

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

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, August 12, 2008, Mayor Bill White presiding and with Council Members Toni Lawrence, Anne Clutterbuck, Wanda Adams, Mike Sullivan, M. J. Khan, P. E., Pam Holm, James G. Rodriguez, Peter Brown, Sue Lovell, Melissa Noriega, Ronald C. Green and Jolanda "Jo" Jones; Mr. Arturo Michel, City Attorney; Ms. Jo Wiginton, Division Chief, Contract Division, Legal Department; Ms. Claudia Vasquez, Director Citizens Assistance; Mr. Terence H. Fontaine, Deputy Chief of Staff for Operations; Ms. Marty Stein, Agenda Director and Stella Ortega, Administrative Assistant, Agenda Office, present. Council Member Jarvis Johnson absent on city business. Council Member Adrian Garcia absent on personal business.

At 2:08 p.m. Mayor White called the meeting to order and stated that Council Member Clutterbuck would begin presentations. Council Members Adams, Sullivan, Khan, Rodriguez, Noriega and Jones absent. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that today she was honoring Mr. T. C. LeNormand for his heroic actions during an emergency situation where he carried a lady restricted to a wheelchair and her dog 25 flights down; and presented him a Proclamation proclaiming today as "T. C. LeNormand Day" in Houston, Texas. Mr. LeNorm and stated that anyone who had been in a similar circumstance knew that in the moment there was not a lot of thinking you just got down as quick as you could; and thanked all for the recognition. Council Members Adams, Sullivan, Rodriguez and Jones absent.

Council Member Green recognized all with the NAACP ACTSO Program, invited Ms. Andrea Arseno and Mr. Clarence Johnson the two chairpersons to the podium and stated that the Academic Cultural Technological and Scientific Olympics (ACTSO) was a major youth initiative of the NAACP and provided a forum through which African American youth could demonstrate academic, artistic and scientific expertise and was a year long program among high school students; that on August 12, 2008, the NAACP would be celebrating the 2008 winners of the 31st Annual NAACP ACTSO Competition; and presented a Proclamation to the vice president proclaiming today as "NAACP ACTSO Day" in Houston, Texas. The spokesperson stated on behalf of the NAACP ACTSO Program she thanked all for the recognition and they were very proud of the program, they just came back from Disney World where they participated in the national competition and received 4 national medals; and asked all present associated with the program to wave and be recognized. Council Members Lawrence, Adams, Sullivan, Rodriguez and Jones absent.

Council Member Holm invited Ms. Debra Cannon president of the Houston Zoo and Rick Barangi the Houston Zoo Director to the podium and stated that the Houston Zoo was a part of the community and in 2002 the city entered into a public/private partnership and the growth, development and enhancement was extraordinary, it was now placed in the top ten as the most visited zoos in the nation and was home to over 45,000 animals with over 800 species from 6 continents and a significant number being classified as vulnerable or endangered; and presented them a Proclamation proclaiming today as "Houston Zoo Day" in Houston, Texas. Ms. Cannon stated that they were thrilled to be present and appreciated the acknowledgement; that in the six years they had spent over \$32,000,000 in zoo improvements and the experience was better each year and they would continue striving for such. Council Members Lawrence, Adams, Rodriguez, Green and Jones absent.

Council Members commended and congratulated all on the amazing accomplishments at the zoo. Council Members Green and Jones absent.

Council Member Khan stated that there was a tragedy in Sherman, Texas, where 55 people were traveling to Missouri for a Catholic Festival and there was a horrible bus accident, 18 died and many were in intensive care and they offered sincere and heartfelt prayers and condolences to all families and friends of those victims; and asked for a moment of silence for all in the tragedy. Council Members Adams, Green and Jones absent.

Mayor White stated that it was reminders like that which told us we were not in control and each day was a gift of life and they had a chance to use it wisely. Council Members Green and Jones absent.

At 2:31 p.m. Council Member Noriega led all in the prayer and in the pledge. Council Member Jones absent.

At 2:32 p.m. the City Secretary called the roll. Council Member Johnson absent on city business. Council Member Garcia absent on personal business.

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

At 2:33 p.m. the City Secretary began calling the public speakers. Council Member Garcia absent on personal business.

Mr. Jerry Higdon, 909 Fannin #2200, Houston, Texas 77010 (713-470-6100) appeared in support of Agenda Item one and stated that he was an environmental attorney within the City of Houston and was representing LUI Houston Studemont in connection with an ordinance to come before Council tomorrow and wanted to express his support both in his official capacity and as a resident of the area.

Ms. Susan Stublefield, 2065 Kamala Road, Houston, Texas 75067 (214-492-2803) appeared and stated that she was present to solicit Council's support for the demolition of the Candlelight Trail Condominium project, she was the owner representative for the Linda Vista Apartments located at 5500 Desoto, they were going to provide quality low income housing and infused \$4.4 million into the project, they spend \$11,000 to \$13 ,000 monthly in third party security and Candlelight Trail was an eyesore and drew crime and without that demolition her project and others would fail.

Upon questions by Mayor White, Ms. Stublefield stated that they spent \$4.4 million in a renovation project for Linda Vista Apartments which was directly across the street from Candlelight Trail; and Mayor White stated that a tremendous amount of legal work had been done on the Candlelight Trail project and they would do everything within the law.

Council Member Lawrence stated that she checked with the fire Department and on a bad day they make about 30 trips to DeSoto which was only a few blocks long. Council Member Green absent.

Upon questions by Mayor White, Ms. Stublefield stated that they were a management company, BNC Real Estate. Council Members Noriega and Green absent.

Upon questions by Council Member Johnson , Ms. Stublefield stated that Candlelight Trail was a community left unattended for some time and had windows knocked out, doors kicked in, pools empty or with green water, open manholes, structural damage, etc., Council Member Noriega absent.

Mayor White stated that numerous actions were done and he went by and it was a little legally complicated because of the condo ownership and he hoped some of the owners were present today. Council Members Clutterbuck and Green absent.

Council Member Rodriguez moved the rules be suspended for the purpose of hearing Ms. Esther Campos as the next speaker, seconded by Council Member Khan. All voting aye. Nays none. Council Member Johnson absent on city business. Council Member Garcia absent on personal business. Council Members Clutterbuck and Green absent. MOTION 2008-0628 ADOPTED.

Council Member Holm moved the rules be suspended for the purpose of hearing Ms. Andrea Seluk, Mr. Sergio Lopez and Mr. Jim Carlson after Mr. James Matthews, seconded by Council Member Khan. All voting aye. Nays none. Council Member Johnson absent on city business. Council Member Garcia absent on personal business. Council Members Clutterbuck and Green absent. MOTION 2008-0629 ADOPTED.

Ms. Esther Campos, 1126 Weaver, Houston, Texas 77023 (713-923-1404) appeared and stated that she usually spoke on educational matters, however, today she was concerned about conditions in the east end where she lived, they had their share of all services with halfway houses, low cost housing and many service programs, etc., and she understood there was consideration to turn Magnolia Glen, a facility at Cullen and I-45, into another homeless facility and she was totally concerned, there was a school within walking distance and she felt it was a disservice to their community to have another such facility. Council Members Adams, Holm and Green absent.

Mayor White stated that her views were greatly respected and listened to. Council Members Adams, Holm and Green absent.

Council Member Noriega stated that her points were well taken and allowed Ms. Campos to continue; and Ms. Campos stated that the community would like to have sites to enhance the quality of life and maybe consider giving an assisted living facility to them for seniors, the one they had she would not leave her mother at; and urged consideration of a different facility. Council Members Adams, Holm and Green absent.

Council Member Rodriguez thanked Ms. Campos for coming and stated that he looked forward to working with her on another plan for the facility. Council Members Adams, Holm and Green absent.

Mayor White stated that Harris County had recently committed funds to the facility and if there was another plan he hoped people were in communication with the folks in Harris County to have benefit of the use of those dollars and he would ask his colleagues to help the community on that. Council Members Holm and Green absent.

Mr. Roy Millmore, 5300 Hollister, Houston, Texas 77040 (713-895-8021) appeared, presented information and stated that he was present as executive director for the Near Northwest Management District and strongly represented the majority of 80,000 Houstonians; that he was aware Mayor White stood behind all the issues and that Council Members Lawrence and Johnson had been working with him on the issues two years and he wanted to recognize Chief Hurr's and Constable Jack Abercia's efforts, but many were investing millions in the area for security and public safety. Council Members Holm, Rodriguez and Green absent.

Council Member Noriega allowed Mr. Millmore to continue; and Mr. Millmore stated that the community was asking the Council to take action, Candlelight Trails was a blighted tumor in

the community, he witnessed youth participate there in sexual activity, drug usage, etc., that over a year ago the owners said things would be taken care of and nothing had been done and at 3:00 a.m. youth swam in the disease infested waters and officers could not go on the grounds because the locks were changed and they would not let them in even though they could see the kids on the property and the property had to go; that they used to sit on top of the property and shoot at the school kids on the track and a berm (?) had to be built, they still shoot today but just had to shoot higher; and sidewalks on Antoine could not be traveled by those in wheelchairs. Council Members Rodriguez and Green absent.

Council Member Lawrence stated that the berm was not the average two to three feet, it was about 25 to 35 feet to keep people and guns out; that every avenue was tried; and thanked Mr. Millmore for all his work. Council Member Green absent.

Mayor White stated that the way this was presented it would help if there could be a sign-up sheet and indicate their willingness to be witnesses if there was a hearing; that the City of Houston Dangerous Building Code said a building could constitute a danger to the public even though secured from entry and he was going to insist on some accountability if they did not bring this action to have demolition there were two different authorities they could use and he would like to sue them to pay for the demolition after it was done and they would need witnesses and he would have periodic reports from the City Attorney. Council Members Noriega and Green absent.

Mr. Maurice Davis, 5410 Oak Cove, Houston, Texas 77091 (713-957-1627) appeared and stated that all Mr. Millmore said was true; that Linda Vista Apartments came in about a year ago and they had hope things were getting ready to change, but Candlelight Trails was awful, they used to have gun shots every night of the week and they were afraid to go outside and needed all the help they could get, there was only an element of bad people in the area and they needed weeded out; and thanked the Mayor for what had been done to beautify Houston. Council Members Sullivan, Noriega and Green absent.

Council Member Brown thanked Mr. Davis and Mr. Millmore for coming and expressing their serious concerns and stated that they were ready to help but had to go by city ordinances; and upon questions, Mr. Davis stated that Candlelight Trails were the units in question here and it was a three story multi unit building with no one living in it and Candlelight Glen was next door; and Council Member Brown stated that he would work with the Mayor, Council Member Johnson and others to see they received a rapid response. Council Members Noriega and Green absent.

Council Member Khan thanked all for coming and stated that they heard them and could be assured they would do what they could to address the situation; and someone previously spoke of officers not being able to go onto the property and they needed to be allowed; and Mayor White stated that he just gave the City Attorney a chronology of different actions beginning with the Building to Standards Commission orders issued in November to secure; compliance checks made on January 15, March 5 and 6 and they were spending taxpayer money to clean up someone's property and it made him mad, there were city contractors who cleaned interior open units for a week in July and there was a funding request for additional security in August and he would welcome journalist covering this because they would find common ownership with another blighted property; and they would look at having an administrative hearing for a demolition order and they would need witnesses. Council Members Holm, Rodriguez, Green and Jones absent.

Mr. Mike Carpenter, 1431 Wirt Road, Houston, Texas 77055 (713-682-5261) appeared and stated that he was a commercial real estate broker for more than 30 years and heavily involved in property management and he had bought one of the units in Candlelight Trails with

partners he bought several more and for clients another two dozen, they thought in a routine way two years ago they could turn it around, but it did not happen; that he became a board member of the Near Northwest Management District and in that worked intensively to have closed and destroyed as it was destroying their area economically and he would be a witness when needed; that he had watched things go beyond reason as to why the property died and it was far beyond renovating or salvaging; that the area was fixable and the first thing was to take Candlelight Trails to the ground. Council Members Khan, Holm and Green absent.

Council Member Lovell stated that she wondered why the pool was not drained, there could even be a child laying at the bottom and no one would know; and in her neighborhood, on a smaller level, there were two complexes they were trying for six months to get them to place a barrier around a dumpster and they play games while the neighborhood went down. Council Members Khan, Holm and Green absent.

Council Member Lovell moved the rules be suspended for the purpose of hearing Mr. Jonathan Howard after Mr. Jonathan Matthews, seconded by Council Member Sullivan. Council Members Khan, Holm and Green absent.

