

City Council Chamber, City Hall, Tuesday, February 6, 2007

A Regular Meeting of the Houston City Council was held at 1:30 p.m. Tuesday, February 6, 2007, Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, M. J. Khan, P. E., Pam Holm, Adrian Garcia, Carol Alvarado, Peter Brown, Sue Lovell, Ronald C. Green and Michael Berry; 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; and Ms. Marty Stein, Agenda Director; present. Council Members Ada Edwards and Addie Wiseman out of the city on city business.

Note: Council Member At-Large Position 3 vacant.

At 2:05 p.m. Acting Mayor Pro Tem Berry called on Council Member Johnson to begin presentations; and Council Member Johnson appeared at the podium with Mr. Anthony Freddie and stated that it was with great pleasure that he was bringing recognition to a worker of the City of Houston, Mr. Anthony Freddie with Neighborhood Protection; that he had done tremendous work far beyond his call of duty and he was happy to recognize such an employee; and presented him a Certificate of Recognition; and Mr. Freddie thanked all for the recognition. Mayor White, Council Members Clutterbuck, Alvarado and Lovell absent. Acting Mayor Pro Tem Berry presiding.

Acting Mayor Pro Tem Berry stated that Neighborhood Protection was doing a wonderful job with job satisfaction much higher and on an individual basis Mr. Freddie did a wonderful job. Mayor White, Council Members Clutterbuck, Garcia, Alvarado and Lovell absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Khan invited Ms. Nathelyne Kennedy to the podium and stated that it was a great day to honor a role model and hero in the community; that Ms. Kennedy served citizens of Houston and made all proud and would be honored at Prairie View A & M, for being a trailblazer, she was founder, president and chief executive officer of Nathelyne A. Kennedy and Associates, one of Houston's leading consulting firms and had made history graduating as the first black female in Texas with a degree in architectural engineering and Prairie View A & M named the architectural and art building for their distinguished alumni; and presented Ms. Kennedy with a Proclamation proclaiming February 6, 2007, as "Nathelyne A. Kennedy Day" in Houston, Texas; and Ms. Kennedy thanked all for the recognition and stated that she was honored to have a day in her name which symbolized her dedication and work. Mayor White, Council Members Johnson, Alvarado and Lovell absent. Acting Mayor Pro Tem Berry presiding.

Council Members thanked Ms. Kennedy for her service. Mayor White, Council Members Johnson, Alvarado and Lovell absent. Acting Mayor Pro Tem Berry presiding.

Council Member Lawrence invited a Counselor Joffry of Yorkshire to the podium and stated that Counselor Joffry had attended her CIP Meeting the other night and had a presentation to make to Acting Mayor Pro Tem Berry; and Counselor Joffry stated that on behalf of his Mayor, Mayor Travis Wakefield, they wished all well in Houston which this was his 12th visit and he was honored to be present and pass on the wishes and present him with a calendar. Mayor White, Council Members Johnson, Alvarado and Lovell absent. Acting Mayor Pro Tem Berry presiding.

At 2:20.m. Council Member Brown invited Pastor Wesley Austin of the Cornerstone Outreach Progressive Baptist Church to lead all in the prayer and Council Member Brown led all in the pledge. Mayor White absent. Acting Mayor Pro Tem Berry presiding.

Council Members Khan and Alvarado moved that the minutes of the preceding meeting be

adopted. All voting aye. Nays none. Council Members Edwards and Wiseman absent out of the city on city business. Mayor White absent. Acting Mayor Pro Tem Berry presiding. MOTION ADOPTED.

At 2:23 p.m. the City Secretary began calling the public speakers. Mayor White, Council Members Johnson and Alvarado absent. Acting Mayor Pro Tem Berry presiding.

Ms. Alice Collette, 1100 Bagby, Houston, Texas 77002 (713-655-1912) appeared and stated that she was with the Heritage Society in Sam Houston Park and was present in support of Item 13, the designation of Sam Houston Park as a protected landmark; that the park and structures in it provided a look back into what shaped this city and they appreciated everyone's support for its protection. Mayor White, Council Members Johnson and Alvarado absent. Acting Mayor Pro Tem Berry presiding.

