

City Council Chamber, City Hall, Tuesday, June 24, 2008

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, June 24, 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, Ronald C. Green and Jolanda "Jo" Jones; 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. Council Member Melissa Noriega absent on personal business.

At 2:13 p.m. Mayor White called the meeting to order and stated that Council Member Green would begin presentations. Council Members Adams, Sullivan, Khan, Holm, Garcia, Rodriguez, Brown, Lovell, Noriega and Jones absent. (NO QUORUM PRESENT)

Council Member Green stated that today he would honor a fine group of men and women from all over the country, a group called Top Teens of America, asked the group to stand to be recognized and invited Miss Williams, teen president of Top Teens and national president Ms. Jackie Pope to the podium. Council Member Green stated that Top Teens was an organization affiliated with the Top Ladies of Distinction; that it enhanced the status of women, supported the top teens of America youth organization, provided services to senior citizens, etc., and they remained committed to the ideal its founders envisioned; and presented a Proclamation to the representatives congratulating and commending Top Teens of America and Top Ladies of Distinction and wishing them continued success and proclaimed today "Top Teens of America Academy Day" in Houston, Texas. Council Members Holm, Garcia, Rodriguez, Brown, Lovell, Noriega and Jones absent. (NO QUORUM PRESENT)

At 2:17 p.m. Council Member Lovell led all in the prayer and pledge. Council Members Lawrence, Holm, Brown and Jones absent.

At 2:18 p.m. the City Secretary called the roll. Council Member Noriega absent on personal business. Council Members Holm, Brown and Jones absent.

Council Members Khan and Garcia moved that the minutes of the preceding meeting be adopted. All voting aye. Nays none. Council Member Noriega absent on personal business. Council Members Holm, Brown and Jones absent. MOTION ADOPTED.

At 2:19 p.m. the City Secretary began calling the public speakers. Council Members Holm, Brown and Jones absent.

Mr. Robert Smith, 9309 Willowview, Houston, Texas 77080 (no phone) appeared, presented pictures to Council Members and stated that he was present regarding handicap problems, he was a volunteer handicap writer for the city for a longtime before he had a problem, but after his father went to a disability situation he became really involved in writing tickets; that he resigned in 2002 because of a problem over another matter, but there was still much abuse with parking spaces and out of about 85 phone calls over the past years to police only two showed up within the 45 minute period before he or the vehicle left, but he understood older businesses did not require a handicap sign and many locations had no sign and lastly police officers parked in the spaces and his photos would show such; that they were there for a shoplifter and that was not an emergency and not necessary and he wanted signs for older businesses. Council Members Holm, Brown and Lovell absent.

Mayor White thanked Mr. Smith for his volunteer work for the city; and Mr. Smith stated that he would have never resigned if the money had been going to help the handicap instead of the general fund. Council Members Holm, Brown and Lovell absent.

Council Member Lawrence stated that they were doing things to prevent this, people were in place giving tickets and if he knew places people continued to abuse parking he could email her office and she would see what could be done. Council Members Holm, Brown and Lovell absent.

Council Member Adams stated this was to the Administration, if Mr. Smith took pictures of officers parked in handicapped spaces what was city policy; and Mayor White stated that the most appropriate response might be from HPD and he was glad it was brought to their attention so it could be asked of them, what their policies were, obviously if something was Code One they may want them to park anywhere they could, but for someone off duty and personal convenience then even higher standards should apply, but minimum standards should be as other citizens; and he would ask the HPD representative to take this photo and policy needed to be clarified to officers and would ask the Chief to consider doing so. Council Members Clutterbuck, Brown and Green absent.

Council Member Garcia stated that the Mayor addressed the issue, however, in the past it was communicated to the rank and file that they needed to respect handicap parking when most appropriate to do so, but it helped to remind folks and he knew this would be sent to the Chief for his attention; and maybe they should get with Ms. Michelle Colvert to see where the manpower was on writing the tickets for the community and also share this with Ms. Rambo's department to encourage her officers. Council Members Johnson, Clutterbuck, Khan, Brown and Green absent.

Ms. Trudy Wright, 311 North Vista Drive #1312, Houston, Texas 77073 (713-589-2971) had reserved time to speak but was not present when her name was called. Council Members Johnson, Clutterbuck, Khan, Brown and Green absent.

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. Council Members Johnson, Clutterbuck, Khan, Brown and Green absent.

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

Ms. Dorris Kemp, 6000 Telephone Road #331, Houston, Texas 77087 (713-641-5311) appeared and stated that she lived in a Housing Authority apartment right now temporarily because of being relocated after a fire on Belareve; that she was having problems with the management where she now lived such as they had her in a two bedroom and said she would probably have to pay more money and when she disagreed they told her to shut up and then she said the same to them, but today she was here because they were allowed to use the office to call and check on their rides and when she asked them to call for her another man stepped up and she talked to him and told her to be patient and then called the police and she left in METRO and when she came back they had a note on her door. Council Members Johnson, Brown and Green absent.

Council Member Jones stated that she worked with the Belareve residents and she was at one of the meetings; and upon questions, Ms. Kemp stated that they said she violated her lease, she had nine violations, and once they put you out you could never get back in again and she needed someone to talk to management because she did nothing; and Council Member Jones stated that her office would try and put her in contact with Housing, but someone from her

staff was coming to get a copy of her letter so they could work with her; and Ms. Marine Thomas with Housing was present and would speak with her at this time.. Council Members Johnson, Khan and Brown absent.

Mr. Donald Burns, 13021 Donegal, Houston, Texas 77047 (713-882-0307) had reserved time to speak but was not present when his name was called. Council Members Johnson, Khan and Brown absent.

Mr. George McAfee, 4362 Graduate Circle, Houston, Texas 77004 (713-594-2893) appeared, displayed pictures of Crepe Myrtle Trees he had grafted and stated that he was present as he tried to meet with the Parks Director for over six months and now wanted to make his proposal to Council; that he taught how to graft trees for Ft. Bend County for nine years and to Harris County for over fifteen years and was featured in January 2006 in the Houston Chronicle and he would like to graft a tree in Tranquility Park for the Columbia Crew and for the ladies he wanted a hot pink flower and for the male astronauts he wanted the lavender blue; that he had trees in several parks and schools now and each was for a specific purpose; that he had a tree in Hermann Park with six different flowers which was being shaded out by an Oak and he would like to transplant it next to the Martin Luther King statue. Council Members Johnson and Khan absent.

Council Member Garcia thanked Mr. McAfee for all he did. Council Members Johnson and Khan absent.

Mayor White thanked Mr. McAfee for what he did and stated that he liked trees and citizens who volunteered; and upon questions, Mr. McAfee stated that he had trees in several parks and if he would give them in writing what he wanted to do he would have Citizens Assistance get him an answer on why or why not he could move the tree, etc. Council Members Johnson and Khan absent.

Mr. Sean Giuliani, 3300 Bingle Road, Houston, Texas 77055 (713-384-1846) appeared and stated that he was interested in emergency efficiency and alternative fuels, many people now were interested in greener alternatives; that on the phone lines Houston was called the "Energy Capital of the World" and he would like that improved, one real attainable energy alternatives was natural gas, compressed natural gas could be turned into fuel for a vehicle and there were home fueling stations which could be added to a house so you could fuel your car overnight and drive 200 plus miles; that some local governments made provisions to encourage this such as free parking for more energy efficient vehicles, etc., and the fuel cost half what today's fuel cost was and there was less carbon monoxide, etc.; that Dallas had had five such fuel stations and Ft. Worth had a couple more; that Houston only had two quick fuel stations. Council Members Johnson, Khan and Rodriguez absent.

Mayor White thanked Mr. Giuliani for coming and stated that the city had seriously explored C & G for city fleets, both the Aviation and Solid Waste where there were fleets, but right now in each case there were unique circumstances which made it so they would not do it, at least not within this year and by coincidence he just asked where they stood on that this morning. Council Members Johnson, Khan and Rodriguez absent.

Council Member Brown thanked Mr. Giuliani for coming and stated that they were trying to be a more efficient and conservation city and the Mayor was leading the charge and if he had written material which he could give him it would be helpful and certainly they wanted to be ahead of Dallas; and Mr. Giuliani stated that he had material and handed it to Ms. Vasquez for Council Member Brown. Council Members Johnson, Khan and Rodriguez absent.

Mr. Ray Hill, P. O. Box 3624, Houston, Texas 77253 (713-523-6969) appeared and stated that this was becoming an annual affair, every year the week before the Gay and Lesbian

Transgender Pride Week, some vice officers went into the business of arresting a lot of people and it happened last Thursday, six customers were arrested and the employee and in order for the arrest to happen of the employee a very creative interpretation of the SOB ordinance had to be drawn; that he read a letter this week from the First Assistant City Attorney Tom Allen and thought he understood the problem, Mr. Allen's letter did not consider anything in the legislative predicate to the statute which gave the city the authorization to pass a SOB ordinance, he had absolutely nothing in his letter which gave any indication he followed the process which Council Member Helen Huey went through to draft the ordinance or the decisions made by the committee which resulted in the ordinance and certainly had not read any cases where the terms of the ordinance was defined in federal court and now he knew the vice squad went to the City Attorney's Office and got the response they wanted to hear in order to go and harass people; that some Council Members would be in the Gay Pride Parade Saturday and he would like them to explain how they would be able to tell if they were smiling in support of the Fifth Anniversary celebration of the Lawrence Case or laughing at them in ridicule as the officers did the other night when they lined everyone up and asked them how proud where they now with their handcuffs on and then threw them in the wagon and carted them out; that one man was present on a visa from an eastern country where they would routinely stone gay people to death and fortunately he figured out was going on and hid in a closet because if arrested they did not need a conviction to deport him and he would be sent back and be dead; that he was tired of coming and complaining every year, they used to call it the Annual Raid on Mary, they would put it on the Gay Pride Week Calendar and the only people who went were those expecting to be arrested. Council Members Johnson, Khan, Rodriguez and Green absent.

Council Member Jones stated that she and her staff would be in the parade and she supported equality for everyone and was sorry he had to come down; and allowed Mr. Hill to continue; and Mr. Hill stated that he wanted to thank Council Member Garcia and Lovell for standing with him in the past when he had concerns, it did not come to any good, but they tried; and he asked Council Member Noriega to give him a hearing so they could define what the law was because they had the testimony from federal cases, the predicate from the Texas Legislature, etc., and they could resolve this at a hearing and make it public record; and Council Member Jones stated that she would love a copy of the letter he referred to earlier and anything her office could do she would be happy to do. Council Members Johnson, Khan and Green absent.

Council Member Lovell stated that this was the first she heard of this and she wished there had been a call to her office; that she would like to get information from him; and upon questions, Mr. Hill stated that it was a different establishment but belonged to the same owner; and Council Member Lovell stated that someone from her staff would be with him to get information and they would be at the parade Saturday. Council Members Johnson, Khan and Green absent.

Council Member Adams stated that she wanted to publicly thank him for being the voice of the GOBT Committee in the Montrose community and this was the first she heard of the harassment as well and no Council Member supported Harassment and she would speak with Council Member Noriega about his suggestion; and Mr. Hill stated that she called him and he thanked all Council Members for their support. Council Members Johnson, Khan and Green absent.

Ms. Katy Emde, 6033 Glen Cove, Houston, Texas 77007 (713-880-0872) appeared, presented pictures and stated that the Hogg Bird Sanctuary was a city park, a little over sixteen acres, and there were fourteen properties adjacent to it and she owned one; that the sanctuary was a lovely and heavily wooded area and yet for eight years the Parks Department allowed illegal encroachment by some of the neighboring property owners and looked the other way while there was mowing destroying the natural habitat; that she sent a detailed report of what went on in the past and hoped they had a chance to look at it, in 2000 and 2001 all the

neighboring property owners received their first letters telling them it was unlawful to mow and most stopped immediately, but a few persisted for a while and a couple had never stopped; that every year or two she called Parks and asked about the mowing and they investigated and then they usually received letters saying to stay out or else, but there never was an or else, why had favoritism been shown to the people or was the Parks Department just extraordinarily neglectful; that they could not afford to lose the park because of poor stewardship, the natural area was far too valuable; and discussed each picture in her presentation. Council Members Johnson, Khan, Garcia and Green absent.