Mayor White stated that he did not know what was encompassed regarding draining a pool, but there was a current work order Mr. Davis was administering and they should be able to, but if someone drained the pool with taxpayer money, it still rained and then it would cost more dollars to fill in; and to Mr. Michel he would say that it appeared they gave the owner every opportunity to remedy the situation since they pulled the certificate of occupancy and they had testimony here the property was dangerous and they should get an order to demolish and if there was any ambiguity let him remove it; and to the citizens they wanted to improve the neighborhood and they had to work with the management association and if they needed outside council and a deck action as a part of this, he did not want to scrape it and have a vacant piece of land with the title so messed up because of all the condo owners it would be vacant forever, so the best thing would have a deck action or some kind of suit against all the owners so the property could be sold and they could recover money; that they did not just want to shut down a property, but to be sure people had a place to live and then figuring what to do with the property so it would not be a danger to its neighbor and anytime there were violent crime numbers you could get lots of police officers to testify criminals went there to hide and he had committed to the family of Grady Burks, a captain, a firefighter, who went into one of the abandoned structures which started burning, it collapsed and killed him and he went there and stood by his body and no one could say this was not dangerous and it had nothing to do with a structural engineers report, dangerous could mean harboring criminals, etc., and he could be a witness, he was there and whoever was advising HPD it was not a dangerous building could apply for a job somewhere else. Council Members Holm and Green absent.

Council Member Brown stated that there was undivided ownership and if it was demoed they did not want a vacant piece of land unable to develop and he did hope this could be an example and get an institutionalized procedure for the problem. Council Members Holm and Green absent.

A vote was called on Council Member Lovell's previous motion. All voting aye. Nays none. Council Member Johnson absent on city business. Council Member Garcia absent on personal business. Council Members Lawrence, Holm and Green absent. MOTION 2008-0630 ADOPTED.

Ms. Judith Arnold, 6206 Ash Oak Drive, Houston, Texas 77091 (713-682-5261) appeared and stated that she was present to speak of another abandoned property in Antoine Forest Estates off Holly View and DeSoto located 6207 and 6211 Ash Oak Drive and they had been a danger since 2000 and she had photos of trash and debris and hazardous conditions going

back to 2005, they had been periodically abandoned and titles were continually switched and no one was ever able to be found, the property was currently abandoned again as workers picked up their tools and equipment for lack of payment and since 2005 she had made 24 calls to 311 and several others to departments including the Mayor's liaison and no one helped clean up, the only helpful employee was inspector Lushappel, the company who owned the dumpster had it overflowing and was holding two bad checks so he came and dumped the entire thing into the driveway which caused rat and snake infestation and the inspector was able to force the company to come and get the trash and debris back into the dumpster, but they only filled it to the legal limit which left the overflow in the driveway; that since 2003 they had sent numerous deed restriction letters and attorney cease and desist letters and bills to the numerous addresses of numerous owners and they were all returned unaccepted and they were begging the city to send special projects to the property to clean it and seal it, this had been eight years now. Council Members Khan, Holm, Rodriguez and Green absent.

Council Member Jones thanked Ms. Arnold for coming and stated that she thanked the Mayor for deciding to sue such people and it was not just blighted properties, if they could sue abandoned properties then they needed to sue where people lived, it was a warzone. Council Members Khan, Holm, Noriega and Green absent.

Council Member Lawrence thanked Ms. Arnold for coming and stated that the whole area would be beautiful if it was single family and she felt they had an impact on their home value and today they were making a difference. Council Members Khan, Noriega and Green absent.

Ms. Elizabeth Diaz, 5300 W. Gulf Bank #602, Houston, Texas 77008 (281-999-0909) had reserved time to speak but was not present when her name was called. Council Members Khan, Noriega and Green absent.

Mr. Andrew Zell appeared and stated that Ms. Diaz was on his staff and he was owner of the property and would like to speak. Council Members Khan, Noriega and Green absent.

Council Member Jones moved the rules be suspended for the purpose of allowing Mr. Andrew Zell to speak in place of Ms. Elizabeth Diaz, seconded by Council Member Lawrence. All voting aye. Nays none. Council Member Johnson absent on city business. Council Member Garcia absent on personal business. Council Members Khan, Noriega and Green absent. MOTION 2008-0631 ADOPTED.

Mr. Andrew Zell, who was added to the speakers list, appeared and stated that he was one of the investors from California, about 2-1/2 years ago in 2006 they purchased a property at Gulfbank & Antoine, it consisted of 564 units, bank foreclosed properties and at the time it was 10% occupancy and they spent \$4 million to \$5 million cash into the property and now it was about 82% today; that when they purchased it was all boarded and vandalized and in addition to that money they had an operational loss in excess of \$3 million in the past two years; that it was not 82% but because of the crime in the area they were having a problem getting occupancy up and if something was not done with the crime in the area the millions put into the property would be diminished just like the property on DeSoto; and he just came so Council would know their area was facing the same problems. Council Members Khan, Noriega and Green absent.

Mayor White stated that a note was made of that and his Chief of Staff had left, but he went on that patrol beat in 2006 and they authorized overtime programs; and upon questions, Mr. Zell stated that they did spend about \$8,000 to \$12,000 on a monthly basis for security; that they were about two miles north on Antoine from Candlelight Trails. Council Members Khan, Brown, Noriega and Green absent.

Upon questions by Council Member Jones, Mr. Zell stated that they owned the property

known as Trails of Inwood, Oaks of Inwood and Inwood Green, the address was 5300, 5350 and 5454 W. Gulfbank; that they bought and fixed such properties for a living, but here they had trouble with occupancy because of the surrounding crime and he moved here and it was the only community he lived where he had to sleep with his gun. Council Members Khan, Brown, Noriega and Green absent.

Upon questions by Mayor White, Mr. Zell stated that the property was on the northside of Gulfbank; that the blighted property across was called Springside and it was in foreclosure and on public record and probably not for sell for a couple more months; that it was structurally a good property, but they did not have the right philosophy behind it; that they did check criminal background on those they rented to, across the street problems were lack of proper management and proper screening to those placed in units and no one lived on site; and Mayor White stated to Mr. Fontaine they should take a look at their philosophy of renting; and thanked Mr. Zell for coming; and to Ms. Vasquez stated that he would like Mr. Don Samply to spend time with him and others and make a couple of recommendations. Council Members Khan, Brown, Noriega, Green and Jones absent.

Mr. Tom Miller, 5555 Holly View Drive, Houston, Texas 77091 (925-963-2431) appeared and stated that he was sole owner of Holly View Apartments on Holly View Drive and purchased the property in 2005, he rehabbed properties and lived in California, but came here once a month and stayed a week and he lived in Holly View until the night before their gates were fixed someone stole the wheels off his rent a car, his wife would not let him stay there but it was a safe property now and they had completed about \$2 million worth of renovation and it was 328 units and 10 acres; that he did thank them for closing the Gables which was across from him, a building burned and nothing was done, the owner lived in California and never came down and would not answer his calls; that the property next to Candlelight was Candlewood Glenn and they did not know if it could be salvaged but there was crime and blight, he spent \$7,000 a month to off duty police officers for security and you had to have strong management and screen to keep off crime. Council Members Khan, Holm, Brown, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Mayor White stated that he would agree with him and when he and Tom were there he would like Mr. Samply and various property owners to come up with a plan; that they floated the idea of using funds to come up with an Apartments to Standard Program in the area, but did not want to do what owners in the area did not want and the funding would have restrictions, but he would like a plan to get blighted properties into stronger hands and the meeting would be set up. Council Members Khan, Holm, Rodriguez, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Mrs. Helen Sanchez, 5418 Holly View, Houston, Texas 77091 (713-956-4900) appeared and stated that she was a resident of Antoine Forest Estates and when she first moved into the area it was very beautiful and the apartments were cordial, they walked and did what they wanted, however, no longer were they walkers only the apartment residents were walkers looking to see what could be stolen; and Ms. Arnold had pictures, etc., and she heard no one say if they would get back with her; that she would appreciate help, her daughter would not bring her grandchildren anymore saying she lived in the ghetto and that was disheartening, her house was the ultimate, it was exactly what she wanted and where she wanted and wanted it that way again and she wanted a response as to what Ms. Arnold could get done. Council Members Khan, Holm, Rodriguez, Noriega, Brown, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Lawrence stated that Council Member Johnson was working with the management district; and Ms. Sanchez stated not where they were; and Council Member Lawrence stated that there was an ordinance in place and they now had more inspectors and

because they tried all they could and did come to Council she thought they would begin to see change and she did live in a beautiful area; and Council Member Johnson's staff was present and she would get a response; and Mayor White stated that Ms. Vasquez would take the house information and they would be working with Council Member Johnson. Council Members Khan, Holm, Rodriguez, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Mr. Orlando Sanchez, 5418 Holly View, Houston, Texas 77091 (713-956-4900) appeared and stated that he lived in Antoine Forest Estates and when the Chief first came into their subdivision they met with him and he said there was not enough money to patrol the area and they should get with neighbors and combine resources, so they did and formed a citizen patrol group and patrolled day and night but it did not work; that officers were overpowered and outmanned and it was not their fault, but they needed the Mayor and Council to help them; that they raised dues and hired security for a private company and 80% of the budget went to security, but there were drugs and prostitutes, they still patrolled mornings and nights and they were only asking for the city to help them half way; that they had 122 lots and homes in the subdivision and of that they had 107 homes and 70 had doors kicked in, items stolen, etc., and they needed help. Council Members Lawrence, Khan, Rodriguez, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Mayor White thanked Mr. Sanchez for coming and stated that their concerns were heard. Council Members Lawrence, Khan, Rodriguez, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Mr. Charles W. McKeewer, 5330 Holly View, Houston, Texas 77091 (713-688-7450) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Khan, Rodriguez, Noriega and Green absent.

Pastor M. K. Williams, 6002 Antoine #4, Houston, Texas 77091 (713-956-1511) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Khan, Rodriguez, Noriega and Green absent.

Ms. Ernestine Rucker, 5331 Holly View, Houston, Texas 77091 (713-956-5391) appeared and stated that she wanted to address another property in the packet previously turned in and that was the Gables which was closed for health and safety reasons on August 4, 2008, it was one block from Candlelight on Holly View Drive and it was unsecure with broken windows and much trash; that she hoped it would not take a year like Candlelight to do something; that the city said it was structurally unsound and she was requesting it be cleaned and secured, there was already gang activity and children lived nearby. Council Members Sullivan, Khan, Rodriguez, Green and Jones absent.

Mayor White stated that they did shut it down, but they needed to do some finishing of the job; that he authorized the City Attorney to have some directions on demolition of buildings approximately 2005 that basically made demolition of the building something they would normally do because of the dangerous structures; and Ms. Rucker stated that there was a fire and some of the building was even burned; and Mayor White stated that he knew the city attorney was looking at something else and to Ms. Wiginton on the fire burn he thought that should qualify under the portion of the code where the Director of Public Works could authorize demolition without need for a hearing and they needed to get on with it. Council Members Sullivan, Khan, Rodriguez, Green and Jones absent.

Mr. James Matthews, 5950 Antoine, Houston, Texas 77091 (713-680-8986) appeared and stated that he was a resident of Pepper Tree Manor and as near to Candlelight and he was to the Mayor right now, his apartment faced Candlelight and during the day and night there was shootings and he was robbed on his way to church; that at Antoine and DeSoto and Antoine

and Tidwell it was very dangerous and senior citizens of Pepper Tree Manor were tired of being afraid to get out; that the sidewalk was also messed up with standing water and from DeSoto to Tidwell the sidewalk needed repaired; that Candlelight needed to be removed. Council Members Khan, Rodriguez, Green and Jones absent.

Mayor White stated that he prepared something following a meeting this morning and it went like this, if someone had the mistaken impression or was given mistaken advise, Chief Edwards to those in Neighborhood Protection that a building could not be torn down unless it was structurally unsound, it was not true, even if a building was secure if it was dangerous it could be demolished, there would need be a hearing and he called on them to be witnesses and if someone gave the advise it had to be structurally unsound to be torn down then they should resign from the city, it was not true, he would not go over it all again, but Mr. Michel had a memo in 2005 they were trying to retrieve as he had to try and kill the snake before and if something was a danger and needed to be torn down then they needed to tear it down and he could not be clearer; and finally from what he could tell some were a little gun shy because way back when a Council Member without any of this process or witnesses took a bulldozer to someone's property and wound up paying over \$100,000 in taxpayer funds. Council Members Khan, Rodriguez, Green and Jones absent.

Mr. Jonathan Howard, 3403 Arbor, Houston, Texas 77004 (713-529-2027) appeared and stated that his name was Jonathan Ulysses Howard in remembrance of his grandfather who would have been 100 yesterday, he greeted the Mayor and Council Members he admired them for what they did and he was present to thank them and the Scholarship Committee for selecting him as a scholarship recipient for the 2007/2008 school year; that he could not thank them enough for the contribution they made toward his education and for the investment they had made in his future and he would not let them down; that he was privileged to go to the schools he had in the Third Ward and privileged to know a lot of great people with many present today, the list was endless; and he was here as proof of what an HISD school and living in the community could do; and he wanted again to thank everyone and present the challenge of investing more in schools which needed it the most so their potential could be fulfilled and the world could be made a better place. Mayor White, Council Members Khan, Rodriguez, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding.