Council Member Lovell stated that she would be supporting the item and thanked Ms. Collette for all that they did. Mayor White and Council Member Johnson absent. Acting Mayor Pro Tem Berry presiding.

Mr. Richard Cowan, 8155 Hartford, Houston, Texas 77017 (713-649-2000) appeared and stated that he was owner of the City Cab Company and he was present to speak on the giveaway of the taxicab permits to those who lost the permit and the shuttle contract bid, it amazed him this was being done, giving these permits to people not in the cab business, he worked 20 years to get his permits and now rules were being suspended and they were being given to people not even in the cab business; that when the contract came up for bid they advised Council to allow more than one operator, but they chose not to and now they would be compensating people for losing a contract and bid and giving permits at \$20,000 a piece for doing nothing; and they needed to stop and needed Legal to look at it, it was wrong. Mayor White and Council Member Lawrence absent. Acting Mayor Pro Tem Berry presiding.

Council Member Johnson stated that his point was well taken; and upon questions, Mr. Cowan stated that some had paid \$20,000, it depended on what the market would bear and if they received a permit it took a lot of work, surveys, etc., his personal feeling was no permit should be issued at all this year; that he did not pay for the permit the city issued it for free; and Council Member Johnson stated that he first thought he was saying he had to pay for it and the City of Houston was making it a gift to the companies, but essentially it was the same they gave to all companies; and Mr. Cowan stated that the permits would be handed to them for compensation for losing the contract. Mayor White and Council Member Lawrence absent. Acting Mayor Pro Tem Berry presiding.

Upon questions by Council Member Green, Mr. Cowan stated that he had tried to see the ordinance but it was not available and issuing any permits would be wrong; and Council Member Green stated that what he came with were rumors; and he would make sure he did get correct information and a copy of the ordinance so he did not continue to purvey information not factual. Mayor White and Council Member Lawrence absent. Acting Mayor Pro Tem Berry presiding.

Ms. Michelle Colvard, 6549 Bayou Glen, Houston, Texas 77057 (713-826-8438) appeared and stated that she had two issues which related to taxicabs, first was the ordinance being reviewed relating to suspending and revoking taxicab operating permit for drivers who refuse to transport an individual; that people with disabilities were being denied service from time to time, usually because of a service animal or wheelchair and the second was there were not enough accessible taxicabs in the City of Houston, there were 150 which were accessible, but the majority were dedicated to Metro Lift overflow; that she had been outside hours waiting for a cab

and she had been working with Ms. Tina Paez and Mr. Blanton Daniels on the issues, but wanted to give Council a heads up. Mayor White and Council Members Lawrence and Alvarado absent. Acting Mayor Pro Tem Berry presiding.

Upon questions by Council Member Khan, Ms. Colvard stated that the driver sometimes did not want a dog in their vehicle and there were instances where they did not want to deal with a person in a wheelchair; and Council Member Khan stated that it was against the ordinance to deny a fare and he would like to request from the Administration the numbers of how many such cabs there were with proper equipment to transport people in wheelchairs and how many were required and how they could put more teeth in the ordinance; and Ms. Colvard stated there was no regulation on how many cabs needed equipment and often if a company fired a driver for not picking someone up they just went to another company; and Council Member Khan stated that Council looked forward to the taskforce advising them on this. Mayor White and Council Members Lawrence and Alvarado absent. Acting Mayor Pro Tem Berry presiding.

Council Member Garcia stated that this was entirely disrespectful how some citizens were treated and right now he opposed the ordinance for the reason Mr. Cowan mentioned, but what would swing him was, he wondered if they had such a thing as a silent shopper with individuals such as herself so drivers could be cited; and Ms. Colvard stated they had no such thing currently and before such a thing would be effective the ordinance needed teeth; and Council Member Garcia stated that he would like thought given to that and appreciate her recommendations. Mayor White and Council Members Lawrence and Lovell absent. Acting Mayor Pro Tem Berry presiding.

