

City Council Chamber, City Hall, Tuesday, June 10, 2008

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, June 10, 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; Ms. Susan Taylor, Deputy City Attorney, Legal Department; Mr. Harlan Heilman, Division Chief, Claims & Subrogation Division, Legal Department; Ms. Claudia Vasquez, Director Citizens Assistance; Mr. Xavier Herrera Citizens Assistance Office; Mr. Terence H. Fontaine, Deputy Chief of Staff for Operations; and Ms. Marty Stein, Agenda Director present.

At 1:50 p.m. Mayor White called the meeting to order and stated that Council Member Lawrence would lead all in prayer; and Council Member Lawrence invited Dr. Paul Kaine to lead all in the prayer; and Council Member Lawrence led all in the pledge. Council Members Adams, Khan and Garcia absent.

At 1:53 p.m. the City Secretary called the roll. Council Members Adams, Khan and Garcia absent.

Council Members Jones and Rodriguez moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Members Johnson, Adams, Khan and Garcia absent. MOTION ADOPTED.

HEARING - 1:30 P. M.

1. PUBLIC HEARING on the City Budgets for the time period July 1, 2008 through June 30, 2009 – was called. Council Members Clutterbuck, Adams and Garcia absent.

Mr. Francisco Garcia, 3530 Green Crest Drive, Houston, Texas 77082 (832-245-3898) appeared and stated that he hoped Council would find funding for the Alief Community Center as the drop out rate was huge and youth needed programs; that the city owned the park and others were willing to give helping hands; that positive change was needed. Council Members Clutterbuck, Garcia and Green absent.

Mayor White thanked Mr. Garcia for coming and discussing improvements to issues and for his dedication. Council Members Clutterbuck, Garcia and Green absent.

The City Secretary stated there were no other speakers listed and asked if there was anyone present who wished to speak at this time on the budget; and Ms. Pamela Labriane and Ms. Joycelyn Johnson stated that they wished to speak. Council Members Clutterbuck, Garcia and Green absent.

Ms. Pamela Labriado appeared and stated that she also lived in the Alief community and she could see what the city was doing, but the youth needed more; and urged they find money for the Alief Community Center. Council Members Clutterbuck, Adams, Garcia, Lovell and Green absent.

Ms. Joycelyn Johnson appeared and stated that she was widow of a slain officer and present to urge two men patrol units as it was very necessary and increased safety of streets, officers and citizens; and also increase police salaries. Council Members Clutterbuck, Adams, Garcia, Lovell and Green absent.

Mayor White thanked Ms. Johnson for coming and stated that in October 2007 he spoke to Chief Hurtt regarding needed resources and how it affected response time and an analysis

was being done at this time, they were using two officers per vehicle in some areas it may not be necessary to change configuration of patrol everywhere, but they were giving the captains discretion. Council Members Clutterbuck, Garcia, Lovell and Green absent.

Council Member Khan moved to close the hearing, seconded by Council Member Rodriguez. All Voting aye. Nays none. Council Members Clutterbuck, Garcia, Lovell and Green absent. MOTION 2008-0385 ADOPTED

Council Member Noriega moved that the rules be suspended for the purpose of hearing Mr. John Ridgeway at the top of the speakers list, seconded by Council Member Rodriguez. All voting aye. Nays none. Council Members Clutterbuck, Garcia, Lovell and Green absent. MOTION 2008-0386 ADOPTED

The City Secretary began calling the public speakers. Council Members Clutterbuck, Garcia, Lovell and Green absent.

Mr. John Ridgeway, 151 Split Rock, Houston, Texas 77381 (713-384-0916) appeared and stated that he was president of the Houston Apartment Association a nonprofit trade association representing over 470,000 apartment units in the Houston area and HAA was working on fire and water safety; that Houston went beyond smoke detectors and every apartment had to have a fire extinguisher or sprinkler system, but it was critical residents keep up with batteries and teach children how to use the extinguisher; that HAA was also launching a campaign on water safety and he thanked Council Member Rodriguez who would narrate their campaign radio spots in Spanish and they were also partnering with the "Y" for swimming lessons at properties and this was all on their webpage safeinmyplace.com. Council Members Garcia, Lovell and Green absent.

Ms. Kaye Warhol, 1723 Marshall, Houston, Texas 77098 (713-529-3067) appeared and spoke in favor of Agenda Item 26 and stated that she was a homeowner within the proposed walking distance of the rail and co-chair of Richmondrail.org, representing over 3,000 members of the community and she supported the neighborhood friendly rail, especially the university line, but believed success needed all stakeholders and wide sidewalks and good lighting were necessary and the city needed to give clear standards to METRO to abide by, but the full burden of cost could not be on METRO alone and the city needed to participate with funding and excellent use of the general mobility funds. Council Members Johnson, Garcia, Lovell and Green absent.

Ms. Daphine Scarbrough, 2016 Richmond, Houston, Texas 77098 (713-523-8413) appeared in opposition to Agenda Item 26 and stated that she wanted to remind all that they were in the middle of litigation with METRO over what was approved by the voters and the city should not vote until they had valid drawings and plans, she viewed those given to Public Works and they were not up to date and by a contractor not even listed on their own list of contractors, METRO was not trustworthy or forthcoming with information; that they had been in court hearings over a year and METRO had yet brought one fact to substantiate Richmond to the judge. Council Members Johnson, Garcia, Lovell, Green and Jones absent.

Ms Robin Holzer, 1306 Fairview, Houston, Texas 77006 (713-301-5716) appeared in favor of Agenda Item 26 and stated that she chaired the board of the Citizens Transportation Coalition which got neighborhoods involved in transportation planning and they absolutely supported METRO's 2012 urban transit expansion it would be connecting neighborhoods with 4 of the largest job centers and place jobs within a half mile walk and bike facilities, sidewalks and trees were necessary; and urged Council to get the agreement done and make sure it was right. Council Members Garcia, Lovell, Green and Jones absent.

Mr. Dan Barnum, 3108 Austin, Houston, Texas 77004 (713-724-3106) appeared and spoke in favor of Agenda Item 26 and stated that he was chair of the Urban Planning Committee for the Midtown Management District and on the Steering Committee for Richmondrail.org and was present to urge the city to get the project underway; that he was particularly concerned with the station at Wheeler and Main, it would be a key point and planning of that station would take a long time. Council Members Garcia, Lovell, Green and Jones absent.

Mayor White stated that if he understood he was urging they go with the consent agreement so they would have more time to get community input; and Mr. Barnum stated absolutely. Council Members Garcia, Lovell, Green and Jones absent.

Council Member Brown stated that after they got the consent agreement it would create more time to work out details and make this a first place corridor. Council Members Garcia, Lovell, Green and Jones absent.

Ms. Jordan Franklin, 1711 Tucumcarri, Houston, Texas 77090 (281-397-8556) had reserved time to speak but was not present when her name was called. Council Members Garcia, Lovell, Green and Jones absent.

Ms. Carol Caul, 685 N. Post Oak Lane, Houston, Texas 77024 (713-680-2500) appeared and stated that she was also a member of the directors of CTC and today was speaking as citizen and attorney and strongly supported the light rail system and consent agreement setting the basic framework, but had a few issues on structure of the consent agreement and would have council look at the scope and perhaps attach exhibits each time something was determined and she strongly supported all funds the city had access to, there were federal programs for sidewalks, etc., and her third concern was design, build and operate by third parties and public private partnership issue and hoped the city would add language asking they ratify. Council Members Johnson, Garcia, Lovell, Green and Jones absent.

Mayor White stated that if she had her statement written she could hand it to Ms. Vasquez and it would be passed out. Council Members Johnson, Garcia, Lovell, Green and Jones absent.

Mr. Jonathan Paull, 1640 Milford, Houston, Texas 77006 (713-201-3005) had reserved time to speak but was not present when his name was called. Council Members Johnson, Garcia, Lovell, Green and Jones absent.

Mr. Felix Fraga, 5501 Brady, Houston, Texas 77081 (713-669-5218) appeared in favor of Agenda Item 26 and stated that he encouraged approval of the Harrisburg line; that at one time Houston's slogan was, "City of Where 17 Railroads Met the Sea"; that the railroad on Harrisburg stopped daily and he understood it would be an overpass maybe now there would be peace at night. Council Members Johnson, Garcia, Lovell, Green and Jones absent.

Upon questions by Council Member Rodriguez, Mayor White stated that maybe 9 months ago they had the head of the service transportation board to do a helicopter fly over of Houston and he had them go over Harrisburg and right then was a train parked and a METRO bus trying to turn around; that they had been committed to this and working on it for some time. Council Members Johnson, Lovell, Green and Jones absent.

Mr. John Dyess, 206 Hunt, Houston, Texas 77003 (832-439-9084) appeared in favor of Agenda Item 26 and stated that he lived in the East End but had lived in San Francisco; and Council could not imagine how much Houston would be affected and benefit by the rail and Houstonians needed a choice. Council Members Johnson, Lovell, Green and Jones absent.

Mr. Sims McCutchan, 2345 Sunset, Houston, Texas 77005 (713-528-3702) appeared in favor of Agenda Item 26 and stated that he was present to endorse rail for this city and would like an agreement soon. Council Members Johnson, Rodriguez, Lovell, Green and Jones absent.

Mr. David Crossley, 1524 Harold, Houston, Texas 77006 (713-523-5757) appeared in favor of the rail and stated that he was president of the Gulf Coast Institute and much had already been said, but there was an enormous coalition forming to do with the transportation bill next year in which two goals would be reduced carbon emissions and reduced vehicle miles traveled; that this was a real step in reducing vehicle miles traveled and encouraged passage of the agreement and then details could be worked out. Council Members Johnson, Khan, Lovell, Green and Jones absent.

Mayor White stated that about four years ago there was a speaker at a public session and was a former senior executive with BP, head of the logistics worldwide with British Petroleum, an oil company, and he said all needed to prepare for a sharp spike in oil prices and how it would affect the transportation infrastructure and create more demand to being closer to work; and upon questions, Mr. Crossley stated that they had to think of communities in more compact form and do all they could to bring livable centers and make them actually work, allow people to get where they wanted with a reduced dependency on vehicles. Council Members Johnson, Khan, Lovell, Green and Jones absent.

Upon questions by Council Member Brown, Mr. Crossley stated that Houston had close to the top highest transportation cost in the United States, relatively inexpensive housing but very high transportation and in many cases above housing. Council Members Lovell, Noriega and Green absent.

Mr. Joe Webb, 3701 Kirby #916, Houston, Texas 77098 (713-522-8544) appeared in favor of Agenda Item 26 and stated that he was an architect and planner and lived six blocks from the proposed Richmond Rail line and urged adoption of the consent agreement and then work out details, they had the option here to change the quality of life in Houston, people would have options. Council Members Lovell, Noriega and Green absent.

Ms. Rebecca Reyna, 6219 Irvington, Houston, Texas 77022 (713-229-0900) had reserved time to speak but was not present when her name was called. Council Members Lovell, Noriega and Green absent.

Mr. Jim Grace, 3823 Marquette, Houston, Texas 77005 (713-306-5419) appeared and stated that he was present on behalf of Jeff Mosley, president of the Greater Houston Partnership and they were requesting the city's approval of the Metro solutions phase two consent agreement; that the partnership's 10 year plan identified mass transit improvements as key initiatives in building infrastructure which would set Houston apart; that METRO was a valuable resource in achieving goals. Council Members Lovell and Green absent.

Ms. Marcia Perry, 523 E. Camino Road, Houston, Texas 77037 (281-931-4168) appeared in favor of Agenda Item 26 and stated that METRO should already be building the line; with economic impact of gasoline there was no backing down; and urged Council to vote now for the consent agreement. Council Members Lovell and Green absent.

Council Member Adams moved the rules be suspended for the purpose of hearing Dr. Richard Wainerdi after the last speaker on the 2 minute Agenda matters, seconded by Council Member Garcia. All Voting aye. Nays none. Council Members Khan and Green absent.

MOTION 2008-0387 ADOPTED

Mr. Francisco Valle, 4311 Roseland, Houston, Texas 77006 (832-455-4530) appeared and stated that that he was very concerned about the rail on Richmond because of businesses, how would people continue to make a living and how would they pay property taxes with no money coming in. Council Member Green absent.

Mayor White stated that he thanked him for his input and many people had legitimate reasons why they would not want rail next to them, but generally the situation in rail corridors was adjacent property owners saw appreciation of real estate. Council Member Green absent.

Council Member Khan stated that property value would most likely go up; and upon questions, Mayor White stated that the very first thing to do to help businesses would avoid delays and in part with leadership from Council Member Garcia METRO knew the priority of a defined small business interruption plan. Council Member Green absent.

Dr. Richard Wainerdi, 2450 Holcombe Boulevard #1, Houston, Texas 77009 (713-979-8801) appeared and stated that he was present regarding the issue of stray electrical current; that the Texas Medical Center had done two extensive studies and they believed stray current was significant and dangerous; that they discussed this with METRO and they promised to do surveys and had not, he believed it was important for METRO to measure the current and if it increased for them to do something about it, today he was present suggesting METRO take care of this stray current now in the Texas Medical Center before they went on so their contract documents could prevent that stray current from other places as they moved on. Council Member Green absent.

Upon questions by Council Member Adams, Dr. Wainerdi stated that stray current was current which moved between the rail and any other place for which it was not intended, basically when the current came off the rails instead of going back to the lines, it found its way through the soil and one metal would deteriorate, they had high pressure steam lines and gas and water lines they believed were in danger as they had a report stating significant amounts of stray current had been found near the Memorial Hermann Hospital in the Texas Medical Center and they found measurable current in other places; that if anyone would Google light rail stray current they would find hundreds of damages done in other cities.

Upon questions by Council Member Jones, Dr. Wainerdi stated that the Texas Medical Center buildings were heated and cooled by the Thermal Energy Corporation, it was the largest producer of chilled water in the country and in the winter time they produced steam and if they were to lose cooling or heating the buildings would not be occupier able and also when a steam line exploded from a pin hole as it did in New York city, the concrete, etc., flew up into the air and people died; that he did support Metro as it was very important for people to be able to get to and from the Medical Center and from many directions.

Upon questions by Council Member Noriega, Dr. Wainerdi stated that METRO committed to doing an annual survey 18 months past and now were talking about putting out a request for proposal, but they believed continued monitoring was necessary; that they spent \$100,000 to monitor 137 places and they were prepared to turn over those monitoring sites to METRO and give them free access to the land, but they did not believe it was something they should have to continue and all reports stated as the system aged it would get worse; and Council Member Noriega stated to Mayor White METRO had not fulfilled an agreement with them and her confidence was less all the time and this was serious; that no one would benefit more from increased access and mobility and it was important when there was an agreement people keep their word; and Mayor White stated that he appreciated Dr. Wainerdi coming and appreciated all experts who came previously regarding pipes and corrosion. Council Member Brown absent.

Upon questions by Council Member Jones, Dr. Wainerdi stated that he was an engineer and dealt with METRO for 24 years as president and they had been very helpful, but on the corrosion issue they took it very seriously and for it to not be a significant issue you had to repeal the laws of physics and did not believe that to be possible; that they asked the Courts to get METRO to do the following: measure current on a continuing basis and step in and do something if it got worse, they had not sued for monetary damages, etc., and it would be discussed Monday in court and they went to court because there was a two year period and this had been since 2006 and they did not want to lose their rights and reluctantly had gone to court. Council Member Clutterbuck absent.

Council Member Adams stated that with Dr. Wainerdi being both president and CEO of the Texas Medical Center he had many to be responsible for and she thanked him for coming; and upon questions, Dr. Wainerdi stated that METRO in meetings with interested parties planned to do annual monitoring and they met with them 18 months later and they said they were starting to do RFP's and they felt it to be inadequate; and Council Member Adams stated that if they would not keep their word with head of the Medical Center how would they keep it with Council; and she thanked him for all the Medical Center did around the center with the trees, streets, etc.

Mr. Jonathan Paull, 1640 Milford, Houston, Texas 77006 (713-201-3005) was now present, recalled and appeared in favor of Agenda Item 26 and stated that he worked in support of rail much longer than he cared to remember and in this age of high gas prices it was time to get Houston moving, pass the agreement and get the rail expanded; that all other arguments were just talk; and urged passage of the consent agreement.