Council Member Holm stated that Ms. Emde should continue; and Ms. Emde stated that Ms. Katy Farley sent a letter to all saying the maintenance of a natural environment was critical to the success of a bird sanctuary, native grasses and vegetation enhanced the bird habitat and limitation on access and reduction of disturbances and development was important to the management of bird sanctuaries; and Council Member Holm stated that Ms. Emde was a vigilante of preservation, one of our most treasured possessions and what she heard her say and where she needed clarification was she sat in meetings with Katy Farley, who all misses so much, and it was her impression that as a part of Memorial Park if they did not preserve and protect the integrity of the Hogg Bird Sanctuary the entire park possession could be in jeopardy for them and at that point and time, maybe 2005, they went walking though the neighborhood one by one and some had incredible landscaping and they told them they would have to let the natural grow back, they could not continue to maintain it because they had to rebuild the nature of the sanctuary; and her question was two fold, one was what was the rule, was it an option and secondly the possible using of part of the sanctuary for a staging area, under the assumption they may get amenities for the park; that if they had the options it was completely different than the impression of what she was told, which was if they did not move the mounted police and if they did not restore the bird sanctuary the entire integrity and asset of Memorial Park could be jeopardized; and Mayor White stated that because he knew she respected... these were no easy choices and people had abutting land and were encroaching on the land and mowing the land and it was inconsistent with her conception of what the public use of the land should be and she had gone and talked with individuals in the neighborhood and if she thought they should go in and start issuing citations when unauthorized improvements were done on the land or did mowing on the land he would do it; and Council Member Holm stated that she was under the impression she did not have the choice to make and he was saying they did and she only wanted clarity, whether they were at risk to lose the park if they did not enforce it or were they not; that she wanted someone to interpret the deed for her; and Mayor White stated that he would like them to communicate with each other and first he would look to the City Attorney, he did not think anyone wanted to say if tomorrow someone on a parcel came in and said give us this back we want to build condos because of the reverter clause and you told Council Member Holm in open session the city forfeited what it did because they did not do exactly... the lawyers would say that was a totally unreasonable interpretation so what he would do would be take a look; and he knew people were looking at Hermann Park where they would like to get some of the land and he did not want to forfeit land, but he would look at Legal and take a lot of guidance from her, he wanted to do the right thing; and Council Member Holm stated that the Legal Department wrote a letter stating they could not, so she could not offer guidance because the city's position up until now had been it had to be enforced, it had to be preserved and there were no exceptions, it was clear and that was why she went out explaining why it had to be left alone to grow back out and now she was looking for the city's current position so she could defend it; and Mayor White stated that they would get that for her. Council Members Johnson, Adams, Khan, Garcia, Brown and Green absent.

Upon questions by Council Member Lawrence, Ms. Emde stated that page three was looking down, it was the same as page two only further down and it was located on Rains Way; and she wondered how it would benefit the city to allow people to increase the size of their backyard for their own personal benefit and tax free to the detriment of what she perceived to be the bird sanctuary; and she found the Parks Department to be very overworked and

understaffed as most departments and the idea of putting something else discretionary onto their plate to see if something was being done correctly or not would only get worse and worse; and Mayor White stated that it made good sense to him that as a matter of public policy if the city was given a gift and the gift said specifically what it would be used for and if a technical expert said the gift was inconsistent with the gift then they would have to honor the terms of the request, but he could not say if something was inadvertent on the city's part. Council Members Johnson, Khan and Green absent.

Council Member Holm stated that to Ms. Emdy's question how could this do, they needed the interpretation because the way they both interpreted it may not be so they needed city policy and it would take the subjectivity of them deciding what was appropriate and she would rather be in the position of proactively knowing their position and explain and enforce it. Council Members Johnson, Sullivan, Khan and Green absent.

Ms. Marjorie Hallam, 4002 Whitman, Houston, Texas 77027 (713-850-7969) appeared and stated that she sent the Mayor and Council Members copies of her letters expressing sentiments of their neighborhood and hoped they read it; that she was concerned about the neighborhood and the quality of life they were entitled to; that she found out there would be alterations to Wesleyan from good authority on the site and she started researching all city departments of which plans were approved for Wesleyan and not one person in the entire city government could tell her there was even a plan for alterations and that seemed to be appalling to her and she wondered if the Mayor knew of the secret, private deal between the city and developer; that it was the wrong project in the wrong location and such a warehouse operation would be out of character in such a beautiful location, June 5th out of desperation she wrote Council Member Clutterbuck explaining the situation and her office immediately began researching the matter and could find no details either and last Friday she demanded the CIP projects department in Public Works to get her the plans for the project and only then did she discover there were actual plans for altering Wesleyan and Council Member Clutterbuck's office began demanding plans Monday; that yesterday she (Ms. Hallam) was told by Mr. Noel Freeman of the engineers office there was a plan, a private development plan requested where the developer would pay all costs to enter into altering city streets and it was approved. Council Members Johnson, Sullivan, Khan, Garcia and Green absent.

Council Member Clutterbuck thanked Ms. Hallam for bringing the matter to the city's attention and allowed Ms. Hallam to continue; and Ms. Hallam stated that the residents or Council Members were not kept apprised of this and the significant impact it would have in the area, residents would lose eleven trees and median space and where were trees to be planted as replacement as in the city ordinance; that residents should have been allowed input and alternatives; and Council Member Clutterbuck stated that this highlighted the need to tighten up communication, the well intended people in Public Works who did not deal with tree issues and did not know to look for that assumed incorrectly the developer had pursued proper channels required under Chapter 33 and they had not, the plans were now put on hold as they were in violation of the Code, they did not identify where the trees and all trees in the Loop were on the GIS Mapping System and it would be nice to know this would not happen in the future and allow Parks and neighborhood input; that Parks people identified trees for all CIP projects but for independent commercial projects of which there were many they also needed capacity to internally look at that. Council Members Johnson, Sullivan, Khan, Holm, Garcia, Rodriguez and Green absent. (NO QUORUM PRESENT)

Mayor White stated that there may be students during the summer who knew how to use Google maps if they could not find them on the city workforce. Council Members Johnson, Sullivan, Khan, Holm, Garcia, Rodriguez and Green absent. (NO QUORUM PRESENT)

Council Member Brown stated that eternal vigilance was the price of a green city; that in looking at the drawings he saw no landscaping at all; that they needed urban street standards

and then they would not have the problem; and thanked Ms. Hallam for coming. Council Members Johnson, Khan, Holm, Garacia and Green absent.

Mayor White stated that to Council Members Clutterbuck and Lawrence they as a body ...; that there were not certain restrictions on where a retailer might build, in order to protect citizens they did try to have some traffic management devices such as left turn lanes so traffic would not get worse and that was why so many Super Neighborhoods requested more and as they put more trees in the medians they did not want to preclude the medians in a balanced way from left turn lanes in order to protect them from disadvantages of traffic congestion and it was reasonable to have standards for both tree reclamation and replanting and restoration when they did have left turn lanes and trees were removed and to Mr. Norman he wanted to make sure this was something focused on with clarity, whose responsibility was it and what should they require them to do and a balance needed to be figured out. Council Members Johnson, Khan, Holm, Garcia, Brown and Green absent.

Ms. Mary Pegelow, 1206 Stanford, Houston, Texas 77019 (713-521-0717) appeared and stated that she was present to speak about the Metropolitan Multi Service Center since there was no West Gray Multi Service Center, first was the red light at 1475 West Gray, it was an important issue to the disabled population, a crossing light for handicapped individuals was not long enough for someone using a walker to cross and they asked a red light camera be installed there to better protect users, at some time someone's number was going to be up there and the camera would bear silent witness to a killer; that they were happy because the tripping danger she previously reported at the exercise room had been corrected and the brail writing on the soda machine and cost was completed yet the snack machine did not even have lettering on the choice keys; and restrooms did not have enough serviceable stalls to accommodate. Mayor White, Council Members Johnson, Khan, Holm, Brown and Green absent. Mayor Pro Tem Garcia presiding.

Council Member Adams stated that a staff member of hers had been communicating with Ms. Pegelow and she brought up two issues; that she thanked her for being a friend to the Metropolitan Service Center and Mr. Jeff Anderson with the Mayor's Office People with Disabilities was present and also Ms. Michelle Covert was present and they would both continue to address her issues and she did support the request for the camera in front of the center and Lt. Gallier was here with HPD and he could inform her of the process. Mayor White, Council Members Johnson, Khan, Holm, Brown and Green absent. Mayor Pro Tem Garcia presiding.

Council Member Clutterbuck stated that if the idea for the camera was to capture a tragic accident she thought they may be going at it the wrong way, there were probably other ways to enforce traffic and one idea that may be the same cost as a camera would be to put in pedestrian triggered lighting as along the rail line and she was correct the time for crossing should be extended. Mayor White, Council Members Johnson, Khan, Holm, Brown and Green absent. Mayor Pro Tem Garcia presiding.

Council Member Jones stated that Council Member Rodriguez just got a budget amendment passed and the city would look at places which had most accidents and those would be considered for cameras and she knew the Mayor was concerned about those with disabilities and she and Council Member Brown were trying to get audible crosswalks. Mayor White, Council Members Lawrence, Johnson, Khan, Holm, Brown and Green absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Council Member Adams stated that she would also ask Ms. Covert if she would look into what was done in the past concerning traffic light and walkway; that Council Member Clutterbuck brought up a great suggestion of the pedestrian trigger and she would like her to look at what was done at other multi service centers as well. Mayor White, Council Members Lawrence, Johnson, Khan, Holm, Brown and Green absent. Mayor Pro Tem Garcia presiding.

(NO QUORUM PRESENT)

Mayor Pro Tem Garcia stated that there were several significant folks present Mr. Gary Norman with Public Works, Mr. Dan Pederson with Parks, Ms. Michelle Covert with the Office of Citizens with Disabilities and Lt. Gallier with HPD and all would be visiting with her; that what she brought up made sense and they wanted to have the most audible and contemporary devices to assist the citizens and keep them as safe as possible; and he thanked her for coming. Mayor White, Council Members Lawrence, Johnson, Khan, Holm, Brown and Green absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Ms. Cheryl Armitige, 2706 Barbee, Houston, Texas 77004 (713-775-3366) appeared and stated that she was against rail on Wheeler, it was the only residential neighborhood where the proposed rail was intruding on residents and mostly seniors; that Washington Terrace had a tax base with a number of seniors and homeowners with exemptions and the intrusion would enhance the tax base for the city, county and school district just like the medical center the electrical stray currents would affect seniors, the current plan was a hazard and she would like the alternate plan to possible be monorail. Mayor White, Council Members Lawrence, Johnson, Khan, Holm, Brown and Green absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Council Member Rodriguez stated that he, Council Member Adams and others were working to facilitate another meeting between METRO and her and other residents in the area and he appreciated her coming. Mayor White, Council Members Lawrence, Johnson, Khan, Holm and Green absent. Mayor Pro Tem Garcia presiding.

Council Member Jones stated that she was glad to see Ms. Armitige still involved with the community and doing what she was doing. Mayor White, Council Members Lawrence, Johnson, Khan, Holm and Green absent. Mayor Pro Tem Garcia presiding.

Mayor Pro Tem Garcia thanked Ms. Armitige for coming and for her participation. Mayor White, Council Members Lawrence, Johnson, Khan, Holm and Green absent. Mayor Pro Tem Garcia presiding.

Mr. Ken Freeland, 8702 Westview Drive, Houston, Texas 77055 (832-512-4751) appeared and stated that he was delighted to hear Mayor White state in a recent interview that Houston needed taxies and taxi driving should be a profitable business and as a Houston taxi driver with several decades of experience he would like to explain why it was often unprofitable, first he was speaking of the street and not airport drivers, a radio dispatch driver incurred a significant cost for each assigned trip which included cab lease prices, maintenance and F & A charges and then gas; that the driver needed to recover cost as soon as someone sat in the seat and that was the purpose of the amount showing on the meter as soon as the driver started it, the current flag drop was \$2.50 and a customer could request a cab to go to a grocery store or Laundromat five blocks away and paid the driver less than \$4.00 for the entire service and he would like to know how much anyone of them would charge someone after driving across town and taking them a short distance in their vehicle; that with today's gas prices a professional driver would use enough time and gas driving to a pickup location and then to their destination and would need about \$20.00 from each person to show a decent profit; that often when called the person was not there as they would dial more than one service and take the first cab arriving and a \$2.50 flag drop was little more than a joke at the present time. Mayor White, Council Members Lawrence, Johnson, Khan, Holm and Green absent. Mayor Pro Tem Garcia presiding.

Mayor Pro Tem Garcia thanked Mr. Freeland for coming; and Mr. Freeland stated that he distributed two proposals and he would like it looked at carefully as there needed to be a radical restructuring of the rate structure for drivers; and Mayor Pro Tem Garcia stated that Mr. Blanton

Daniels was present and would speak with him at this time. Mayor White, Council Members Lawrence, Johnson, Khan, Holm and Green absent. Mayor Pro Tem Garcia presiding.