Mr. Ben Tessamairiam, 5959 Westheimer #212, Houston, Texas 77057 (713-781-6660) appeared and stated that he was with Texans Shuttle and five years ago they began business and now was one of the biggest shuttle companies in the Houston market, however, all their hard work and dreams would be coming to an end in March; that after Council voted to grant Yellow Cab exclusive rights to shuttle service in September they tried to find alternatives and worked day and night based on belief of free market to support their families, but the shared ride issue in September almost eliminated their service; and they were asking the Mayor and Council to support them and stand with the small minority businesses. Mayor White and Council Members Lawrence and Lovell absent. Acting Mayor Pro Tem Berry presiding.

Upon questions by Council Member Johnson, Mr. Tessamairiam stated that their concern was the Council coming up with one vehicle and one permit, the balance to what was needed to maintain their business; that they had a dispatch system and were in the transportation business, the only difference was the regulation part of it so there was no problem to transfer from a shuttle to taxicab business. Mayor White and Council Members Lawrence, Garcia and Lovell absent. Acting Mayor Pro Tem Berry presiding.

Mr. Mohammed Bedru, 5 Greenway Plaza C-670, Houston, Texas 77046 (713-459-3442) appeared and stated that they were the company trying to survive the best they could for the last four to five years, no other shuttle company came to say they would be affected; that Texan Shuttle was truly affected by Council's decision and they wanted to continue their business and pay their debt and most of their members were in the taxicab business now; and urged Council vote to save their business and their families. Mayor White and Council Members Lawrence, Garcia and Lovell absent. Acting Mayor Pro Tem Berry presiding.

Upon questions by Council Member Johnson, Mr. Bedru stated that he believed they paid \$5,000 to \$6,000 a month to the City of Houston and they had a booth in the airport. Mayor White and Council Members Lawrence and Garcia absent. Acting Mayor Pro Tem Berry presiding.

Mr. Michael Holt, 2425 Greens Road, Houston, Texas 77032 (281-821-8989) appeared and stated that he owned 444 Taxi Group and had 28 medallions he controlled and the vast majority he had purchased outright, he did not receive them as a gift from the City of Houston and he was speaking against the SUT to receive the permits as he dedicated 21 years and did all he could to have his business grow and this was the first in six years the permits were coming forward and he was against someone receiving the permits who were not even in the taxicab industry as favor for underbidding a contract, they knew there was a potential to lose the contract; and urged Council to consider what they were doing. Council Members Lawrence, Garcia and Berry absent.

Upon questions by Council Member Green, Mr. Holt stated that it appeared the city was awarding people for underbidding a contract, he was not saying they intentionally underbid a contract but he assumed they did as he was not awarded the contract. Council Members Lawrence, Garcia and Berry absent.

Mr. J. W. Masseh, P. O. Box 74213, Houston, Texas 77274 (713-545-4777) appeared and stated that he was president of the Taxi Driver Association and was present speaking on behalf of those he represented; that he was opposing part and if they had one vehicle they should get one medallion, if they had 20 get 20, but if one vehicle and you get 5 medallions he objected; and regarding the lady in the wheelchair, he sympathized with her, but cab insurance was high and the driver needed to be where the money was; that they were at the bottom of the economic level and he was a college graduate, he drove a cab so they could eat, but he could read and write well and to say they would revoke his license for refusing someone a ride, he hoped before they passed such a rule they would talk to the drivers; that on the license they already had a taxicab license the city gave them, this was not a license but an ID because they could not drive with it alone. Council Members Lawrence and Garcia absent.

Mayor White thanked Mr. Masseh for his input on each issue as it had been valuable. Council Members Lawrence and Garcia absent.

Council Member Berry stated that Mr. Masseh, for those who did not know, was very well regarded in the taxi industry, and they appreciated his input; and upon questions, Mr. Masseh stated that the market was already saturated and it would be less income for his drivers, but if the city would do this give away with medallions then if you had 20 vehicles give them 20 medallions, but if they had 4 do not give them more and he thought those in his industry would agree with it; and Council Member Berry stated that they appreciated him coming to Council. Council Members Lawrence and Garcia absent.