Mr. Otto Glaser, 1211 Medina Bend Lane, Houston, Texas 77041 (713-896-9935) appeared in opposition to Agenda Item 26, presented information and stated that this was a \$3 billion deal and if Council voted for light rail in the streets they would just burn it up; that engineers had acknowledged another system was better and they refused to do it and they were only adding more rail crossings and theirs were not even guarded, it would cause many accidents and he thought each accident should be named after the Mayor and Council with the first being after Mayor White; that his second issue was pollution and he represented a company which made solar electricity and presently putting bids out to supply electricity and there would be no pollution; that also Houston had a flooding problem and he would recommend they incorporate rice hull ash (RHA) into the soil as it would absorb more water and would substantially reduce flooding and water plants better; and presented a sample to all. Council Member Garcia absent.

Mrs. Louis C. Ray, 2815 Wheeler, Houston, Texas 77004 (713-526-2129) appeared, presented information and stated that she was not against the rail and development but against the current plan and wanted them to abide by the ballot or go back to the voters; that many elderly lived on Wheeler and it was too dangerous to them to have rail, it would affect their safety, health and mobility and rail was not needed on Wheeler Street and that was why they provided the alternative street of Alabama, but she guessed because they were owned by rich White landlords they did not want to put rail there. Council Members Khan and Garcia absent.

Mr. Paul Magaziner, 3773 Richmond, Houston, Texas 77046 (713-626-4046) appeared in opposition to Agenda Item 26, presented information and stated that he was one representative of the 92% of property and business owners on Richmond Avenue who had billions in current equity enterprise value and opposed consent; that Congresswoman Sheila Jackson Lee said the southeast alignment would be financed by the PPP and what Council had in their hands was similar and he gave a recap of the information with the short version being if Council granted consent to METRO then METRO would convey their 40 year plus consent to the unknown LGC and this was a multi billion dollar hail Mary and METRO's current line of credit was called by the

bank five days ago. Mayor White and Council Member Khan absent. Mayor Pro Tem Garcia presiding.

Mr. Mario Umazor, 1622 N. Main, Houston, Texas 77009 (713-227-6721) appeared in opposition to Agenda Item 26, presented information and stated that those in the north corridor were not represented by civic clubs or management districts, but he was representing a large group of people, over 3,000, and displayed a petition against METRO rail; that people had jumped onto the boat but now knew they were being betrayed and they were trying to get out and the city would not let them; that on a power point presentation by METRO a few weeks ago they said no adverse effects to social, air quality, parkland, geology, soils, etc., no negative effects, but how could they say that when their quality of life would be changed forever; that there would be one stop for every four stops now and he only mentioned a few things. Mayor White, Council Members Khan, Noriega and Green absent. Mayor Pro Tem Garcia presiding.

Mayor Pro Tem Garcia thanked Mr. Umazor for coming and stated that he was looking at the information he presented and the pictures and he had spoken with Mr. Rodriguez, owner of the restaurant, and he had not raised any issues and his concerns were resolved; that he, himself, had concerns about the small businesses along the route and the Mayor continued to commit to a similar program as was done for small businesses on Lyons Avenue, they were looking to do a similar business disruption mitigation program and they were paying attention to the issues and details as they came forward and making sure METRO was listening to the public and the Council body. Mayor White, Council Members Lawrence and Noriega absent. Mayor Pro Tem Garcia presiding.

Mr. Sam Akers, 2223 Richmond, Houston, Texas 77098 (713-527-8205) appeared and stated that Council would soon be asked for consent for METRO to build the rail and he was sure they had read it with care, but what was missing was on Page eight, section 34, second paragraph it said METRO's design was code compliant and without waivers and variances the rail could not be built today; that they should consider street widths currently twelve feet changed to ten feet and set backs already done; that they should consider street flooding, all waivers would be granted and he believed all would be a detriment to the city with decreased traffic mobility, lanes compressed or eliminated and businesses would lose parking and ultimately their livelihood and there was no provision for notice to property owners about variances METRO might want; that city code required notice, but not the consent agreement; that when a project was completed a plaque was posted with the Mayor and Council's names and he wanted them to think hard whether they wanted their name on the plaque, did they want to be associated with the disaster about to occur; and asked they deny consent until METRO went to voters for a solid plan of commuter rail Mayor White and Council Member Lawrence absent. Mayor Pro Tem Garcia presiding.

Ms. Lizette Cobb, 2411 Wheeler, Houston, Texas 77004 (713-529-9387) appeared in opposition to Agenda Item 26, presented information and stated that like the majority of homeowners in her area she was outraged at METRO wanting to use Wheeler Street for their light rail plan, Wheeler was not on the ballot and the current plan was disrespectful to her community and if it was turned over to METRO some of their doors would be 15 feet away and they would be rocked off their foundation; that they did not want to lose trees, yards or quality of life; that it was clear METRO with the assistance of the City of Houston did intend to run the predominately African American families out of their homes, no community should become a sacrificed zone; that METRO changed their game plan and Council should not agree to what the voters did not approve. Mayor White, Council Members Lawrence, Johnson and Adams absent. Mayor Pro Tem Garcia presiding.

Council Member Jones stated that she also lived in the neighborhood and had participated as a part of a taskforce and they all thought rail was needed and she still did, they talked to

stakeholders on all streets and submitted to METRO a plan where they thought Elgin was the best route because it was wider and not as many properties would be needed; that they had concerns about Alabama because of Cuney Homes and their historic nature and their concerns about Wheeler were the same as hers; that she had a meeting with METRO this afternoon to discuss those issues, she did appreciate the historic nature of Wheeler, but all were working hard on this and Council was committed to finding something which would respect neighborhood equally. Council Members Clutterbuck, Adams, Sullivan, Holm and Garcia absent.

Mr. Rob Robles, 2324 North Main, Houston, Texas 77009 (713-227-7608) introduced Council to Ms. Vivian Guin who had a convenience store in the 1300 block of Fulton across from Moody Park and METRO had bullied her out of her property at the end of this month; and he wondered if Council could stop it; and Mayor White stated that if METRO acquired property which had a tenant he was not sure at a public hearing on the consent agreement if they would be able to investigate, negotiate and resolve issues, but if they got documentations to call it they could make sure they had documentation to understand the situation and bring the matter to the attention of METRO; that they could not arbitrate and mediate in open council, but thanked him for bringing it to Council's attention and they would take this seriously. Council Members Clutterbuck, Adams, Sullivan, Holm and Garcia absent.

Mr. Robles stated that now for his issue Mayor White should practice what he preached and ride the METRO to work and whichever Council Members was pushing for the rail they should place it on their own street and ride; that voters wanted to ride it where they voted for it to be; and Council should not divide their neighborhoods. Council Members Adams, Garcia and Lovell absent.

Mr. Don Hooper, 701 North Post Oak #655, Houston, Texas 77024 (713-553-8955) had reserved time to speak but was not present when his name was called. Council Members Adams, Garcia and Lovell absent.

Ms. Dee Simon, 5210 Cortelyou Lane, Houston, Texas 77021 (713-644-2957) appeared in opposition to Agenda Item 26, presented information and stated that in her information was a letter written by Martin Luther King, III asking that Mayor White abide by and respect MLK Boulevard; that she would ask the Mayor and Council to abide by what the referendum said as it plainly stated it was a legal, binding contract on METRO and may not be appealed, altered or rescinded by any board without voter approval. Council Members Garcia and Lovell absent.

Ms. Marian Jeter, 5307 Stuyvesant Lane, Houston, Texas 77021 (713-640-5550) appeared in opposition to Agenda Item 26 and stated that as her neighbor just stated the rail was to go down the middle of MLK Boulevard and METRO employees had no empathy because they did not live in the area and what about emergency vehicles; that the system was being rerouted and no one was listening to a community who did not want it. Council Members Garcia, Brown and Green absent.

Mr. Carlos Garcia, 5406 Harrisburg, Houston, Texas 77011 (713-921-3572) appeared and stated that he was from the Harrisburg corridor and he asked Public Works about the alignment but there were no answers and as a taxpayer from Harrisburg Street he deserved answers; that the area was an old Hispanic neighborhood, but METRO was not being transparent with them, who paid taxes on his property, him or METRO, this was a direct discrimination against Mexicans and other minorities. Council Members Khan, Garcia, Brown and Green absent.

Ms. Brianna Clark, 5910 Hopetown Drive, Houston, Texas 77049 (832-472-9132) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Khan, Garcia, Brown and Green absent.

Ms. Barbara Ellisor, 5138 Cortelyou Lane, Houston, Texas 77021 (713-645-9624) appeared in opposition to Agenda Item 26 and stated that she was present on behalf of MacGregor Place and they did not need the rail to come through and tear up MLK Boulevard which Mr. King walked down. Council Members Khan, Garcia, Brown and Green absent.

Mr. Neal Meyer, 2822 Briarhurst, Houston, Texas 77057 (832-858-3218) appeared in opposition to Agenda Item 26 and stated that for the first 22 years of METRO there were no rails and yet boarding climbed to a 35% increase, but then treasuries were emptied to build rail and it caused bus routes to be cancelled or rerouted and that caused a decline in ridership. Mr. Meyer gave examples of cities where rail caused decline in ridership and loss of funds and stated that rail was a sink hole and could do nothing buses could not do. Council Members Sullivan, Garcia and Lovell absent.

Mr. Arnell Johnson, 2202 Truxillo, Houston, Texas 77004 (713-529-2877) appeared in opposition to Agenda Item 26 and stated that her neighbors expressed why they were upset with METRO and she was in favor of mass transportation for Houston, but not in favor of any institution who did not listen to voters who expressed wishes through their votes; that the Mayor and Council were their last line of defense, METRO was not listening to them but they may listen to Council and she would urge all to vote no on the consent agreement until they had a good understanding with METRO. Council Members Johnson, Garcia and Lovell absent.

Council Member Jones thanked Ms. Johnson for coming and stated that the area was historic, Wheeler in particular was historic, and it was one of the first places Blacks were able to own homes, there were many seniors there and she felt Elgin was the best route, but no one asked her to determine the best route; that rail was needed, but it needed to be the right plan and all neighborhoods needed to be respected; and Ms. Johnson stated that they felt they were under attack, their community was being disintegrated and there had to be another way. Council Members Johnson, Clutterbuck, Garcia and Lovell absent.

Mr. Lynn Wooltey, 5115 Tangle Lane, Houston, Texas 77056 (713-899-7425) had reserved time to speak but was not present when his name was called. Council Members Johnson, Clutterbuck, Garcia, Lovell and Noriega absent.

Ms. Diane Sheffield, 3300 Alabama #2C, Houston, Texas 77004 (832-588-0614) appeared and stated that she was resident president of Cuney Homes and they worked to get buses because they were needed and the purpose was served, now it was time for rail to come, but it may not be time to come down Alabama or Wheeler, they were needed, but she was concerned with safety and they had seniors, etc., and the rail needed to be in a safe place. Council Members Johnson, Clutterbuck, Khan, Garcia, Lovell and Noriega absent.

Council Member Jones stated that they were considering safety and again she wanted to say today she had a meeting with METRO and would again bring up the issue of safety, all needed to be protected including seniors and children. Council Members Clutterbuck, Khan, Garcia and Lovell absent.

Mayor White stated that Houston was fortunate that it was the last big city in the country to build out rail and some neighborhoods were doing very well with children and seniors, it was looking at what worked well; that Council Member Edwards attended at least 15 community meetings around the proposed alignments and METRO had hearings after that and it was decided at a METRO meeting where to place rail determined on citizens at many meetings and not everyone would be happy with the decisions, but he felt they were listening and safety issues would be looked at. Council Members Clutterbuck, Adams, Khan, Holm, Garcia, Lovell and Jones absent.

Mr. Runy Arapo Fana, 5500 M.L.K. Blvd., Houston, Texas 77021 (713-256-5740) appeared in opposition to Agenda Item 26 and stated that many times people have lied to occupy someone's land and traded misery for money, it was not a new concept; that there had never been a reason to run the rail down MLK and no reason why they could not run it behind a school instead of in front; and urged Council to not give up their leverage, do not give consent, too many have said this would cause misery. Council Members Lawrence, Sullivan, Khan, Holm, Garcia, Brown, Lovell and Jones absent. (NO QUORUM PRESENT)

Mayor White stated that he got his message and thanked him for his leadership in the community. Council Members Lawrence, Sullivan, Khan, Holm, Garcia, Brown, Lovell and Jones absent. (NO QUORUM PRESENT)

Council Member Adams stated that last week they had a meeting and she took their questions to METRO and on the safety of MLK she visited a city where the rail was being built and they had safety mechanisms in front of the school and those would be placed in front of schools and on the vacant land around the spur to Griggs one chosen was to go there but TxDOT was getting ready to expand and they would not give up right of way to take the spur there; and Mr. Fana stated that rail was being built anywhere and he did not see what TxDOT could be building that would not allow a rail to be built and when they asked about safety they were told by METRO there would be no guardrails. Council Members Lawrence, Sullivan, Holm, Garcia, Brown, Lovell and Jones absent.

Mr. Andrew Higgins, 3316 Ozark, Houston, Texas 77021 (281-536-5715) appeared in opposition to Agenda Item 26 and stated that that he was present with a plea to Council, for them to hear and consider what they had said; that he watched White inhabitants of River Oaks passionate and peaceful as they entered their neighborhood and as he drove down his neighborhood he saw nothing less, but when he thought about the rail and added people he wondered why, why could they not keep what they had as the White inhabitants of River Oaks; that they were just as proud and loved their neighborhood and highways and train ways could be placed in the air so why not take them where they were wanted and not place them where they were not wanted, there was someone in Washington to help with cost; and urged they be heard and allow them to live their lives in the same manner as they would be. Council Members Lawrence, Adams, Sullivan, Holm, Garcia, Rodriguez and Jones absent.

Mayor White stated that to his colleagues there were inquiries by certain Council Members and the history of a concept to have more cost accountability by those designing and building a system so they could provide more service within a budget, to stretch dollars, he wanted people to understand part of that design and construction had laws changed and that was why the FTA administrators said was the reason they were giving priority to the project because they were leading the nation with this concept and it was inconsistent with a process where all design work was done before all contracting work was done and he wanted people to know this because there was dialogue this was not being done as a regular street and road construction project and they were trying to get down the 30%; that he did thank all for coming today and they looked at ridership and job placement as reason for the line and never was their discussion of ignoring one neighborhood over another based upon income and never did he feel that. Council Members Lawrence, Adams, Sullivan, Holm, Rodriguez, Lovell and Jones absent.

Mr. Christian N. Seger, 422 Ivanhoe, Houston, Texas 77027 (713-850-7892) appeared and stated that he was present to earnestly ask that rail not be placed on Richmond, if they were not concerned about the 2003 referendum or the democratic process he would at least ask they consider the 2.6 miles of high pressure water line underneath Richmond Avenue; that Dr. Wainerdi expressed the same concerns earlier about the Medical Center of which he had here with the water line; that Council Member Noriega saw one explode and it was very

dangerous; that Dr. Wainerdi stated to contain stray current would suspend the law of physics and it could not be done and in his view METRO and Public Works were deceiving Council when they said it could be and the pipeline was already 19 years old and it would fail eventually with or without rail and when it did all would be affected and it would be shut down for days and all who depended on the water and rail would not have it; and if the referendum was upheld the rail would be on Westpark and no one would even be discussing this. Mayor White, Council Members Lawrence, Adams, Sullivan, Holm, Rodriguez, Lovell and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Ms. Jessica Hulseley, 4809 Brady, Houston, Texas 77011 (713-928-9936) appeared and stated that she lived in the Second Ward and present to speak in favor of light rail on Harrisburg with exceptions, for METRO to provide proper and just reimbursement of purchases of property; that the service and inspection facility was in District H and that would also effect District I and she proposed to METRO to also provide a METRO police storefront with the facility and also a learning facility at the site for youth, amenities should be provided with substance and she was asking all to support the light rail project, the grade separation on Harrisburg and the construction of the service facility. Mayor White, Council Members Lawrence, Adams, Sullivan, Holm, Rodriguez, Lovell and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Garcia stated that he appreciated her leadership and the attitude which she brought; that light rail would be a challenge but she brought with her solutions and he totally agreed with her ideas; that maybe there would be a place at the center to teach children about safety of light rail. Mayor White, Council Members Lawrence, Sullivan, Holm, Rodriguez, Green and Jones absent. Mayor Pro Tem Garcia presiding.