Mr. Charles Moser, 5936 Dumfries, Houston, Texas 77096 (713-729-4649) appeared and stated that he was present to discuss a great program they were excited to bring to Houston and to Council Member Adams district called Achieve Houston, it was the brainchild of Charles Brodskie in Washington, D. C. and it was a triathlon summer camp for underprivileged youth; that they were with the Parks and Recreation Department with the campus being Texas Southern University and other citizens and stores were involved and yesterday they began with 20 youth from Cuney Homes and enrolled them in a program to teach how to swim, cycle and run and August 2nd each would complete an age appropriate triathlon and it was outstanding; that they hoped to build character and each would realize what they could do; that the program was completely free and the summer foods program was enlisted so each could sit and bond and eat lunch; and he encouraged all to go to TSU and see what they were doing. Mayor White, Council Members Lawrence, Johnson, Khan, Holm and Green absent. Mayor Pro Tem Garcia presiding.

Council Member Adams thanked Mr. Moser for all he was doing for the children in Cuney Homes and stated that she enjoyed sharing opening day; that she also thanked Doug Earl with Parks making sure they were fed and the Houston Housing Authority for making sure they came; and upon questions, Mr. Moser stated that August 2nd was approximately six weeks and on a Saturday and would begin around 10:00 a.m. and they would have food and awards; that he would echo sentiments of the Parks Department Texas Southern University was outstanding and Finish Line Sports and the list went on and on. Mayor White, Council Members Lawrence, Johnson, Sullivan, Khan, Holm and Green absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Council Member Clutterbuck thanked Mr. Moser for coming and for his leadership; that many had good ideas, but it was the rare individual who actually did something and it was appreciated and inspiring and she looked forward to being present. Mayor White, Council Members Lawrence, Johnson, Sullivan, Khan, Holm, Lovell and Green absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Council Member Jones stated that she actually received free breakfast at Cuney Homes when she was younger and she knew health was important to him and the more children were taught about healthy lifestyles the healthier they were when they were older and she used to run track and she knew many who liked to run, etc., and they liked working with children and anything her office could do she would; and Mr. Moser stated that they were looking for guest speakers; and Council Member Jones stated that Carol Lewis was a U of H Olympic Team member and she was almost certain she would do it; and Mr. Moser stated that they wanted to expand the program next year; and it was not just for Cuney Homes but they did want them to be able to get there and proximity had something to do with it; that yesterday they started with 20 youth and today 20 came back. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm, Lovell and Green absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Council Member Adams stated that she would like him to present his information to her office and she would see Council Members received it. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm, Lovell and Green absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Garcia stated that he reminded him of a favorite movie, The Power of One, and he thanked him for what he was doing; and Mr. Moser stated that the Mayor of Washington, D. C. had challenged Mayor White to a race. Mayor White, Council Members Lawrence, Johnson, Clutterbuck, Sullivan, Khan, Holm, Lovell and Green absent. Mayor Pro

Tem Garcia presiding. (NO QUORUM PRESENT)

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (832-407-5344) appeared and stated that he was back again regarding his armed robbery false arrest and assassination attempt on his life; that he was the official U. S. President; and continued expressing his personal opinions until his time expired. Mayor White, Council Members Johnson, Adams, Sullivan, Khan, Holm and Green absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Mr. David McCormick, 16507 Green Manor, Humble, Texas 77396 (281-441-8801) appeared and stated that there was a problem in his subdivision with a group from 3:00 p.m. to 11:00 p.m.; that he lived at 59 and Greens Road in the Glenn Lee Subdivision and his street was a dead end into Greens Road, just west of Green Manor there was a bar, Boot County Bar, and cars parked all up and down Greens Road from one end to the other and if they were trying to get off Green Manor onto Greens Road they could not see if it was clear until they pulled out far enough to be hit if someone was coming; that the city put "No Parking" signs but people parked anyway, they called the city and an officer came out and would go into the bar and then leave and whoever was parking there would just go get in the car and move to the other side of the street; that first they just took the signs down and the city put them back up and a week later the sign was down again; that they went to the Northeast Police Station and talked to the sergeant. Mayor White, Council Members Johnson, Sullivan, Khan, Holm and Green absent. Mayor Pro Tem Garcia presiding.

Upon questions by Council Member Lawrence, Mr. McCormick stated that the property was in the city limits and the address was 6220 Greens Road; and Council Member Lawrence stated that instead of policing going out they needed someone from the Parking Commission to go out as they gave the tickets and she would be glad to turn it in; and Mr. McCormick stated that someone needed to put signs back first; and Council Member Lawrence stated that she would be glad to try and do that and maybe they could get results; and Mr. McCormick stated the violations were from around 4:30 p.m. to midnight and he had pictures if she would like to see them. Mayor White, Council Members Johnson, Sullivan, Khan, Holm and Green absent. Mayor Pro Tem Garcia presiding.

Ms. Lydia Steward, 4515 Tornewood, Houston, Texas 77016 (832-455-7758) appeared and stated that she was present on behalf of her mother regarding a water bill; that her father owned rental property long before he died and there was a large water bill she had to pay in 2002, almost \$7,000.00, and she had proof she paid; that they had attached the bill to her mother's residential bill so it had to be paid; that her mother was a congestive heart failure patient and lived between her and her brother, but she had tried to get her water turned back on and there was a bill from 1998 and they were told the bill had to be paid to get her water turned back on and it was ridiculous and she was not even aware of the bill, the bill was supposed to be from 1988 and twenty years old now, but they were told it had to be paid; that her mother received \$500.00 a month in social security and she did not know how it would be paid, but moving her mother house to house was not working and she needed to be in her own home; and she would like assistance. Mayor White, Council Members Johnson, Sullivan, Khan, Holm and Green absent. Mayor Pro Tem Garcia presiding.

Council Member Adams stated that Council Member Johnson was her Council Member and Mr. Gary Norman was present, but she did not know city policy on twenty year old bills; that she did not know what could be done; and upon questions, Ms. Steward stated that she paid \$6,412.00 and the supervisor at the Water Department would not even speak with her; and Council Member Adams stated that if that did happen they did not condone disrespect to customers, but Mr. Norman was present from the Public Works Department and would be able to assist her; and she should also keep Council Member Johnson abreast of the situation. Mayor White, Council Members Johnson, Sullivan, Khan, Holm, Brown, Lovell and Green

absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Council Member Jones stated that she was sorry for what was going on; and upon questions, Ms. Steward stated that the bill was around \$10,000.00; and Council Member Jones stated to the Administration that in lawsuits when someone had wronged you then you had a two year statute and for contracts there was a four year statute and even if you owed someone and they got a valid judgment it could only be used against you and on your record seven years and that was absurd and she would think the city waived their right or some statute should have run, the city could not sue her now; there were statutes of limitations so people could handle things while they remembered and while they had documents; and she was certain the Administration would work hard; and Council Member Jones yielded to Council Member Lawrence who stated that she hoped attorneys would look this up because she had a neighborhood with a bill for \$32,000.00 with esplanades not figured in and they sent them a bill and said it was due in 20 days so she knew they did go back and bill, but whether they could go that far back and get the money she did not know; and Council Member Jones stated that she would represent her mom and she thought the city would lose. Mayor White, Council Members Johnson, Sullivan, Khan, Holm, Lovell and Green absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Mayor Pro Tem Garcia thanked Ms. Steward for coming and stated that Mr. Gary Norman with Public Works was present and he would visit with her at this time to see if he could get her some answers, but there was an appeal process in the billing system and he was hopeful Gary would do all he could to help her on the process. Mayor White, Council Members Johnson, Sullivan, Khan, Holm, Lovell and Green absent. Mayor Pro Tem Garcia presiding. (NO QUORUM PRESENT)

Mr. Al Robinson, 4926 Sunbeam, Houston, Texas 77033 (941-661-9151) appeared and stated that he was having the same trouble with the Water Department, they were trying to take the water from them and kick them off their property and he needed help in stopping the city from trying to squeeze blood out of a turnip and he used the word turnip because he got a research paper on the internet from a law firm representing the City of Houston called Squeezing Blood Out of Turnips, fines, fees, collections and other revenue sources; that he was directly affected by actions from Neighborhood Protection and Public Works and Development and since he protested the actions they were now trying to get him arrested and judging from the previous case he was not the only one in the boat so he was going to investigate and would report findings back to them. Mayor White, Council Members Johnson, Sullivan, Khan, Holm and Green absent. Mayor Pro Tem Garcia presiding.

Mayor Pro Tem Garcia stated that if he would also like to visit with Mr. Norman hopefully he could assist him. Mayor White, Council Members Johnson, Sullivan, Khan, Holm and Green absent. Mayor Pro Tem Garcia presiding.

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 Johnson, Sullivan, Khan, Holm and Green absent. Mayor Pro Tem Garcia presiding.

At 4:08 p.m. City Council recessed until 9:00 a.m., Wednesday, June 25, 2008. Council Member Noriega absent on personal business. Mayor White, Council Members Johnson, Sullivan, Khan, Holm and Green absent. Mayor Pro Tem Garcia presiding.

The Houston City Council reconvened at 9:00 a.m. Wednesday, June 25, 2008, with Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Wanda Adams, Mike Sullivan, M. J. Khan, P. E., 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; Mr. Terence Fontaine, Deputy Chief of Staff for Operations; Ms. Martha Stein, Agenda Director and Ms. Marta Crinejo, Assistant Agenda Director, present. Council Member Pam Holm absent on personal business.

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

At 9:34 a.m. Mayor White called the meeting to order. Council Members Clutterbuck, Garcia, Lovell and Green absent.

MAYOR'S REPORT

CONSENT AGENDA NUMBERS 1 through 62

MISCELLANEOUS - NUMBERS 1 and 2

1. REQUEST from Mayor for confirmation of the reappointment of **MR. MICHAEL H. LASTER** to Position Seven, for a term to expire December 20, 2009 and to serve as Chair, for a term to expire December 31, 2008, of the **REINVESTMENT ZONE NUMBER TWENTY, CITY OF HOUSTON, TEXAS, (SOUTHWEST HOUSTON ZONE) BOARD OF DIRECTORS** – was presented, moved by Council Member Khan, seconded by Council Member Lawrence. All voting aye. Nays none. Council Member Holm absent on personal business. MOTION 2008-0524 ADOPTED.
2. REQUEST from Mayor for confirmation of the reappointment of **MR. MICHAEL H. LASTER** to Position Two and to serve as Chair, of the **SHARPSTOWN ECONOMIC DEVELOPMENT AUTHORITY BOARD OF DIRECTORS**, for a term to expire December 20, 2008 – was presented, moved by Council Member Khan, seconded by Council Member Lawrence. All voting aye. Nays none. Council Member Holm absent on personal business. MOTION 2008-0525 ADOPTED.

Council Member Sullivan stated that he wanted a point of clarification, that there were two items that had his name on them in error, Item Numbers 44 and 46, that they should be District I – Rodriguez.

ACCEPT WORK - NUMBERS 3 and 3A

3. ORDINANCE appropriating \$63,531.31 out of Metro Project Commercial Paper Series E Fund as an additional appropriation for construction contract with **LONE STAR ROAD CONSTRUCTION, LTD.** for Hillcroft Avenue Reconstruction Project from Beltway 8 to independence Road, WBS N-000792-0001-4, approved by Ordinance No. 2006-362 - **DISTRICT D – ADAMS** – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.
- 3a. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,948,246.31 and acceptance of work on contract with **LONE STAR ROAD CONSTRUCTION, LTD.** for Hillcroft Avenue Reconstruction Project from Beltway 8 to Independence Road, WBS N-000792-0001-4 - 8.54% over the original contract amount **DISTRICT D - ADAMS** – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.