Council Member Khan stated that they appreciated him coming, he was a champion of the little guy and he had respect for what he did; that on the ID card he did not understand what he was saying; and Mr. Masseh stated that the Aviation Department said they would advise cab drivers if on their payroll and he said they should oppose it because the Aviation Department had been trying for years to incorporate them into their business to impress the Mayor and Council they were doing something; that his background was in accounting and management and he was advanced in age, why should they be a part of them when they had a license. Council Members Lawrence, Johnson, Garcia and Alvarado absent.

Mayor White stated that he would like information on Mr. Masseh's last point and he knew members of the Aviation Committee would like it also, it was news to him. Council Members Lawrence, Johnson, Garcia and Alvarado absent.

Council Member Brown stated that he would get with Council Members Green, Berry and others and thought they would come to the right conclusion. Council Members Lawrence, Johnson, Garcia and Alvarado absent.

Mr. Ousley Lacy, 7811 Wolfield, Houston, Texas 77071 (713-733-6430) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Garcia and Alvarado absent.

Ms. Margie Kramer, 2055 S. Gessner #350, Houston, Texas 77063 (281-537-0957 ext. 31) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Garcia and Alvarado absent.

Mr. Haden Abercrombie, P. O. Box 570366, Houston, Texas 77257 (713-781-2218) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Garcia, Alvarado and Berry absent.

Mr. Russell Driver, 3507 Maury, Houston, Texas 77009 (713-223-5524) appeared and stated that he enjoyed driving Houston except for the McGowen exit southbound on 59, you could not take that exit and make a legal right turn as indicated by the white lines but he saw it each time he was there; that he would like more money put toward such things and cause drivers to have better driving habits; that there were also telephone poles at and near intersections with nails, tacks and papers that should be torn down and there were weeds in between North Shepherd and Ella off the 610 Loop and correcting the problems would ease the eyes and minds of drivers and help with roadways and road rage. Council Members Lawrence, Garcia, Alvarado and Berry absent.

Mayor White asked Mr. Norman to look into McGowen and see if there was anyway essentially they could cure the problem. Council Members Lawrence, Garcia, Alvarado and Berry absent.

Mr. Darrell Samuels, 3406 Indicot Lane, Pearland, Texas 77584 (832-752-8769) appeared and stated that he was president of the National Association of Minority Contractors, Houston Chapter, and he wanted to speak on the disparity study issued by the City of Houston and to give information on the NAMC; that namely NAMC was a nationwide contractor association and was sponsoring their 38th annual midwinter conference which would be in Houston February 22 – 24 at the J. W. Marriott; that their mission was to build relationships and capacity of minority contractors so they would be more competitive and they reviewed the diversity study and identified areas they felt they could assist in, many contractors were hesitant to do business with the city because they had a reputation of slow payment and a resource they had at NAMC was they had financial resources in place to assist the minority contractor to fill the gap and they had an action plan which would document how they worked to build the capacity of their contractors; that the Mayor agreed to be their featured speaker Friday morning and he was inviting Council and would like to meet with all of them to discuss building their capacity. Council Members Lawrence, Garcia, Alvarado and Berry absent.

Upon questions by Council Member Khan, Mr. Samuels stated that all were impressed with what NAMC was doing and he looked forward to seeing him there; and upon questions, Mr. Samuels stated that it depended on what level the subcontractor was bidding as to whether the prime contractor or city paid him, but NAMC watched their financials to make sure they would not go under; and Council Member Khan stated that he would like it if he could assess from the membership where the problem was, if it was with the prime or with the City so it could be addressed properly; and Mr. Samuels stated that they worked with Ms. Laws and were pleased the disparity study came out because it gave them an idea what the situation was and how

organizations such as theirs could work with memberships to improve their capacity. Council Members Lawrence, Garcia and Brown absent.