Council Member Rodriguez thanked Ms. Hulseley for attending meetings; and Ms. Hulseley stated that they saw this as a new beginning; that they always griped there was not much in the East End, in Second Ward, and this was their opportunity through this project to get sidewalks, beautification, etc. and new businesses were already being planned and she would request to those being affected maybe a tax relief during that construction and safety was also a main issue. Mayor White, Council Members Lawrence, Johnson, Sullivan, Holm, Rodriguez, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Garcia stated that Council Member Rodriguez's leadership would be important on how they progressed and he called him from the field last night paying attention to details; and he wanted all to know of his attention to detail and support of District H as well. Mayor White, Council Members Lawrence, Johnson, Sullivan, Holm, Rodriguez, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Council Member Brown stated that he had opportunity to speak with the chairman of the METRO board and they could not have a negative influence in the East End and he was assured the issue would be addressed, but he did not want anyone to think once the consent agreement was passed Council would have no more oversight, they would and they would continue to listen to citizens and get this right; and she was right this could be very good for the East End. Mayor White, Council Members Lawrence, Johnson, Sullivan, Holm, Rodriguez, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Council Member Noriega stated that there was peripheral discussion of the train situation and part of it was the grade separation and issues with the bridge and Council Member Rodriguez asked for clarification, but some neighborhoods did want it and some did not and she did not want to give a blank check to METRO, she wanted the least amount of impact on businesses and residences and if METRO committed to something they needed to do it and they had her commitment she would work with all to do the best they could do. Mayor White,

Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Holm, Rodriguez, Lovell, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Mr. Don Hooper, 701 North Post Oak #655, Houston, Texas 77024 (713-553-8955) was now present, recalled and appeared and stated that Council was being asked to decide the consent agreement and Council Member Noriega was worried the city would no longer have leverage and she was correct METRO would do what they wanted and walk away; that many were concerned about METRO condemning their property and Council could make it a condition of the consent agreement to where that could not be done; that they tried to get this in the legislature and METRO was there making sure it was not done; that there were many remedies for council and assuming all lines were built they would still be moving only 144,000 people a day and millions lived here, that was assuming every single seat was full every day and they were spending three and a half billion dollars; that the entire state budget for streets for \$3.2 billion and that moved tens of millions of people, it was absurd economics. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Holm, Rodriguez, Lovell, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Council Member Garcia stated that when he drove city streets he saw an average of one person per car so if they could move 144,000 people potentially could they be taking off 144,000 cars; and Mr. Hooper stated that would assume every person on the train was giving up a car and some may not have cars, he would suggest just expanding bus service as a much more effective means. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Holm, Rodriguez, Lovell, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Ms. Trace Trahan Bannerman, 577 Woodway, Houston, Texas 77057 (832-338-0965) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Johnson, Sullivan, Holm, Rodriguez, Lovell, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Mr. Brian Simon, 115 Plantation, Houston, Texas 77024 (713-468-6767) appeared and stated that that he had a complaint against the Bureau of Animal Regulation and Care, he visited the shelter to find a dog to adopt and found a Dodson, he requested the dog be placed on hold and a kennel volunteer placed his information outside the dog's cage, but three days later he was informed dogs were no longer put on hold and the dog was adopted; that he sent a letter to the director and to Council Members representing his district but no response and he wanted to convey his disappointment to Council Members Lawrence and Holm; that this was a year ago and he tried to speak two weeks ago to Council and after waiting five hours his name was repeatedly skipped over. Mayor White, Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Rodriguez, Lovell, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Upon questions by Mayor Pro Tem Garcia, Mr. Simon stated that this was a year ago and he did speak to the director of the animal shelter, Mr. Robertson, via phone, but thought his response was underwhelming and wrote to his Council Members; and Mayor Pro Tem Garcia stated that he would defend his colleagues as they worked in real time, but some things did get away from people, the issue pointed out was one which came to them before he wanted to be sure he got a better response and would ask his staff to get back and have Mr. Robertson give him a more complete response. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Holm, Rodriguez, Lovell, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Upon questions by Council Member Noriega, Mr. Simon stated that he had not adopted, that was the only dog which would do; and Council Member Noriega stated that she was sorry.

Mayor White, Council Members Lawrence, Johnson, Sullivan, Holm, Rodriguez, Lovell, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Ms. Jorgetta Williams, P. O. Box 42505, Houston, Texas 77242 (713-314-7546) appeared, presented information and stated that it was amazing, every time she came she had a statement prepared, but never said it, the Mayor was gone, Council Members gone and this was all she had left; that officers here did not harass her when she left she had to go to intimidation and threats; that they heard daily people reached the end of their rope and went in and killed everyone with a gun and then people said why, did it have to come to that, no threat this was just the truth of the matter, she came every two years, this was one letter to the Fair Housing Division, civil rights, her landlord said she had 30 days to pack and get out, she had no eviction notice, she was given no specific reason and all she did was pay rent on time, how could she go from a very good tenant to being banned and put out; and she was disabled and on the third floor. Mayor White, Council Members Lawrence, Sullivan, Holm, Rodriguez, Green and Jones absent. Mayor Pro Tem Garcia presiding.

Mayor Pro Tem Garcia stated that the Mayor did pay attention to the proceedings and those present were not chopped liver; that right now they were listening and Ms. Marlene Thomas with Housing and Community Development was present and would visit with her at this time and see if relief could be provided, they were complicated issues and there was not time at this meeting to work through them. Mayor White, Council Members Lawrence, Johnson, Sullivan, Holm, Rodriguez, Lovell, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Mr. William Ennols Beal, 4718 Boicewood, Houston, Texas 77016 (713-633-0126) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Johnson, Sullivan, Holm, Rodriguez, Lovell, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Mr. Deloyd Parker, 3201 Elgin, Houston, Texas 77004 (713-521-0629) reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Johnson, Sullivan, Holm, Rodriguez, Lovell, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Mr. Raul Edward, 4104 Caroline, Houston, Texas 77004 (713-524-3936) appeared and stated that he was a member of the Houston Wellness Association and present representing Ms. Francis Page, chair of the African American Committee of the Houston Wellness Association and they were present regarding the June Tenth Multi Cultural Health Festival to take place June 21st at the new Discovery Green Park and they needed Council's assistance, one to advocate to their constituents, to help spread the word, they would have much screening and they wanted to break the Guinness Book World Record for people dancing; that because Salsa appeared to all groups they would be teaching Salsa and they needed 553 couples, this was to promote health and activity; that they also needed help with the sound system and he would like to know who to talk to and as a business owner they would be offering free Salsa lessons between this and next weekend and Council's presence would assure this event to be a success and this could be the beginning of a healthier lifestyle. Mayor White, Council Members Lawrence, Adams, Sullivan, Holm, Brown, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Garcia stated that he may take a shot at it and he thanked him for promoting health, fitness and healthy lifestyles; and would ask Ms. Vasquez to put him in touch with the Office of Special Events and they may be able to assist with the speaker system; that there was probably no program better than Salsa for a cardio program. Mayor White, Council Members Lawrence, Adams, Sullivan, Holm, Brown, Green and Jones absent. Mayor Pro Tem

Garcia presiding. (NO QUORUM PRESENT)

Mr. Johnny Molock, 5910 South Loop East, Houston, Texas 77033 (713-240-3658) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Adams, Sullivan, Holm, Brown, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Mr. Randall Kalinen, 1406 Castle Court, Houston, Texas 77006 (713-320-3785) appeared and stated that he was a civil rights lawyer and president of the American Rights Association and was present to raise awareness for the treatment of HIV, which was effective for people after they were sexually assaulted, it was PEP; that three years ago many federal agencies recommended PEP be used for treatment of sexual assault victims to prevent the HIV virus from becoming imbedded in that victim and last year a law was passed which mandated emergency rooms, among other things, tell individuals of PEP which stood for Postexposure Prophylaxis and a friend of his was a victim of a sexual assault and went through much and many agencies in the Houston area, emergency rooms and agencies who should have known of PEP but they did not and the City of Houston was queried by a reporter and the City of Houston Health Department spokesperson was not aware of PEP so he was present to raise awareness, it was very effective but had to be administered within 72 hours; and he wanted to be sure Houston's education of PEP was reached. Mayor White, Council Members Lawrence, Adams, Sullivan, Holm, Brown, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Garcia stated that regarding his friend prayers were with her and the Health Department had looked at this and work was underway; that Ms. Kathy Barton was present and could speak with him and he had a staff member leaving for an AIDS conference; and thanked him for all his work. Mayor White, Council Members Lawrence, Adams, Sullivan, Holm, Brown, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Council Member Noriega stated that for healthcare workers this was a prevention also for needle sticks and she wanted that known also. Mayor White, Council Members Lawrence, Adams, Sullivan, Holm, Brown, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Mrs. Ivory M. Hopkins, 171-A Blue Bonnet Place Circle, Houston, Texas 77019 (832-798-1415) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Adams, Sullivan, Holm, Brown, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Ms. Zubia Jafri, 9614 Laney Road, Sugarland, Texas 77478 (832-704-5633) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Adams, Sullivan, Holm, Brown, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Ms. Robin Harrison, 4608 Jetty Lane, Houston, Texas 77072 (281-323-3677) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Adams, Sullivan, Holm, Brown, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Ms. Mary Pruitt, no address (no phone) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Adams, Sullivan, Holm, Brown, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

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. Mayor White, Council Members Lawrence, Adams, Sullivan, Holm, Brown, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Mr. William Sanders, 411 Cavalcade, Houston, Texas 77009 (713-782-8833) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Adams, Sullivan, Holm, Brown, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Mr. Francisco Garcia, 3530 Greens Crest Drive, Houston, Texas 77082 (832-245-3898) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Adams, Sullivan, Holm, Brown, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Ms. Maureen Haver, 339 Surratt, Houston, Texas 77091 (832-641-2882) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Adams, Sullivan, Holm, Brown, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Ms. Deborah Elaine Allen, P. O. Box 263252, Houston, Texas 77207 (832-292-5203) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Adams, Sullivan, Holm, Brown, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Mr. Jon Boyd, 2418 Shakespeare, Houston, Texas 77030 (713-661-7532) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Adams, Sullivan, Holm, Brown, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

At 4:57 p.m. City Council recessed until 9:00 a.m., Wednesday, June 11, 2008. Mayor White, Council Members Lawrence, Adams, Sullivan, Holm, Brown, Green and Jones absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

The Houston City Council reconvened at 9:00 a.m. Wednesday, June 11, 2008, with Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Mike Sullivan, Pam Holm, M. J. Khan, P. E., Adrian Garcia, James G. Rodriguez, Peter Brown, Sue Lovell, Melissa Noriega, Ronald C. Green and Jolanda "Jo" Jones; Mr. Anthony Hall, Chief Administrative Officer, Mayor's Office; Mr. Arturo Michel, City Attorney; Ms. Martha Stein, Agenda Director and Ms. Marta Crinejo, Assistant Agenda Director, present. Council Member Wanda Adams absent on personal business.

At 9:34 a.m. Mayor White called the meeting to order. Council Members Johnson, Sullivan, Khan, Brown, Green and Jones absent.

MAYOR'S REPORT

Mayor White stated that they had a brief Mayor's Report on some issues of process, that five years ago he had never seen Council budget deliberations before and those of them who had been around for a little while had learned some things during those years; that he wanted to thank Chairman Clutterbuck and Members of City Council who had dedicated the time and effort to go to the various budget hearings, that he wanted to thank the City Council for sitting down with him earlier this year to discuss their budget priorities, that as they go through it next week

they would be visiting with various Council Members and he thought that he, Ms. Stein, Ms. Mitchell and various department directors ought to work in good faith to accomplish what they wanted to accomplish, they may disagree with some spending priorities that some Council Members had, they would have some fair and good dialog back and forth, that there may be some people that want to make sure that things were considered as an amendment and voted on for whatever reason and they were appreciative and understanding of that but they would like to reach resolution with Members of Council concerning the budget amendments and spend a fair amount of next week in doing so; that he generally finds that he has patience and stamina so 10 or 11 hour meetings were okay by him, but he found that probably after a few hours the quality of the discussion starts to go downhill, so he would encourage people that what they could do during the next week to resolve these budget amendments to try to do so, that he thought they had reached out in good faith to try to ask people on numerous occasions concerning their budget priorities and advice so that they could incorporate them within the budget.

Mayor White further stated that on the consent agreement, given the busy June he would make the following points, number one, to please try to remember what the consent agreement was, they were not the Metro Board and this was not a final design of a Metro Plan, that it was not the Houston Galveston area 20 year mobility plan, that it was not design standards for City streets or anything else, it was a consent for somebody who wanted to invest a ton of money within the City of Houston, in significant part from sources including federal funds and those in the greater Metro area outside of the City of Houston, that they wanted people to invest money within the City of Houston to improve the City of Houston; that also they had benefitted from three committee hearings and a committee of a whole hearing in particular the engineering issues concerning a water line and straight current and he appreciated the participation of those Members of City Council who were in each of those three hearings, as well as City Council Members here and their predecessors who went to many community hearings over the last several years; that as a matter of administration and courtesy to both those citizens who were unpaid representatives of the community on the Metro Board, many of whom were with them today, and also a courtesy to each other because they were going to have a lot to talk about next week at the budget hearing, that he would just ask folks if there were issues or discussions that they wished to have on the consent agreement to use the time that they had today to it's fullest possible use so that they could avoid extended deliberations on both the budget and consent agreement next week, that he was not coercing anybody to do anything he was just saying as a courtesy to each other and to the Metro Board to try to get these things on the table today if they could and try to move as expeditiously as they could.

Council Member Lovell moved to suspend the rules to consider Item No. 26 out of order, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Adams absent on personal business. MOTION 2008-0388 ADOPTED.

26. **ORDINANCE** approving and authorizing contract between the City of Houston and the **METROPOLITAN TRANSIT AUTHORITY OF HARRIS COUNTY ("METRO")** consenting to the construction and operation of Phase II of the Metro Solutions Plan Light Rail Project; authorizing the Public Works & Engineering Director to approve amendments to the agreement to consent to Metro's construction of other projects approved by the voters in the 2003 Metro Solutions Election; containing various provisions relating to the subject – was called.

After a lengthy discussion by Council Members, Council Member Lovell stated that she thought they had a good document and they should move forward; and Council Member Lawrence stated that Metro had always met with her and answered any questions that she had asked and she hoped for a vote today; and Council Member Noriega stated that they needed to be able to trust Metro and to feel they were respectful of their community; and Council Member

Brown stated that this was a first and necessary step in a process and they needed to get the process going.

Mayor White stated that with respect to the memo that he sent out that they could consider the points that he made and the committee to work on the recommendations of the consultants that they hired on the transit corridors to be commitments, that it was not a funding commitment, it was a commitment to a process, and he was asking them on the budget process, that there had been numerous times when had made commitments to individual Council Members, that he could remember one having to do with a Metro issue that he made with Council Member Holm about two years ago, and he had followed through on commitments, including where he made a particular commitment to a particular City Council Member about various items and he treats that very seriously, so today was not the only day that they would be discussing mass transit in their community and if he says that he would make a commitment to do that then that was the one thing he took extremely seriously and he would try to follow through, even if he disagreed and even if he thought he made a mistake or if he disagreed with the policy involving the commitment that they make.

Council Member Jones moved to suspend the rules to hear from Metro Board Member Bishop James Dixon, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Adams absent on personal business. MOTION 2008-0389 ADOPTED.

Mayor White stated that there were a number of Members of the Metro Board in the Council Chamber and he wanted to recognize them.

Bishop Dixon appeared and stated that he was present along with David Wolf, Chairman of the Board, and James Steward, Frank Wilson and John Sedlak, to address Council with regards to progress, that all of them, as each of the Council Members had expressed, were equally committed to progress for the City of Houston and were all aware that Houston was decades behind as it related to their system of mass transit, they were the fourth largest City in America, slated to be a super city of the world, according to sociologists and it was important for each of them to know that they sit now in the seat of opportunity and that really meant that they had to do what was necessary to build mass transit in Houston as aggressively and efficiently as they possibly could, that the Board Members of Metro were committed to the agreement that they were asking the City Council to sign today and were committed to maintaining the agreement and the integrity of the agreement, as well as being open to continued dialog with Council Members, and he thought that if there was one flaw that they all had to recognize was that they probably had not communicated enough Board Member to City Council in a collaborative kind of fashion and he thought all of their Board Members were committed to mending that breach going forward, to do a better job at communication, but he would urge them today to accept their appeal to move forward, understanding that time was ticking and he knew that they would like not to rush and do things under the gun, but the truth was that they had been working on the agreement for some time and they had a number of letters from Council Members that they had responded to seeking to respond to each of their issues and if there were others they would like to entertain those; that he would sum up, his four year old daughter asked him how long were they going to live in their house before they went to Heaven and he said hopefully a very long time, and she asked why did they not want to go to Heaven now, and his answer to her was that Heaven was a wonderful place but he did not want to go now; that everyone in Houston wanted rail but no one wanted what rail was going to cost in terms of disruption, that was a challenge for them, that he would say to them that they were moving forward as forthrightly as possible, they had his commitment and the commitment of others on the Metro Board, Mayor White and City Council, to uphold the spirit and letter of the agreement that they were asking them to sign off on today, that his number was available and they were available for any further dialog, that please, in the spirit of progress for Houston he did not want to say that they served and they did not get it done, so he was going to ask them to

move forward as aggressively as possible and make progress for Houston; and Council Member Jones stated that she had met with Metro yesterday at 4:00 p.m. and had submitted questions to Metro and they had promised they would get back to her in writing; and Bishop Dixon stated that they were also committed to equity, that the Board and administration had made that very clear, that no neighborhood should have an advantage over another neighborhood.