PROPERTY - NUMBERS 5 through 8

5. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from David C. Finklea, Walter P. Moore and Associates, Inc., on behalf of Hudson Partnership, Ltd. (E.J. Hudson, General Partner), for abandonment and sale of a portion of a 30-foot-wide drainage easements, in exchange for conveyance to the City of a 30-foot-wide drainage easement, all located in Unrestricted Reserve A, West Oaks Place Subdivision, out of the William White Survey, A-836, Parcels SY7-052 and LY7-051 - **STAFF APPRAISERS - DISTRICT G - HOLM** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Holm absent on personal business. MOTION 2008-0526 ADOPTED.
6. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from David Jones of Lippke, Cartwright & Roberts, Inc., on behalf of Centro Properties Group (Robert S. Scott, Vice President), for abandonment and sale of two 10-foot-wide sanitary sewer easements and two 10-foot-wide water line easements, in exchange for conveyance to the City of a 5- to 20-foot-wide water line easement, all located in the Merchants Park Shopping Center, within Tract 1, out of the John Austin Survey, A-1, Parcels SY8-044A, SY8-044-B, SY8-044E, SY8-044F and KY8-212 - **STAFF APPRAISERS - DISTRICT H - GARCIA** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Holm absent on personal business. MOTION 2008-0527 ADOPTED.
7. RECOMMENDATION from Director Department of Public Works & Engineering for purchase of Parcel LY6-016, located at 8405 Furray Road, owned by Martin Terrazas and Patricia Mendez, 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 Holm absent on personal business. MOTION 2008-0528 ADOPTED.
8. RECOMMENDATION from Director Department of Public Works & Engineering, reviewed and approved by the Joint Referral Committee, on request from GDT Land Consultants, Inc., on behalf of Magellan Pipeline Company, L. P., for conveyance of a ±1300-square foot subsurface pipeline easement within an existing Centerpoint Easement, located in the Reels and Trobough Leagues, A-59, Parcel SY8-067 - **STAFF APPRAISERS - DISTRICT I – RODRIGUEZ** – had been pulled from the Agenda by the Administration, and was not considered.

PURCHASING AND TABULATION OF BIDS - NUMBERS 9 through 13

9. ORDINANCE appropriating \$22,400.00 out of Equipment Acquisition Consolidated Fund; WBS X-120002-0001-3-01 for Software and Servers to be purchased from Go Direct Vendors through the City's Master Agreement with the Texas Department of Information Resources for the Houston Fire Department – was presented. All voting aye. Nays none. Council Member Holm absent on personal business. ORDINANCE 2008-0569 ADOPTED.
- 9a. **SHI GOVERNMENT SOLUTIONS, INC** for Software and Servers through the City's Master Agreement with the Texas Department of Information Resources (DIR) for Houston Fire Department - \$22,400.00 - FY08 Equipment Acquisition Consolidated Fund - had been pulled from the Agenda by the Administration, and was not considered.
10. **DALLAS DODGE CHRYSLER JEEP** for Pickup Trucks through Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for Police Department

\$500,281.02 - Police Special Services Fund – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Holm absent on personal business. MOTION 2008-0529 ADOPTED.

11. **PELTIER BROTHERS CONSTRUCTION, LTD** for Keegans Bayou Wastewater Treatment Plant Skimmer Replacement for the Department of Public Works & Engineering - \$79,900.00 and contingencies for a total amount not to exceed \$83,895.00 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Holm absent on personal business. MOTION 2008-0530 ADOPTED.
12. **GODWIN PUMPS OF AMERICA, INC** for Submersible Pumps for the Department of Public Works & Engineering - \$101,097.26 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Holm absent on personal business. MOTION 2008-0531 ADOPTED.
13. **HYLAND SOFTWARE, INC** for Electronic Document Management System Software and related training and implementation services from the General Services Administration Schedule 70 Contract through the Cooperative Purchasing Program for Various Departments - \$2,100,000.00 Enterprise and FY08 and FY09 Equipment Acquisition Consolidated Funds – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Holm absent on personal business. MOTION 2008-0532 ADOPTED.

ORDINANCES - NUMBERS 14 through 62

14. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a 10-foot-wide utility easement, Parcel SY8-021, containing 2,477 square feet of land, more or less, located in the P. W. Rose Survey, A-645 Harris County, Texas, vacating and abandoning said tract of land to Texas Children's Hospital, abutting owner, in consideration of said owner's payment of \$161,005.00, and other consideration to the City - **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. Council Member Holm absent on personal business. ORDINANCE 2008-0570 ADOPTED.
16. ORDINANCE relating to Fiscal Affairs of the **CITY PARK REDEVELOPMENT AUTHORITY** on behalf of **REINVESTMENT ZONE NUMBER TWELVE, CITY OF HOUSTON, TEXAS (CITY PARK ZONE)**; approving the Fiscal Year 2009 Operating Budget for the Authority - **DISTRICT A - LAWRENCE** – was presented. All voting aye. Nays none. Council Member Holm absent on personal business. ORDINANCE 2008-0571 ADOPTED.
17. ORDINANCE relating to Fiscal Affairs of the **OLD SIXTH WARD REDEVELOPMENT AUTHORITY** on behalf of **REINVESTMENT ZONE NUMBER THIRTEEN, CITY OF HOUSTON, TEXAS (OLD SIXTH WARD ZONE)**; approving the Fiscal Year 2009 Operating Budget for the authority and the Fiscal Years 2009-2013 Capital Improvement Budget for the Zone - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. Council Member Holm absent on personal business. ORDINANCE 2008-0572 ADOPTED.
18. ORDINANCE relating to Fiscal Affairs of the **LELAND WOODS REDEVELOPMENT AUTHORITY** on behalf of **REINVESTMENT ZONE NUMBER TWENTY-TWO, CITY OF HOUSTON, TEXAS (LELAND WOODS ZONE)**; approving the Fiscal Year 2009 Operating Budget for the Authority **DISTRICT B - JOHNSON** – was presented. All voting

aye. Nays none. Council Member Holm absent on personal business. ORDINANCE 2008-0573 ADOPTED.

21. ORDINANCE consenting to the addition of 49.9914 acres of land to the **WOODLANDS ROAD UTILITY DISTRICT NO. 1** of Montgomery County, Texas, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Holm absent on personal business. ORDINANCE 2008-0574 ADOPTED.
24. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **CHILD CARE COUNCIL OF GREATER HOUSTON** to provide an additional \$60,788.29 in Community Development Block Grant (“CDBG”) Funds for the implementation, oversight and delivery of a Juvenile Delinquency Prevention Program – was presented. All voting aye. Nays none. Council Member Holm absent on personal business. ORDINANCE 2008-0575 ADOPTED.
25. ORDINANCE approving and authorizing first amendment to contract between the City of Houston and **CHILD CARE COUNCIL OF GREATER HOUSTON** to provide an additional \$10,806.72 in Community Development Block Grant (“CDBG”) Funds for the implementation, oversight and delivery of a Child Care Program – was presented. All voting aye. Nays none. Council Member Holm absent on personal business. ORDINANCE 2008-0576 ADOPTED.
26. ORDINANCE approving and authorizing contract between the City of Houston and **AIDS COALITION OF COASTAL TEXAS, INC** providing up to \$362,422.00 in Housing Opportunities for Persons with AIDS (“HOPWA”) Funds for the administration of a tenant-based rental assistance and short-term rent, mortgage, and utility assistance program – was presented. All voting aye. Nays none. Council Member Holm absent on personal business. ORDINANCE 2008-0577 ADOPTED.
27. ORDINANCE approving and authorizing contract between the City of Houston and **TEXAS SOUTHERN UNIVERSITY** to provide \$57,820.00 in Community Development Block Grant Funds for the operation of a Small Business Resource Center through the Gerald B. Smith Center of Entrepreneurship and Executive Development – was presented. All voting aye. Nays none. Council Member Holm absent on personal business. ORDINANCE 2008-0578 ADOPTED.
28. ORDINANCE approving and authorizing the submission of an application for grant assistance from the U.S. Department of Justice, Bureau of Justice Assistance, to fund the **EDWARD BYRNE MEMORIAL DISCRETIONARY GRANT PROGRAM**; declaring the City’s eligibility for such grant and approving the memorandum of understanding between the Houston Police Department, Harris County District Attorney’s Office/Family Criminal Law Division and Houston Area Women’s Center, contingent upon receiving such grant; authorizing the Mayor to act as the City’s representative in the application process; authorizing the Chief of the Houston Police Department, or acting Chief, or any designated assistant Chief of Police Department, to accept such grant funds, if awarded, and to apply for and accept all subsequent awards, if any, pertaining to the application - had been pulled from the Agenda by the Administration, and was not considered.
29. ORDINANCE appropriating \$360,000.00 out of Airport System Consolidated 2001 AMT Construction Fund (8201); authorizing the purchase of land and improvements thereon out of Still Meadows Subdivision, Houston, Harris County, Texas, for Expansion of George Bush Intercontinental Airport Houston (IAH); CIP A-0421.03; waiving compliance with Section 15-1(A) of the Code of Ordinances to permit the City to enter into a specific contract with a City employee; approving purchase and sale agreements with the owners of the land (Penn Phillips-Price, and Guadalupe A. Sanchez and Denise Hernandez) -

DISTRICT B - JOHNSON – was presented. All voting aye. Nays none. Council Member Holm absent on personal business. ORDINANCE 2008-0579 ADOPTED.

31. ORDINANCE approving and authorizing contract between the City of Houston and **HOWREY LLP** for Legal Services relating to Cause No. 2007-65680; Columbus Adams, Jr., et al. v. City of Houston, Texas; in the 165th Judicial District Court of Harris County, Texas; establishing a maximum contract amount - \$290,000.00 - Property and Casualty Fund – was presented. All voting aye. Nays none. Council Member Holm absent on personal business. ORDINANCE 2008-0580 ADOPTED.
32. ORDINANCE approving and authorizing contract between the City of Houston and **THE LAW OFFICES OF PATRICK ZUMMO** for Legal Services relating to the City's continued enforcement of the Sexually Oriented Business Ordinance; establishing a maximum contract amount \$90,000.00 - Property and Casualty Fund – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.
33. ORDINANCE appropriating \$100,000.00 out of Equipment Acquisition Consolidated Fund; WBS X-120001-0001-3-01, and approving and authorizing contract between the City of Houston and **GARTEK TECHNOLOGIES, INC**, for Computer Programming Services to Automate Fire Code Enforcement Functions in the City's Integrated Land Management System for the Houston Fire Department; providing a maximum contract amount – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.
34. ORDINANCE appropriating \$301,656.00 out of Equipment Acquisition Consolidated Fund; WBS X-120001 and approving and authorizing contract between City of Houston and **INFORMATION BUILDERS, INC** for Software Licenses, Consulting and Technical Support and Maintenance Services for the Houston Fire Department; providing a maximum contract amount – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.
35. ORDINANCE awarding contract to **KEILERS HOLDINGS, INC d/b/a PRO TIRE SERVICES** for Tire Repair Services for Various Departments; providing a maximum contract amount - 3 years with two-one year options - \$319,895.00 - General Fund – was presented. All voting aye. Nays none. Council Member Holm absent on personal business. ORDINANCE 2008-0581 ADOPTED.
37. ORDINANCE appropriating \$637,118.00 out of Park Capital Project Fund; awarding construction contract to **CARRERA CONSTRUCTION, INC** for Sharpstown Golf Cart Barn; WBS F-000665-0001-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract document to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing services, construction management, Civic Art Program, and contingencies relating to construction of facilities financed by Park Capital Project Fund - **DISTRICT F - KHAN** – was presented. All voting aye. Nays none. Council Member Holm absent on personal business. ORDINANCE 2008-0582 ADOPTED.
38. ORDINANCE appropriating \$720,000.00 out of Public Library Consolidated Construction Fund, \$177,000.00 out of General Improvements Consolidated Construction Fund, \$600,000.00 out of Police Consolidated Construction Fund, \$120,000.00 out of Water & Sewer System Consolidated Construction Fund, \$80,000.00 out of Public Health Consolidated Construction Fund and \$43,000.00 out of Parks Consolidated Construction Fund as an additional appropriation and approving and authorizing first amendment to Job Order Contract between the City of Houston and **RHJ-JOC, INC**; approved by Ordinance

No. 2007-0167; for minor construction and repair of various city facilities; WBS E-000JOC-0001-4, D-000108-0002-4, G-000JOC-0001-4, R-000268-0059-4, H-000069-0002-4, and F-000585-0002-4 – was presented. All voting aye. Nays none. Council Member Holm absent on personal business. ORDINANCE 2008-0583 ADOPTED.