Ms. Lelia Scott, 5411 Antoine Drive, Houston, Texas 77091 (713-680-2475) appeared and stated that she was a small minority contractor and had been certified with the City of Houston for a number of years and it was imperative that they, as minority contractors, received a larger portion of the so-called pie and they needed support of everyone; that NAMC tried to put in place and provide resources for small minority contractors that would otherwise not have such resources and to put it into a more perspective way she knew it was uphill to be competitive because there were many obstacles and urged Council to continue to be a part of what they were doing but in a wider scale. Council Members Lawrence, Garcia, Alvarado, Brown and Green absent. (NO QUORUM PRESENT)

Council Member Johnson stated that he was excited to know such an organization was out there, it gave the power needed to them to get a contract and he asked his office to get with them as he wanted to know more about what they were doing; that in his district he was trying to organize the businesses to do more seminars on how to do business with the city and now that he knew of them he could work with them and be sure they did get a larger portion of the pie, if this city was made up of almost 1/3, 1/3 and 1/3 then it was his belief they would have the same dividing of contracts and as they progressed and got more experienced maybe they could put people in those positions. Council Members Lawrence, Garcia, Alvarado and Brown absent.

Ms. Esther Francis, 2616 South Loop West #330, Houston, Texas 77054 (713-838-7108) appeared and stated that she was co owner of CBIC Construction and Development, a small woman owned construction general contractor, in Houston working on commercial and institutional projects; that she was honored to serve as chairman of the board for the National Association of Minority Contractors and today she was present to invite the Mayor and Council to their conference February 22 – 24 at the J. W. Marriott, the conference would welcome large and small contractors nationwide and dialogue would open on how small contractors could partner and get relationships and transition themselves to where they want to be; that at the conference they would announce the memorandum of understanding they had with the AGC, where they would work with them in partnership to help small contractors partner up and they would have a gala and award ceremony Friday, February 23, 2007, where they would present Ms. Velma Laws with an award for her great contribution to the minority contract community; and invited all to attend. Council Members Lawrence, Khan, Holm, Garcia, Alvarado and Brown absent. (NO QUORUM PRESENT)

Mayor White thanked Ms. Francis for coming and stated that he was glad the AGC got the message. Council Members Lawrence, Khan, Holm, Garcia, Alvarado and Brown absent. (NO QUORUM PRESENT)

Ms. Laura Thurmond, 2616 South Loop West #330, Houston, Texas 77054 (713-838-7108) appeared and stated that along with Ms. Francis she was co owner of CBIC Construction and Development and as she explained they were a small minority owned general contractor and construction management company in Houston; that they believed the NAMC could be a valuable resource for the City of Houston to come to them and they work together to find MWBE's who were qualified and financially capable of performing on city projects and they would like to help the city take a more aggressive approach toward MWBE participation and help build the capacity of the local MWBE's and they had thoughts on how it could be accomplished with one being a mentor protégé program and their company was evidence such programs did work; that they would like incentives for prime contractors to partner with MWBE's and they would like those who participated in the protégé program to receive advance copies of prebid submittal qualifications and prebid construction documents to review and would like to

see evaluation forms for the projects revised to more heavily weigh MWBE participation. Council Members Lawrence, Holm and Alvarado absent.

Council Member Garcia stated that as chair of the MWBE Committee for the City of Houston he appreciated her thoughts; that he commented to the Mayor on many occasions and had many roundtable discussions with folks about how to grow Houston's local economy and joint ventures and partnerships as she mentioned he whole heartedly supported and he looked forward to visiting with her. Council Members Lawrence, Clutterbuck, Holm and Alvarado absent.