After further discussion, Mayor White stated that he knew that the Chair and President of Metro knew his views as reflected in numerous oral and written communications, that the first part was the detailed plan scheduled commitment under Metro's contract to get in and out of the streets much more quickly; and second, he would commit to them and for the Board Members and President of Metro, that he looked at the list of, for example, the Eastside Mitigation Measures that Mr. Sedlak had provided and that lacked one element which was using standard business interruption principles that were used where people had business interruption insurance for defined type of firms for a duration, as he had said before to Metro, he thought they would ultimately have that program the question was whether they would do it sooner rather than later and they ought to do it sooner, that he would ask Metro to get something in at least draft form to them which showed, that they were in the public works and construction business and knew that business interruption, and they did institute a program that involved loans, not grants, in limited amounts in duration for those businesses, and he knew that they had discussed it at length, that there were businesses which were on certain of the thoroughfares which 30 or 60 days of interruption was a difference between their making their payroll and debt service, that it was not a welfare program for big business, it was not precedent setting for all construction everywhere, but it did reflect something that they learned from their own experience and he thought it was vital to insure the wide spread public support for mass transit, so within 30 days he would want to work out a program that they could communicate, that he was not going to define what all the contours were, that Mr. Sedlak had taken some information back after their meeting concerning the program that they had with respect to Lyons Avenue, which was very carefully thought through and very narrowly targeted, that it was not an open ended program so he would personally commit to him that he would work with Metro to get that and he did not have somebody who had told him no from Metro, it was more like they would be working on it, but what Metro was hearing was to please finalize that business interruption program for those carefully defined corridors.

After further discussion by Council Members, Council Member Holm stated that she thought she and the Mayor had not had a one on one conversation about this in almost two years, and at the agenda briefing on Monday it was indicated that Mayor White was speaking with Council Members and through a communication gap they still had not had the chance to speak, so why she appreciated all that the Board had done, all that Metro had done and everybody's comments and also hoped that they would respect hers as she would ask for a week in order to get more information and have some conversation with the Mayor in the hopes that she would have a better understanding and be able to support it also; and Council Member Green stated that he knew this was a contract for the usage of the City's right-of-ways and he was extremely excited to support Metro rail in the City of Houston, but he did not think that decades and a week would make that much of a difference; that there was a trust issue here, that Council Members wanted to know that what they vote on today would be the document in place next week, that was what a contract was it was binding, that he felt confident with the Metro Board and for them to handle the job, but there was a disconnect and they had to be able to believe in the document in order to vote for it, that he had some serious concerns and felt like if he voted today he would be voting on a blank piece of paper, and he would be tagging the item.

After further discussion by Council Members, Council Member Jones stated that she would be tagging the item also.

26. Mayor White stated that Council Members Holm, Green and Jones had tagged Item No.

At 11:07 a.m. Mayor White stated that they would move to the consent agenda.

CONSENT AGENDA NUMBERS 2 through 55A

MISCELLANEOUS - NUMBER 2

2. RECOMMENDATION from Director Department of Public Works & Engineering for approval of the 2008 Operations and Maintenance Budget for the **SAN JACINTO RIVER AUTHORITY** \$1,995,880.00 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Adams absent on personal business. MOTION 2008-0390 ADOPTED.

ACCEPT WORK - NUMBERS 3 through 6

3. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$993,999.93 and acceptance of work on contract with **CARRERA CONSTRUCTION, INC** for Library Facilities Modification, WBS E-000161-0001-4 - 3.65% over the original contract amount - **DISTRICTS B - JOHNSON; D - ADAMS; H - GARCIA and I - RODRIGUEZ** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Adams absent on personal business. MOTION 2008-0391 ADOPTED.
4. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$1,191,741.40 and acceptance of work on contract with **PARALLAX BUILDERS, INC** for Repairs to Parking Garage at 8000 North Stadium Dr., WBS H-000031-0003-4 - 6.09% over the original contract amount - **DISTRICT D - ADAMS** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Adams absent on personal business. MOTION 2008-0392 ADOPTED.
5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$805,445.00 and acceptance of work on contract with **HUFF & MITCHELL, INC** for Dunvale-Lipan Relief Storm Sewer, WBS M-000189-0002-4 - 10.76% under the original contract amount - **DISTRICT G - HOLM** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Adams absent on personal business. MOTION 2008-0393 ADOPTED.
6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,657,793.32 and acceptance of work on contract with **COLLINS CONSTRUCTION, L.L.C.**, for Water Line Replacement in Acres Homes, Independence Heights, Trinity Houston Gardens Areas, WBS S-000036-0008-4 - 4.84% under the original contract amount - **DISTRICTS B - JOHNSON and H - GARCIA** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Adams absent on personal business. MOTION 2008-0394 ADOPTED.

PROPERTY - NUMBERS 7 through 11

7. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from TKE Development Services, Ltd., on behalf of Silver Knight Management Company, LLC, for abandonment and sale of a portion of Ardennes Street between Cullen Blvd., and South Loop East out of the Samuel D. Waltman Survey, A-843, Parcel SY8-080 - **APPRAISERS - DISTRICT D - ADAMS** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Adams absent on personal business. MOTION 2008-0395 ADOPTED.
8. RECOMMENDATION from Director Department of Public Works & Engineering for purchase of Parcel AY6-149, located at 5407 Kirby Drive, owned by Patricia Maurine Wark, Trustee, R. K. Wark 1993 Trust, for the **KIRBY DRIVE STORM SEWER REPLACEMENT PROJECT, SEGMENT 4 from Robinhood to U. S. 59**, WBS M-000771-0004-2-01 - **DISTRICT C - CLUTTERBUCK** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Adams absent on personal business. MOTION 2008-0396 ADOPTED.
9. RECOMMENDATION from Director Department of Public Works & Engineering for purchase of Parcel AY6-154, located at 5214 Kirby Drive, owned by Bank of America, N.A., successor to Nations Bank of Texas, N.A., successor to NCNB Texas National Bank, for the **KIRBY DRIVE STORM SEWER REPLACEMENT PROJECT, SEGMENT 4 from Robinhood to U. S. 59**, WBS M-000771-0004-2-01 - **DISTRICT C - CLUTTERBUCK** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Adams absent on personal business. MOTION 2008-0397 ADOPTED.
10. RECOMMENDATION from Director Department of Public Works & Engineering for purchase of Parcel AY6-195, located at 8219 Ley Road, owned by Emmitt Moss, for the **LEY ROAD PAVING IMPROVEMENTS PROJECT from North Wayside to Mesa Road**, WBS N-000689-0001-2 **DISTRICT B - JOHNSON** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Adams absent on personal business. MOTION 2008-0398 ADOPTED.
11. RECOMMENDATION from Director Department of Public Works & Engineering for purchase of Parcel KY7-240, located at 3101 Buffalo Speedway, owned by St. John's School, for the **WATER LINE REPLACEMENT IN BUFFALO SPEEDWAY AREA PROJECT**, WBS S-000035-00E3-2 **DISTRICT C - CLUTTERBUCK** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Adams absent on personal business. MOTION 2008-0399 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 12 through 18

12. **IDENTIX, INCORPORATED** for Fingerprint Equipment from the General Services Administration (GSA) Schedule 70 Contract through the Cooperative Purchasing Program for the Houston Airport System - \$109,840.00 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Adams absent on personal business. MOTION 2008-0400 ADOPTED.
13. ORDINANCE appropriating \$193,040.00 out of C & E Construction Fund for Five Commercial Ovens for the George R. Brown Convention Center for Convention & Entertainment Facilities Department, WBS B-000107 – was presented. All voting aye.

Nays none. Council Member Adams absent on personal business. ORDINANCE 2008-0492 ADOPTED.

- 13a. **BUDGET RESTAURANT SUPPLY** for Commercial Ovens for Convention & Entertainment Facilities Department – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Adams absent on personal business. MOTION 2008-0401 ADOPTED.
14. **ADUDELLE RESTORATION & WATERPROOFING, INC** for Structural Repairs for Theater District Parking Center, Small Tranquility and Large Tranquility Garages for the Convention & Entertainment Facilities Department - \$193,398.00 and contingencies for a total amount not to exceed \$203,067.90 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Adams absent on personal business. MOTION 2008-0402 ADOPTED.
18. **PHILPOTT MOTORS, LTD.** - \$73,917.44, **DALLAS DODGE CHRYSLER JEEP** - \$73,971.00 and **BABY JACK II AUTOMOTIVE, LTD d/b/a CALDWELL COUNTRY CHEVROLET** - \$93,210.00 for Special Duty Vehicles through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for the Police Department - Police Special Services Fund – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Adams absent on personal business. MOTION 2008-0403 ADOPTED.

ORDINANCES - NUMBERS 19 through 54

19. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a portion of Tam Tam Street (Parcels SY8-019A and SY8-019B) from Green River Drive north to its terminus, located in the Green River Gardens Subdivision, J. L. Stanley Survey, A-700, Houston, Harris County, Texas, containing an aggregate of 0.286 acre (12,496 square feet) of land, more or less; vacating and abandoning said tracts of land to Tejas Tubular Products, Inc. (Tejas) and New Birth Missionary Baptist Church North East (New Birth), abutting owners, in consideration of Tejas' conveyance to the City of a sanitary sewer easement (Parcel DY8-021) on 0.072 acre (3,124 square feet) of land, more or less, in said Green River Gardens Subdivision and payment to the City of \$4,451.00, and New Birth's payment to the City of \$5,935.00 - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Member Adams absent on personal business. ORDINANCE 2008-0493 ADOPTED.
20. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use as public rights-of-way of (1) Grayson Street and Cline Street, from Jensen Drive to Clark Street (Parcels SY5-032A and SY5-032B, respectively), and (2) Clark Street, from Barron Street north 480 feet, more or less (Parcel SY5-032C), all located within the T. T. Hailey Addition, north side of Buffalo Bayou, an unrecorded subdivision, Houston, Harris County, Texas, (3) Cline Street, from Clark Street east 200 feet, more or less (Parcel SY5-032D), located within the addition to the City of Houston in the 5th Ward, a subdivision recorded at Volume 37, Page 77, Map Records of Harris County, Texas, and (4) a 20-foot-wide alley between Grayson Street and Cline Street (Parcel SY5-032E), located within said T.T. Hailey Addition; vacating and abandoning said public rights-of-way to Houston Independent School District, abutting owner (“HISD”), in consideration of HISD's conveyance to the City of 35-foot-wide, 30-foot-wide and 20-foot-wide combination sanitary sewer and water line easements (Parcels QY6-006A, QY6-006B and QY6-006C, respectively) and other good and valuable consideration; finding and determining that public convenience and necessity no longer require the continued use as a public right-of-way of Cline Street, from the southwest corner of

Schwartz Street west 100 feet, more or less, and abutting Swiney Park (Parcel IT6-002), and approving and authorizing the use of that property as a parking lot for Swiney Park - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Member Adams absent on personal business. ORDINANCE 2008-0494 ADOPTED.

21. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a 10-foot-wide storm sewer easement (Parcel SY6-086); vacating and abandoning said easement to Glasmic, Ltd., abutting owner, in consideration of its conveyance to the City of two storm sewer easements (Parcels LY7-021A and LY7-021B) and a sanitary sewer easement (Parcel DY8-029), all located at 5711 Almeda Road in Block 39, Riverside Terrace Subdivision, Section 7, and the H. F. MacGregor Estate, Riverside Terrace Subdivision, Section 5, G. P. Foster Survey, A-273, Houston, Harris County, Texas, and its payment to the City of \$300.00 - **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. Council Member Adams absent on personal business. ORDINANCE 2008-0495 ADOPTED.
22. Omitted
23. ORDINANCE consenting to the addition of 10.8787 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 278**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Adams absent on personal business. ORDINANCE 2008-0496 ADOPTED.
24. ORDINANCE consenting to the addition of 1,454.33 acres of land to **PLUM CREEK FRESH WATER SUPPLY DISTRICT NO. 1** of Liberty County, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Adams absent on personal business. ORDINANCE 2008-0497 ADOPTED.
25. ORDINANCE consenting to the addition of 136.4622 acres of land to **SPRING WEST MUNICIPAL UTILITY DISTRICT**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Adams absent on personal business. ORDINANCE 2008-0498 ADOPTED.
29. ORDINANCE approving and authorizing amendment No. 2 and request for consent to assignment of Lease Agreement No. 20865 between the City of Houston and **HAWKER BEECHCRAFT SERVICES, INC** to Signature Flight Support Corporation and additionally approving and authorizing Amendment No. 2 and request for consent to assignment of Lease Agreement No. 20331 between the City of Houston and **HAWKER BEECHCRAFT SERVICES, INC** to Signature Flight Support Corporation for certain premises at William P. Hobby Airport - Revenue **DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Member Adams absent on personal business. ORDINANCE 2008-0499 ADOPTED.
39. ORDINANCE approving and authorizing Concession Agreement between the City of Houston and **INVERSION COFFEE LLC** to provide a Food and Beverage Concession for the Central Library of the Houston Public Library Department - Revenue - **DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Member Adams absent on personal business. ORDINANCE 2008-0500 ADOPTED.
40. ORDINANCE amending City of Houston Ordinance No. 2008-152, which established conditions for payment of a hiring incentive amount for police trainees – was presented. All voting aye. Nays none. Council Member Adams absent on personal business. ORDINANCE 2008-0501 ADOPTED.

44. ORDINANCE issuing a permit to **TEXAS BRINE COMPANY, LLC**, to own, acquire, construct, operate, maintain, improve, repair, and replace pipelines in certain portions of specified public street rights-of-way and prescribing the conditions and provision under which said permit is issued **DISTRICTS D - ADAMS; E - SULLIVAN and I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Member Adams absent on personal business. ORDINANCE 2008-0502 ADOPTED.
45. ORDINANCE awarding contract to **CKS HYDRO SERVICES, INC** for Runway Rubber Removal, Friction Testing and Miscellaneous Airfield Paint Removal Services for Houston Airport System; providing a maximum contract amount - 3 Years with two one-year options - \$2,321,100.00 Enterprise Fund - **DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Member Adams absent on personal business. ORDINANCE 2008-0503 ADOPTED.
46. ORDINANCE awarding construction contract to **RESICOM, INC** for Reveille Park Phase II, WBS F-000679-0001-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, construction management, and contingencies relating to construction of facilities financed out of the Federal Government-Grant Fund - \$488,470.00 - CDBG Fund - **DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Member Adams absent on personal business. ORDINANCE 2008-0504 ADOPTED.
47. ORDINANCE finding and determining that existence of a public necessity for the acquisition of real property interests in connection with the public improvement project known as the 42-inch waterline along Tidewater, South Post Oak, West Orem and Croquet Project; authorizing the acquisition by donation, purchase, or eminent domain proceedings, of permanent easements in, over, under, upon and across certain property situated in the John W. Stamps Survey, A-736 and being more specifically out of Restricted Reserve "B" of Corinthian Point Plaza Subdivision in Houston, Harris County, Texas; providing for the payment of the costs of such acquisitions, including Appraisal Fees, fees for Title Policies/Services, Recording Fees, Court Costs, and Expert Witness Fees - **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. Council Member Adams absent on personal business. ORDINANCE 2008-0505 ADOPTED.
48. ORDINANCE finding and determining public convenience and necessity for the acquisition of real property interests for rights-of-way in connection with the public improvement project known as the Sabo Road Paving Project (from Kingspoint Road to Fuqua); authorizing the acquisition of certain real property interests required for the project and payment of the costs of such purchases and/or eminent domain proceedings of such real property and associated costs for Appraisal Fees, Title Policies/Services, Recording Fees, Court Costs, and Expert Witness Fees in connection with the acquisition of Fee Simple Title or easements to 18 parcels of land situated in the S. D. Smith Survey, A-737, the G. P. Burnett Survey A-1062, or J. Robinson Survey, A-680 in Harris County, Texas, and being more specifically situated along the south line of Sabo Road from Kingspoint Road to Fuqua and along either side of Kingspoint Road before it intersects with Kleckley Drive in Houston, Harris County, Texas - **DISTRICT E - SULLIVAN** – was presented. All voting aye. Nays none. Council Member Adams absent on personal business. ORDINANCE 2008-0506 ADOPTED.
52. ORDINANCE appropriating \$530,090.00 out of Metro Project Commercial Paper Series E Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **PIERCE GOODWIN ALEXANDER AND LINVILLE (PGAL), INC**

for 11th Street Rehabilitation Project from Heights to Studewood Boulevard; WBS N-000745-0001-3; providing funding for Internal City costs relating to construction of facilities financed by Metro Project Commercial Paper Series E Fund - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. Council Member Adams absent on personal business. ORDINANCE 2008-0507 ADOPTED.