Vice Mayor Pro Tem Lovell stated that she understood his mother was Ms. Barbara Howard who worked in the City Legal Department and he graduated from Yates with a 4.1 GPA; and Mr. Howard stated that was correct; and Vice Mayor Pro Tem Lovell stated that was incredible and he was also an Eagle Scout and member of Wheeler Avenue Baptist Church and she would say they had made a good investment. Mayor White, Council Members Khan, Rodriguez, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Adams invited Ms. Howard, his mother, to stand to be recognized and stated if he could say anything to students attending his schools what would that be; and Mr. Howard stated it was a change of mindset which needed to be made in their schools and area; that many thought they did not have the option to go to college, but whatever they worked hard at and put their mind to they could do; and Council Member Adams stated that she was sure he would make all of them proud; and again congratulated him. Mayor White, Council Members Khan, Holm, Rodriguez, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Noriega stated that she was mother to a son and would be proud for him to do as well; that all were very proud of him. Mayor White, Council Members Khan, Holm, Rodriguez, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Andrea Seluk, 5292 Memorial, Houston, Texas 77007 (713-426-3594) appeared, displayed a petition and stated that she lived in the Park Memorial Condominiums for three years and the complex was put on the market in April 2008, but four months after their listing the City of Houston placed orange signs all over citing them unsafe and encouraging all to seek shelter and she found it significant that the city was suggesting they vacate their home of which they paid mortgage and it was just before they received their final and best offer in the sell process and that the city had 42 inactive building permits dating back to 1988 on file for their property and yet until it was up for sale they took no enforcement action; that for the three years they lived there they had paid assessments starting at \$484 to \$727 per month and including a one time assessment of \$2,500 to maintain the property and she wanted to know where that money had gone; that if the City of Houston forced them to leave they still had responsibility to pay their mortgage, taxes and \$503 monthly assessment to maintain the property and if they had to pay all that where were they supposed to go, how would they pay for another place to live and was the city ready to provide temporary housing assistance as done for the Katrina victims; that she stood before Council with petitions asking they be allowed to stay until the sale was finalized which they were to get information today or tomorrow; that she never felt unsafe and it was very upsetting they were being forced out. Mayor White, Council Members Lawrence, Adams, Khan, Rodriguez, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding.

Council Member Holm thanked Ms. Seluk for coming and stated that she could not imagine the disrupting decisions and emotions she had gone through the last few months by trying to sell property and then finding the structural inadequacies and now facing the confusion of messages being sent and that was what she felt they needed to help clear up so it could be understood; that their issue of a dangerous building was totally different from all she heard this morning, they were not a nuisance or problem, their problem was structural failure; that to her knowledge on July 29th the city got word from a structural engineer hired by their homeowner association of potential catastrophic structural failure and that meant dire emergency and life threatening issues; that there were very few times in the City of Houston when they had very clear, precise ordinances which mandated how they had to handle a situation, but this was one of them and she had copies to give each of them which would help them understand them and walk through them, when the city got notice they were required to do their own investigation and figure out the status of their complex as a whole and they were waiting on that analysis, but under chapter 10 it noted minimum standards of a building, public hearings, etc., it was all clearly mandated and should the report come back this was an emergency, catastrophic failure, then the city was mandated to take action and if that emergency was declared then there were provisions to help them move forward, place and go through it, but right now they were in limbo and all were agonizing over it with them; that Mayor White was very involved also and they were not trying to work against or for anyone, only to support an emergency situation they now found themselves in whether they knew about it or not, the laws were clearly mandated; and Ms. Seluk stated that she understood, but also understood the last certificate of occupancy was issued in 1992 and where was anyone with the city three years ago when she bought the property; and Council Member Holm stated that they were very legitimate points, one why did the city let this go on and the most important was the immanent danger they all may be in; and upon questions, Mayor White stated that this was unusual for them, they did not want to be in a situation where they wake up and find there was a structural collapse; that to Council Member Holm and Mr. Norman he wanted to make sure all alternatives were looked at; and the transitional assistance question was raised and needed to be looked at and who could they recover funds from, someone had to be responsible; and Ms. Seluk stated that those who built their units did not exist anymore; and Mayor White stated that because this was new to them he could not say they had an existing program, but they needed to think about a loan program or something and the Council Members could help him; that they had a zero interest loan program METRO was instituting for some businesses on disruption and perhaps they could do something like that for assistance when someone found themselves in structurally unsound

buildings; and to Mr. Norman and in connection with Mr. Icken he thought they should be looking at that; and Council Member Holm stated that they had a dangerous building fund and perhaps they could make revisions and qualifications which would be more inclusive in that while moving forward; that many residents were new investors and Chief Boriski called today wanting to know the status because he was concerned, if it was catastrophic the whole thing could collapse any minute and if it was a dangerous building she hoped they would pledge to allow them to go through their process, but they had to find the safest and most efficient way to let them go on with their lives; and Ms. Seluk stated that she hoped this caused people to address management companies, they paid a management company to guide them and what happened; that Prime Site switched to Principle Management Company, about a year ago they were doing rehab, a staircase across from her and she called the management company and told them it seemed to be taking too long and later found out the owner was getting illegal workers from the railroad and did not pay them so they walked off and yet he had collected \$80,000, it was the management company who hired the contractor and rumor had it the contractor was friends to the husband of their property manager; and Mayor White stated to Legal they needed to figure out if there was any responsibility of the management company. Council Members Khan, Green and Jones absent.

Council Member Brown stated that they deserved an answer on if the city could help and it seemed to him they paid the management company for assessments on repair and maintenance and it had not been happening and the building was probably in serious violation for sometime and urged they move swiftly on all units built in the '60's and '70's; and upon questions, Mayor White stated that as Council Member Holm went through the chronology the problem was a couple of engineers said it was structurally unsound to the point of collapse and they were having another done; and Ms. Seluk stated that the first one done was done for a lawsuit against their insurance company and she did not know if that meant anything; and Mayor White stated was her concern someone may be tilting the report; and Ms. Seluk stated that they filed a claim against the condition of the outside and she would guess it helped their case; that Mr. Jonathan Simon authorized it and he was also an owner at the complex; and Mayor White stated that they did not want a collapse and needed to do what the law said, but the management company was to manage something and it did not sound like good management and he related specifically to Mr. Norman to relay to Mr. Icken and the rest of the city staff, if there was transitional assistance that would be good, but they had no agenda to create problems only to solve them. Council Members Clutterbuck, Khan, Green and Jones absent.

Council Member Noriega stated that as a mom she had to tell her she would not mess around with this; that she had heard nothing like this during her time on Council and she needed to listen to her Council Member; and about the governance and liability they needed to speak with their state representatives, there were ways they weigh in on it and controlled it. Council Members Khan, Green and Jones absent.

Mr. Sergio Lopez, 5292 Memorial Drive #5, Houston, Texas 77007 (713-875-9659) appeared and stated that he also lived at Park Memorial which Ms. Seluk just spoke of and his concern was also as a homeowner, he purchased the property three years ago and he was 66 now and they were saying the place was not safe, even unlivable, but most homes were outside the danger area, he had not one crack, no structural damage and about the garages he did not know what analysis was done to say it would fall down and he did not want to leave and he still had the mortgage to pay; and hoped for Council's help. Council Members Khan, Rodriguez, Noriega, Green and Jones absent.

Council Member Holm stated that there were so many different people coming into play here with the first being the engineering report and it was very hard when the homeowners had been going through 18 months of negotiation to sell the property and they saw no visible

structural damage and it was hard to accept they could be in catastrophic structural failure and that was why they went back with an independent to get a structural analysis and they were waiting for this analysis because they knew the homeowners thought the one done may not be correct; secondly, they were in final negotiations of selling the property and anticipated closure by November; and Mr. Lopez stated that he never signed to sell and did not think they had a 95% okay to do so; and Council Member Holm stated that she was told they would be closing around November or December and hoped they could encourage a more rapid closure so the property owner who would demolish it could do so with due diligence and help the property owners get their funding so they could move on; that she also thought the city needed to help them terminate their agreement with the management company and finally she thought they should help them find guidelines for better guidelines for management companies, this needed to be a lesson and Mr. Icken did this all the time and was deeply involved in this and working hard for a satisfactory remedy on their behalf, but she did understand their frustration; and Mr. Lopez stated that the units were not even 30 years old; and Council Member Holm stated with the analysis they now had they would assume it was not built properly. Council Members Khan, Rodriguez, Noriega, Green and Jones absent.

Mayor White stated that this was a mess and he wished he had more of a chronology, he knew the majority of residents were aware of the issue and there was a problem with the management company, several studies were done before 2006 and he understood there were holdouts among the group and as a private citizen this was where no good deed goes unpunished and they went to the city and said they found the building may be structurally unsound and asked for help and then the city said there was no such thing as a little unsound; that they would work with them and he would ask the people in Public Works, and he knew PTI had looked at it, maybe nothing could be done, but maybe there was transitional assistance and Council Member Holm made a good suggestion, if the city could promise same day turnaround service to any permit the new owner wanted done if they closed much faster than normal, they may be willing to do that. Council Members Khan, Noriega, Green and Jones absent.

Mr. Jim Carlson, 5292 Memorial #F-5, Houston, Texas 77007 (713-806-0138) appeared and stated that just about all had been talked about, but one issue of the report they paid for was it was done by a company in the business of doing mediation on such issues and to him it was not a real unbiased report; that a couple of gentlemen from the city spoke with them Monday about the city doing a report and preliminary results were in but not final results, but the men were familiar with the first report and his concern was if they wanted an unbiased report they should not know about the first report; that he wanted the city report to be totally unbiased. Council Members Khan, Noriega, Green and Jones absent.

Council Member Holm stated that she appreciated the comments and would look into it, Mr. Icken met with him Monday and was diligently working and she understood an independent person was looking at the issues and it was her impression they were to look at it individually and not comprehensively to see where the analysis were, but they would get the assurance and the information he asked for; and Mr. Carlson stated that this could be as bad as the Candlelight issue, property would be vacant, just sitting there and the owners would still be responsible; and Council Member Holm stated that if it was deemed a catastrophic structural failure it would be vacated and demolished within days, there were few times ordinances were so objective and clear with processes they were required to follow for safety of citizens, but this was one of them. Council Members Khan, Noriega, Green and Jones absent.

Council Member Brown moved that the rules be suspended for the purpose of hearing Ms. Monique Viator after Mr. Roger Campodonici, seconded by Council Member Lawrence. All voting aye. Nays none. Council Member Johnson absent on city business. Council Member Garcia absent on personal business. Council Members Khan, Noriega, Green and Jones absent. MOTION 2008-0632 ADOPTED.

Mr. Roger Campodonici, 5292 Memorial Drive #L-1, Houston, Texas 77007 (713-880-4597) appeared and stated that he was a property owner at the location 12 years and also had concerns about the engineering reports, their board of directors took it upon themselves to file a lawsuit trying to get the insurance carriers to pay for repairs and the lawyer got the engineering reports and he thought they were slanted; that last week they met with the City Code Department and they made it clear the reports were provided to the city and now a part of public record and the city inspector would have access and as mentioned that was not an unbiased report; that the property was very valuable and if it was condemned the buyers would try to get it for nothing. Council Members Khan, Noriega, Green and Jones absent.

Mayor White stated he knew where he was coming from, if a structural engineer was hired and told do your own investigation and another structural engineer said it would fall down, it had to be a brave structural engineer to say no it was not; and Mr. Campodonici stated that was what they were facing. Council Members Khan, Noriega, Green and Jones absent.

Council Member Holm stated because the ordinance was so clearly defined the truth of the matter was all were in a box and this was one of the few times the ordinance clearly defined what had to be done, this was called to the city's attention and they were forced to step in and get an analysis and it would be hard for a structural engineer to come in and now say there was no problem; and there were places all over the city with people living in them who should not be but the places had not been called to the city's attention, here there were people who lived responsibly and took care of their property and knew their circumstances and they owed it to these citizens to make sure they were not coming in equipped with any bias information and unless it was proven to be catastrophic the city needed to help them close their deal and let them move on; and Mr. Campodonici stated that it was made clear to them that the city's independent engineer would have the report; and Council Member Holm stated that she hoped what was meant was that was why they were hiring him, but that question would be asked, they deserved to know. Council Members Khan, Rodriguez, Lovell, Green and Jones absent.