39. ORDINANCE approving and authorizing amendment to Legal Services Contract between the City of Houston and **JACKSON, SJOBERG, MCCARTHY & WILSON, LLP** for Representation before the Texas Commission on Environmental Quality and other Regulatory Agencies for Water, Wastewater and Storm Sewer Water Issues; amending Ordinance No. 2005-0049 to provide a new maximum contract amount - 5 years - \$500,000.00 - Enterprise Fund – was presented. All voting aye. Nays none. Council Member Holm absent on personal business. ORDINANCE 2008-0584 ADOPTED.
40. ORDINANCE appropriating \$3,026,000.00 out of Drainage Improvements Commercial Paper Series F Fund, \$1,697,000.00 out of Water & Sewer System Consolidated Construction Fund, and \$5,250,000.00 out of Drainage Improvements Commercial Paper Series F Fund (which \$5,250,000.00 is to be reimbursed by TxDOT); awarding contract to **ANGEL BROTHERS, ENTERPRISES, LTD** for White Heather Storm Sewer Improvements Segment I; WBS M-000262-0001-4, S-000500-0070-4 and R-000500-0070-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering testing, project management, and contingencies relating to construction of facilities financed by the Drainage Improvements Commercial Paper Series F Fund and Water & Sewer System Consolidated Construction Fund - **DISTRICT D – ADAMS** – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.
41. ORDINANCE approving and authorizing first amendment to Agreement between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** (approved by Ordinance No. 2002-809) for Construction of Keegans Bayou Trail, WBS N-000420-0025-3 - **DISTRICTS C - CLUTTERBUCK and F – KHAN** – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.
42. ORDINANCE appropriating \$280,200.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation to an Advance Funding Agreement between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION** (approved by Ordinance 2002-0843) for Construction of a Bikeway Project, Little White Oak Bayou Trail; providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. Council Member Holm absent on personal business. ORDINANCE 2008-0585 ADOPTED.
43. ORDINANCE appropriating \$115,130.00 out of Street & Bridge Consolidated Construction as an additional appropriation to an agreement between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION (TxDOT)** (approved by Ord No. 99-419) for the reconstruction of Brittmoore Road from Hammerly Boulevard to Clay Road, WBS N-000597-0001-3) - **DISTRICT A - LAWRENCE** – was presented. All voting aye. Nays none. Council Member Holm absent on personal business. ORDINANCE 2008-0586 ADOPTED.
45. ORDINANCE appropriating \$185,083.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing an Interlocal Agreement between the City of Houston and the City of West University Place for Sidewalk Construction along the West Side of

Kirby Drive from University Boulevard South to Holcombe Boulevard, WBS N-000771-0002-4; providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT C - CLUTTERBUCK** – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.

46. ORDINANCE appropriating \$683,106.60 out of Street & Bridge Consolidated Construction Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **CIVILTECH ENGINEERING, INC** for Neighborhood Street Reconstruction Project NSR 450; WBS N-000382-0001-3; providing funding for contingencies relating to construction of facilities financed by Street & Bridge Consolidated Construction Fund - **DISTRICTS H - GARCIA and I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Member Holm absent on personal business. ORDINANCE 2008-0587 ADOPTED.
47. ORDINANCE appropriating \$756,986.94 out of Street & Bridge Consolidated Construction Fund as an additional appropriation to Professional Engineering Services Contract between the City of Houston and **CIVILTECH ENGINEERING, INC**; approved by Ord No. 2006-389; for Neighborhood Street Reconstruction Projects 462 and 466; WBS N-000399-0001-3; providing funding for contingencies relating to construction of facilities financed by Street & Bridge Consolidated Construction Fund - **DISTRICTS A - LAWRENCE, G - HOLM and H - GARCIA** – was presented. All voting aye. Nays none. Council Member Holm absent on personal business. ORDINANCE 2008-0588 ADOPTED.
48. ORDINANCE appropriating \$96,300.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation to Professional Engineering Services Contract between the City of Houston and **AIA ENGINEERS LIMITED** for West Brays Bayou West Bike/Pedestrian Bridges, WBS N-000420-0005-3, (approved by Ordinance No. 2006-0548); providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT C - CLUTTERBUCK** – was presented. All voting aye. Nays none. Council Member Holm absent on personal business. ORDINANCE 2008-0589 ADOPTED.
49. ORDINANCE appropriating \$420,640.00 out of Drainage Improvement Commercial Paper Series F, Fund No. 4030 as an additional appropriation for Professional Engineering Services Contract between the City of Houston and **UNITED ENGINEERS, INC** for Crestmont Park/South Acres Drainage Improvements (approved by Ord No. 06-0073), WBS M-000272-0001-3 - **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. Council Member Holm absent on personal business. ORDINANCE 2008-0590 ADOPTED.
50. ORDINANCE appropriating \$4,659,594.00 out of Street & Bridge Consolidated Construction Fund and \$1,179,406.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **TRIPLE B SERVICES, L.L.P.** for Neighborhood Street Reconstruction Project 466; WBS N-000399-0001-4, S-000500-0071-4, R-000500-0071-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract document 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 Street & Bridge Consolidated Construction Fund and Water & Sewer System Consolidated Construction Fund - **DISTRICT G - HOLM** – was presented. All voting aye. Nays none. Council Member Holm absent on personal business. ORDINANCE 2008-0591 ADOPTED.

51. ORDINANCE appropriating \$148,195.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation and approving and authorizing second amendment to Professional Engineering Services Contract between the City of Houston and **PATE ENGINEERS, INC** (approved by Ordinance No. 2005-557) for Hayes Street Paving Improvements from Briar Forest to Lakeside Place, WBS N-000780-0002-3; providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund **DISTRICT G – HOLM** – had not been received, and the City Secretary announced it would be considered at the end of the Agenda if received during the meeting.
52. ORDINANCE appropriating \$1,599,000.00 Water & Sewer System Consolidated Construction Fund; \$4,500,000.00 out of Street & Bridge Consolidated Construction Fund; \$3,371,000.00 out of Drainage Improvement Commercial Paper Series F Fund; awarding contract to **PACE SERVICES L.P.** for Academy Street (N. Braeswood to Merrick) Storm Sewer Project Segment 1; WBS M-000255-0002-4, S-000500-0068-4, R-000500-0068-4, N-000383-0001-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract document 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 Water & Sewer System Consolidated Construction Fund, Street & Bridge Consolidated Construction Fund and Drainage Improvement Commercial Paper Series F Fund - **DISTRICT C - CLUTTERBUCK** – was presented. All voting aye. Nays none. Council Member Holm absent on personal business. ORDINANCE 2008-0592 ADOPTED.
53. ORDINANCE appropriating \$7,311,109.60 out of Street & Bridge Consolidated Construction Fund and \$819,838.00 out of Water & Sewer System Consolidated Construction Fund, awarding to **PACE SERVICES, L.P.** for Neighborhood Street Reconstruction Project 463, WBS N-000395-0001-4, S000500-0067-4, R-000500-0067-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract document to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management, and contingencies relating to construction of facilities financed by Street & Bridge Consolidated Construction Fund and Water & Sewer System Consolidated Construction Fund - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. Council Member Holm absent on personal business. ORDINANCE 2008-0593 ADOPTED.
54. ORDINANCE appropriating \$690,141.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **D. L. ELLIOTT ENTERPRISES, INC** for Utility System Infrastructure Improvement Contract, WBS R-000801-0018-4 & S-000801-0018-4, setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract document to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management, and contingencies relating to construction of facilities financed by Water & Sewer System Consolidated Construction Fund – was presented. All voting aye. Nays none. Council Member Holm absent on personal business. ORDINANCE 2008-0594 ADOPTED.
55. ORDINANCE appropriating \$17,884,225.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **LEM CONSTRUCTION CO., INC** for Southwest WWTP Improvements (Package 1), WBS R-000265-0038-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract document to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management, and contingencies relating

to construction of facilities financed by Water & Sewer System Consolidated Construction Fund - **DISTRICT C - CLUTTERBUCK** – was presented. All voting aye. Nays none. Council Member Holm absent on personal business. ORDINANCE 2008-0595 ADOPTED.

57. ORDINANCE appropriating \$1,817,700.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **COLLINS CONSTRUCTION, LLC** for Waterline Replacement in Shepherd Park Plaza Area, WBS S-000035-00N6-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract document 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 Water & Sewer System Consolidated Construction Fund - **DISTRICT A - LAWRENCE** – was presented. All voting aye. Nays none. Council Member Holm absent on personal business. ORDINANCE 2008-0596 ADOPTED.
58. ORDINANCE appropriating \$1,157,700.00 out of Street & Bridge Consolidated Construction Fund; awarding contract to **METRO CITY CONSTRUCTION, L.P.** for Safe Sidewalk Program D1, WBS N-00610A-00D1-4 - **DISTRICT C - CLUTTERBUCK** – was presented. All voting aye. Nays none. Council Member Holm absent on personal business. ORDINANCE 2008-0597 ADOPTED.
59. ORDINANCE No. 2008-549, passed first reading June 18, 2008
ORDINANCE granting to **AAA DEMOLISHING, a Texas Sole Proprietorship**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions - **SECOND READING** – was presented. All voting aye. Nays none. Council Member Holm absent on personal business. ORDINANCE 2008-0549 PASSED SECOND READING IN FULL.
60. ORDINANCE No. 2008-550, passed first reading June 18, 2008
ORDINANCE granting to **MZ TECH, INC dba UTS ENVIRONMENTAL, a Texas Corporation**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions - **SECOND READING** – was presented. All voting aye. Nays none. Council Member Holm absent on personal business. ORDINANCE 2008-0550 PASSED SECOND READING IN FULL.
61. ORDINANCE No. 2008-551, passed first reading June 18, 2008
ORDINANCE **RAPID WASTE, LLC, a Texas Limited Liability Corporation**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms and conditions - **SECOND READING** – was presented. All voting aye. Nays none. Council Member Holm absent on personal business. ORDINANCE 2008-0551 PASSED SECOND READING IN FULL.
62. ORDINANCE No. 2008-552, passed first reading June 18, 2008
ORDINANCE granting to **TREE EXPERTS, INC dba DEMOLITION EXPERTS, a Texas Corporation**, the right, privilege and franchise to collect, haul and transport solid waste and industrial waste from commercial properties located within the City of Houston, Texas, pursuant to Chapter 39, Code of Ordinances, Houston, Texas; providing for related terms

and conditions **SECOND READING** – was presented. All voting aye. Nays none. Council Member Holm absent on personal business. ORDINANCE 2008-0552 PASSED SECOND READING IN FULL.

CONSIDERATION OF MATTERS REMOVED FROM THE CONSENT AGENDA

ACCEPT WORK

4. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,385,609.46 and acceptance of work on contract with **JALCO, INC** for On-Call Rehabilitation to Large Diameter Water Lines, Valves, and Appurtenances, Package 4, WBS S-000701-0003-4 - 53.81% under the original contract amount - **DISTRICTS A - LAWRENCE; B - JOHNSON; C - CLUTTERBUCK; D - ADAMS; E - SULLIVAN; G - HOLM and I – RODRIGUEZ** – was presented, moved by Council Member Khan, seconded by Council Member Garcia. All voting aye. Nays none. Council Member Holm absent on personal business. MOTION 2008-0533 ADOPTED.

ORDINANCES

15. ORDINANCE relating to Fiscal Affairs of the **GULFGATE REDEVELOPMENT AUTHORITY** on behalf of **REINVESTMENT ZONE NUMBER EIGHT, CITY OF HOUSTON, TEXAS (GULFGATE ZONE)**; approving the Fiscal Year 2009 Operating Budget for the authority - **DISTRICT I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Member Holm absent on personal business. ORDINANCE 2008-0598 ADOPTED.
19. ORDINANCE appropriating \$1,230,077.59 out of Tax Increment Funds for **REINVESTMENT ZONE NUMBER ONE, CITY OF HOUSTON, TEXAS (LAMAR TERRACE ZONE) REINVESTMENT ZONE NUMBER EIGHTEEN, CITY OF HOUSTON, TEXAS (FIFTH WARD ZONE)**, for affordable housing, administrative expenses and the redevelopment authority as provide herein - **DISTRICTS B - JOHNSON; C - CLUTTERBUCK and H - GARCIA** – was presented.

Council Member Clutterbuck stated that this particular TIRZ had a contract to repay the City for the infrastructure improvements and had not been making payments on it, that it was a contract that also provided that payments would be required only if funds were available, but in discussions they had seen the need to do several things, first, to make sure that correspondence and communications with the administrator was also communicated to the board, because if a board was not aware of communications between the City and the administrator, because the administrator does not share that information with the board, then they do not know what to ask, that they had found that many people on the board were not aware of the contractual obligation to repay the City, so she would encourage all of their correspondence be copied to board members, whether it was this TIRZ or any other TIRZ, that she thought it was an important tool for the board members to know if their administrator was doing their job; that the second thing they had found was that there seemed to be an attitude on some of these boards that since these were improvements that would revert back to the City then perhaps it was not necessarily a debt that was owed like other debts, and she did not know if that was a discussion that was had at the board level, if it was a discussion that was made or encouraged by the administrator but these were obligations that were owed; and the third was a need, in her opinion, for a financial workshop once a year, especially for new board members, to be able to let the board members know in explicit detail what the outstanding debts were, that many of these had very complicated financial structures with multiple banks and to understand what the priorities were, what the interest rate on the debt was and what the plan was to repay the debt.