53. ORDINANCE appropriating \$5,223,571.70 out of Metro Project Commercial Paper Series E Fund, awarding contract to **DURWOOD GREENE CONSTRUCTION, CO.** for Generic City Wide Overlay Package #12 (Work Order Contract), WBS N-001037-0052-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management, construction management, and contingencies relating to construction of facilities financed by the Metro Project Commercial Paper Series E Fund – was presented. All voting aye. Nays none. Council Member Adams absent on personal business. ORDINANCE 2008-0508 ADOPTED.

FISCAL YEAR 2009 BUDGET MATTERS

54. ORDINANCE providing for the continuation of appropriations for the support of the City Government pursuant to the requirements of Article VIa, Section 1 of the City Charter; making other provisions related to the subject; containing a severability clause – was presented. All voting aye. Nays none. Council Member Adams absent on personal business. ORDINANCE 2008-0509 ADOPTED.

Council Member Rodriguez moved to suspend the rules to consider Item No. 31 out of order, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Adams absent on personal business. Council Member Jones absent. MOTION 2008-0404 ADOPTED.

31. ORDINANCE approving and authorizing contract between the City and the **GREATER HOUSTON CONVENTION AND VISITORS BUREAU** for the promotion of tourism and the solicitation of convention business - \$14,390,000.00 - Enterprise Funds - was presented. All voting aye. Nays none. Council Member Adams absent on personal business. Council Member Jones absent. ORDINANCE 2008-0510 ADOPTED.

Mayor White stated that he wanted to thank Chairman Jones and the President, Greg, for what they do, that they appreciate their leadership for this outstanding organization. Council Member Jones absent.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

PURCHASING AND TABULATION OF BIDS

15. ORDINANCE appropriating \$175,000.00 out of Police Consolidated Construction Fund for Consulting Services for the 700MHz Trunked Radio Systems & Maintenance Organizational Study for the Information Technology Department, WBS G-000097-0001-3-01-01 – was presented. All voting aye. Nays none. Council Member Adams absent on personal business. Council Member Jones absent. ORDINANCE 2008-0511 ADOPTED.
- 15a. **HIGHLANDS CONSULTING GROUP, LLC** for Consulting Services for the 700MHz Trunked Radio Systems & Maintenance Organizational Study from the General Services

Administration Schedule 70 Contract through the Cooperative Purchasing Program for the Information Technology Department - \$175,000.00 - Police Consolidated Construction Fund – was presented. Council Member Jones absent.

Council Member Lawrence stated on Item No. 15 it was ashamed that the City was lacking consulting service, that they had to chose somebody out of State for the item.

After further discussion Mayor White stated that he did appreciate people bringing up the point and raising the issue of the extent to which they had tried to identify, that there were some cases where out of State was the best, but on the other hand some of these things were not as complicated as they were made out to be.

Council Member Noriega stated that she wanted to remind everyone that anything that was highly technical like this was really sort of international at some level, because most of the activities and work was done electronically and this was particularly specialized and as someone involved in the police part of it she would be happy to focus on it and make sure they paid attention next time.

A vote was called on Item No. 15a, moved by Council Member Sullivan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Adams absent on personal business. MOTION 2008-0405 ADOPTED.

16. ORDINANCE appropriating \$308,994.55 out of Equipment Acquisition Consolidated Fund, for Purchase of Printers, Software Licenses and Storage Area Network Components for Houston Police Department, WBS X-100006, X-100004, X-100011 – was presented. All voting aye. Nays none. Council Member Adams absent on personal business. ORDINANCE 2008-0512 ADOPTED.

16a. **SHI GOVERNMENT SOLUTIONS, INC** - \$363,870.00, **U. S. TECH** - \$97,989.00 and **DELL COMPUTERS, INC** - \$39,955.55 for Printers and Software Licenses through the City's Master Agreement with the Texas Department of Information Resources for Houston Police Department Police Special Services and Asset Forfeiture Funds – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Adams absent on personal business. MOTION 2008-0406 ADOPTED.

17. ORDINANCE appropriating \$117,831.00 out of Equipment Acquisition Consolidated Fund, for Development Services for WebFOCUS® for Houston Police Department, WBS X-100009 – was presented. All voting aye. Nays none. Council Member Adams absent on personal business. ORDINANCE 2008-0513 ADOPTED.

17a. **INFORMATION BUILDERS, INC** for Purchase of WebFOCUS® Development Services for the Houston Police Department – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Adams absent on personal business. MOTION 2008-0407 ADOPTED.

ORDINANCES

27. ORDINANCE approving and authorizing an agreement between the City of Houston and **UPLIFT FOURTH WARD, INC** to provide a Second Lien Construction Loan of Federal "HOME" Funds in the amount of \$700,000.00 for eligible costs in connection with the construction of ten (10) affordable homes - **DISTRICTS B - JOHNSON and D - ADAMS** – was presented. All voting aye. Nays none. Council Member Adams absent on personal business. ORDINANCE 2008-0514 ADOPTED.

28. ORDINANCE approving and authorizing an agreement between the City of Houston and **AVENUE COMMUNITY DEVELOPMENT CORPORATION** to provide a Second Lien Construction Loan of Federal "HOME" Funds in the amount of \$700,000.00 for eligible costs in connection with the construction of ten (10) affordable homes - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. Council Member Adams absent on personal business. ORDINANCE 2008-0515 ADOPTED.
30. ORDINANCE approving and authorizing contract between the City and the **HOUSTON ARTS ALLIANCE (formerly known as the CULTURAL ARTS COUNCIL OF HOUSTON/HARRIS COUNTY)** for the Support of the Arts Community - \$11,194,000.00 - Enterprise Fund – was presented.

Council Member Johnson stated that he thought it was very important to the City of Houston to bring in the arts and making sure that the City was well renowned for its arts, but unfortunately he had been very disturbed by the amount of money that had been used in District B, that of the \$11 million that he thought they used last year, and there might be an increase this year, only \$11,000 was used in District B; that it may be that they were not getting contracts coming out of District B, but he was very encouraged by Mayor White's work in now getting the Deluxe Theater that they were going to be bringing and he hoped there would be an increase in that and would like to know if there would be a commitment to use some of these funds to support the Deluxe Theater for future projects.

Mayor White stated that the issue of whether or not there would be Hotel Occupancy Tax Revenue available for public facility and historical renovation, especially given the commitment by the University of Houston to that theater, was something that he would explore, that he and Council Member Johnson had not had the conversation about HOT tax in particular but he just wanted to take some time with his colleagues to go through and pass along some things that he had learned, that the Texas statute that authorized the collection of Hotel Occupancy Taxes did tend to narrowly define, or specifically define, the uses to which that money could be applied, that part of that was the support of the arts, which they highly support because they did think that people did travel to the City because they were an arts venue and that was the link between the arts and the HOT tax, that there were formulas that had been agreed on in part to assure two things that both major arts organizations and alternative arts organizations, such as Project Row House, MECA, Ensemble, and he could go on, had some predictability in their annual source of funding and he had been an advocate personally and the work done by many people including Ms. Jewitt and Ms. Todd, former Council Member Edwards and others, to create an arts alliance, they had been vigilant to insure that the alternative arts organizations had a seat at the table and had a predictable amount of funding, that finally, there were some group of projects that were subject to a peer reviewed process so they would not have people making grants to friends, that one issue that he and Council Member Johnson had talked about that was very meaningful, and one reason why he carried around a map that he tried to work on at every break, was that there were many people, like Mr. Adams whose project was funded in part by this, some public art, but then he had to check where people's homesteads were, because, for example, many of the arts organizations were located outside the boundaries of a district, that he would say for those associated with the Council and alliance, he had wanted there to be, and he thought Ms. Todd had told him there were, some understanding that in the formulas that they had an amount of money that would be in the category, or should be in the category of projects of community wide significance, and in particular that would include something like public art, where it could serve multiple functions and certainly they had identified as a very high priority the restoration of the Deluxe Theater, and he was committed to finding public and private sources of funding in order to do that, that was going to be a very high priority and he had committed to do it, that he had given Council Member Johnson a long answer because he had been thinking aloud that he could not commit that some of these funds

would be available, there was a matter of State law and a matter of what else was on the table and not robbing Peter to pay Paul.

After further discussion Council Member Johnson stated that he would tag Item No. 30, that he wanted to know what was their plan to increase the funding, whether it was citywide funding or not, the fact was how many people were coming from District B to participate in these citywide functions, that he just wanted to see what a plan was because they just needed to move forward with increasing the amount of revenue that they were pushing in terms of art and museums into District B, in particular Fifth Ward and Acres Homes. Council Members Sullivan, Green and Jones absent.

32. ORDINANCE relating to the Fiscal Affairs of the Midtown Redevelopment Authority on behalf of Reinvestment Zone Number Two, City of Houston, Texas (Midtown Zone); approving the Fiscal Year 2009 Operating Budget for the Authority and the Fiscal Years 2009-2013 Capital Improvement Budget for the Zone - **DISTRICTS D - ADAMS and I – RODRIGUEZ** – was presented. Council Member Garcia absent.

Council Member Lawrence stated that she had passed out amendments to Item Numbers 32 through 37, that they vary a little bit depending on the section and how the item was written up for the agenda; that she wanted to thank Robert Fiederlein, Tom Mesa, the Legal Department and F&A, that they had all been in many meetings and gone over each of the budgets and then the Regulation Committee had met and looked and questioned some of the items in the budget and they had made so much improvement as far as being fiscally conservative on the amendments but looking at each of the budgets there were some things that jumped out at them so what they were asking in the amendments was that the Executive Director list for five years all the companies that he was working for or had worked for, that in these budgets, and some of them may not realize it, developers agreements do not have to follow the bid law, so they could in some sense chose whoever they wanted to, so they wanted to see if there was any conflict of interest by Executive Directors, that they wanted to be sure that those tax dollars were spent in a frugal way, that there was not anything going on, that this was what they had to turn in once a year, basically, their financial reports, so it was a large amount of money in some of the TIRZs, so that was what they were asking to do, a disclosure form of who they were working for and who they had worked for. Council Members Sullivan and Green absent.

Council Member Lawrence offered the following written motion to amend Item No. 32:

"I move to amend Item No. 32 on the June 11, 2008 City Council Agenda by renumbering Section 7 as Section 8 and inserting a new Section 7, which shall read as follows:

Section 7. The approval of this Budget is contingent upon receipt by the Director of the Finance Department of a document signed by the Administrator of the Authority and/or Zone disclosing the name of each owner or developer of property within the Zone from which the Administrator has received compensation during the last five calendar years, and the amount of compensation by owner by year. Compensation may be expressed by category as follows:

Category I	Less than \$1,000.00
Category II	At least \$1,000.00 but less than \$10,000.00
Category III	At least \$10,000.00 but less than \$50,000.00
Category IV	At least \$50,000.00 but less than \$100,000.00
Category V	At least \$100,000.00 but less than \$500,000.00
Category VI	At least \$500,000.00 but less than \$1,000,000.00
Category VII	\$1,000,000.00 or more."

I further move in connection herewith that it be the policy of the City that all subsequent TIRZ budget ordinances should contain similar requirements for disclosure and recommend that the Administration consider appropriate means to apply this policy to the Fiscal Year 2009 Authority or Zone Budgets that have previously been adopted". Council Members Sullivan and Green absent.

After further discussion by Council Members, a vote was called on Council Member Lawrence's written motion to amend Item No. 32. All voting aye. Nays none. Council Member Adams absent on personal business. Council Member Garcia absent. MOTION 2008-0408 ADOPTED.

A vote was called on Item No. 32 as amended. All voting aye. Nays none. Council Member Adams absent on personal business. Council Member Garcia absent. ORDINANCE 2008-0516 ADOPTED AS AMENDED.

33. ORDINANCE relating to the Fiscal Affairs of the Main Street/Market Square Redevelopment Authority on behalf of Reinvestment Zone Number Three, City of Houston, Texas (Main Street/Market Square Zone); approving the Fiscal Year 2009 Operating Budget for the Authority and the Fiscal Years 2009-2013 Capital Improvement Budget for the Zone - **DISTRICT I - RODRIGUEZ** – was presented. Council Member Garcia absent.

Council Member Lawrence offered the following written motion to amend Item No. 33:

"I move to amend Item No. 33 on the June 11, 2008 City Council Agenda by renumbering Section 6 as Section 7 and inserting a new Section 6, which shall read as follows:

Section 6. The approval of this Budget is contingent upon receipt by the Director of the Finance Department of a document signed by the Administrator of the Authority and/or Zone disclosing the name of each owner or developer of property within the Zone from which the Administrator has received compensation during the last five calendar years, and the amount of compensation by owner by year. Compensation may be expressed by category as follows:

Category I	Less than \$1,000.00
Category II	At least \$1,000.00 but less than \$10,000.00
Category III	At least \$10,000.00 but less than \$50,000.00
Category IV	At least \$50,000.00 but less than \$100,000.00
Category V	At least \$100,000.00 but less than \$500,000.00
Category VI	At least \$500,000.00 but less than \$1,000,000.00
Category VII	\$1,000,000.00 or more."

I further move in connection herewith that it be the policy of the City that all subsequent TIRZ budget ordinances should contain similar requirements for disclosure and recommend that the Administration consider appropriate means to apply this policy to the Fiscal Year 2009 Authority or Zone Budgets that have previously been adopted.

A vote was called on Council Member Lawrence written motion to amend Item No. 33. All voting aye. Nays none. Council Member Adams absent on personal business. Council Member Garcia absent. MOTION 2008-0409 ADOPTED.

A vote was called on Item No. 33 as amended. All voting aye. Nays none. Council Member Adams absent on personal business. Council Member Garcia absent. ORDINANCE 2008-0517 ADOPTED AS AMENDED.

Mayor White stated that to Council Member Johnson that one of the issues that he had

asked for people to explore was that they could spend money outside a TIRZ under State law for two things, number one, places of public assembly, and number two, affordable housing, so with respect to the Main Street Market Square they did have these issues of the fact that sometimes something may be right outside the boundaries but it benefits the area as well as the community as a whole, and he thought that with respect to the theater that Council Member Johnson had discussed, which had a history as deep and rich as one that had a lot of protests, River Oaks, and which was still intact, but required a whole lot work, where they recruited the University of Houston to actually run a theater program there, that one of the things they were exploring with this particular TIRZ, because it was right outside the boundary, was that it was a place of public assembly, that was what they were trying to do and he just wanted them to know that, that every week they wanted to know an appropriate source of money that was not general revenues.

34. ORDINANCE relating to the Fiscal Affairs of Reinvestment Zone Number Four, City of Houston, Texas (Village Enclaves Zone); approving the Fiscal Year 2009 Operating Budget for the Zone **DISTRICT G - HOLM** – was presented. Council Member Sullivan absent.

Council Member Lawrence offered the following written motion to amend Item No. 34:

“I move to amend Item No. 34 on the June 11, 2008 City Council Agenda by renumbering Section 5 as Section 6 and inserting a new Section 5, which shall read as follows:

Section 5. The approval of this Budget is contingent upon receipt by the Mayor's Special Assistant for Regulatory of a document signed by the Administrator of the Zone disclosing the name of each owner or developer of property within the Zone from which the Administrator has received compensation during the last five calendar years, and the amount of compensation by owner by year. Compensation may be expressed by category as follows:

Category I	Less than \$1,000.00
Category II	At least \$1,000.00 but less than \$10,000.00
Category III	At least \$10,000.00 but less than \$50,000.00
Category IV	At least \$50,000.00 but less than \$100,000.00
Category V	At least \$100,000.00 but less than \$500,000.00
Category VI	At least \$500,000.00 but less than \$1,000,000.00
Category VII	\$1,000,000.00 or more."