Council Member Clutterbuck stated that part of the problem was there was a mandate from this Administration and fully supported by this Council to shut down structurally unsound buildings, a tragedy happened this summer where two young boys were killed in said type building, but she worried this was an extreme example of an abuse of the system when you had condominium owners living there and on the other hand in her district she met with a property owner who could easily have another euphemism attached to him and expressed to him how important it was to enforce the code and that he bring his apartments up to standard, this was a single owner of multiple apartments and in her opinion it was close to criminal what he was doing, charging people rent to live in structurally unsound and uninhabitable buildings; that here there was potential abuse of the system and on the other hand they could not shut down this property she referred to because it was too occupied and the city did not have money to move them to other properties, it was important to be extremely clear in going after these properties that they not use a shotgun approach, but with such properties she referred to where people cried out for action for years why were they targeting other projects and with limited resources she would urge there be some way to enforce ordinances in the most extreme cases and not allow ordinances to be abused in this manner. Council Members Khan, Rodriguez, Lovell, Green and Jones absent.

Mayor White stated that Council Member Holm too expressed quandary and someone was to be representing a bunch of homeowners and they hired someone and the person said the building was structurally unsound and the insurance company should pay for it and then it was given to the city and that put the public entity with their laws in a box and they were trying to do what they were charged to do and what was expected and there was no footnote which said they should disregard any structural study done to make an insurance claim where people really

did not mean it. Council Members Khan, Lovell, Green and Jones absent.

Council Member Holm thanked all who came and expressed themselves so well and asked all who came in support to stand to be recognized. Council Member Holm further stated to the Mayor that she would like to recommend a team being formed to stay in communication with residents and she did hope the report would be something less than catastrophic failure and give them opportunity to work toward arrangements to sell their property which was proposed and ready to happen; and Mayor White stated that he did get a report after the Monday meeting that Andy Icken, Doug Anders, Tony Belay and residents and attorneys attended and they would continue. Council Members Khan, Green and Jones absent.

Ms. Monique Viator, 9729 Vassoon Drive, Houston, Texas 77025 (713-702-7469) appeared and stated that she was present to speak for animals who had no one to speak for them, she spent all her time and energy taking care of her animals and homeless families in the neighborhood and she could not volunteer at BARC because she could not stomach it and that was a shame the city shelter was not attractive enough or welcoming enough to get people like her in there; that she was present for animals who had died and those sitting in cold and lonely stalls now; that new policies needed to be adopted, volunteers were weary and dispirited because they had no reason to believe anything would change and they were upset and confused by reports out that when Tropical Storm Eduardo was approaching Houston someone issued confidential orders to euthanize countless animals while Galveston was evacuating theirs and she was begging and pleading for Council to do something; that Robertson was now exiting and she begged they consider hiring Nathan Winnigrad, she heard there was a reluctance to hire him to do an assessment, he was the expert in the nation and went into shelters and turned them around; that he could do a national search and she did not understand why they were not doing the right thing. Council Members Khan, Green and Jones absent.

Council Member Brown allowed Ms. Viator to continue; and Ms. Viator stated that killing animals was not the answer, they were not bringing education, intellect, creativity or problem solving skills when they killed them, Houston had a reputation of being "red neck" and on this one issue they could be progressive; that Neimans at Christmas had windows filled with kittens and puppies why could they not make BARC like that, where children would wake up on Saturdays and say lets go see the puppies at BARC instead of it being a shelter in the boondocks, a morgue, a totally horrifying place to go, when she went she saw animals with horror in their eyes, they could allow Nathan Winnigrad who committed his whole career to turning shelters into friendly places and every city showed once the shelter was inviting and a happy place volunteers and money poured in; that if the Mayor and Council were not willing to walk in the room and deliver the fluids to stop their tails from wagging and know it would never wag again they should not write off on a policy enabling others to do so; and again urged the city to please make the shelter a special place. Council Members Lawrence, Khan, Holm, Brown, Green and Jones absent. (NO QUORUM PRESENT)

Mayor White stated that he was personally engaged in trying to find someone with the best in the nation and they would look at the director, he kept hearing he did not care about BARC and nothing would change in his administration and he did not mind criticism but the situation at BARC did have people at this table caring and they did look at suggestions, but people needed to be aware that even though there were increases in funding there were limits on the amount of money which led to unmet needs; and to those who cared about the rights of all living creatures there was something extremely important about the responsibility of those who owned animals; and Ms. Viator stated this generation needed to be educated and the next would be more informed, even the website of San Antonio was so much more colorful, etc., they spent \$12.1 million building a new shelter and many would be flattered for the Mayor to appoint them to spearhead a fundraising building campaign; and Mayor White stated that he wished he could magically coerce people but he could not, all he could do was ask and had. Council Members

Lawrence, Khan, Holm, Brown, Noriega, Green and Jones absent. (NO QUORUM PRESENT)

Council Member Clutterbuck stated that she went and fostered dogs before the Tropical Storm Eduardo along with others, because cages were almost empty, but it was a response to the email concern that there was a memo all dogs would be euthanized, she was later told it was a rumor and there was no confidential kill order, but her question for the Mayor, which she knew would get asked of him, was whether there was such an order, she wanted to know if that was true, but she did not find BARC to be a dismal place though killing one dog was too many and she looked forward to getting a clarification on the report. Mayor White, Council Members Lawrence, Khan, Holm, Brown, Noriega, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell stated that Ms. Kathy Barton was in the Chamber and shaking her head the email was not valid and it would be looked into. Mayor White, Council Members Lawrence, Khan, Holm, Brown, Noriega, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Veronica Newton, 12823 Blue Cromis Lane, Houston, Texas 77045 (832-788-9170) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Khan, Holm, Brown, Noriega, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Janeter Lewis, 10615 Beechnut #1801, Houston, Texas 77072 (281-530-7607) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Khan, Holm, Brown, Noriega, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr/Coach R. J. (Bobby) Taylor, 3107 Sumpter, Houston, Texas 77026 (202-FA3-4511) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Khan, Holm, Brown, Noriega, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Steven Williams, no address (no phone) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Khan, Holm, Brown, Noriega, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. John Johnson, 7102 Windemere, Houston, Texas 77088 (832-443-1900) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Khan, Holm, Brown, Noriega, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Marjorie Hallum, 4002 Whitman, Houston, Texas 77027 (713-850-7969) appeared, presented information and stated that she was present to try and convey the serious situation of Wesleyan Street and she had petitions signed by 120 people representing the Wesleyan Plaza Property Association which she displayed; and stated that changes to Wesleyan must stop now until two other known developments were completed, they were within one traffic light of the same site and a mobility study needed to be done by the city and not developers; that they were on a narrow 60 feet of pavement and 31 of which was a median and there were narrow traffic lanes and a narrow bicycle lane; that all driveways exited onto Wesleyan and the cutaways they wanted to do would cause a dangerous nightmare; that the pollution situation was also overwhelming. Mayor White, Council Members Lawrence, Khan, Holm, Brown, Noriega, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Hallum stated that some were allowed to stand at the podium 20 minutes and she was not being given time to show plans given to her were false and misleading; and Vice Mayor Pro Tem Lovell stated that she did not want to be rude, but her time had expired and she would ask she abide by the rules and leave the podium; and Ms. Hallum stated she felt she was abused by this group and it would now be handled by the law. Mayor White, Council Members Lawrence, Khan, Holm, Brown, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Trent Winters, 7967 W. airport, Houston, Texas 77071 (832-264-1816) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Khan, Holm, Brown, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

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

Mr. Joe Maple, 6228 Hirsh Road, Houston, Texas 77026 (713-631-1555) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Khan, Holm, Brown, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Brenda Parish, 4307 Brook Head Trail, Houston, Texas 77066 (832-249-9472) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Khan, Holm, Brown, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Rhonda Major, 17049 El Camino Real #100, Houston, Texas 77058 (832-864-1233) appeared and stated that she had prepared a statement and sent it earlier today and would quickly read through; that she had been involved in some capacity in every Mayoral Administration since Kathy Whitmire through her career with the management company in Clear Lake, not the one they were talking of, the Association of the Clear Lake Community she was responsible for forms, volunteering, etc., for 20 years and until several weeks ago lived a very blessed and naïve life and had never been a victim or related to any victim of any life altering crime, however, today she wanted Council in her shoes, she wanted them to imagine themselves as a parent, grandparent, relative or close friend to someone drugged with needles, beaten and raped after being led to believe they were beautiful and could have a successful career as a model; imagine the predator handing out business cards to the general public to their website, that happened to her 15 year old daughter and a friend, they were approached in a small town and taken to Houston where the assault occurred and as mother of one of the victims she was pleading for help; first she was told there was not a law or crime for solicitation of juveniles in this capacity and the predator who set up these two girls may walk free; that she was meeting with state representatives and the State of Texas Criminal Justice Committee to see what could be done to implement a law establishing this crime and charges affiliated with it and she understood a similar law was enacted for the same type of crime for predators on the internet and she would like assistance from Council in drafting a Bill and getting it to the right people to present at the next session of the Legislature; second she wanted the matter made public so other parents and potential victims would be aware of the scam, she understood the same activities were investigated by HPD for a long time, four months, her daughter made a poor choice to go with this predator and would pay for it the rest of her life, but it was the perfect lure in a small town with vulnerable teenagers and the predator looked like one of them with a cute baby so who would be suspicious; that they were smart outgoing high school students lured into a scam of monumental consequences. Mayor White, Council Members Lawrence,

Khan, Holm, Rodriguez, Brown, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Council Member Sullivan stated that he knew this was difficult and allowed her to continue; and Ms. Major stated that she wanted a law against predation of teenagers and juveniles and the matter made public by HPD or her daughter who worked for the Houston Chronicle would and she heard for underfunding of HPD and has found federal grants Houston had not applied for, one with Homeland Security and one with Criminal Justice Committee and her detective had 30 cases ahead of her, there were 12 in the Juvenile Crime Division who also had that workload and if they tried to get reprieve on some of the funding issues they may have additional support; that she felt hers should be priority because they knew of seven girls raped during the same setups and she felt the city was insensitive and she received no response to her issue. Mayor White, Council Members Lawrence, Khan, Holm, Rodriguez, Brown, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell stated that this was on a municipal channel and people had heard her story; that someone was present with HPD if she would care to speak with them at this time and she needed to contact Mr. Andy Kahn who had many resources in networking and could help her, he knew all resources for help. Mayor White, Council Members Lawrence, Khan, Holm, Rodriguez, Noriega, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

The City Secretary stated that Mr. Joe Maple was previously called and she understood he was now present and called him to be the next speaker. Mayor White, Council Members Lawrence, Khan, Holm, Brown, Noriega, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Joe Maple, 6228 Hirsh Road, Houston, Texas 77026 (713-631-1555) was now present and appeared and stated that his property needed help; that he had been there almost 40 years and now his neighbor had a permit to put a scrap yard next door and the fence went all the way to the property line and they had ditches, he needed help in getting the fence back to the building line and maybe a hurricane or iron fence in the front; that he was told there was no zoning and he understood, but coming from the north side of Hirsh you could not even see his building. Mayor White, Council Members Lawrence, Khan, Holm, Rodriguez, Brown, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell stated that he lived in District B and his Council Member was not present; and upon questions, Mr. Maple stated that he spoke with Council Member Johnson's office yesterday and emailed pictures to his office; and Vice Mayor Pro Tem Lovell stated that since they had his information she was sure they were looking into his situation and he could wait for their call or call them again, but Citizens Assistance Office was present at this time and if he would give them information they would get with his District Council Member and see if he could get any relief; and Mr. Maple stated that he was first told he was in Council Member Garcia's district and they did assist him and told him he was in Council Member Johnson's district, but he did appreciate what they did. Mayor White, Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Brown, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Carl Terry, 302 14th North, Texas City, Texas 77590 (281-827-0754) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Brown, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Samuel Kelly, 8514 Prairie View, Houston, Texas 77088 (281-995-0241) had reserved

time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Brown, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Michael Cardwell, 9743 Grenader, Houston, Texas 77089 (832-768-2029) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Brown, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Monica Walton, 301 Wilcrest, Houston, Texas 77042 (832-387-7533) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Brown, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. C. J. Harrison, 3611 Parkwood, Houston, Texas 77021 (832-297-0651) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Brown, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Sharon Shepherd, 8100 West Park, Houston, Texas 77063 (713-780-4647) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Brown, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Bob Tabor, 10018 Warwana Road, Houston, Texas 77080 (713-870-5607) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Brown, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Joyce Ballenger, 11301 Gladewater Drive, Pearland, Texas 77584 (713-436-4972) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Brown, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Tony Jones, 1950 Spenwick #318, Houston, Texas 77055 (713-935-0011) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Brown, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Ed Brown, 41 Rollingwood, Houston, Texas 77080 (713-365-9916) appeared, presented pictures for viewing and stated that he was executive vice president of Super Neighborhood 10 and present for his civic neighborhood association and the Spring Branch Civic Association as well, but at present did not represent the Super Neighborhood as they had not voted on any resolutions; that July 24<sup>th</sup> they had a two inch rainfall and it caused flooding issues; that they recently had a bridge placed on Bunker Hill Road and there were two 84 inch culverts under the water, the engineering studies said it was to be a 100 year level of service and yet a two inch rain put the water over the culverts; that there was plenty more capacity in the creek, it could have handled more water and the old bridge did handle more water; that what they were looking at was six or seven feet deep and water backed up and flooded streets; that many put together the DVD he passed to the Mayor and Council Members and he would beseech them to look at it. Mayor White, Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Brown, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Vice Mayor Pro Tem Lovell stated that Council Member Khan chaired the Flooding and Drainage Committee and they would make sure he received copies and if he had extra Mr. Gary Norman with Public Works was in the Chamber at this time to receive the information. Mayor White, Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Brown, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Ms. Olevia Randall, 6023 Beldart, Houston, Texas 77033 (713-733-2348) had reserved time to speak but was not present when her name was called. Mayor White, Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Brown, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

Mr. Lonn Lee Vasquez, 1704 Weber, Houston, Texas 77007 (713-864-5667) had reserved time to speak but was not present when his name was called. Mayor White, Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Brown, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (832-407-5344) appeared and stated that he was present to address his crime victim case and he was the U. S. President; and continued expressing his personal opinions until his time expired. Mayor White, Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Brown, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

At 6:12 p.m. City Council recessed until 9:00 a.m., Wednesday, August 13, 2008. Council Member Johnson absent on city business. Council Member Garcia absent on personal business. Mayor White, Council Members Lawrence, Sullivan, Khan, Holm, Rodriguez, Brown, Green and Jones absent. Vice Mayor Pro Tem Lovell presiding. (NO QUORUM PRESENT)

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

At 8:28 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:33 a.m. Mayor White called the meeting to order and stated that the first item on the agenda was a public hearing. Council Members Sullivan and Jones absent.

