering, Aviation, Physical Plant and Maintenance and Parks and Finance, that it was a program that provided home repair services for low income, elderly or disabled Houston area homeowners, that they went out and worked on folks homes, that in this case the crew scrapped siding and replaced boards and painted and worked outside in the yard, that she wanted to thank her staff and their spouses family and friends; that the family that they assisted was an elderly couple who were 84 and 96 years old and lived in Acres Homes near Highland Heights and they were very thankful for everyone who came out and participated in the noteworthy endeavor, that it was done bi-annually in the fall and spring and companies all over Houston sponsored crews and the City of Houston departments were invited and encouraged to form their own crews, that in addition to the Mayor's Assistance, Public Works had two crews and Solid Waste, Health and Neighborhood Protection had two crews, that she would encourage citizens in Houston to take a Saturday twice a year and lend a hand to their neighbor. Council Members Lawrence, Johnson, Sullivan, Holm and Green absent.

Council Member Adams stated that it had been a great 100 days and they had been busy every week and had been getting great reviews on what their staff had been doing, so she would like to thank her staff for all the work they were doing in their community. Council Members Lawrence, Johnson, Sullivan, Holm and Green absent.

Council Member Adams stated that she wanted to thank the City Council for the item on Fire Station No. 24, for approving the funding, that the fire station would be located at Highway 288 near Reed Road; that Jack Yates High School received \$25,000 in scholarships, that 139 scholars from the Project Grad were really achieving their dreams by receiving \$4,000 each and 200 scholars from the Texas Scholars Program would receive scholarships, so she wanted to congratulate Jack Yates High School on receiving the scholarships; that the District D office toured the zoo and they personally fed the giraffes and elephants, that they visited the commissary to see how much money it took behind the scenes to run the Houston Zoo and they found out it was over \$600,000 just to buy food, that they learned a lot yesterday; that on Saturday they participated in the Earth Day 5K and two of her staff won great prizes, that it was at MacGregor Park and she wanted to thank the Mothers of Clean Air for putting on that event; that last night she went to Saint Thomas to see the Rugby team and also to meet the Rugby

Team of Australia, who were touring the City of Houston, that last night they played Saint Thomas. Council Members Lawrence, Johnson, Sullivan, Holm and Green absent.

Council Member Adams stated that over the last 100 days they had the opportunity to take complaints and hear the concerns of the citizens, whatever the issues were, they had come together and compiled all of their questions and had gotten answers and some of the problems had been solved, so they were taking the questions to a community meeting tomorrow night at the Quail Run Community Center and would take place at 7:00 p.m. at 2234 Quail Park and on Saturday, April 26, 2008 at 10:00 a.m. they would be having a Near Town Montrose Community meeting at Saint Stephens Church to address the same issues. Council Members Lawrence, Johnson, Sullivan, Holm and Green absent.

Council Member Adams stated that she wanted to say congratulations to Mash Unit 76, that they were celebrating their second year with Suburban Houston Fort Bend Alumni Chapter of Delta Sigma Theta. Council Members Lawrence, Johnson, Sullivan, Holm and Green absent.

Council Member Adams stated that she wanted to compliment the Health Department for doing some stings this weekend about illegal food vendors who had been selling fruit and food without a permit; that she wanted to thank the Houston Police Department for being proactive and meeting with her staff for the last couple of months because they knew in the past years with the KAPPA Beach Party they would congregate on Martin Luther King so she wanted to thank HPD for having police out there the first day on Martin Luther King and patrolling, that it was her understanding that there were a lot of arrests made this weekend. Council Members Lawrence, Johnson, Sullivan, Holm and Green absent.