I further move in connection herewith that it be the policy of the City that all subsequent TIRZ budget ordinances should contain similar requirements for disclosure and recommend that the Administration consider appropriate means to apply this policy to the Fiscal Year 2009 Authority or Zone Budgets that have previously been adopted". Council Member Sullivan absent.

A vote was called on Council Member Lawrence written motion to amend Item No. 34. All voting aye. Nays none. Council Member Adams absent on personal business. Council Member Sullivan absent. MOTION 2008-0410 ADOPTED.

A vote was called on Item No. 34 as amended. All voting aye. Nays none. Council Member Adams absent on personal business. Council Member Sullivan absent. ORDINANCE 2008-0518 ADOPTED AS AMENDED.

35. ORDINANCE relating to the Fiscal Affairs of the South Post Oak Redevelopment Authority on behalf of Reinvestment Zone Number Nine, City of Houston, Texas (South Post Oak

Zone); approving the Fiscal Year 2009 Operating Budget for the Authority - **DISTRICT D - ADAMS** – was presented. Council Member Sullivan absent.

Council Member Lawrence offered the following written motion to amend Item No. 35:
"I move to amend Item No. 35 on the June 11, 2008 City Council Agenda by renumbering Section 4 as Section 5 and inserting a new Section 4, which shall read as follows:

Section 4. The approval of this Budget is contingent upon receipt by the Director of the Finance Department of a document signed by the Administrator of the Authority and/or Zone disclosing the name of each owner or developer of property within the Zone from which the Administrator has received compensation during the last five calendar years, and the amount of compensation by owner by year. Compensation may be expressed by category as follows:

Category I	Less than \$1,000.00
Category II	At least \$1,000.00 but less than \$10,000.00
Category III	At least \$10,000.00 but less than \$50,000.00
Category IV	At least \$50,000.00 but less than \$100,000.00
Category V	At least \$100,000.00 but less than \$500,000.00
Category VI	At least \$500,000.00 but less than \$1,000,000.00
Category VII	\$1,000,000.00 or more."

I further move in connection herewith that it be the policy of the City that all subsequent TIRZ budget ordinances should contain similar requirements for disclosure and recommend that the Administration consider appropriate means to apply this policy to the Fiscal Year 2009 Authority or Zone Budgets that have previously been adopted". Council Member Sullivan absent.

A vote was called on Council Member Lawrence written motion to amend Item No. 35. All voting aye. Nays none. Council Member Adams absent on personal business. Council Member Sullivan absent. MOTION 2008-0411 ADOPTED.

A vote was called on Item No. 35 as amended. All voting aye. Nays none. Council Member Adams absent on personal business. Council Member Sullivan absent. ORDINANCE 2008-0519 ADOPTED AS AMENDED.

36. ORDINANCE relating to the Fiscal Affairs of the Memorial City Redevelopment Authority on behalf of Reinvestment Zone Number Seventeen, City of Houston, Texas (Memorial City Zone); approving the Fiscal Year 2009 Operating Budget for the Authority and the Fiscal Years 2009-2013 Capital Improvement Budget for the Zone - **DISTRICTS A - LAWRENCE and G - HOLM** – was presented. Council Member Sullivan absent.

Council Member Lawrence offered the following written motion to amend Item No. 36:

"I move to amend Item No. 36 on the June 11, 2008 City Council Agenda by renumbering Section 6 as Section 7 and inserting a new Section 6, which shall read as follows:

"Section 6.The approval of this Budget is contingent upon receipt by the Director of the Finance Department of a document signed by the Administrator of the Authority and/or Zone disclosing the name of each owner or developer of property within the Zone from which the Administrator has received compensation during the last five calendar years, and the amount of compensation by owner by year. Compensation may be expressed by category as follows:

Category I	Less than \$1,000.00
Category II	At least \$1,000.00 but less than \$10,000.00

Category III	At least \$10,000.00 but less than \$50,000.00
Category IV	At least \$50,000.00 but less than \$100,000.00
Category V	At least \$100,000.00 but less than \$500,000.00
Category VI	At least \$500,000.00 but less than \$1,000,000.00
Category VII	\$1,000,000.00 or more."

I further move in connection herewith that it be the policy of the City that all subsequent TIRZ budget ordinances should contain similar requirements for disclosure and recommend that the Administration consider appropriate means to apply this policy to the Fiscal Year 2009 Authority or Zone Budgets that have previously been adopted". Council Member Sullivan absent.

A vote was called on Council Member Lawrence written motion to amend Item No. 36. All voting aye. Nays none. Council Member Adams absent on personal business. Council Member Sullivan absent. MOTION 2008-0412 ADOPTED.

A vote was called on Item No. 36 as amended. All voting aye. Nays none. Council Member Adams absent on personal business. Council Members Sullivan and Holm absent. ORDINANCE 2008-0520 ADOPTED AS AMENDED.

37. ORDINANCE relating to the Fiscal Affairs of the Upper Kirby Redevelopment Authority on behalf of Reinvestment Zone Number Nineteen, City of Houston, Texas (Upper Kirby Zone); approving the Fiscal Year 2009 Operating Budget for the Authority and the Fiscal Years 2009-2013 Capital Improvement Budget for the Zone - **DISTRICTS C - CLUTTERBUCK and G - HOLM** – was presented. Council Members Sullivan and Holm absent.

Council Member Lawrence offered the following written motion to amend Item No. 37:

"I move to amend Item No. 37 on the June 11, 2008 City Council Agenda by renumbering Section 6 as Section 7 and inserting a new Section 6, which shall read as follows:

"Section 6.The approval of this Budget is contingent upon receipt by the Director of the Finance Department of a document signed by the Administrator of the Authority and/or Zone disclosing the name of each owner or developer of property within the Zone from which the Administrator has received compensation during the last five calendar years, and the amount of compensation by owner by year. Compensation may be expressed by category as follows:

Category I	Less than \$1,000.00
Category II	At least \$1,000.00 but less than \$10,000.00
Category III	At least \$10,000.00 but less than \$50,000.00
Category IV	At least \$50,000.00 but less than \$100,000.00
Category V	At least \$100,000.00 but less than \$500,000.00
Category VI	At least \$500,000.00 but less than \$1,000,000.00
Category VII	\$1,000,000.00 or more."

I further move in connection herewith that it be the policy of the City that all subsequent TIRZ budget ordinances should contain similar requirements for disclosure and recommend that the Administration consider appropriate means to apply this policy to the Fiscal Year 2009 Authority or Zone Budgets that have previously been adopted". Council Members Sullivan and Holm absent.

A vote was called on Council Member Lawrence written motion to amend Item No. 37. All voting aye. Nays none. Council Member Adams absent on personal business. Council

Members Sullivan and Holm absent. MOTION 2008-0413 ADOPTED.

A vote was called on Item No. 37 as amended. All voting aye. Nays none. Council Member Adams absent on personal business. Council Member Holm absent. ORDINANCE 2008-0521 ADOPTED AS AMENDED.

38. ORDINANCE appropriating \$6,828,000.00 out of Water & Sewer System Consolidated Construction Fund, \$181,286.00 out of the Homeless and Housing Consolidated Fund, \$2,000,000.00 out of the Tax Increment Reinvestment Zone Affordable Housing Fund and \$678,523.00 out of the Drainage Improvement Commercial Series F Fund for financing Developer Participation Contracts for Fiscal Years 2008 and 2009 – was presented, and tagged by Council Member Jones. Council Member Holm absent.

Council Member Brown stated that he wanted to submit an amendment to Item No. 38 but would withdraw it and make it part of his proposed amendments generally for the budget; that it was related to developing some further standards for the award of DPC contracts. Council Member Holm absent.

Mayor White stated that he appreciated that because it would have been out of order on this particular item, that they ought to have dialog in good faith with each other; that he wanted to make sure they were clear on this, and Mr. Michel needed to help, about amending particular ordinances which had been passed within a certain period of time through the budget, so they would have both the motion to reconsider an issue and also the budget issue, but they would work with him, that there may be some limits on what and how they do to amend ordinances they passed, particularly those that passed within a certain amount of time, but they would address that, and Council Member Brown stated that he understood that Item No. 38 was an appropriation, and Mayor White stated that they could not do it here, but he was also saying to let him think through with him, that he had the perfect right to propose any amendment to the budget that he wanted, but he was just having a dialog at the Council table with Council Member Brown to the extent that they were amending like the Code of Ordinances with a budget amendment they just needed to think about procedurally how they would go about doing that; that if somebody wanted to fund a study that was obviously appropriate in the budget. Council Member Lovell absent.

41. ORDINANCE approving and authorizing contract between the City and **CHARLES N. MOORE** for Controlled Substance Consulting Services for the Houston Police Department; providing a maximum contract amount - 1 Year - \$150,000.00 - General Fund – was presented. All voting aye. Nays none. Council Member Adams absent on personal business. Council Member Lovell absent. ORDINANCE 2008-0522 ADOPTED.

42. ORDINANCE appropriating \$18,418.50 out of Parks Consolidated Construction Fund for Purchase and Installation of a Picnic Shelter through the Texas Local Government Purchasing Cooperative for the Neighborhood Partnership - Bendwood Park Picnic Shelter, WBS F-000244-0002-4 - **DISTRICT G – HOLM** – was presented, and tagged by Council Member Holm. Council Member Lovell absent.

43. ORDINANCE appropriating \$3,600,000.00 out of Dangerous Building Consolidated Fund for Demolition of Dangerous Buildings – was presented. All voting aye. Nays none. Council Member Adams absent on personal business. Council Member Lovell absent. ORDINANCE 2008-0523 ADOPTED.

49. ORDINANCE appropriating \$500,000.00 out of METRO Project Commercial Paper Series E Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **GUNDA CORPORATION, INC** for Intelligent

Transportation System (ITS) Design Services, WBS N-000650-0034-3 – was presented. All voting aye. Nays none. Council Member Adams absent on personal business. Council Member Lovell absent. ORDINANCE 2008-0524 ADOPTED.

50. ORDINANCE appropriating \$500,000.00 out of Metro Project Commercial Paper Series E Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **WALTER P. MOORE & ASSOCIATES, INC** for Intelligent Transportation System (ITS) Design Services, WBS N-000650-0035-3 – was presented. All voting aye. Nays none. Council Member Adams absent on personal business. Council Member Lovell absent. ORDINANCE 2008-0525 ADOPTED.

51. ORDINANCE appropriating \$300,000.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **KLOTZ ASSOCIATES, INC** for Traffic Signal Management Services City Wide, WBS N-000650-0036-3 – was presented. Council Member Lovell absent.

Council Member Clutterbuck stated that she support Item No. 51, as well as Item Numbers 49 and 50, that she thought it was a very exciting opportunity for many of them to do what many of them had talked about in campaigns, but they were actually getting around to doing it, and having a way to evaluate their traffic signals and truly synchronize things and have intelligence design systems for their traffic signalization. Council Member Garcia absent.

A vote was called on Item No. 51. All voting aye. Nays none. Council Member Adams absent on personal business. Council Member Garcia absent. ORDINANCE 2008-0526 ADOPTED.

FISCAL YEAR 2009 BUDGET MATTERS

55. ORDINANCE related to the Fiscal Affairs of the City; approving the annual budgets of the City of Houston, Texas, for Fiscal Year 2009 for the General, Enterprise and Special Revenue Funds including providing for future adjustment to certain fund balances; making various amendments to the proposed budgets; re-designating a cash reserve in the fund balance; authorizing various other transfers; creating new funds; reassigning various operational functions between departments; amending Chapters of the Houston Code of Ordinances to reflect the reassignment of operational functions; establishing a cost for copies of the budget; making other provisions related to the subject; making certain findings related thereto; providing a repealing clause; providing for severability – was presented.

Mayor White stated that he knew there were various individuals who had various amendments that they wished to offer and they would have an opportunity during the week and at the next Council meeting to discuss them, that he would call individuals in the order that they sought recognition.

Council Member Garcia stated that as a matter of process he wanted to urge his colleagues that all the amendments were written and they were probably all going to get tagged, so to help each other out if they could just move the process forward.

Mayor White stated that they had in the past tried to do groupings of amendments that were germane to a particular topic, that sometimes people offered alternatives; that when they prepare the agenda for next week would try to organize these in some form or fashion topically so that they could deal with them in an orderly fashion.

Council Member Jones offered the follow written motions to amend Item No. 55, tagged by

Council Member Khan.

- 5.01 Request that the Administration fund 20 audible pedestrian crosswalks in an amount not to exceed \$250,000, at 20 prioritized intersections, from FY 08 budget surplus funds or funds identified by the Administration in the Public Works and Engineering Department budget.
- 5.02 Request that the Administration provide funding in the amount of \$100,000 to the Health Department, for the City of Houston's Office of Veterans Affairs, to provide intervention services to include job placement, temporary housing vouchers, and counseling through an RFP process. The funding would come from FY 08 budget surplus or whatever fund the Administration identifies.
- 5.03 Request that HUD's federal requirement for the re-inspection of 1,000 homes on the Single Family Repair Program list, be completed by the end of FY 09 budget period.
- 5.04 Request that Public Works and Engineering initiate "Quieter Zones" in 10 neighborhoods, from FY 08 budget surplus funds or funds identified by the Administration.
- 5.05 Request that the Administration seek funding in the amount of \$15,299 for the SEARCH Mobile Outreach Program in the FY 09 budget.
- 5.06 Request that the Administration review and consider funding an After School Achievement Program at the Alief Community Center, coordinated by Texans Together, to establish social service programs to include vocational training, computer training, and tutorials.
- 5.07 Request that the Administration review and consider the cost to outsource the Houston Police Department's crime lab.

Council Member Noriega offered the following written motions for Council Member Adams to amend Item No. 55, tagged by Council Member Noriega.

- 9.01 Propose to change the operations schedule for the Depository Sites from: Wednesday – Sunday, 10a.m. to 7p.m. to Tuesday - Saturday, 10a.m. to 7p.m.
- 9.02 Add and fund 91 additional staff for the Neighborhood Protection Corps. 9 – Administrative Associates; 67 Community Service Inspectors; 10 Sr. Contract Compliance Officers; and 5 Contract Compliance Supervisors - \$1,330,269.00
- 9.03 Add and fund additional equipment to Neighborhood Protection for additional staff positions - 20 vehicles; 23 cellular telephones; 17 digital cameras; and 6 laptop computers - \$444,570.00
- 9.04 Amend the City of Houston Fiscal Year 2009 Proposed General Fund Budget for the Fire Department to move the effective date of the addition of Medic 24 from January 2009 to July 2008.

Council Member Noriega offered the following written motions to amend Item No. 55, tagged by Council Member Noriega. Council Member Jones absent.

- 3.01 In 90 days of passage of the FY09 budget, the administration, with concurrence of council, will create a charter for and appoint members of a mass transit corridor

steering committee. The mission of this committee is to develop city standards for the built environment. This would include sidewalks, landscaping, traffic management and all other aspects of neighborhood integration and design along current and planned transit routes to coordinate and encourage appropriate projects and coordinate with the various public and private entities along the transit corridors. This committee will be made up of representatives from various city departments, METRO, and communities. The members of the committee shall be appointed for regular overlapping terms by the mayor and council and will continue throughout the development of mass transit in the city.

- 3.02 Within 180 days of passage of the FY09 budget, the administration will develop a plan to upgrade all fire stations to include gender specific sleeping, shower, and restroom facilities and to make all stations ADA compliant.
- 3.03 The City shall continue the police department cadet class hiring incentives through the end of FY09.
- 3.04 Increase funding for the Houston Police Department by \$1,064,012 to provide funding for additional software and design for the 24/7 Real Time Crime Center.
- 3.05 Increase funding for the Houston Police Department overtime budget by \$7,018,787 to provide for overtime equivalent to FY08.

Council Member Khan offered the following written motions to amend Item No. 55, tagged by Council Member Khan.