## **HEARINGS**

1. **PUBLIC HEARING** to consider a Municipal Setting Designation ordinance (MSD) for the LUI Houston Studemont L.P. for the site located at 1200 Givens - **DISTRICT H – GARCIA** – was called.

The City Secretary stated that Ms. Carol Ellinger, Public Works, would make comments and they did have one speaker who had reserved time to be heard. Council Members Sullivan and Jones absent.

Ms. Ellinger stated that she was a Senior Assistant Director of the Department of Public Works & Engineering, that as they may recall, the Texas Legislature authorized Municipal Setting Designations or MSDs almost five years ago, that an MSD designates a particular

parcel, beneath which contaminated groundwater is prohibited from use as potable water, that this State law was administered by the Texas Commission on Environmental Quality or TCEQ, that MSDs were intended to encourage redevelopment of vacant or abandoned property while protecting the public health; that she was present because, although TCEQ was the agency that issued an MSD, participation in the State program required local support, that on August 22, 2007, City Council amended Chapter 47 of the Code of Ordinances by adding a new Article 13, that the Council action provided a process by which the City may support, or not support, a party's MSD application to the State, that LUI Studemont Houston, L.P., had applied through the process for an MSD approximately at 1.36 acres located one-quarter mile south of Interstate Highway 10, east of Studemont Street, that the address was 1200 Givens Street; that the Site has had various commercial or industrial operations since approximately 1949, the most recent property use was a bumper repair service shop, that the property was currently vacant and inactive, that although LUI Studemont Houston, L.P., did not cause the contamination, it assumed responsibility for the cleanup when it acquired the property in 2006; that environmental investigation activities had identified nine chemicals of concern or contaminants at the site, that the site was currently participating in TCEQ's Voluntary Cleanup Program and through that effort, soil remediation was performed in December 2007 and there were no current sources of soil or groundwater contamination, that the associated plumes were stable or even contracting since the source had been removed, however, contamination did still exist in the groundwater that exceeded human ingestion protection levels; that today's public hearing was a required step in the MSD process; that in April 2008 written notice was mailed to property owners within ½ mile of the property and to owners and operators of water wells within 5 miles, that PWE then hosted a public meeting on May 20, 2008, at the United Way Center, which was very near the site, the public meeting was well-attended and representatives of LUI Houston Studemont were also present to answer questions, that based on the information supplied in the application, input from various City Departments, and input at the public meeting, the Director of Public Works and Engineering had requested the public hearing and was currently preparing a recommendation to support this MSD application; that depending upon the outcome of today's public hearing, the Director of Public Works and Engineering would forward a request that Council adopt an ordinance to support this MSD application, that the ordinance included all the elements required by State law and Article 13 of Chapter 47 of the Code of Ordinances; that in particular it stated that the City's support of LUI Houston Studemont's application to TCEQ; it prohibited the use of groundwater from beneath the designated property as potable water; and described the maximum depth of the designated groundwater – in this case 200 feet. Council Members Sullivan and Jones absent.

Council Member Noriega asked if Ms. Ellinger had stated that the plumes were stable, and Ms. Ellinger stated that was correct, that based on the monitoring data the plumes were stable, and Council Member Noriega stated that Ms. Ellinger mentioned there were nine contaminants and asked if she had a list and Ms. Ellinger stated that they were in the application and would provide them to her. Council Members Sullivan and Jones absent.

Council Member Brown asked what, in Ms. Ellinger's view, was the highest and best future use of the property, and Ms. Ellinger stated that she did not know if the Department of Public Works would have an opinion on the highest and best use of the property and believed that would be for the owner of the property to provide, that this was a process to which it could come back into the development pool; and Mayor White stated that this was very good that Mayor White initiated the Municipal Settings Designation procedure in the City and thought it addressed a lot of the issues of taking their brownfields, of which they had many, and this was one, and bringing them back into the market place so that they could be used for the appropriate use and be back on the tax rolls producing revenue. Council Member Jones absent.

Council Member Adams asked how many MSDs did they have currently in the City of Houston, and Ms. Ellinger stated that this was a brand new program and they had one application that had made it through for the City of Houston support, but it had not been granted by the State, it was actually the second application through this point in the process. Council Member Jones absent.

Mayor White requested the City Secretary to call the public speaker. Council Member Jones absent.

Mr. Jerry Higdon, 909 Fannin, Ste. 2200, Houston, Texas 77010 (713-470-6100) appeared and stated that he was an attorney with the Law Firm of Sutherland, Asbill and Brennan, representing the applicant, LUI Houston Studemont, L.P., that his presence was merely to offer himself up to answer questions, that he supported the proposal and was also a resident in the area, about a mile from the facility and support for that reason as well. Council Member Jones absent.

Council Member Khan moved to close the public hearing, seconded by Council Member Green. All voting aye. Nays none. Council Member Johnson absent on city business. Council Member Garcia absent on personal business. Council Member Jones absent. MOTION 2008-0633 ADOPTED.

#### **MAYOR'S REPORT**

Mayor White stated that they would move to the consent agenda. Council Member Jones absent.

#### **CONSENT AGENDA NUMBERS 2 through 34**

#### **MISCELLANEOUS** - NUMBERS 3 and 4

3. REQUEST from Mayor for confirmation of the reappointment of the following as **Full-Time Municipal Court Judges** for two year terms:

**NANCY J. BAILEY**  
**GLADYS T. BRANSFORD**  
**MARIA E. CASANOVA**  
**GRANTHAM HARLAN COLEMAN**  
**HERBERT GEE**  
**KATHY K. HAN**  
**MARIA T. JACKSON**  
**STEVEN E. KIRKLAND**

**GORDON G. MARCUM II**  
**ESMERALDA PEÑA GARCIA**  
**IMELDA REYES-CASTILLO**  
**LEIGH F. SAINT-GERMAIN**  
**ADAM SILVERMAN**  
**ELAINE M. TIMBERLAKE**  
**FRANCELIA E. TOTTY**

- had been pulled from the Agenda by the Administration, and was not considered. Council Member Jones absent.

4. REQUEST from Mayor for confirmation of the appointment or reappointment of the following as **Part-Time Municipal Court Judges** for two year terms:

**JOEL SALAZAR**, reappointment  
**WALTER SCHROEDER**, reappointment  
**SCOTT K. BOATES**, reappointment  
**SHERILYN EDWARDS**, reappointment  
**MARGARET MUNOZ-HARKINS**, reappointment  
**FAD WILSON, JR.**, reappointment  
**CATHERINE N. WYLIE**, appointment  
**DAVID QUAN**, reappointment  
**ANDREW MARTIN**, reappointment  
**ANGELA P. PHEA**, reappointment  
**URSULA HALL**, reappointment  
**JOHN CHASE, JR.**, reappointment  
**SHERRY APPLEWHITE**, reappointment  
**KERRI J. DORMAN**, appointment  
**OSWALD J. SCOTT, JR.**, reappointment  
**JOSEFINA NELSON**, reappointment  
**ROBERT ROSENBERG**, reappointment

**RAUL RODRIGUEZ**, reappointment  
**JACQUELINE MILLER**, appointment  
**JOELLEN SNOW**, reappointment  
**NIKITA V. HARMON**, reappointment  
**ARTURO DELEON, JR.**, reappointment  
**BURHAN NOMANI**, reappointment  
**STEPHAN HONORÉ**, reappointment  
**TRI NGUYEN**, reappointment  
**MARIO MADRID**, appointment  
**JOSEFINA M. RENDON**, reappointment  
**LYDIA JOHNSON**, reappointment  
**WILLIAM A. ALLEN**, reappointment  
**MIN UN LEE**, reappointment  
**BARBARA HARTLE**, reappointment  
**AMPARO MONIQUE YAÑEZ**, reappointment  
**MIMI MALICK BERKOWITZ**, appointment  
**HOWARD L. SPEIGHT**, reappointment

- had been pulled from the Agenda by the Administration, and was not considered. Council Member Jones absent.

**ACCEPT WORK** - NUMBERS 5 through 8

5. RECOMMENDATION from Director General Services Department for approval of final contract amount of \$1,521,789.00 and acceptance of work on contract with **MERIDIAN COMMERCIAL, L.P.** for Renovation of West End Health Center - Phase II, WBS H-000068-0002-4 - 9.75% over the original contract amount - **DISTRICT H – GARCIA** – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Johnson absent on city business. Council Member Garcia absent on personal business. Council Member Jones absent. MOTION 2008-0634 ADOPTED.
6. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$8,696,274.77 and acceptance of work on contract with **TEXAS STERLING CONSTRUCTION, L.P.** for Hermann Drive Relief Storm Sewer Project - Segment II from Main Street to 600 feet east of Jackson Street, WBS M-000260-

0002-4 - 0.91% under the original contract amount - **DISTRICT D - ADAMS** – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Johnson absent on city business. Council Member Garcia absent on personal business. Council Member Jones absent. MOTION 2008-0635 ADOPTED.

7. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,488,207.69 and acceptance of work on contract with **TROY CONSTRUCTION, L.L.P.** for Water Distribution System Rehabilitation and Renewal, WBS S-000035-0V10-4 (WA 10855-03) - 0.99% over the original contract amount – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Johnson absent on city business. Council Member Garcia absent on personal business. Council Member Jones absent. MOTION 2008-0636 ADOPTED.
8. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$14,741,025.00 and acceptance of work on contract with **PEPPER-LAWSON CONSTRUCTION, L.P.** for East Water Purification Plant (EWPP) Upgrade and Optimization, WBS S-000056-0029-4 - 3.96% over the original contract amount - **DISTRICT E - SULLIVAN** – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Johnson absent on city business. Council Member Garcia absent on personal business. Council Member Jones absent. MOTION 2008-0637 ADOPTED.

**PROPERTY** - NUMBERS 9 through 11

9. RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners, into the Registry of the Court, pay all costs of Court and not file any objections to the award in connection with eminent domain proceeding styled City of Houston v. Brentwood Baptist Church, et al., Cause No. 908,756; for acquisition of Parcel AY5-190; for the **BUFFALO SPEEDWAY PAVING PROJECT from W. Orem - W. Airport**, WBS/CIP N-000619-0001-2-01-01 **DISTRICT D - ADAMS** – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Johnson absent on city business. Council Member Garcia absent on personal business. MOTION 2008-0638 ADOPTED.
10. RECOMMENDATION from City Attorney to deposit the amount of the Award of Special Commissioners, into the Registry of the Court, pay all costs of Court and not file any objections to the award in connection with eminent domain proceeding styled City of Houston v. Autotronic Systems, Inc., et al., Cause No. 890,961; for acquisition of Parcel AY6-028; for the **LONG POINT @ BLALOCK INTERSECTION IMPROVEMENTS PROJECT (Oak Tree - Freedonia)**, WBS/CIP N-000674-0002-2-01-01 - **DISTRICT A - LAWRENCE** – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Johnson absent on city business. Council Member Garcia absent on personal business. MOTION 2008-0639 ADOPTED.