Mayor White stated that he would say to Mr. Fiederlein, Mr. Mesa and Ms. Gee, who were working on that, that in this day and age when they could have group lists that were preprogrammed on their computer it was very easy to keep lots of people in the loop and it did not mean that by doing some things in writing that there was a level of distrust, that one reason why he did so much in writing was because it was easier to remember things when they could retrieve them; that another was that email allowed lots of people to be in the loop at no marginal cost; that second considering some feedback that Council Member Clutterbuck had after that meeting, which she shared with him via email, there was a change that had been happening that should be as no surprise to anyone in the administration that they viewed taxpayers money as belonging to taxpayers and that meant that there was some level of formality that would be expected of a fiduciary whether that be of a foundation or whether they had a non profit entity that borrowed money from a bank, the fact that it was a non profit entity did not mean it was okay to default, for example, so that was why they had made some changes from the standpoint where there was essentially one City employee four and a half years ago that dealt with the TIRZ and kept a lot in his head, that was different these days; and number three, and this was necessary to protect the interest of the board members, these were citizens who were serving as board members and they needed to make sure that those citizens were protected; and he would say in that connection that they wanted to be able to, from time to time, loan the TIRZ money on some reasonable terms when their CP would be a lot easier than floating a bond issue, but if they did that they needed to have the expectation that it would be treated like a loan and would be repaid, otherwise they would have to incur a lot higher expenses if the TIRZ were borrowing on it's own account with all the underwriting fees, they would be paying a bank prime plus two or three, so that when the City loaned the TIRZ money in order to facilitate a project and then wanted to be paid back they were not the enemy, they were being stewards of the funds, no employee had the right to forgive contractual obligations to the City, that there were State statutes against that and would apply to TIRZ as well as the City of Houston, that it was called the gift statute.

After further discussion Mayor White stated that to Mr. Mesa and Mr. Fiederlein, as well as some of his colleagues working on this, he believed he had sent approximately a month ago to those two individuals, and those working on their team, and Ms. Michele Mitchell, a memo that summarized certain findings and certain recommendations by Mr. Katz, who he had asked some years ago to take a look and one of his recommendations had been that they formalize a sort of a manual of expected rules and procedures on this, that he would like for that to be done and he believed he had set a deadline within that memo, if not Mr. Mesa and Mr. Fiederlein to please come up with a reasonable time, that he had also found that, and he was not saying it was true with respect to Mr. Fiederlein or one of those working with him, but it occurred from time to time that on occasion people had either writer's block or they did not have the time or skills or aptitude to come up with procedures manuals, if that was the case then they needed to identify those who could and provide help to the team so that they could come up with that manual of procedures that would be applicable to the TIRZ and he would ask that it be done, that he thought the deadline was September 30, 2008 or year end, he could not remember, and somebody may have a draft, and they could be rough drafts and there could be comments but he thought that by the end of this year they ought to have a manual for rules and procedures and part of that could be the policies which were initially set forth in his memo to City Council in October 2005. Council Member Green absent.

A vote was called on Item No. 19. All voting aye. Nays none. Council Member Holm absent on personal business. Council Member Green absent. ORDINANCE 2008-0599 ADOPTED.

20. ORDINANCE appropriating \$973,947.69 out of Tax Increment Funds for **REINVESTMENT ZONE NUMBER ONE, CITY OF HOUSTON, TEXAS (LAMAR TERRACE ZONE)** for affordable housing, administrative expenses, payment of project costs, payments to

Houston Independent School District and certain redevelopment authorities as provided herein - **DISTRICT C – CLUTTERBUCK** – was presented. All voting aye. Nays none. Council Member Holm absent on personal business. Council Member Green absent. ORDINANCE 2008-0600 ADOPTED.

22. ORDINANCE releasing certain territory in Waller County in the vicinity of the City of Katy, Texas, from the extraterritorial jurisdiction of the City of Houston – was presented. All voting aye. Nays none. Council Member Holm absent on personal business. ORDINANCE 2008-0601 ADOPTED.
23. ORDINANCE approving and authorizing contracts between the City of Houston and (1) the **HARRIS COUNTY HOSPITAL DISTRICT** for a) Health Education Risk Reduction HIV Services and b) Routine, Opt-Out HIV Screening; and (2) **LEGACY COMMUNITY HEALTH SERVICES, INC** (3) **MEMORIAL-HERMANN HEALTHCARE SYSTEM**, and (4) **THE UNIVERSITY OF TEXAS HEALTH SCIENCE CENTER**, for Routine, Opt-Out HIV Screening; providing a maximum contract amount - \$2,719,369.00 - Grant Fund – was presented. All voting aye. Nays none. Council Member Holm absent on personal business. ORDINANCE 2008-0602 ADOPTED.
30. ORDINANCE appropriating \$1,017,500.00 out of Airports Improvement Fund and approving and authorizing Amendment No.1 to an agreement for Professional Architectural/Engineering Services between the City of Houston and **AAC DESIGNERS BUILDERS, INC d/b/a AUSTIN AECOM** for Job Order Contracting Support at George Bush Intercontinental Airport/Houston, William P. Hobby Airport and Ellington Field; Project No. 516C; WBS A-000138-0018-3-01 - **DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ** – was presented, and tagged by Council Member Clutterbuck.
36. ORDINANCE amending Ordinance No. 2007-660 to increase maximum contract amount; approving and authorizing First Amendment to contract between the City of Houston and **TIBH INDUSTRIES, INC** for Vehicle Car Wash Services for the Houston Police Department - 1 year \$250,000.00 - General Fund – was presented.

Council Member Lawrence stated that she wanted to know if the group that was doing the car washing if there was more than one location and would tag Item No. 36.

Mayor White stated that somebody would get an answer to Council Member Lawrence and that it could be that there were multiple locations and it was something they needed to look into if they did not.

44. ORDINANCE appropriating \$2,569,105.64 out of Water & Sewer Consolidated Construction Fund as an additional appropriation to an Advance Funding Agreement between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION (TxDOT)**; approved by Ordinance No. 2005-1110; for US 90 from Mercury Drive to Wallisville Road, WBS S-000521-0020-4 and R-000521-0017-4; providing funding contingencies relating to construction of facilities financed by the Water & Sewer Consolidated Construction Fund - **DISTRICTS B - JOHNSON and I – RODRIGUEZ** – was presented.

Council Member Johnson stated that he wanted to tag the item and wanted to get information, that he knew it was an agreement between TxDOT and the City of Houston but he was concerned as to how they came to the point where they were \$2 million under budget, that it was almost like the project doubled in it's scope, that he wanted some information so he could have a better understanding, and Mayor White stated that they would Council Member Johnson a briefing on that.

56. ORDINANCE appropriating \$1,936,600.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **RELIANCE CONSTRUCTION SERVICES, L.P.** for Evaluation of Almeda Sims Treatment Plant Services Area - Dalmatian Lift Station, Force Main and Ambrose Gravity Sewer, WBS R-002011-0061-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract document to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management, and contingencies relating to construction of facilities financed by Water & Sewer System Consolidated Construction Fund - **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. Council Member Holm absent on personal business. ORDINANCE 2008-0603 ADOPTED.

Items received during meeting

33. ORDINANCE appropriating \$100,000.00 out of Equipment Acquisition Consolidated Fund; WBS X-120001-0001-3-01, and approving and authorizing contract between the City of Houston and **GARTEK TECHNOLOGIES, INC**, for Computer Programming Services to Automate Fire Code Enforcement Functions in the City's Integrated Land Management System for the Houston Fire Department; providing a maximum contract amount – was presented. All voting aye. Nays none. Council Member Holm absent on personal business. ORDINANCE 2008-0604 ADOPTED.
34. ORDINANCE appropriating \$301,656.00 out of Equipment Acquisition Consolidated Fund; WBS X-120001 and approving and authorizing contract between City of Houston and **INFORMATION BUILDERS, INC** for Software Licenses, Consulting and Technical Support and Maintenance Services for the Houston Fire Department; providing a maximum contract amount – was presented. All voting aye. Nays none. Council Member Holm absent on personal business. ORDINANCE 2008-0605 ADOPTED.
40. ORDINANCE appropriating \$3,026,000.00 out of Drainage Improvements Commercial Paper Series F Fund, \$1,697,000.00 out of Water & Sewer System Consolidated Construction Fund, and \$5,250,000.00 out of Drainage Improvements Commercial Paper Series F Fund (which \$5,250,000.00 is to be reimbursed by TxDOT); awarding contract to **ANGEL BROTHERS, ENTERPRISES, LTD** for White Heather Storm Sewer Improvements Segment I; WBS M-000262-0001-4, S-000500-0070-4 and R-000500-0070-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering testing, project management, and contingencies relating to construction of facilities financed by the Drainage Improvements Commercial Paper Series F Fund and Water & Sewer System Consolidated Construction Fund - **DISTRICT D – ADAMS** – was presented. All voting aye. Nays none. Council Member Holm absent on personal business. ORDINANCE 2008-0606 ADOPTED.
41. ORDINANCE approving and authorizing first amendment to Agreement between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION (TXDOT)** (approved by Ordinance No. 2002-809) for Construction of Keegans Bayou Trail, WBS N-000420-0025-3 - **DISTRICTS C - CLUTTERBUCK and F – KHAN** – was presented. All voting aye. Nays none. Council Member Holm absent on personal business. ORDINANCE 2008-0607 ADOPTED.
51. ORDINANCE appropriating \$148,195.00 out of Street & Bridge Consolidated Construction Fund as an additional appropriation and approving and authorizing second amendment to Professional Engineering Services Contract between the City of Houston and **PATE**

ENGINEERS, INC (approved by Ordinance No. 2005-557) for Hayes Street Paving Improvements from Briar Forest to Lakeside Place, WBS N-000780-0002-3; providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund **DISTRICT G – HOLM** – was presented. All voting aye. Nays none. Council Member Holm absent on personal business. ORDINANCE 2008-0608 ADOPTED.

MATTERS HELD - NUMBER 63

63. ORDINANCE relating to Airport Compatible Land Use Regulations in the vicinity of George Bush Intercontinental Airport/Houston, William P. Hobby Airport and Ellington Field; establishing controlled compatible land use areas, and adopting boundaries for each airport; appointing the City Planning Commission as the Airport Commission; providing for additional members of the Airport Commission; requesting the Airport Commission to do those things that are required by law to be done by it before the City Council may adopt Airport Compatible Land Use Regulations for the airports – **(This was Item 19 on the Agenda of June 18, 2008, TAGGED BY COUNCIL MEMBERS RODRIGUEZ, HOLM and SULLIVAN)** – was presented.

After discussion by Council Members, Council Member Rodriguez requested that a memo that he distributed last week if they could get some follow up on the memo regarding the property values and working with the realtors and builders to talk about impacts on the marked.

Upon questions by Council Members, Mr. Michel stated that he was not sure that he could be specific enough and take into account everything that the law required but he would get them something later today, that there was a process, that they set the boundaries which meant that they could change them, the law required that they do certain things; that he thought that there would be meaningful Council input, that the commission was really an arm of the entity and so it was important that they understood what Council wanted, that he thought that opportunity needed to occur, that he did not think it had to be formal in terms of a vote, probably just input, but he would confirm that and get something to the Mayor and City Council today on the terms of the process. Council Member Green absent.

A vote was called on Item No. 63. All voting aye. Nays none. Council Member Holm absent on personal business. Council Member Green absent. ORDINANCE 2008-0609 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Adams stated that it had been a long time coming for the White Heather Storm Sewer improvement, that she wanted to give kudos and thanks to Representative Al Green for his support for the Hiram Clarke community flooding and drainage, so they were under way to help with the flooding in the Hiram Clarke area, that she wanted to thank the Public Works Department for working on the project. Council Members Johnson, Clutterbuck, Khan, Brown, Lovell and Noriega absent.

Council Member Adams stated that on June 26, 2008 Covenant House would be celebrating their 26th anniversary, that Covenant House International was the largest privately funded agency in America providing shelter and other services to the homeless, runaways and throw away youth, that she wanted to commend Director Rhonda Robinson for serving for 25 years; that on Saturday they would be participating in the Pride Parade, that it would be their 30th anniversary. Council Members Johnson, Clutterbuck, Khan, Brown, Lovell and Noriega absent.

Council Member Adams stated that they had a magazine called the Extra Miler, doing

things above and beyond the call of duty, and if she had to submit a letter this week for a division that was going the extra mile and doing something that neither one of them did on Friday, she wanted to give kudos to the City Secretary's office because when they were all told to go home on Friday, they wanted to thank Anna Russell and her staff for staying through the hot, and it was really hot in the City Hall Annex, to get the agenda out, they could have waited until Monday but they stayed all day on Friday until after 5:00 p.m. to get the agenda out, so she wanted to thank them for staying. Council Members Johnson, Clutterbuck, Khan, Brown, Lovell and Noriega absent.