Mr. Roger Harris, 4110 Belmont Shore Lane, Missouri City, Texas 77459 (281-850-0388) appeared and stated that he was present to represent a company called Rudy's Contracting, they had been doing sewer sanitary rehab work for a company called Underground Technologies and at this stage there were two problems, small business contractors needed to be paid by their prime contractors who in turn looked to be paid by the City of Houston and one problem he saw was the way invoices were responded to once sent to the City of Houston, often the invoices came back with names of why certain items on the invoices did not get paid and sometimes they found out it was because of an inspector's name, but the real issue came in when the invoice was submitted and it came back with discrepancies, the amount of time it took for the contractors to turn around and get responses from the city, sometimes the invoices were held for over a year with amounts of over \$100,000 being owned to the contractor, so a big issue was getting the prime to find out why the city had eliminated or put a hold on an item which was performed; and he would suggest a process be put in place so when an invoice was submitted to the prime contractor with a discrepancy there be a set amount of time to where the city should respond and get back to the prime and the prime get to the subcontractor so it did not stretch the whole process. Council Members Lawrence, Clutterbuck, Holm, Alvarado and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that Mr. Harris made a constructive suggestion and he wanted to make sure Mr. Norman and all...; he wanted him to walk him through the last sentence; and Mr. Harris stated that he would suggest when an invoice was submitted to the prime contractor, the prime contractor submitted the invoice to the City of Houston and they came back with a statement saying they paid certain items and on the reconciliation statement they had items which said missing from the city pay estimate and maybe just put a name with no explanation and that was submitted to the subcontractor and they in turn had to go back to the prime and ask why were the items not being paid and in sometimes they went back to the city and sometimes they did not, but time was lapsing and there should be something so if the city did not pay a certain item on an invoice there should be a response time to where they would say why it was not paid instead of waiting for months down the road; and Mayor White stated to Mr. Norman that some of this..., if an inspector made a note on their Blackberry and downloaded it into the main frame you would have technology and not have the paper system where it went through all this, you would have a person with an E-mail address who disallowed it and it would be available to the subs the same as it was to the prime and any Council Member. etc., and he wanted to work and strive to get more of this system, where things were in real time on line and with contact information people would know who that contact was. Council Members Clutterbuck, Holm and Alvarado absent.

Council Member Khan stated that he wanted to share small business had many challenges to begin with and a delay of payment could mean being in or out of business, it was extremely important they not have more hurdles created; and Mayor White heard him and he was sure action would be taken. Council Members Clutterbuck, Holm and Alvarado absent.

Council Member Johnson stated that he thought this was the best way to get traction and he heard a good suggestion; and upon questions, Mr. Harris stated that money was still owed; that they were going through the process and asked for mediation but the company did not respond so they had asked for arbitration and another issue at hand was there was an agreement between the two companies and now they were being told a lesser amount would be paid; that they were not the only company having a problem, Underground Technologies had put other companies out of business; and Council Member Johnson stated that a company now had not paid a sub and when a company did not meet his MWBE requirements the city put them on the death penalty or whatever, would that happen here or what would be done for repercussions; and Mayor White stated that he appreciated the inquiry and the principal should be, and stated to Mr. Norman that there should be clear rules, the nature of the contracting business was tough and people did tend to hold onto their money, but if someone deliberately not in good faith stiffed the subs there should be a standard to what that meant and he wanted to figure out how they could not do business with that vendor. Council Members Alvarado and Berry absent.

Council Member Garcia stated that for too many years small businesses did not want to do business with the City of Houston because of timeliness on pay, but they were doing better and he was working with Ms. Laws and for prime contractors who did not comply with their contractual obligations should have consequences and there also had to be consequences for subcontractors who bit off more than they could chew, but there did need to be an avenue and he would like to visit with Ms. Laws and see if it could be handled through an Affirmative Action Subcommittee, maybe that was where mediation could occur. Council Members Lawrence, Alvarado and Berry absent.

Council Member Brown stated that Mr. Harris had brought some good points out; that he himself had been involved in award of bid to a contractor and in at least two cases he remembered recommending to the city not to award to the lowest bidder but to the lowest qualified bidder and they refused to do that; that they told the city the chances of the contractor finishing the contract and paying his subs were very low but they did not take their advise and sure enough both jobs went into default and the bonding company had to come in and he would strongly suggest developing a policy of the lowest qualified bidder which was justified under state law; that also during progress payments the architect or engineer went to inspect the job and on that basis agreed to payment and when that was agreed to there was a retainage and that hurt the small minority contractor because he had to wait until the end of the job to get his final 10% and that was something to think about when helping the small business with his cash flow problems; and lastly, when there was a change in the scope of the work the general contractor had to sit and wrestle with the City of Houston and while they were negotiating they were negotiating away prices from the subs and then he went back and said sorry, all I could get was; and you have to take a loss. Council Members Lawrence, Holm, Garcia, Alvarado and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that Mr. Harris stated he went through mediation and arbitration and he would ask for a report from Public Works concerning what the delay was; that maybe they could look at arbitration, but he did not know the facts; and Ms Laws, as efficient as she was, sent him an E-mail when they were talking about the prompt payment of the program with the city which was recently adopted to notify primes within 10 days of problems in invoices and requiring the city to pay within 20 days of approval and requiring the prime to pay the sub within 7 days as he had been pushing for those policies. Council Members Lawrence, Holm, Garcia, Alvarado and Berry absent. (NO QUORUM PRESENT)