Council Member Rodriguez stated that he was concerned about the funding source of the agreement, that it said future agreements on the funding would be made with the Fourth Ward TIRZ and he just wanted to know if they had approved funding for the parcel, and Mayor White stated that Item No. 11 had been pulled for separate consideration, that when they got to the item he would answer Council Member Rodriguez's question, and Council Member Rodriguez stated that he thought Item No. 11 had been called; that he wanted to make sure that somebody heard and could assist him or do some homework in answering his question when it comes up.

**PURCHASING AND TABULATION OF BIDS** - NUMBERS 12 through 14A

12. **FLEX-O-LITE DIVISION** for Spheres, Reflective Glass, Type III for the Houston Airport System \$1,575,575.00 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Johnson absent on city business. Council Member Garcia absent on personal business. MOTION 2008-0640 ADOPTED.
13. **STAGE LIGHT, INC** for Lighting, Theatrical Replacement Parts and Repair Services for the Convention & Entertainment Facilities Department - \$1,130,000.00 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Johnson absent on city business. Council Member Garcia absent on personal business. MOTION 2008-0641 ADOPTED.
14. ORDINANCE approving and authorizing Interlocal Cooperative Purchasing Program Agreement between the City of Houston and the **CITY OF DALLAS** – was presented. All voting aye. Nays none. Council Member Johnson absent on city business. Council Member Garcia absent on personal business. ORDINANCE 2008-0704 ADOPTED.
- 14a. **INTEGRIAN, INC** for Digital Patroller In-Car-Video Cameras and Software for the Houston Police Department through the Interlocal Agreement for Cooperative Purchasing with the City of Dallas, Texas - \$1,090,125.00 - DARLEP Fund – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Johnson absent on city business. Council Member Garcia absent on personal business. MOTION 2008-0642 ADOPTED.

**RESOLUTIONS AND ORDINANCES** - NUMBERS 15 through 34

15. RESOLUTION approving an application requesting financial assistance from the Texas Water Development Board – was presented. All voting aye. Nays none. Council Member Johnson absent on city business. Council Member Garcia absent on personal business. RESOLUTION 2008-0022 ADOPTED.
18. ORDINANCE amending various provisions of the City of Houston Commercial Energy Conservation Code; containing findings and other provisions relating to the foregoing subject; providing for severability – was presented. All voting aye. Nays none. Council Member Johnson absent on city business. Council Member Garcia absent on personal business. ORDINANCE 2008-0705 ADOPTED.
19. ORDINANCE amending the City of Houston Construction Code by adopting a revised City of Houston Electrical Code; containing other provisions relating to the foregoing subject; containing a savings clause; providing an effective date; providing for severability – was presented. All voting aye. Nays none. Council Member Johnson absent on city business. Council Member Garcia absent on personal business. ORDINANCE 2008-0706 ADOPTED.
20. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a portion of Calumet Drive (Parcel SY7-064), from Fannin Street to San Jacinto Street, containing 0.4591 acres of land, more or less; vacating and abandoning said tract to St. Paul's United Methodist Church, abutting owner, in consideration of owner's conveyance to the City of a utility easement (Parcel VY7-033) and right-of-way to widen Binz Avenue (Parcels AY7-375A and AY7-375B), all located in the MacGregor and DeMeritt's Southmore Addition, Section 2, J. Christy Survey, A-212,

Houston, Harris County, Texas, and owner's payment to the City of \$505,150.00 - **DISTRICT D - ADAMS** – was presented. All voting aye. Nays none. Council Member Johnson absent on city business. Council Member Garcia absent on personal business. ORDINANCE 2008-0707 ADOPTED.

21. ORDINANCE establishing the north and south sides of the 2000 block of West 14th Street within the City of Houston as a special building line requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT A - LAWRENCE** – was presented. All voting aye. Nays none. Council Member Johnson absent on city business. Council Member Garcia absent on personal business. ORDINANCE 2008-0708 ADOPTED.
22. ORDINANCE establishing the north and south sides of the 2000 block of West 14th Street within the City of Houston as a special minimum lot size requirement area pursuant to Chapter 42 of the Code of Ordinances, Houston, Texas - **DISTRICT A - LAWRENCE** – was presented. All voting aye. Nays none. Council Member Johnson absent on city business. Council Member Garcia absent on personal business. ORDINANCE 2008-0709 ADOPTED.
23. ORDINANCE amending Ordinance 2007-255 and Ordinance 2003-1259 to substitute a first amended and restated declaration of land-use restrictions (restrictive covenants); and approving and authorizing second amendment to loan agreement with **PRIMROSE HOUSTON 7 HOUSING, L.P.**, all to change the affordability, rent, lease, and tenant occupancy requirements in connection with the City's loan for the construction of an apartment complex in the 5000 and 5100 blocks of Airline Drive, Houston, Texas; and authorizing the City's consent to a first amended and restated declaration of land-use restrictions (restrictive covenants) - **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. Council Member Johnson absent on city business. Council Member Garcia absent on personal business. ORDINANCE 2008-0710 ADOPTED.
24. ORDINANCE amending Ordinance 2007-256 and Ordinance 2004-0562 to substitute a second amended and restated declaration of land-use restrictions (restrictive covenants); approving and authorizing second amendment to loan agreement with **TX ALDINE-BENDER HOUSING, L.P.**, all to change the affordability, rent, lease, and tenant occupancy requirements in connection with the City's loan for the construction of an apartment complex in the 100 block of Aldine-Bender Road, Houston, Texas, and authorizing the City's consent to a second amended and restated declaration of land-use restrictions (restrictive covenants) - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Member Johnson absent on city business. Council Member Garcia absent on personal business. ORDINANCE 2008-0711 ADOPTED.
25. ORDINANCE approving and authorizing contract between the City and **UNITY NATIONAL BANK, HOUSTON, TEXAS**, for a Deposit Placement and Certificate of Deposit Account Registry Service Deposit Placement Agreement – was presented. All voting aye. Nays none. Council Member Johnson absent on city business. Council Member Garcia absent on personal business. ORDINANCE 2008-0712 ADOPTED.
26. ORDINANCE approving and authorizing agreement for Professional Services by and between the City of Houston and the **GREATER HOUSTON PARTNERSHIP** for Economic Development Services for the Houston Airport System and the Convention and Entertainment Facilities Department - \$885,000.00 - Enterprise Funds – was presented. All voting aye. Nays none. Council Member Johnson absent on city business. Council Member Garcia absent on personal business. ORDINANCE 2008-0713 ADOPTED.

27. ORDINANCE approving and authorizing contract between the City of Houston and the **ACTIVE NETWORK, INC** for an On-Line Registration and Fee Collection System for Adult Sports for City Recreation Facilities for the Parks & Recreation Department; providing a maximum contract amount - \$24,500.00 - General Fund – was presented. All voting aye. Nays none. Council Member Johnson absent on city business. Council Member Garcia absent on personal business. ORDINANCE 2008-0714 ADOPTED.
29. ORDINANCE approving and authorizing contract between the City of Houston and the **HOUSTON ARTS ALLIANCE** for Professional Civic Art and Conservation Administration Services on behalf of the Houston Airport System; providing a maximum contract amount - \$310,850.00 - Enterprise Fund - **DISTRICTS B - JOHNSON; E - SULLIVAN and I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Member Johnson absent on city business. Council Member Garcia absent on personal business. ORDINANCE 2008-0715 ADOPTED.
31. ORDINANCE appropriating \$3,062,900.00 out of Water & Sewer System Consolidated Construction Fund, awarding contract to **METRO CITY CONSTRUCTION, L.P.** for Water Line Grid Extensions at various locations, WBS S-000700-0063-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering, testing, project management and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund - **DISTRICTS D - ADAMS; G - HOLM; H - GARCIA and I - RODRIGUEZ** – was presented. All voting aye. Nays none. Council Member Johnson absent on city business. Council Member Garcia absent on personal business. ORDINANCE 2008-0716 ADOPTED.
32. ORDINANCE appropriating \$2,816,045.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **UNDERGROUND TECHNOLOGIES, INC** for Wastewater Collection System Rehabilitation and Renewal, WBS R-000266-0117-4; 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 out of the Water & Sewer System Consolidated Construction Fund – was presented. All voting aye. Nays none. Council Member Johnson absent on city business. Council Member Garcia absent on personal business. ORDINANCE 2008-0717 ADOPTED.
33. ORDINANCE appropriating \$3,598,980.00 out of Water & Sewer System Consolidated Construction Fund; awarding contract to **UNDERGROUND TECHNOLOGIES, INC** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Methods, WBS R-000266-0120-4; setting a deadline for the bidder's execution of the contract and delivery of all bonds, insurance, and other required contract documents to the City; holding the bidder in default if it fails to meet the deadlines; providing funding for engineering and testing, project management, and contingencies relating to construction of facilities financed by the Water & Sewer System Consolidated Construction Fund – was presented. All voting aye. Nays none. Council Member Johnson absent on city business. Council Member Garcia absent on personal business. ORDINANCE 2008-0718 ADOPTED.
34. ORDINANCE No. 2008-702, passed first reading August 6, 2008  
ORDINANCE granting to **AROUND THE CLOCK TRASH HAULING, 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 Johnson absent on city business. Council Member Garcia absent on personal business. ORDINANCE 2008-0702 PASSED SECOND READING IN FULL.

**MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:**

**MISCELLANEOUS**

2. REQUEST from Mayor for confirmation of the appointment of **MR. HAROON R. SHAIKH**, to Position Three of the **HARRIS COUNTY-HOUSTON SPORTS AUTHORITY BOARD OF DIRECTORS**, for a term to expire August 31, 2010 – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Johnson absent on city business. Council Member Garcia absent on personal business. MOTION 2008-0643 ADOPTED.

Mayor White and Council Members Khan and Jones congratulated Mr. Shaikh on his appointment and thanked him for his service to the City. Council Members Clutterbuck and Lovell absent.

**PROPERTY**

11. RECOMMENDATION from Director General Services Department for condemnation of .229 acres of land located at 1204, 1206 and 1208 Victor Street and 1510-1512 Cushing Street, owned by Estrellita H. Redus, Trustee of the Redus Revocable Trust - **DISTRICT I – RODRIGUEZ** – was presented, moved by Council Member Khan, seconded by Council Member Green. Council Member Lovell absent.

Mayor White stated that he would answer the previous question by Council Member Rodriguez, they thought they had a contract, there may be some issues of who they could deal with, they had been working with members of the local community including Mount Hibren and Pastor Smith, who was right across the street, that it was to enhance and provide some parking for the Gregory School property, they had meetings periodically with the Chair of the TIRZ and others who were working cooperatively to implement their plan; that because they now underwent the Gregory School and could not wait for parking and because of the difficulties of trying to clear and obtain title and get a meaningful response to an offer that was more than fair by any criteria, they were taking this action on condemnation, that there was sort of a special fund which was sort of like their holding funds where they had used it to buy or sell real estate and then be reimbursed from other funds, that he would mention to all including Mr. Fiederlein and Mr. Fontaine, who was monitoring some of the Fourth Ward Projects, on his behalf, that they wanted to make sure that there was some reimbursement from the TIRZ, that would be their intent, to get some reimbursement from the TIRZ, when and how they would do that Mr. Fiederlein and others would have to help him determine, the sooner the better; and finally, thanks to Council Member Rodriguez for suggesting two extremely qualified people to that board where they had an opening, that he did not know if Ms. Cabral had sent around to the Council Members the names, that he wanted to thank him for his participation in that. Council Member Lovell absent.

Council Member Rodriguez stated that he would like for someone to come and visit with him about the sale and condemnation and would tag the item so he could get up to speed on it, that he did want to visit with the Fourth Ward TIRZ because he did not think they had approved

the money yet and wanted to make sure that things were on track. Council Member Lovell absent.

### **RESOLUTIONS AND ORDINANCES**

16. ORDINANCE **AMENDING SECTION 47-164 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to developer participation contracts; containing findings and other provisions relating to the subject; providing for severability – was presented, and tagged by Council Member Holm. Council Member Lovell absent.
17. ORDINANCE appropriating \$12,000,000.00 out of Water & Sewer System Consolidated Construction Fund, \$1,500,000.00 out of Drainage Improvement Commercial Paper Fund, \$2,000,000.00 out of Homeless and Housing Consolidated Fund and \$2,000,000.00 out of Affordable Housing Uptown Series 2004 Fund for the City's Developer Participation Contract Program – was presented, and tagged by Council Member Holm. Council Member Lovell absent.
28. ORDINANCE awarding contract to **EMR ELEVATOR, INC** for Elevator, Escalator, Booklifts and Manlifts Maintenance for Various Departments; providing a maximum contract amount - 3 Years with two one-year options - \$4,440,392.30 - General, Fleet Management, Building Inspection and Enterprise Funds – was presented. All voting aye. Nays none. Council Member Johnson absent on city business. Council Member Garcia absent on personal business. Council Member Lovell absent. ORDINANCE 2008-0719 ADOPTED.
30. ORDINANCE appropriating \$450,000.00 out of Airports Improvement Fund and approving and authorizing contract between the City of Houston and **AMANI ENGINEERING, INC** for Professional Engineering Services at George Bush Intercontinental Airport/Houston (Project No. 638); WBS A-000561-0001-3-01 - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Member Johnson absent on city business. Council Member Garcia absent on personal business. ORDINANCE 2008-0720 ADOPTED.