- 11.01 Request that during FY 2009 the Administration establish a 4/40 compressed work week schedule alternative for the use at the discretion of city departments for non-emergency employees as a way to reduce energy consumption.
- 11.02 Request that during FY 2009 the Administration commission a study to establish an impact fee dedicated to regional detention and flood mitigation projects.
- 11.03 Require Public Works engineers with a paygrade of 20 or higher to have obtained a P.E. license.
- 11.04 Request that during FY 2009 the Administration conduct a cost-benefit analysis of outsourcing the functions of the crime lab.
- 11.05 Create a Traffic engineering division in the Public Works and Engineering department where all personnel dealing with traffic and transportation issues are consolidated.
- 11.06 \$450,000 for the FY 2009 operation and staffing of Hackberry park from General Fund surplus to provide services and programming.
- 11.07 Require each city department in FY 2009 to establish a balanced scorecard system to align its business activities and measure its performance against strategic goals.
- 11.08 Require each department in FY 2009 to establish a 5-year operational planning process and a 2-year budget.
- 11.09 Require each city department in FY 2009 to establish as part of their budget planning process the identification of 2.5% of their budget, which if needed by an economic downturn, can be used to reduce expenses.

- 11.10 \$59,000 for the installation of a computer lab and related equipment at the Alief Community Center from General Fund surplus.
- 11.11 During FY 2009 add five fire inspectors positions to be funded by General Fund surplus.
- 11.12 During FY 2009 add five Neighborhood protection inspector positions to be funded by General Fund surplus.

Council Member Holm offered the following written motions to amend Item No. 55, tagged by Council Member Holm. Council Member Jones absent.

- 12.01 Require that all Neighborhood Street Reconstruction Projects replace any previously approved traffic calming or mitigation devices with similar devices, that have been reviewed and approved by PWE and HFD, that have been removed during reconstruction. FY 09 funding will be appropriated from either the General Fund, the appropriate mobility fund, or any fund approved by the Administration if allocated CIP construction funds cannot support it.
- 12.02 Allow private community funds to be used on approved traffic control devices to replenish the FY 09 NTP budget.
- 12.03 During FY 09, establish a process to promote community participation in the Neighborhood Traffic Project program without depleting the approved FY 09 budget for this program.

Council Member Johnson offered the following written motions to amend Item No. 55, tagged by Council Member Johnson. Council Members Khan and Jones absent.

- 7.01 Increase the General Fund's FY 09 appropriation to the City of Houston's After School Program from \$830,000 to a total of \$1M. The increased funding will be earmarked for programs in Houston Hope designated neighborhoods
- 7.02 Appropriate 1% of sales and hotel occupancy tax revenue generated from the Microsoft World Wide Partner Conference in July 2008 for digital inclusion project(s) for community-based organizations (CBO) and/or city owned libraries and parks in Houston Hope designated neighborhoods. Projects must be presented to the Human Services and Technology Access Committee for approval. Funds must be expended in FY 2009.
- 7.03 HPD shall appropriate 0.50% of its annual General Fund (\$667,651,619) budget to fund juvenile prevention programs. 0.25% of appropriated funds will be earmarked for programs in apartment complexes and/or city owned facilities in Houston Hope Neighborhoods. Programs shall include, but are not limited to, D.A.R.E. and HPD's Explorers and Mentor Programs. HPD will submit quarterly reports to the Human Service and Technology Access Committee to evaluate the effectiveness of each program.
- 7.04 Amend the City of Houston's Fiscal Year 2009 proposed General Fund budget for the Fire Department to move the effective date of the addition of Ambulance 67 from January 2009 to July 2008.
- 7.05 Increase the General Fund's FY 09 appropriation to the Health and Human Services

Department by \$100,000. The increased funding will be earmarked for the youth employment program with a focus on health and environment throughout the six service regions

- 7.06 Increase the General Fund's FY 09 appropriation to the Mayor's Office of Affirmative Action and Contract Compliance by \$500,000. The increased funding will be earmarked for the creation and operation of a Small Business Development Program.
- 7.07 Amend the Public Works & Engineering Department's FY09 budget to earmark \$85,000 to change 100+ overhead and post signs to rename portions of Scott, York, Waco and Hirsch Street(s) to Mickey Leland Boulevard.
- 7.08 The Neighborhood Protection Division of the Houston Police Department will expand the neighborhood contractor program in FY 09 to appropriate \$24,000 each to five Super Neighborhood Councils to abate weeded lots within its specified geographical boundaries. The Super Neighborhood Councils are: Greater Fifth Ward (55), East Little York/Homestead (47), East Houston (49), Trinity Houston Gardens (48), and Acres Homes (6).

Council Member Lawrence offered the following written motions to amend Item No. 55, tagged by Council Members Lawrence and Clutterbuck.

- 6.01 Re-establish Matching Grants Program for Neighborhood Improvements to be Administered by Planning & Development Department (\$100,000)
- 6.02 Analyze Cost Effectiveness of Transferring Right of Way Mowing Responsibilities from Public Works & Engineering Department to Parks and Recreation Department
- 6.03 Add One Inspector to HFD Apartment Team

Council Member Rodriguez offered the following written motions to amend Item No. 55, tagged by Council Member Clutterbuck. Council Member Jones absent.

- 14.01 The administration will allocate funding within the next thirty days (\$180,000/annually for the next six years) to restore the Mayor's Anti-Gang Office Gang Free Schools Program in the East End to reduce crime
- 14.02 The Health Department will allocate revenue generated from the Urban Park Ranger leash law enforcement to add BARC Officers/Inspectors that will focus on after-hour service.
- 14.03 The administration will create a plan to fine building permit applicants who lie on their application, indicating there are no deed restrictions in the neighborhood when indeed there are.
- 14.04 Revenue generated from the building permit application fines will be allocated toward 2-3 new deed restriction inspectors. If this revenue is not enough to fund these inspectors, the administration will identify new funding to do so.
- 14.05 The administration will identify new funding for a new ladder truck apparatus and adequate staffing to be housed at Station 8 (HFD).
- 14.06 The administration will identify funding for 200 new red light cameras. It is estimated

that the net city share for every 100 cameras in the first year of operation is \$2,480,000. The administration will allocate \$210,000 of this annual revenue towards the addition of three new hearing judges that will focus solely on red light camera citations. The remaining revenue will be allocated towards HPD public safety programs including, but not limited to the recruitment of new officers to ensure safer neighborhoods.

- 14.07 The administration will allocate funding (\$15,300) for the operation of SEARCH's mobile street outreach unit. This mobile unit will allow SEARCH to go into the community and address the homeless problem in our neighborhoods.

Council Member Green offered the following written motions to amend Item No. 55, tagged by Council Members Green and Clutterbuck. Council Members Johnson and Jones absent.

- 4.01 Transfer \$15,299 of General Funds from the Parks Department's \$750,000 tree planting initiative to Housing Department # 520103 Subrecipient Contract Services for Search Mobile Outreach Program.
- 4.02 Transfer \$734,701 of General Funds from the Parks Department's \$750,000 tree planting initiative to fund the City's weeded lot program.

Council Member Garcia offered the following written motions to amend Item No. 55, tagged by Council Member Garcia. Council Members Johnson and Jones absent.

- 13.01 Conduct a feasibility study of culvert replacement program for homes that have senior exemption or have physically disabled residents in neighborhoods with documented flooding issues
- 13.02 Conduct a study to implement a city-wide universal recycling program that includes glass recycling.
- 13.03 Conduct a feasibility study of a Small Business program to address the issue of M/W/BE capacity disparities.
- 13.04 Amend PWE Code Enforcement Officer hours to include Saturday inspections.
- 13.05 Provide additional funding to the HPD/HEC High School for Law Enforcement (HSLE) Co-Op program to ensure and expand the program in other areas of non-emergency police radio operations and that the HSLE Co-Op Program be indentified as a separate budget line item. Approximate cost: \$290,000
- 13.06 Provide additional funding for the next phase of implementation of the Real Time Crime Center, to provide for the technology upgrades and additions. Approximate cost: \$1,064.012
- 13.07 Houston Fire Department to submit a report within 90 days on the effectiveness of the ILMS (Information Land Management System) for Fire Inspectors.
- 13.08 Provide additional funding to increase staffing by adding two (2) Fire Inspectors.
- 13.09 Increase by up to 3 police academy classes above those proposed, through budget savings and surpluses

Council Member Sullivan offered the following written motions to amend Item No. 55, tagged by Council Members Holm and Clutterbuck. Council Members Johnson and Jones absent.

- 10.01 Provide funding for new Jaws of Life in at least one station in every HFD district territory.
- 10.02 Provide funding for one set of new, high intensity, portable lights in at least one station in every HFD district territory.
- 10.03 Increase drop off recycling at Kingwood Park and Ride from every 2nd and 4th weekend, to every weekend.
- 10.04 Provide for SWD personnel to gauge recycle container levels on Saturday and Sunday, and swap out full containers for empty ones when necessary, even if on the weekend.
- 10.05 Increase SWD budget to provide weekend container pick up at EFD recycling center
- 10.06 Provide HPD Truck Enforcement vehicles for Truck Enforcement officers who have been hired or trained for this service, but do not yet have vehicles
- 10.07 Conduct a thorough traffic and mobility study in the Clear Lake portion of District E, similar to Parsons study conducted in December 2004
- 10.08 Increase Parks Dept. budget \$35,000 for playground equipment at Sylvan Rodriguez Park
- 10.09 Install water saving devices in all public restrooms at City Hall, City Hall Annex, and other city owned buildings.
- 10.10 Increase funding for Bay Area Houston Economic Partnership from \$50,000 per year to \$100,000 for FY09, 10, 11, 12, and 13
- 10.11 Add at least 12 full time Mobile Response Team personnel to the City's MRT program
- 10.12 Allocate HPD resources at Kingwood Substations to provide a minimum of 4 patrol cars for every shift, as well as 1 Sergeant, on the street.
- 10.13 Allocate HPD resources to Clear Lake stations to have 8 patrolmen, and 2 Sergeants for every shift on the street.
- 10.14 Increase funding for dangerous buildings and dilapidated buildings so homes can be removed within 60 days of final decision by the City of Houston or the courts
- 10.15 Increase funding to HFD so annual inspection of common attics can be made at all multi-family projects.

Council Member Lovell offered the following written motion to amend Item No. 55, tagged by Council Member Clutterbuck. Council Members Johnson and Jones absent.

- 2.01 The administration will fund within the next (30) days an increase to the Health &

Human Services Department's budget to meet the needs of the HIV/STD laboratory services, specifically the addition of personnel to conduct STAT lab services at each of the STD clinic locations.

Council Member Brown offered the following written motions to amend Item No. 55, tagged by Council Members Rodriguez and Clutterbuck. Council Members Johnson and Jones absent.

- 1.01 **Amendment:** For the next FY CIP, the DPW&E is directed to develop a plan for dedicating up to 25% of the City's Annual General Mobility Fund transfer from METRO to specified streetscape enhancements for the next phase of METRO's Light Rail Transit Expansion. **Source of Funding:** METRO General Mobility Fund transfer or 15 year bond issue supported by METRO funds. **Estimated FY 09 Cost:** Approximately \$3 million annually for 3 years.
- 1.02 **Amendment:** HPD Preliminary Management Study to evaluate "Community Policing/CompStat" decentralized form of organization. **Source of Funding:** HPD budget and possible Federal grant. **Estimated FY 09 Cost:** \$180,000 - \$250,000.
- 1.03 **Amendment:** Establish within the Municipal Courts a "Blight Court" docket to assist in prosecuting/restricting petty crime and blight (including hot sheet motels, dangerous buildings, illegal dumping, and related activities). **Source of Funding:** Municipal Courts Budget and grants. **Estimated FY 09 Cost:** \$250,000 - \$350,000.
- 1.04 **Amendment:** Add 3-4 Code Enforcement staff in Neighborhood Protection to assist "Blight Court". **Source of Funding:** Reallocation of Neighborhood Protection funds, plus Federal grant funds. **Estimated FY 09 Cost:** \$200,000 - \$300,000.
- 1.05 **Amendment:** Audio Traffic Signal Lights on key pedestrian intersections in priority areas where sight impaired people circulate. **Source of Funding:** Street light budget. **Estimated FY 09 Cost:** \$200,000.
- 1.06 **Amendment:** Provide matching funds for the Houston P.A.L. (Police Athletic League) program and office space. **Source of Funding:** Houston Police Department budget. **Estimated FY 09 Cost:** \$180,000 - \$200,000.
- 1.07 **Amendment:** The Department of Public Works and Engineering is instructed to develop a set of standards and guidelines for the award of DPC contracts, to promote healthy livable neighborhoods, housing choices, and sustainable growth within the City, applicable to FY09 projects. **Source of Funding:** N/A

Mayor White stated that there was something in common with most of the Council amendments, that there were one or two transfers but most of them were raises, either transferring something out of something that people had supported in the past or they were increasing spending, so they would work together on these things because what he did not hear was the motion to raise the property tax by 5% to accommodate the funding of all of these, or an additional amount to fund all of these; that he, Ms. Stein and Ms. Mitchell were going to begin working with Council Member Clutterbuck, that they scheduled a meeting this afternoon, and there would be several categories of responses that they would give, so that they would know how to work together in a way where they were communicating both ways, that it may be that there were some things that may be a good idea, but for whatever reason they would urge that they were not a budget amendment, for example and he had spotted at least two of these, suppose that things were already being done or that there was a more appropriate vehicle for

doing this, that he knew that it was hard to get things on the agenda so he would have to commit to getting it on the agenda, and he would make that commitment, he would not switch and bait, or they would just plain disagree, that he knew in that category that they would try to persuade people but they had a right to offer something that they disagreed with, that there would be some that they agreed with; and the one thing that he was thinking about, that they had not done, was that there may be some category, particularly he would flag involving public safety, where they would agree subject to additional revenues exceeding those that they budgeted in a particular fund being available or perhaps TIRZ funds being available, they really saw in these budgets the affects of the TIRZ because they were increasing as a percentage of ad valorem tax collections every year, and many of these things were within TIRZ; that those were generally the type of responses they would have, a good idea but maybe it was not a budget amendment, they disagree and see if they could be persuasive but if not people had the perfect, or they agree subject to some revenues that would not be anticipated.

Council Member Holm stated that she would tag the main item and would note the Mayor's comment that each of them had maybe offered some things to increase, and would it be possible for the administration, in the next 24 hours, to add up the total amounts of the increases so it would help them evaluate those amendments that were coming forward and to know what that difference was, and Mayor White stated that he was thinking about it but he was also thinking would Council Members really want him to do that, and Council Member Holm stated that a total would really be beneficial to her, that she thought it was important for them to start leveraging and realizing that there was still a pot that was X amount and that had to be taken into consideration, and Mayor White stated that was a good idea, that he would ask Ms. Mitchell to do that; and Council Member Holm stated that there were also two items, that she just wanted to make sure that all the stakeholders, including taxpayers and Council Members, recognize the benefits and the effect that the leadership had done, that first of all in the Finance Report budget that Ms. Mitchell gave one of the accomplishments of the directors office was the reduced ongoing funding liability of HMAPS without reducing benefits, that she thought it was important for them to know that had no changes been made the actuarial forecast for the next 10 years projected the statutory annual City contribution would be a \$102 million to \$119 million, which an average of \$109 million, which would reflect 21% to 24% of payroll, that because of the meet and confer changes that were initiated through Mayor White's administration they now were looking at gradual increases that averaged out to be 17% of payroll, that to summarize that the impact on the funding was an average reduction of \$20 million a year, the actual for FY08, she understood, was \$30 million; that they had a new benefit structure for employees that was very competitive, they were providing income replacement at no cost to employees, for retiring career employees and they were enhancing the City's ability to attract mid career employees, so she thought it was real important for them to note those actions and how much of an impact it really had when sometimes they argue otherwise and did not understand it; that she hoped people understood and realized the significance that was going to occur from, she thought it was this year that they start on the Drainage Fund, that they were through ordinance dedicating 3/10 of a percent of 100 valuation to increase to 3/4 of a percent by 2017 and that impact was approximately one half billion dollars in drainage projects, and as she understood it also, in a projected short period of time, their bonds would basically be paid so that then they were ready to move forward with increasing their efforts to be able to provide increased benefits and drainage programs, and asked Mayor White if that was correct, and Mayor White stated yes, on the one issue maybe, and certainly they had accommodated that within the budget and he did not know, but Council Member Clutterbuck and Ms. Mitchell sort of had the task of did they want a full debate, and they were going to reserve that amount in the budget, on the ordinance and the form of the ordinance to try to hardwire that amount within the budget or did they want to do that in public hearings right after the budget so that everybody becomes aware of the stake, but yes, they had accommodated that within the budget; that a lot of people around the Council table had been helping, and if anybody else was interested he thought the hearings that Council Member Holm held to bring a new level of transparency to the pensions were important, that

Craig Mason, his job was important, and he would ask Ms. Stein to figure out the appropriate committee or committees to have a hearing on the issue of what were some of the emerging best practices in the governance of public pension funds. Council Member Lovell absent.