Council Member Adams stated that the Crestmont Community had a long time waiting for the sewer problems and today they had awarded funding to begin their sewer project services, that she wanted to thank Public Works to make sure they had adequate draining in their community and that the sewer systems were well; that she wanted to thank the Planning Department for allowing them to have visitors from various universities to intern in the Planning Department and wanted to welcome the interns and asked that they stand and be recognized. Council Members Johnson, Clutterbuck, Khan, Brown, Lovell and Noriega absent.

Council Member Jones stated that she wanted to recognize the Alpha Kappa Alpha Sorority, they were about to have their centennial on Saturday at Hermann Park at 9:00 a.m., they would be walking 1,908 steps in solidarity with all the chapters in the world; that she wanted to recognize the Pride Parade, that she and her staff and her son would be participating in the parade; that she wanted to recognize her fellow reality show people, they went to Louisville, Kentucky this past weekend, to Churchill Downs, and worked with the police and fire to raise money for kids who were forced to be in the hospital over the Christmas holidays so that they could have toys and their families could afford to be there with them; that she wanted to congratulate Ms. Linda Layton, her agenda director, who received her 15 year pin for being with the City of Houston, that she wanted to thank her because all 7 of their budget amendments were passed; that she wanted to give kudos to Ms. Pat McFarland, her chief of staff, who helped a young man who was having problems and was disabled, that Ms. McFarland had been with the City for over 20 years and knew who to call and got the kid back with his benefits and also saved him from being shipped to the Richmond School; that she wanted to congratulate Mr. Michael Laster, who was on agenda Item Numbers 1 and 2, that he was a good friend of her's and was a fellow U of H lawyer and did real estate, that the Mayor reappointed him as Chair to TIRZ 20, Position 7 and to the Board of Directors, Position 2, for the Sharpstown Economic Development Authority. Council Members Johnson, Clutterbuck, Khan, Rodriguez, Brown, Lovell and Noriega absent. (NO QUORUM PRESENT)

Council Member Jones stated that yesterday Ms. Lydia Steward came to Council and they talked about the \$10,000 that the Water Department said they owed and she had a lawyer from the City come down and tell her that State law said they did not have a statute of limitations and that by City ordinance there was no mechanism by which they could waive the \$10,000, that she thought they needed to have an ordinance in place that made the City be prudent, that she thought it was crazy that they could have raggedy business practice, figure something out 20 years later and expect someone to pay for it, that just did not seem to be very good public policy to her, that to the extent they could pass an ordinance not that specifically dealt with this particular instance but for all citizens. Council Members Clutterbuck and Rodriguez absent.

Mayor White stated that if there was someone in the Legal Department who was monitoring the meeting, he did not know the facts of that particular case but he had seen this before and he agreed with the Council Member that they ought to have some authority that could be established by ordinance and it was implausible to him, that he believed it should be a matter of municipal law and not a State law because if they could set the price of water and when somebody had to pay nobody could touch that then they ought to set the terms on which they ought to be able to collect, that somebody had to show him otherwise, that he would like the people at the Public Works Department both to have some set of policies and then some

internal procedures and those would involve that so and so had to approve such and such and above a certain amount they had to have two signatures, so that they would not have abuse as they had from time to time in tax collection and other things where somebody's brother-in-law did not pay their water bill if they knew somebody in the Water Department they do not get treated special, but each of them would feel that it was unfair if a vendor claimed years and years afterwards that there was something that was due where it was a vendor billing problem that was the problem, that did not mean to say that, and there had to be a reasonable time limit and it had to be from the time that a person had notice that there was a claim, that it could not be that somebody got notice in a year and they did not pay in four years and then they say that was five years ago, but it was fair that people could reasonably rely on the fact of what their water bill was, they had to design the system to accommodate some mistakes in billing but if the mistake was made too far in the past then that was their error and that was between the City employee or system who decided not to bill and the individual then there had to be some point, that they did want to protect the interest of the public as a whole because there was no such thing as free money and somebody had to pay for the water, so if there was a billing error that did not mean that the water was free, it meant that all the citizens who paid into the water sewer system ultimately had to pick it up, but the principal of billing errors, there was some limit on what a consumer ought to be able to expect to pay when there was a billing error, was a very reasonable point, that he understood the laws that were being referred to and actually it was the same law that he was referring to earlier, that he thought they needed to pass an ordinance that would allow them to do what Council Member Jones and he would ask that the Department of Public Works sometime both for the internal procedures as well as any ordinance, by August 31, 2008, ought to come up with some things of handling these issues where there were billing errors that were long past due; that he would say moreover to the City Attorney that he better make sure that common law laches waiver estoppels do not apply and if they did apply then they could have a compromise and settlement of a claim, that again he did not know the particular case that the Council Member was referring to but to come up with something. Council Members Clutterbuck and Rodriguez absent.

Council Member Johnson stated that he would release his tag on Item No. 44. Council Members Rodriguez and Brown absent.

44. ORDINANCE appropriating \$2,569,105.64 out of Water & Sewer Consolidated Construction Fund as an additional appropriation to an Advance Funding Agreement between the City of Houston and **TEXAS DEPARTMENT OF TRANSPORTATION (TxDOT)**; approved by Ordinance No. 2005-1110; for US 90 from Mercury Drive to Wallisville Road, WBS S-000521-0020-4 and R-000521-0017-4; providing funding contingencies relating to construction of facilities financed by the Water & Sewer Consolidated Construction Fund - **DISTRICTS B - JOHNSON and I - SULLIVAN** - was again before City Council. All voting aye. Nays none. Council Member Holm absent on personal business. Council Members Rodriguez and Brown absent. ORDINANCE 2008-0610 ADOPTED.

Items received during meeting

3. ORDINANCE appropriating \$63,531.31 out of Metro Project Commercial Paper Series E Fund as an additional appropriation for construction contract with **LONE STAR ROAD CONSTRUCTION, LTD.** for Hillcroft Avenue Reconstruction Project from Beltway 8 to independence Road, WBS N-000792-0001-4, approved by Ordinance No. 2006-362 - **DISTRICT D - ADAMS** - was presented. All voting aye. Nays none. Council Member Holm absent on personal business. Council Members Rodriguez and Brown absent. ORDINANCE 2008-0611 ADOPTED.
- 3a. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,948,246.31 and acceptance of work on contract

with **LONE STAR ROAD CONSTRUCTION, LTD.** for Hillcroft Avenue Reconstruction Project from Beltway 8 to Independence Road, WBS N-000792-0001-4 - 8.54% 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 Holm absent on personal business. Council Members Rodriguez and Brown absent. MOTION 2008-0534 ADOPTED.

45. ORDINANCE appropriating \$185,083.00 out of Street & Bridge Consolidated Construction Fund and approving and authorizing an Interlocal Agreement between the City of Houston and the City of West University Place for Sidewalk Construction along the West Side of Kirby Drive from University Boulevard South to Holcombe Boulevard, WBS N-000771-0002-4; providing funding for contingencies relating to construction of facilities financed by the Street & Bridge Consolidated Construction Fund - **DISTRICT C – CLUTTERBUCK** – was presented. All voting aye. Nays none. Council Member Holm absent on personal business. Council Members Rodriguez, Brown and Jones absent. ORDINANCE 2008-0612 ADOPTED.

Council Member Adams stated that in late 2006 the City of Houston began consideration of the Youth Sport Complex and tomorrow there would be a press conference along with the City of Houston, the community, the District D office along with the Houston Dynamo's to kickoff the Youth Sports Complex off of Highway 288 and West Airport; that she wanted to give kudos to Director Harry Hayes and Ms. Alice Coffee for what they did on Pecoe Street, that the 18 wheeler and the tires were all gone. Council Members Rodriguez, Brown and Jones absent.

Council Member Sullivan stated that going back to the conversation on the water bill problem, in the first couple of months of service he was contacted by a resident in Kingwood, a widow, that she had received a bill going back two years for an irrigation meter that according to her she had not used in two years and the bill was over \$2,000, that he offered to attend a water hearing with her and tried to help her in any way they could, but the end result was that the hearing officer, the City employee, doing her job, said that there was nothing they could do, that ordinance required her to pay the \$1,700 or \$2,000, whatever it was, and they were sorry, that his constituent was nearly in tears because one, she could not afford it and two, she was frustrated, she had just lost her husband and had paid all the bills forever, that if Mayor White wanted to incorporate his experience into that he would be glad to lend it, and Mayor White asked if she was prepared to show or testify or do anything that she had not used the water system during that time, and Council Member Sullivan stated that she did not know how to do that, that the City of Houston pulled the meter and calibrated it and said that it was accurate from the time they read the meter two years ago to when they read it last month, that she had used so much water, that they had not billed her, that according to her and the water utility there was not a single bill for 24 months on the irrigation meter, that the explanation was that the system caught it, and Mayor White stated to Mr. Norman that this was the problem and he thought it may be worth a hearing to take up some of these cases because they would learn something by going through these cases, and what would be frustrating was that they all knew that some people could make mistakes and they all knew that mechanical could sometimes be of and they all knew that a well managed organization assigned responsibility and on how many occasions have individual City employees with responsibilities been disciplined or terminated as a result of not taking care of their responsibilities, that he was not trying to be mean he thought the vast majority of people were hard working at the City, but it was also implausible to him that there should be mistakes with no accountability. Council Members Johnson, Garcia, Rodriguez, Brown and Green absent.

Council Member Adams stated that when it was twenty years old when they find out how do they satisfy that debt, was there anything legally that they could do when it was a twenty year old bill, and Mayor White stated that he had addressed that a little bit with Council Member Jones, that first he asked the City Attorney if there was something where everybody agreed

there ought to be a compromising settlement, if everybody agreed with that then even with under an existing ordinance somebody better view very carefully the issues of estoppels waiver latches that existed under common law, that he would say to Mr. Michel, they had the same illustration yesterday, this was where he saw some people who did not distinguish between the roles they played as advocates in the Council, some City Council Members say well the City Attorney told me that if somebody mowed the lot in back in a part that reverted, was that really what they would say if people sought reversion, if they said they forfeited Memorial Park if someone without their consent mowed, that it was not that the City in a lawsuit would be easy to agree with defense of estoppels waiver but there was part where the Legal Department was acting as an advocate and then sometimes it acted as judge and he wanted to make sure people distinguished between those two roles, that he saw a lot of times where they were not; that second he had directed that by August 31,2008 the Public Works Department and Legal to review not only the ordinance but the internal operating procedures and authorities for dealing with these old accounts that had not been billed for a number of years, so that they were saying to themselves were they treating people the way that the City would like to be treated by their vendors. Council Members Johnson, Garcia, Rodriguez, Brown, Noriega and Green absent.

Council Member Sullivan stated that the Houston Airport System was hosting a townhall meeting in District E in the south part of the district on July 8, 2008 to discuss and receive input from the public on the proposed Compatibility Land Use issues at San Jacinto College South, Marie Flickinger Auditorium from 6:00 p.m. to 8:00 p.m; that he wanted to thank the administration and every department that helped him in responding to questions and giving him answers and advice on the budget. Council Members Johnson, Rodriguez, Brown, Noriega and Green absent.

Council Member Lovell stated go Fresno State tonight in the College World Series and beat the Georgia Bull Dogs; that she took the opportunity to move from Fresno, California to Houston, Texas and the rest of her family did not; that they were very excited about the unranked Fresno State Bulldogs. Council Members Sullivan, Rodriguez, Brown, Noriega and Green absent.

Council Member Lawrence stated that they would be glad in committee to look at the water collection with Public Works and Legal and see what they could come up with, that she to had a neighborhood about a year and a half ago who could afford a \$34,000 water bill they were given to pay in 20 days, that it seemed like for 20 years the City had not billed for two esplanades and they discovered it, that a very well known CPA, who was head of the neighborhood, figured out the bill and said they owed them \$20,000, he went to the hearing and showed all the documentation and they said they still owed \$34,000, that he came to her and they went over the numbers and she sent them in and got a notice back that they only owed \$18,000, that he wrote them a check for the \$18,000; that there needed to be some process of when could people pay depending on who it was, that it was something that was down on her list and the lady that came to Council the other day had something that she saw they did need to bring forward. Council Members Rodriguez, Brown, Noriega and Green absent.