### **MATTERS HELD** - NUMBERS 35 through 39

35. MOTION by Council Member Khan/Seconded by Council Member Garcia to adopt recommendation from Director Department of Public Works & Engineering for approval of final contract amount of \$1,436,500.02 and acceptance of work on contract with **MCKINNEY CONSTRUCTION, INC** for Water Line Replacement in Clinton Park, Settegast, and Sunnyside Areas, WBS S-000036-0009-4 - 3.60% under the original contract amount - **DISTRICTS B - JOHNSON; D - ADAMS and I - RODRIGUEZ** – **(This was Item 9 on Agenda of August 6, 2008, TAGGED BY COUNCIL MEMBER BROW)** – was presented. All voting aye. Nays none. Council Member Johnson absent on city business. Council Member Garcia absent on personal business. MOTION 2008-0644 ADOPTED.
36. ORDINANCE approving and authorizing contract between the City and **CAMBRIDGE INTEGRATED SERVICES GROUP, INC** for Third Party Administration of the City's Workers' Compensation Program and related services; providing a maximum contract amount - 3 Years with 2 two-year options - \$19,897,025.00 - Workers' Compensation Fund – **(This was Item 14 on Agenda of August 6, 2008 TAGGED BY COUNCIL MEMBER CLUTTERBUCK)** – was presented. All voting aye. Nays none. Council Member Johnson absent on city business. Council Member Garcia absent on personal

business. ORDINANCE 2008-0721 ADOPTED.

37. ORDINANCE approving the closings to vehicular traffic of railroad crossings of Canal Street, Delmar Street, Edgewood Street and Manchester Street; vacating and abandoning those tracts of land to Union Pacific Railroad Company, the abutting owner, while reserving and retaining utility easements in the underlying property - **DISTRICT I – RODRIGUEZ – (This was Item 15 on Agenda of August 6, 2008, TAGGED BY COUNCIL MEMBER RODRIGUEZ)** – was presented. All voting aye. Nays none. Council Member Johnson absent on city business. Council Member Garcia absent on personal business. ORDINANCE 2008-0722 ADOPTED.
38. ORDINANCE appropriating \$2,100,000.00 out of Metro Project Commercial Paper Series E Fund, WBS N-000662-0032-4 and \$1,401,000.00 out of Street & Bridge Consolidated Construction Fund, WBS N-000817-0001-4; awarding construction contract to **TEXAS STERLING CONSTRUCTION COMPANY** for Intersection Construction Contract (Work Order Project) City wide, and Railroad Crossing Quiet Zone Improvement Program; 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 services, project management, and contingencies relating to construction of facilities financed by the Metro Project Commercial Paper Series E Fund, and Street & Bridge Consolidated Construction Fund – **(This was Item 30 on Agenda of August 6, 2008, TAGGED BY COUNCIL MEMBER SULLIVAN)** – was presented. All voting aye. Nays none. Council Member Johnson absent on city business. Council Member Garcia absent on personal business. ORDINANCE 2008-0723 ADOPTED.
39. RECOMMENDATION from Director Department of Public Works & Engineering for approval of annual payment for participation in the Galveston Bay Estuary Program projects through the Houston-Galveston Area Council - \$100,000.00 - Enterprise Fund – **(This was Item 39 on Agenda of August 6, 2008, TAGGED BY COUNCIL MEMBER ADAMS)** - was presented, moved by Council Member Khan, seconded by Council Member Green.

Council Member Holm stated that she continued to have some questions, that the request was for \$100,000 out of the Water and Sewer Operating Fund to support the Galveston Bay Estuary Program, which was a non regulatory program, that it was a partnership of local governments, businesses, industries, recreational anglers, ports, citizens, conservation organizations and resource agencies that collaboratively leverage funds and implement the Galveston Bay Plan, that she could not find that they had ever supported this in the past, so she was trying to figure out, one, why it was actually important to the City of Houston, and second, it sounded to her like it was a membership to a program, and how was that appropriate for them to use Water and Sewer Operating Funds to support a program; and the final question related to some comments that Mayor White made the first time it came forward and he indicated in a statement that this was something that he felt was important to support at the request of a County Commissioner and she was having a little bit of a problem trying to figure out if that was appropriate for the City to support a request and what was the message that he was sending, that she was having a hard time supporting the item as she was defining it.

Mayor White stated that he thought was an excellent question and the first one that he posed as well; that perhaps there was some additional expertise that they could bring to bear; that there had been a number of projects done by this particular organization, that he guessed they could call them projects that had some regional significance on water, for example, the Mason Park Project where they had created some wetlands, which were very interesting and provided a good amenity as well as down stream detention, that was something that they had

studied and contributed to and there were some other issues that they studied, including wetlands planning and trash cleanups along the bayous, that he could not tell her that he was familiar with other than that Mr. Taylor and people within the Public Works Department had originated this and had urged that it was an appropriate entity in order to do this particular study; that as an initial matter when he saw the item coming up from Public Works on the agenda it was Public Works and career professionals within Public Works who had identified it as an appropriate entity, an entity that had some credibility and had been used to do things of regional significance; that the next topic was what were they spending the money for, that if they looked at the area along Halls Bayou, that if they looked at the City of Houston, they had Keith Wiess Park, which was a 500 acre park north of Aldine Mail Rd., that was sort of roughly parallel to Highway 59 and Tidwell, but if they continued going to the west of Highway 59 they had the city limits and then they had an area that was outside the city limits and then they had a major City park, and those areas outside of the city limits, there were one or two, 1950's or 1960's vintage subdivisions, within those subdivisions that were along Halls Bayou there were private water vendors, that what they found in dealing with the private water vendors, he was not condemning all of them necessarily, but they had more than their fair share of cases where there was a private water vendor and then they allowed the system to be not well maintained, that these were people who were living in their metropolitan area where the City of Houston or somebody had to come to the rescue, so the purpose of the study was not to wait until there was a crisis, where people's water was brown, but to understand on the Water and Wastewater and Ms. Stein had reminded him that there were more wastewater issues than water issues, the integrity of the wastewater, to analyze the conditions of the systems and the cost and the appropriate public entity that would not be required to but what were the different scenarios providing the water sewer system, that there was no decision on this, it was just to get a sense of what this community may be confronting, that it might be five or ten years down the road, but he would rather keep in front of it; that finally, she was correct that he indicated that it was an issue that was highlighted to by the County Commissioner in whose precinct this was in, that he thought it was an appropriate request, he did not think it was inappropriate to highlight that, that he did highlight around the Council table that they considered these things on the merits and it was not a quid pro quo, that maybe in some Counties and some Commissioners that was the way they did business, but that was not the way they operated, that he did want to highlight that from time to time they made reasonable requests of the County to cooperate with them and he hoped that somebody was noting the way they were conducting their business on this, and Council Member Holm asked if Mayor White was saying that the \$100,000 would actually go to studying these particular things and bringing remedy to the City of Houston, that the RCA says it was an annual participation in a program, so was it project money or operational or were they using it to improve their water delivery or were they using it to be a part of a membership to a program that did good work, and Mayor White stated that as he understood it they did contract with this organization from time to time and he was also saying that the amount of this was determined in large part by a particular study or undertaking that they were doing.

Council Member Holm asked if it was not \$100,000 that they asked the City for every year, and Mayor White stated that was correct, and Council Member Holm stated that they were not deciding for the first time to participate in the program, that they had turned it down year after year, and Mayor White stated that was correct, and Council Member Holm asked if the only reason they were participating in it was because of the money that would be spent toward this particular project that was a direct benefit to the City of Houston, and Mayor White stated that was correct.

A vote was called on Item No. 39. All voting aye. Nays none. Council Member Johnson absent on city business. Council Member Garcia absent on personal business. MOTION 2008-0645 ADOPTED.

#### **MATTERS TO BE PRESENTED BY COUNCIL MEMBERS**

Mayor White stated that he had not mentioned it during the Mayor's Report because it was not here, but thought they had circulated to all Council Members, and was not saying he endorsed every statement, but it seemed like every month there was a national publication or publication that had a large reading that discovered that Houston was an amazing success story and the one that he had just circulated had appeared this week in a large New York magazine entitled, "Houston, New York Has a Problem", comparing the affordability of housing in the City with that of other cities where the middle class could no longer afford to live.

Council Member Lawrence stated that she had passed out to every other person a bell, that last week some people took well over their 10 minutes on their time, so as the bell rings, obviously some Council Members do not hear it, so she thought between all of them they could make sure they hear it and they respect other people's time, that the bells had their name on it and they would share with their neighbor until they address it. Council Member Jones absent.

Council Member Holm stated that on the heels of yesterday when they had been working with Park Memorial and she had talked with Mr. Icken this morning and they were going to work closely to assure the citizens and taxpayers in the Park Memorial Condominium that they were all working together toward the same goal and outcome, that she thanked all of them for being such willing listeners and thought they were all well informed on a topic that came at them from all different directions. Council Member Jones absent.

Council Member Holm stated that they were so close to creating a really great model in District G, that there was a street that had an opportunity to become a green space for them and at the same time to serve as a non vehicular street that would provide pedestrian and bicycle connectivity between a residential community and a vibrant commercial activity which was part of their development goals as learning to coexist, that the community had worked long and hard on this for a long time and were working both with Public Works and the Parks Department and thought they were really close to coming to that outcome and additionally by using this easement successfully they could incorporate some of their first major contributions toward the Greenspace Ordinance where they use some development money to participate and fund the park and it was a great opportunity and model, that they would hear more about it. Council Member Jones absent.

Council Member Khan stated that last Saturday they had the Alief International Parade, that he appreciated all who participated and the sponsors for the parade and congratulated all the organizers of the parade; that they had two events at the George R. Brown Convention Center last Saturday, that he wanted to recognize the Greater Houston Convention and Visitors Bureau, the new report, which was released recently, stated that room nights associated with GRB conventions, during the fiscal year ending June 30, 2008 showed an increase of 48.6% over last year, that facility income rose to \$2.748 million, for a gain of 22.7% from the previous years, that he wanted to congratulate Ms. Ullrich and her team for putting together a wonderful and great effort in making Houston a desired site for conventioners throughout the year; that there would be a special joint meeting between the Flooding and Drainage Committee and the Fiscal Affairs Committee on Thursday, August 14, 2008 at 10:00 a.m. in the Council Chamber, for information they could call their office; that both the countries of India and Pakistan were celebrating their independence this month and he wanted to congratulate all of the members of the Houston Indian and Pakistan Communities, that this Saturday the Pakistan American Association of Greater Houston would be holding a fun family celebration event at Reliant Park and would encourage everybody to come together and enjoy the great artists coming all the way from Pakistan to celebrate; that the Save Alief Health Fair was held on Monday, August 11, 2008; that tomorrow the Consul General of Pakistan had invited the community for a special event, a flag hosting ceremony at the consulate located at 11850 Jones Road. Council Members Holm, Rodriguez and Jones absent.

Council Member Green stated that he wanted to remind his colleagues and anybody who was listening about their back to school drive that benefits SEARCH, a school drive for homeless children, who needed the same thing that all of their kids needed, kids who may not have any control over their living circumstances, that there was a box set up on the first floor of the annex and they could drop any kind of school supplies or school uniforms or backpacks, of anything they would so desire to give, if they needed more information they could call their office at 832-393-3012 or the SEARCH Homeless Services at 713-276-3083; that back to school immunization would be held at the Riverside Health Clinic, 12:00 p.m. to 4:00 p.m., August 15, 2008, Saturday, and if they had questions they could call 713-734-0199 or 713-831-9654, that they had to bring their shot record. Council Members Khan, Holm, Rodriguez and Jones absent.

Council Member Brown stated that he wanted to comment on the article that Mayor White circulated, that Edward Glaeser, who wrote the article, was a very noted urban economist; that another very important achievement, that the City of Houston in effect had gotten recently, was that Ms. Michelle Colvard, Director of Mayor's Office of People with Disabilities, was recently crowned Miss Wheelchair Texas 2008 and now she was Miss Wheelchair America; that he had the opportunity to be part of a launch, by Houston Galveston Area Council, of Commute Solutions, and passed a handout to the Council Members; that last night he had the honor to participate in the graduation ceremony of Houston Police Department Academy Class 197, that he really got inspired by the talk the Mayor gave, that he challenged the cadets and inspired them in terms of bettering themselves and a very personal commitment to community service. Council Members Khan, Holm and Jones absent.