Council Member Jones stated that the A Phillip Randolph Institute Texas State Convention was in Houston and she attended the wonderful event, that it was at the Omni off of I-10; that there was a celebratory reception for the opening of the Good Neighbor Health Center; that she also participated in the launch of the Texas Foreclosure Prevention Task Force, that the Mayor was working with various agencies to make sure that they provide people as much assistance as they could so that they would not lose their homes; that she wanted to give a shout out to the Transportation Workers Union of America, Local 260, that both Council Members Garcia and Adams were present and they all appreciated the value of unions; that she had the opportunity to meet with all the museum administrators at the Holocaust Museum, that it was a wonderful place to visit; that she participated in a celebration of the Jewish Passover, that she thought that everyone should become more aware of things that went around them from different cultures; that she went to Alief to the Pakistani American Community Center, that they got together to raise money and were helping bring up Alief, an area that was high in crime and providing positive things for people; that the Splendor of Taiwan Exhibition was going on at the Cultural Center of Taipei, Economic and Cultural Office; that there was a wonderful International Festival going on, that it was last week and would end this week, that she bought the garment that she was wearing from the Red Clay People at the International Festival, that there were people there from everywhere, that they should go out and meet other cultures and buy cultural things. Council Members Lawrence, Johnson, Sullivan, Holm, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Rodriguez stated that he wanted to recognize that they had been joined by the Mayor Pro Tem Garcia's wife, Mrs. Monica Garcia, who was present in the audience. Council Members Lawrence, Johnson, Sullivan, Holm, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Rodriguez stated that he wanted to remind his constituents in the Fourth Ward that he would be holding a townhall meeting tonight to discuss various issues in the neighborhood, from housing, crime and infrastructure, that it would start at 6:00 p.m. at Allen

Parkway Village, 1600 Allen Parkway, that the Fourth Ward was also represented by Council Member Adams and she to would be in attendance. Council Members Lawrence, Johnson, Sullivan, Holm, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Lovell stated that the next TIA Committee, specially called meeting, would be on May 8, 2008 at 10:00 a.m., that the long awaited TIA Committee meeting would be on May 13, 2008 at 10:00 a.m. where they would have the draft consent agreement between Metro and the City of Houston; that the next Quality of Life Committee meeting would be on May 1, 2008 at 10:00 a.m.; that the Lights Out Houston needed some other companies to join in with them, that she wanted to thank the Greater Houston Partnership for their participation; that on Thursday, April 24, 2008 there would be the Dining Out For Life, that they could go to www.Diningoutforlife.com and find restaurants that were participating of which 33% of their sales of that day would go to fight AIDS and HIV; that there was a program called H.E.A.R.T, which served low income adults in Houston who had developmental disabilities and they trained them to go out and work and contribute, that they were at the Shell Open staffing one of the concession stands and did a tremendous job, that they were also at the Sylvester Turner Park Annual Celebration, that there was a gentlemen who was in a wheel chair and had one arm functional, that he spent all day reaching into a cooler and handing out water to people and did an exceptional job, that they were also at the Rockets game. Council Members Lawrence, Johnson, Sullivan, Holm, Noriega and Green absent. (NO QUORUM PRESENT)

Council Member Lovell stated that she wanted to commend teenagers who were having a Day of Silence, that they were being silent to show their support for intolerance or bullying, especially of GLBT students in schools, that there was a young man in California, Lawrence King, an eighth grader, who was beaten to death because he was Gay, that it was a promise for the future that they had young people who were willing to step out and not accept people to be bullies, that she understood that in some schools they were not really accepting this, but she would say to those teenagers that it was their generation that would make the changes that were needed about people tolerating other people who were different, so she commended them for doing it; that it was on Friday and maybe many of them could join them in someway and maybe wear a sticker that says "I'm Silent". Council Members Lawrence, Johnson, Sullivan, Holm, Noriega and Green absent. (NO QUORUM PRESENT)

Mayor Pro Tem Garcia stated that along with the lights out on Friday there would be a gathering of walking on the Hike and Bike trails in the Second Ward in Eastwood, that they would come together at 7:00 p.m. at Garol and Martinson; that he wanted to recognize that today was Administrative Assistance Day and wanted to thank all of the staff members in the City of Houston and all those in the private sector as well, who made their bosses look good and keep things functioning. Council Members Lawrence, Johnson, Sullivan, Holm, Noriega and Green absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 10:40 a.m. Council Members Lawrence, Johnson, Sullivan, Holm, Noriega and Green absent. (NO QUORUM PRESENT)

DETAILED INFORMATION ON FILE IN THE OFFICE OF THE CITY SECRETARY.

MINUTES READ AND APPROVED

/S/Anna Russell

Anna Russell, City Secretary