Council Member Garcia stated that in case any amendment was not tagged he wanted to make sure to go on record that all amendments were tagged along with the main item.

Council Member Sullivan stated that he made a clerical error in one of his budget amendments, that he left off the word "Ellington Field" for No. 10.04, and would move to add the words, "Ellington Field Depository", seconded by Council Member Garcia, and tagged by Council Members Garcia and Lawrence.

Mayor White requested that Council Members Khan and Holm remove their tag on the main item to permit an amendment to Council Member Sullivan motion to amend Item No. 55.

Council Member Sullivan moved to amend his written motion adding "Ellington Field Recycling Center: to amendment 10.04, seconded by Council Member Lawrence.

A vote was called on Council Member Sullivan's motion to amend written motion 10.04. All voting aye. Nays none. Council Members Adams absent on personal business. MOTION 2008-0414 ADOPTED.

Mayor White stated that written motion 10.04 to amend Item No. 55 now read as follows:
10.04 Provide for SWD personnel to gauge recycle container levels at Ellington Field Recycle center on Saturday and Sunday, and swap out full containers for empty ones when necessary, even if on the weekend.

Council Members Khan, Holm and Clutterbuck stated that they would tag the main item.

Council Member Noriega stated that she wanted to mention that she had backup on her written motions that she did not offer as part of the main budget amendments.

Council Member Green moved to extend the meeting past the scheduled noon recess, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Adams absent on personal business. MOTION 2008-0415 ADOPTED.

55a. MOTION to ratify budgeted revenues in compliance with Section 102.007(c) of the Texas Local Government Code - was called.

Council Member Clutterbuck moved to ratify the projected increase in revenue from property taxes as follows:

Re: Item #55a on the agenda of June 11, 2008:

In order to comply with Section 102.007(c) of the Texas Local Government Code, I move to ratify the projected increase in revenue from property taxes budgeted for FY2009 over the amount budgeted or raised in FY2008.

The FY2009 budget is based on a tax rate reduction of a half-cent that would provide approximately \$20 million in relief for taxpayers. Almost one half of the projected increased revenue results from new property added to the tax rolls. The budget also assumes a rise in the senior and disabled exemption from \$64,420 to \$70,862 that will result in an estimated \$3.3 million savings for approximately 100,000 households in Houston.

The growth in property tax revenue not related to new property is 2.85%, which is far

less than the growth in population and inflation. This is within the limits authorized by the voters at the charter elections on November 2, 2004 and November 7, 2006

The adopted budget for FY09 increases expenditures for Police, Fire and EMS by \$105 million over the FY2008 adopted budget, anticipates a dedication by special council ordinance of a portion of ad valorem taxes to drainage improvements, and expands curbside collection of recyclables to increase landfill diversion.

Council Member Clutterbuck stated that she would tag her motion to ratify the projected increase in revenue in order to comply with the Texas Local Government Code.

Council Member Holm asked if this was actually what was required by law for them to be able to do this separately and address specific language, and Mayor White stated that this contained the language that the Legislature required.

NON CONSENT AGENDA - NUMBERS 56 and 57

MISCELLANEOUS

56. **SET A HEARING DATE** to consider a Municipal Setting Designation ordinance (MSD) for Randall's Center/West Bellfort site located at 8671 West Bellfort - **DISTRICTS C - CLUTTERBUCK; D - ADAMS and F – KHAN - SUGGESTED HEARING DATE - 9:00 A.M. - WEDNESDAY - JULY 23, 2008** – was presented.

Council Member Garcia moved to set 9:00 a.m. Wednesday, July 23, 2008, for a hearing to consider a Municipal Setting Designation ordinance (MSD), seconded by Council Member Khan. All voting aye. Nays none. Council Member Adams absent on personal business. MOTION 2008-0416 ADOPTED.

57. **SET A HEARING DATE** to consider a Municipal Setting Designation ordinance (MSD) for Fondren Road Plaza, Ltd., for the site located at 7042 Bissonnet - **DISTRICTS C - CLUTTERBUCK and F – KHAN - SUGGESTED HEARING DATE - 9:00 A.M. - WEDNESDAY - JULY 23, 2008** – was presented. Council Member Noriega absent.

Council Member Khan moved to set 9:00 a.m. Wednesday, July 23, 2008, for a hearing to consider a Municipal Setting Designation ordinance (MSD), seconded by Council Member Garcia. All voting aye. Nays none. Council Member Adams absent on personal business. Council Member Noriega absent. MOTION 2008-0417 ADOPTED.

MATTERS HELD - NUMBER 58

58. MOTION by Council Member Garcia/Seconded by Council Member Khan to adopt recommendation from City Attorney to deposit the amount of the Award of Special Commissioners, into the Registry of the Court, pay all costs of Court and file objections to the award in connection with eminent domain proceeding styled City of Houston v. H.H. Clark & R. D. Clark, et al., Cause No. 892,399; for acquisition of Parcel AY7-368; for the **PROPOSED BEALL STREET EXTENSION PROJECT between West 14th and Wynnwood**, WBS/CIP N-000663-00RE-2-01 - **DISTRICT A - LAWRENCE** – **(This was Item 13 on Agenda of June 4, 2008, TAGGED BY COUNCIL MEMBER LAWRENCE)** – was presented.

After discussion by Council Member Lawrence, Council Member Holm stated that she would tag Item No. 58. Council Member Sullivan absent.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Clutterbuck stated that she had been asked by a number of people out in the community about their neighborhood street reconstruction process or the NSR Process, whereby neighborhoods petition and ask the City to repave their neighborhood streets, that as she had mentioned before they did have a process where they require that the property owners adjacent to the street that was getting reconstructed also sign a declaration that they agree to an assessment for the cost of the neighborhood street reconstruction, that it was an assessment and a clause that they had not collected on or enforced in over twenty years, as she understood it, yet they still had it in their documents, that she had fundamental problems with a document that states that they were going to require people to be assessed for reconstruction of the public rights-of-way, that it inhibits some people from agreeing to have their streets reconstructed, they had one street in the Sunset Terrace Neighborhood that was not being included in the whole community wide neighborhood street reconstruction because the neighbors were hesitant to sign a document that said that they agreed to be assessed, that similarly in other neighborhoods where they cannot afford to be assessed she thought that it was bad public policy for them to have a legal document that says that they would assess them, that it pits rich neighborhoods, neighborhoods of ability against neighborhoods that lacked that ability and it may intimidate and hinder some neighborhoods from even going through the process, so she would reiterate her plea that they have some revision of the neighborhood street reconstruction document that states that the City may end up assessing neighborhoods; and Mayor White stated that when they discussed this some months ago how did they leave it at the Council table, did she just raise the issue and they said they would look at it or did they give some direction, that he thought she made a good point and thought there had been some direction given, but could not recall, and Council Member Clutterbuck stated that her recollection was that Public Works would be working with the City Legal Department and she was sure that they had been, that she knew that Director Marcotte was very familiar with this and they had a number of personal discussions about it, but the question was where were they and when could they expect to see a change, and Mayor White stated that it was his recollection that he did ask Public Works and the Legal Department to determine what they ought to do on it and he did not know all the facts, that he thought if they signed documents creating a monetary obligation which they did not intend to enforce with a citizen it did not feel like an "A" job of government and just because he did not dictate out memos and hound people because he thought that what was said around the Council table was taken seriously and people who read the Charter knew the chain of responsibility, so if he says things he wants them to be followed through with. Council Members Lawrence, Johnson, Khan, Holm and Green absent.

Council Member Noriega stated that she wanted to recognize Ms. Jill Quinn, who was an A Plus Teacher Extern, in her office and sponsored by the City of Houston, that she was a teacher and just completed two years of Teach For America and was now the Department Chair for Social Studies at Marshall Middle Schools, that Marshall was one of the facilities in HISD that still sometimes shared with the City Library and was in Council Member Garcia district, that she was from Omaha, Nebraska and taught eighth grade social studies and was here for a week observing local government. Council Members Lawrence, Johnson, Khan, Holm, Lovell and Green absent.

Council Member Noriega stated that she had an anniversary coming up, that she was a week shy of being elected, that over the course of the year she wanted to say how impressed she was with all of her colleagues, that everyone at the Council table worked very hard and tried to do an excellent job and brought their own perspective. Council Members Lawrence, Johnson, Khan, Holm, Lovell and Green absent.

Council Member Noriega stated that as to the Metro Consent Agreement everybody saw it in a different way, the Wheeler Avenue folks saw it as a question of social justice and economic issues that had to do with whether they had the right to say no; the East End Chamber was worried about a maintenance facility while the East End neighbors really did want the mobility and access that Metro represented; that many of the suburban folks ask what does it have to do with them, or the Westside said they did not vote for it, that they had urban folks who had moved back into the City that wanted to be able to hop a train and go to a museum or movie or the Medical Center or a sports events, that they had Board Members from Metro who were just trying to get it down and figure out how to hush them up and move on, that they ended up with Richmond folks who wanted it because they saw it as an opportunity and Richmond folks who saw it as possibly the death nail of their business, so to all these folks it was different, but she would tell them again that in her mind the buck stops here, they were the stewards of the public space and were responsible for the decisions that were made in the end, and she wanted to comment to the audience and to her colleagues that she in particular, and knew all of them at the Council table, were going to continue to work with Metro, their neighborhoods, the businesses and community organizations to try to come up with the very best outcome that they could, that there were always decisions that had to be worked through, there was property that may end up different than it was before and some of that may be painful but she thought they were not going to recognize Houston in 30 years, or maybe less than that, that she thought that it was a serious priority and would take every one of them to make it work and she wanted to commit to the community that she took responsibility for Houston very seriously, as she knew her colleagues did as well. Council Members Lawrence, Johnson, Khan, Holm, Lovell and Green absent.

Mayor White stated that the people who come down lots of times, and some times persistently, had plenty of people and would do okay, that there were people who were transit dependent in their community and they were just going to work today and a lot of times they could not take off to come down to City Council and that was really important to him, that they take into account their transit riders, that not much was made of the fact, for example, that the two largest shares of transit ridership were the southwest and the southeast and that they were going to business centers which were in the Medical Center and the Central Business District and they could not transport them through the air; that he did not respond to pressure, that maybe 30 years was to fast, but for a lot of these folks it was about time they had some other options that were a little bit quicker than the bus they had been using. Council Members Lawrence, Johnson, Holm, Lovell and Green absent.

Council Member Jones stated that this week the 15th Annual South Asian Chamber of Commerce Chairperson's Gala was wonderful, that she had staff attend; that the 30th Annual Scholarship and Honors Dinner for High School and College Graduates was at the North Main Church of God in Christ at the Northgate Country Club; that the 2008 Girls and Boys Preparatory Academy graduation was at the Power Center; that she went to the Amitee Park in Alief and would like for the Parks Department to look at that park, it needed some help. Council Members Lawrence, Johnson, Khan, Holm, Garcia, Lovell and Green absent. (NO QUORUM PRESENT)

Council Member Jones stated that she wanted to give prayers to a friend, Mr. Daryl Dave, who was a Houston Fire Fighter who was diagnosed with Cancer and was going through chemotherapy. Council Members Lawrence, Johnson, Khan, Holm, Garcia, Lovell and Green absent. (NO QUORUM PRESENT)

Council Member Jones stated that the grand opening of the Pennywise Thrift Store in Mission Bend raises money for victims of domestic abuse and their children; that she went to the International Trade Club Meeting Program, that it encouraged the world to come and do

business with Houston. Council Members Lawrence, Johnson, Khan, Holm, Garcia, Lovell and Green absent. (NO QUORUM PRESENT)

Council Member Jones stated that she wanted to thank everyone who came and spoke with her regarding the consent agreement and for their input in helping her to ultimately reach whatever conclusion she reaches about the consent agreement. Council Members Lawrence, Johnson, Khan, Holm, Garcia, Lovell and Green absent. (NO QUORUM PRESENT)

Council Member Jones stated that she received a letter from the President of the Gents of Welsh Middle School, Joshua Sharp, that Welsh Middle School was in the southwest side of Houston and they had a bunch of young people and this was an organization that was doing stuff for their young people and truly that was what the City was about, and Council Member Jones read from the letter. Council Members Lawrence, Johnson, Khan, Holm, Garcia, Lovell and Green absent. (NO QUORUM PRESENT)

Council Member Rodriguez stated that the Month of May was recognized across the Nation as Police Month and during the month of May their Police Department remembers and honors fallen officers and recognizes those officers who had done exceptional work, that the Eastside Patrol Division was honored to have four of their officers recognized for their work and he wanted to extend his congratulations to them and thank them for all the work they do for them, that Sergeant P. Ogden received the Patrol Sergeant of the Year; Officer R. Sharp received the CIT Officer of the Year; that deceased Officer P. Palomo received the Life Time Achievement Award; and Officer E. Garza received the 100 Club Officer of the Year Award. Council Members Lawrence, Johnson, Khan, Holm, Garcia, Lovell and Green absent. (NO QUORUM PRESENT)

Council Member Rodriguez stated that Council Member Garcia wanted to express his sincere thanks and the thanks of his residents for the demolition of 234 Linwood and to thank the general contractor, General One for their assistance in the project, that they did it free of charge, so the City was not out of pocket on this one. Council Members Lawrence, Johnson, Khan, Holm, Garcia, Lovell and Green absent. (NO QUORUM PRESENT)

Council Member Rodriguez stated that he and Council Member Sullivan were hosting a townhall meeting to discuss airport land use around the airports, that it would be at 6:00 p.m. at Ortiz Middle School on Telephone Road. Council Members Lawrence, Johnson, Khan, Holm, Garcia, Lovell and Green absent. (NO QUORUM PRESENT)

Council Member Sullivan stated that the Mayor's comments earlier about the pension board possibly being looked at he thought was a good idea, and was glad to see that other municipalities and pension boards around the Country were doing that as well, that since he was on the committee they could look to having his support on that because he thought it made good sense for people not to vote themselves more raises or whatever the case may be. Council Members Lawrence, Johnson, Khan, Holm, Garcia and Green absent.

Council Member Sullivan stated that he wanted to thank his staff for a great pastry today. Council Members Lawrence, Johnson, Khan, Holm, Garcia and Green absent.

Council Member Sullivan stated that he realized he was the only Council Member who did not comment on Item No. 26 and that was on purpose because he did not see the need for him to posture on Metro business that just was not germane to the agenda item. Council Members Lawrence, Johnson, Khan, Holm, Garcia and Green absent.

Council Member Sullivan stated that he wanted to say three words, tradition, respect and professionalism, that was what he and Council Members Adams and Rodriguez saw at the

Houston Fire Department Station No. 25 for fallen firefighter Bouvre. Council Members Lawrence, Johnson, Khan, Holm, Garcia and Green absent.

Council Member Lovell stated that this week in some of the Council offices they had some A Plus Challenge Teacher Externs and she wanted to recognize those who were in the audience, Gary Chisholm, Madison High School, he was assigned to the HR Publications, Sue Silhanick, Cyfair High School, HR Personnel, Bobby Miller, Springwoods High School, Convention and Entertainment Facilities and Marketing, Nacosh Turner, Aldine Middle School, Library Digital Divide Project, Samuel Adams, Springwoods High School, Airport Community Affairs, Marcus Jackson, Atascocita, Humble School, Health and Human Services, Teresa McNasbe, Dacaney Spring High School, George R. Brown Convention and Visitors Bureau Center and Marketing, Jillian Quinn, who Council Member Noriega had already introduced and in her office Sharon Austin, Pasadena Middle School, that she wanted to welcome them and hoped it was a good experience and learned a lot to take back to their schools. Council Members Lawrence, Johnson, Khan, Holm, Garcia and Green absent.

Council Member Brown stated that he thought they had a very good budget session today, that they were going to have some back and forth and that was a very good part of the process to fine tune how and where they spent the taxpayer money. Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Garcia, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Brown stated that moving forward with Metro Solutions would energize the market and their light rail corridors, that there were a lot of things to discuss and he was suggesting that it was not just Metro, but there were some other issues about how they grow the tax base in the City of Houston and attract people to the City and he thought it was important that they weigh in on some of the other big decisions about spending that taxpayers money. Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Garcia, Green and Jones absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 12:46 p.m. Council Member Adams absent on personal business. Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Garcia, 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