Council Member Lawrence stated that on Item No. 32, which did not come in, she wanted to say thank you to the attorney handling that, they were extending that contract, that he had always charged the City about half his rates, that contract was coming up, that Patrick Zumo, for as many years, had not charged his rate, but half his rate, that for the new Council Members she had asked Legal to come forward in their committee and give a history of the Sexual Oriented Businesses, where they were and where they were going with it, at their committee meeting in July so that everybody could be brought up to speed with it. Council Members Rodriguez, Brown, Noriega and Green absent.

Council Member Lawrence stated that she had a long conversation with a number of people this past week about the newsracks, that if they went on line and looked up the details of

the Newsrack Ordinance they would think that all the newsracks downtown were supposed to be green that was not true, it was listed that way but there was a part of that ordinance that was not codified and they were never told in committee that the newsstands downtown did not have to be green until December 31, 2009; that she and Mr. Don Cheatham had a long conversation on it, that especially neighborhood ordinances where neighbors were trying to find out what they were under to be sure that there were very clearly stated; that most of them had complied but Rumbo had not complied and had stuck one out on the corner, which was to close and blocking a walkway at Walker and Bagby and they stuck one over by the stairs and those were being looked at right now, that they could not control the color but they could control the placement and the chains and stuff they continued to use throughout Houston, that was why she wanted to bring a right-of-way ordinance forward because there were things that were being abused in the right-of-way. Council Members Rodriguez, Noriega and Green absent.

Council Member Lawrence stated that the Fourth of July was coming up and she thought the City was going to have a great holiday at Hermann Park, Eleanor Tinsley Park and a number of places and she would encourage them to get active this year, that they needed to be proud of their City and their Nation. Council Members Rodriguez, Noriega and Green absent.

Mayor White stated that to Mr. Norman when he said that they should have some internal procedures that included both criteria and authorities there also ought to be a list, something that people were given when they came down to a public hearing about the type of evidence that would be considered by the hearing examiner and the form of that evidence, and the hearing examiners ought to be authorized, that these were publicly appointed hearing examiners, that it was like small claims where they ought to be able to swear witnesses and have witnesses testify under penalty of perjury about things, that people should not require lawyers to be in these proceedings, that the purpose of the hearing examiner was to try to do justice, they were very mindful of the fact and he was not saying that either of these two citizens come up with creative reasons of why they should not pay, that he had gone through a couple of water bills like that before, water bill cases where people did not want to pay, hard times or whatever, and so that was not a criteria that they used because eventually other water customers would pay, but if they were going to have hearing examiners, it was just like Municipal Courts, he imagined a lot of citizens had Class C misdemeanors, they were not the enemy, actually they were the people who paid the taxes of the City, they were the people who paid the paychecks of the hearing examiner and they ought to be treated with respect, that did not mean with favoritism but it meant respect and part of respect was giving them the information they needed to know in order to accomplish their purpose which was to present their case, so whatever their procedures were ought to be transparent to everybody, it was not a game. Council Members Khan, Rodriguez, Noriega and Green absent.

Council Member Lawrence stated that along that same line she had always encouraged people to go and protest their appraisal taxes because it made a big difference and they did not have to have an attorney or an appraiser, that it was interesting that the two courts that they did not have to have an attorney for were the JP Court and the Supreme Court, the two opposite ends that were the courts of the people, that everybody thought you had to be an attorney to be a Supreme Court Justice, and they did not, by the constitution, have to be an attorney. Council Members Khan, Rodriguez, Noriega and Green absent.

Council Member Johnson stated that on July 1, 2008 at 6:30 p.m. at the Christian Life Center, 6650 Rankin Road, he would be hosting a meeting along with the Houston Airport System and the Planning and Development Department to talk about the proposed Airport Compatible Land Use Regulations, that they could call his office at 832-393-3009 for more information; that they would have a Second Chance Symposium on July 12, 2008 at Saint Peter Cleaver at Settegast off of North Wayside, that it had been very successful and they had been able to help many people to get their records expunged and put their lives on the right track of

becoming employable or more employable, for more information they could call his office. Council Members Sullivan, Rodriguez, Noriega and Green absent.

Council Member Johnson stated that he wanted to wish Mr. Alvin Byrd a happy birthday today, that Mr. Byrd was the godfather of District B, that they would be having a birthday party. Council Members Sullivan, Rodriguez, Noriega and Green absent.

Council Member Garcia stated that this evening there would be a mock drill by the Near Northside CERT Team, that it would be held at Jeff Davis High School, that he wanted to thank the citizens for participating in a very important project and would urge others to come and visit with them to see what all was involved; that on Monday the Independence Heights War on Drugs had an appreciation dinner for the brave men and women of the Houston Fire Department, particularly Fire Station Numbers 31, 30 and 15, that it was the community's way of saying thank you for what the good firefighters did for the neighborhoods; that on Saturday Judge Armando Rodriguez, Justice of the Peace, would be holding his Fifth Annual Salute to America, which would be held at Ripley House at 2:00 p.m., that he would encourage all to attend; that on June 26, 2008 at 8:00 a.m. the Truck Enforcement Detail would be conducting a task force operation, that it would be held at 19000 Katy Freeway at the Second Baptist Church Parking Lot, east of the Lowes Hardware Store on the in bound side. Council Members Sullivan, Rodriguez, Noriega and Green absent.

Council Member Khan stated that he wanted to thank everybody who participated in their stakeholders meeting of the Flooding and Drainage Committee on Monday, that he would encourage everybody who had input to please send them an email or contact their office of the Public Works Department and let them know their thoughts on the proposed changes to Chapter 42. Council Members Sullivan, Rodriguez, Noriega and Green absent.

Council Member Khan stated that a constituent called them that their water bill all of a sudden started to go up and they called Public Works and gave them the location and within hours they sent a crew and found out the meter was broken, they fixed the meter and would monitor it for the next two months and that would establish a historical bill again and then that was what they would be required to pay, so they found them very reasonable to work with and he thanked Mr. Marcotte and the people who worked on the effort. Council Members Sullivan, Rodriguez, Noriega and Green absent.

Council Member Khan stated that he wanted to remind everybody that the Fourth of July should not just be a time for fireworks, especially that there were laws which they had to follow and they would be enforced, so make sure that everybody was safe, that the Fire Department would be out in force to make sure that nobody violates the laws on the books related to fireworks and firework displays; that the Fourth of July was a time when they all needed to celebrate and thank their fortunes that they were a part of this great County and to remind themselves and teach their children the great history and the great sacrifices that people made throughout the history and that they were making now. Council Members Johnson, Adams, Sullivan, Rodriguez, Noriega and Green absent.

Council Member Brown stated that he wanted to share a family story that had to do with Fathers Day 2008, that a few weeks ago all five of his children gathered together and had a family conversation, that he was challenged personally by the younger generation, that they questioned him if they had the collective will to change a wasteful materialistic economy and environment under siege, that clearly his children wanted to live in a better more equitable society where everyone had the same opportunities to succeed in their own fashion; that they needed to start talking about some big steps, bold and decisive decisions to turn Houston green, that green meant a lot more than environmentally correct, it meant a change in mindset and collective behavior patterns, that it meant actions driven by long term goals, by fundamental core values, that he believed that they could depart from business as usual and devote

themselves to the larger purposes of society; that he wanted to give an example and it had to do with bottle mania, that he wanted to let the people of Houston know that they did not have to be drinking water out of plastic bottles, the production alone of the bottles consumed 17 million barrels of oil a year, that one quarter of a bottle filled with oil was required to make the bottle, that they had the fortitude to take the actions that San Francisco, Chicago and New York and say they were going to tax, or in some other fashion restrict or limit the use of these terribly energy in efficient habits they had like drinking bottled water, that some cities did not permit bottled water in city buildings, that his kids challenge was to start doing some things that were more in the category that were bold and decisive to show they were willing to lead Houston in a different direction and really embrace smart growth. Council Members Johnson, Adams, Sullivan, Rodriguez, Noriega and Green absent.

Council Member Clutterbuck stated that one of the highlights last week was attending, along with her colleagues Council Members Sullivan, Garcia, Green and Mayor White, the graduating class of the most recent HPD cadet class, that it put their police officers at over 5,000, that it did not make a lot of news but it was important to talk about it and to reassure all of the taxpayers that they were able to gear up and fill these classes and turn out officers, that she wanted to thank HPD for their support of that; that she wanted to talk about the HPD Crime Lab, and while she was not on the Public Safety Committee it was a privilege to attend last week when unbeknownst to her the HPD Crime Lab was receiving an award from the Bureau of Alcohol, Tobacco and Firearms for their ballistics testing, the HPD Crime Lab reviews a number of things and analyzes a number of them, the ballistics being one of them, that the Crime Lab had achieved the accomplishment of being able to match ballistic from a crime in Baltimore to a carjacking on Dairy Ashford and being able to arrest the appropriate criminals and put them away and be able to link crimes to each other, that it was as important as any of the other work that they did at the Crime Lab; that they continued to be aware of the need to get the HPD DNA Lab up and running but under the direction of Ms. Rios she was certain they were going to have that lab up and running in a timely fashion, that it was important that their Crime Lab truly be the best. Council Members Johnson, Adams, Sullivan, Rodriguez, Noriega and Green absent.

Council Member Clutterbuck stated that in the news in the past week were several items in District C, that she wanted to visit about the reconstruction of Kirby Drive, that the portion she was talking about was between Highway 59 and Westheimer, the north side of Kirby Drive, that the TIRZ there was doing a major storm drainage project that was desperately needed, that area was shaped like a bowl and pretty much every time it rained all the water stays right there and they had been in need of drainage solutions for decades, that the Upper Kirby TIRZ or the Intown Chamber, was one of the TIRZ that was operating without debt and was paying for the drainage improvements along Kirby Drive, that she wanted to applaud them because they had worked extremely hard to involve the community in the negotiations and discussions about the planning of the street, that they worked with Trees for Houston, and she was proud to serve as an advisor on the Board of the Trees for Houston and was pleased that the TIRZ worked with them and as a result they were able to reduce the street width from 83 feet, originally, down to 72 feet, thus improving the public space and way, that it was truly unfortunate that it would not be able to save any of the trees but they were going to be burying the power lines and the TIRZ was going to be planting more trees than were being removed, that they were sad about the loss of the trees that were eighteen years old, the trees that were going to be replanted would be of a higher and larger caliber than the existing trees were planted originally, that she wanted to thank Director Marcotte for his hard work, that he ended up coming to the table again and reducing the dimensions of the street even further in an effort to try to save the trees, that she appreciated the community's understanding, that they would be building a street that was useful for the future and beautiful at the same time; that she mentioned it because it was often placed on their directors, the final responsibility and a lot of the blame and she thought that was unfortunate because Director Marcotte had worked extremely hard and so had the Parks Department and her office in trying to make sure that it was the best street possible; that it was important to know that the delays that were brought about in making sure that they had the right

street and increased public space had a cost to them, they ended up costing the TIRZ an addition \$2 million to \$3 million just in construction costs because of the delays, so any additional delays would end up delaying flood control and end up having a real dollar cost to them. Council Members Johnson, Adams, Sullivan, Rodriguez, Lovell, Noriega and Green absent. (NO QUORUM PRESENT)

After discussion Mayor White stated that he would make it clear that he would not backseat drive, he would not let people get their hands on the steering wheel when it came to selectively giving taxpayer money to one business versus another business without criteria approved in advance, but when it came to issues that the TIRZ were classically charged with concerning things like street design then they needed to be backing them up or they needed to say they were going to abolish the TIRZ because they did not trust them, and he appreciated Council Member Clutterbuck standing up for those volunteer members of the TIRZ board. Council Members Johnson, Adams, Sullivan, Rodriguez, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Khan stated that there was a lot of concern in the Vietnamese Community in Houston, that as they knew that the Prime Minister of the Socialist Republic of Viet Nam, Mr. Nguyen Tan Dung, was visiting in the United States and was scheduled to visit Houston and the community had organized a meeting where they were going to work on the manifestation of a strong opposition to Mr. Nguyen Tan Dung's visit and there were community members not only from the greater Houston area but also from other cities around Texas and were coming to Houston this evening, that there was a meeting at Hong Kong Mall at 11201 Bellaire Boulevard at 7:30 p.m. tonight, that the community was strongly opposed to Mr. Dang's visit to the U.S. and to Houston and his concern was that during his visit there would be a lot of police hours and police work and police officers would be needed in order to maintain law and order because of his visit and expected rally's and demonstrations against his visit and secondly did Mayor White plan to visit with the Prime Minister, and Mayor White stated "no". Council Members Johnson, Adams, Sullivan, Rodriguez, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 11:14 a.m. Council Member Holm absent on personal business. Council Members Johnson, Adams, Sullivan, Rodriguez, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

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

MINUTES READ AND APPROVED

/S/Anna Russell

Anna Russell, City Secretary