Mayor White stated that they would have quite a number of the graduations coming up and were approaching 5,100, which was about 400 up from where they were 36 months ago and he hoped that Council offices were notified and was a reminder to the HPD representative to give Council Members as much notice as possible, that he thought the next one may be August 18, 2008, which would be a little bigger class and they had done it without compromising at all their standards. Council Members Khan, Holm and Jones absent.

Council Member Clutterbuck stated that she too enjoyed attending the HPD graduating classes, that she was proud that HTV broadcasts them so the entire public may be able to participate in them; that they had amazing challenges with their schedules, that last night her office had two competing civic club meetings and it did get to be a challenge. Council Members Khan, Holm and Jones absent.

Council Member Clutterbuck stated that the only comments that she had to speak about were two items that were pulled from the agenda and wanted to add her thoughts to their selection and appointment and reappointment of judges, that as she looked at the list there were a number of people on the list for reappointment who were running for office currently and would probably be elected to district courtships and would put in jeopardy their ability to later fill those positions, that her suggestion would be that perhaps they should be considering these judicial appointments in an off election year, the way they consider their non partisan election cycle, that they did not want to discourage people from running for office but if they were asking them to make a commitment for two years perhaps by shifting the cycle they would be able to meet both goals. Council Members Khan, Holm and Jones absent.

Mayor White stated that the next HPD Class 198 would be graduating on September 26, 2008. Council Members Khan, Holm and Jones absent.

Council Member Noriega stated that several folks had already mentioned immunizations, that it was back to school time, time to get uniforms and time to get their kids ready for school,

that August was National Immunization Awareness Month, so there were a lot of places that were doing vaccinations for children, that Texas currently had the dubious distinction of having the most uninsured children in the Nation and Houston had it's fair share of those students, that vaccinations were expensive and were a difficult task for some families, so they also had vaccinations available on Thursday nights at the Children's Museum at 1500 Binz, that they allow free admission on Thursday from 5:00 p.m. to 8:00 p.m., that they were going to have a van from Texas Children's Hospital on August 14, 21 and 28, 2008, that they needed to bring their child's immunization record, grownups might think of a shingles vaccination or a pneumonia one as well. Council Members Khan, Holm, Green and Jones absent.

Council Member Adams stated that on August 14, 2008 they would be having a ground breaking ceremony for Fire Station 24 at 9:00 a.m. at Reed Road and Highway 288; that she would like to thank Marnene and Shovanda Johnson, from her staff, for their dedication and hard work for the Home Repair Workshop that would be hosted tomorrow, August 14, 2008 from 10:00 a.m. to 12:00 p.m. at the Sunnyside Multi Service Center, 4605 Wilmington, that she would ask those who were interested in home repair, that lived in the District D area, to come join her along with Congressman Al Green and the Housing and Community Development Department for the workshop; that on Thursday night she would be co-hosting Parent Night with the Sunnyside Civic Club at the Blue Ridge United Methodist Church, 2929 Reed Road, that the event was about readying today's youth for academic achievement, that it was on August 14, 2008, from 5:30 p.m. to 7:30 p.m.; that she wanted to congratulate all of the veterans who lived in the Windsor Village Community, last night they were honored for their dedication and the duty that they served in the military services; that they had a gymnast from Houston and the Olympics had been very energetic and she wanted to congratulate Raj Bhavsar, that Houston was very proud of him. Council Members Khan, Holm, Brown and Green absent.

Council Member Jones stated that she wanted to congratulate her Director of Constituent Services, Will Trevino, who took the bar exam; that she attended the Texas Legislative Internship Program and Reception and private viewing of Lucy in honor of the late Congressman Mickey Leeland at the Museum of Natural Science; that she wanted to congratulate her staff member, E. B. Allen for being voted the Secretary and Treasurer of the Young Stonewalls; that she had the opportunity to ride in the Alief First Annual International Parade and E. B. Allen had a 1971 Volvo two seater and she was certain it won the award for the best car in the parade; that she wanted to thank Mayor White for beginning the process that the City would sue people who did not maintain their abandoned properties and hopefully it would translate into slum lords because she believed it would save a lot of lives and improve the quality of a lot of other people's lives; that Council Member Brown talked about Commute Solutions and some people ride to work on bikes every day and she and her son were one of them and anything that Mayor White could do to put some showers in City Hall would be great. Council Members Khan, Holm, Brown, Lovell, Noriega and Green absent.

Mayor White stated that would be something that they ought to explore it for 611 Walker and City Hall and would ask Ms. Stein if Mr. Dadoush could take a look at it, that it was not the first time the issue had come up. Council Members Khan, Holm, Brown, Lovell, Noriega and Green absent.

Council Member Rodriguez stated that he wanted to thank Ms. Loretta Acevedo, from his office, that her last day was Friday, that the residents of District I really appreciated all of her service, that she had gone on to pursue her dream of being a teacher, that he wanted to welcome Ms. Jeanette De Los Santos to his office, that she came from Congressman Gene Green's office, that Ms. Janaeya Carmouche, formerly of Council Member Lovell's office would be joining their staff; that he wanted to congratulate Mr. Christopher Dowl, a resident of the Park Place area, that he published a new book called "Lord of the Lioncloth" and was about the adventures of the Royal Naval African expedition and it intrepid leader Commander Jeffrey Basil

Spricer Simpson during World War I, that Christopher was also the editor of the Rice University Magazine. Council Members Khan, Holm, Lovell, Noriega and Green absent.

Council Member Sullivan stated that he wanted to compliment Mayor White and his administration on someone who was out there working regularly that most people did not see and that was Buddy Grantham, doing the military work, that on Sunday, Ellington Field had a ribbon cutting ceremony that Senator Hutchinson came down and participated in and was Ellington Field Joint Reserve Training Facility, that everybody there, all four branches, knew Buddy, that he was very respectful and there was a lot of protocol and tradition; that as Council Member Clutterbuck stated they had an HPD graduating class, Graduation Class #197, that he wanted to congratulate those great guys and gals, that it was a great service and he wanted to thank HPD and the administration for working towards the goal of putting more men and women on the street, that to see the cross section and diversity in that class was really surprising, that he counted either five or six graduates from Viet Nam and that would really benefit the City in a lot of ways. Council Members Khan, Holm, Noriega and Green absent.

Council Member Sullivan stated that he had an experience recently that perplexed him and it involved the Planning Commission, that it was not about his losing a vote, that his experience with the Planning Commission was really difficult and he was going to acknowledge that he was a rookie Council Member and had a lot to learn, but was working hard and was constantly trying to learn as much as he could, that the Major Thoroughfare Plan came up recently and had an item in District E that he strongly opposed, so he spoke with the administration and the Planning Department, the Director and staff, and realized that what he was asking for might not be reasonable, that he worked with the Planning Department and reached a compromise, that he then appeared in front of the Planning Commission to explain his position and they were very polite and listened; that the Planning staff at a subsequent meeting made a recommendation that was counter to the original application, that the original applicant was Montgomery County, not the City of Houston, that he knew they had to work with their partners, there was no doubt about that; that at the meeting the Montgomery Representative to the Planning Commission then stated that Montgomery County Commissioner Ed Reinhart supported the original plan and made a motion to accept the original plan, now the original plan was 100% different than what he wanted, as a District Council Member representing his district, it was also 100% different than what Planning staff recommended to them, that was important, that the Planning Commission voted unanimously to go against the Planning Department's recommendation, that he did not know if that happened before but was going to find out, that he was dumbfounded, not because he lost the vote, but because of what he had experienced, that he had an issue, did his homework and worked with the City Department that was responsible for it to reach a compromise and he made his desires public, both to this district, through the media, and it was what he needed to do, so he viewed the Planning Commission vote as bad public policy, they ignored input from the District Council Member, they ignored input from his constituents, who wrote them letters, that Planning staff presented those letters of opposition to the Planning Commission in his presence and they ignored input from the District Council Member and the recommendation from the Planning Department, so he was asking his colleagues if they had any similar experiences, if they had heard of any similar experiences he would like to hear about them, that they did not have to do it in public, they could call him or come to see him, that it was not a priority of his to monitor the Planning Commission up until this point, but based on the conduct that he recently experienced and the way that they ended up he was going to start watching them and start paying attention to what they do, that he was going to learn more about them, who they were and what they do, that he recognized that they were unpaid volunteers, they did not work at the City and did not get paid and probably got grief from everybody for most of their decisions, that it was very difficult public service, there was no doubt, but he still had to be accountable to his constituents, that he was not really looking for any comments, he just wanted to address his colleagues and

let them know what had happened and ask that in time just kind of work through it. Council Members Khan, Holm and Green absent.

Mayor White stated that he and Council Member Sullivan had talked a couple of times since and he was exactly right in his recitation, that he not only worked with the head of the Planning Commission, but he was personally presented at the meeting where they discussed this issue and other issues, and it took him a bit by surprise that the staff recommendation was not the one that was followed by the Planning Commission, that he would also say that part of that was because Council Member Sullivan, with his diligence, highlighted the geographical area they were dealing with, highlighted an issue that frankly he knew had not been explicitly highlighted during his tenure, and those were changes that were requested outside the City limits but within the ETJ, where the thoroughfare involved City funds or construction, that portion within the City limits and how they balanced first and foremost the interest of the residents within the City limits with the responsibilities and frankly the opportunity that they had to have some control over those areas outside the City limits and the ETJ, that they were considering the procedural status, obviously, that they would need to review that Major Thoroughfare Plan and there was also a history, some of the history, which he probably got caught up on, and was not his fault, was the fact that it had been the position of this administration that things should not simply be deleted from the Major Thoroughfare Plan because things were a right that the City had and if they did not intend to build something within the City limits they should just eliminate them from the CIP rather than relinquishing a right, that in Council Member Sullivan's case, and it had been done from time to time, once it was done for good reason, some people on the Planning Commission and Planning staff had some lively debate with him and it turned out, with the benefit of hindsight, they were right and where he started was wrong, and then they had done it with a couple of Council Members on issues, that Council Member Sullivan's issue was different from that, however, it was not having to do with deletion of something from a Major Thoroughfare Plan, that his issue was changing, that he was objecting to a change in the Major Thoroughfare Plan and proposing a constructive alternative and for those things he thought they would be very engaged in this particular topic and the public policy issue that Council Member Sullivan had brought. Council Members Khan, Holm and Green absent.

Council Member Lovell stated that Belle Orteaga, the first Hispanic woman police officer, who had been injured in a drive by shooting, did not survive the incident and passed away, that she wanted to recognize her and send their sympathies to her family. Council Members Khan, Holm and Green absent.

Council Member Lovell stated that she wanted to highlight someone she had been working with through TIA, they were working on the Booting Ordinance and parking standards, and that was Lilliana Rambo, that she received the Distinguished Service Award from the Texas Parking Association, that she was recognized for a significant and influential contributions to the Parking Industry in Texas, that she did the same in the City of Houston as she worked with all of them through some of the issues that sometimes were a little bit difficult and that all of them did not thoroughly understand, that at TIA, she thought, they had a thorough education about parking and what went on in the downtown area. Council Members Khan, Holm and Green absent.

Council Member Lovell stated that the article about Houston in the New York Magazine, all of them were reading things that they already knew, that she was happy that finally the story of Houston was being told. Council Members Khan, Holm and Green absent.

Council Member Lawrence stated that she thought it had been a great week for Houston with the article that Mayor White passed out and with the Greater Houston and Convention's Bureau announcing their success this week, and then the award that Ms. Rambo got, that it showed that they were all on the right track and that Houston was moving forward, so she just

wanted to say congratulations to Houston and to Mayor White's administration and where they were going. Council Members Khan, Holm and Green absent.

Mayor White stated that the paper he was going to hand out to them had not been brought down, that he knew there were some Council Members who would be interested at what he was going to say next, that yesterday he and the County Judge sent out a letter to a number of individuals asking for people to consider possible ownership of their WNBA Franchise, the Comets, that they were very proud of the Comets, four championship seasons, that they had a steady and loyal fan base, that as some of them may have picked up from the press a little over a month ago the WNBA took over the operations and management of the Comets, that the letter did state that they would be searching for new ownership by November so that they could keep the Comets within their community, that he met with the commissioner and had talked to various WNBA owners, the County Judge in Harris County who hosts the Comets at Reliant were engaged on this particular issue, that he thought they were handing out the letter that was sent to a number of individuals soliciting their interest and he just wanted them to be in the mix because it had to be a team effort to recruit ownership; that he would also say that during it's heyday the Comet franchise had a lot of great assets and was one of the few sport franchises anywhere that was cash flow positive, that it may take a little while to build that up. Council Members Khan, Holm and Green absent.

There being no further business before Council, the City Council adjourned at 10:46 a.m. Council Member Johnson absent on city business. Council Member Garcia absent on personal business. Council Members Khan, Holm and Green absent.

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

MINUTES READ AND APPROVED

/S/Anna Russell

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Anna Russell, City Secretary