Mr. Jerome Walton, 1203 Gregg, Houston, Texas 77020 (832-518-8500) appeared and stated that he was present on three issues, he was a community activist in the Fifth Ward area

and one was a capital improvement program for a gully which existed and was in desperate need of infrastructure, the other was when Solid Waste came and picked up illegal dumping they did not totally remove it and it caused others to continue dumping; and lastly was abandoned houses and he did hope they could expedite tearing down homes; and he did thank Mr. Fontaine and Council Member Garcia who had helped with cleanups. Council Members Lawrence, Holm, Garcia, Alvarado and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that on the Fifth Ward they were looking at expanding a boundary there on foreclosed properties in Project Hope and it had enhanced down payment assistance, high priority response on dangerous buildings, etc.; and he appreciated him coming. Council Members Lawrence, Clutterbuck, Holm, Garcia, Alvarado, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Johnson stated that he thanked him for coming and in January they had a CIP Meeting in Kashmere Gardens and that would have been a prime time for him to come; that he talked with Mr. Norman and asked about the gully and it was in the planning stages and once progress was moving on it he would be contacted. Council Members Lawrence, Clutterbuck, Holm, Garcia, Alvarado, Green and Berry absent. (NO QUORUM PRESENT)

Mr. Joseph Ballard, 6302 Rocky Nook Drive, Humble, Texas 77396 (281-850-0388) appeared, presented pictures to view and stated that his issue was motels, crack houses, street walkers, etc., in the Fifth Ward; that if a serial rapist happened in their area no one would know who did it because they would not be from there; that there were shootings and you would hit the floor and it had to stop; that Mr. Fontaine and Council Member Garcia had helped, but they were asking for help. Council Members Lawrence, Clutterbuck, Holm, Garcia, Alvarado, Green and Berry absent. (NO QUORUM PRESENT)

Council Member Johnson thanked Mr. Ballard for coming and stated that he went to the Mayor and talked about sweat equity programs where the neighborhood could start holding landowners accountable for the weeded lots and he and Council Member Brown were working on creating an ordinance which would get the motels to shape up or ship out; that they wanted the police force to have more tools to get the oldest business known, prostitution, out; that he created a program "Silence is not Safety" because people just quit looking as it had been there so long, but if they were quiet on issues they would not be addressed; that the Super Neighborhood Council would be holding a meeting February 7th at 6:00 p.m. at Phyllis Wheatley High School and he encouraged him to attend. Council Members Lawrence, Clutterbuck, Holm, Garcia and Berry absent. (NO QUORUM PRESENT)

Council Member Brown stated that he talked about the tip of the iceberg on a complex and troubling problem, the fiscal and social deterioration of older neighborhoods and there was no easy solution; that Houston had 104,000 vacant homes out of 838,000 and that was 12 1/2%, one of the highest percent of any city in the country and business as usual would not solve the problem; that the Mayor has the Hope Program and that was beginning to recognize the problem and dealt with parts of it and Council Member Johnson was on the right track; that maybe they could have a program like the CCC, Civilian Conservation Core, it had really worked; and this Mayor and council were trying to get to a new level of thinking. Council Members Lawrence, Clutterbuck, Holm, Garcia and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that he would see what they would do with the photos shown, Mr. Fontaine had them, but he would see where they were now and then in six weeks; that one thing in Fifth Ward was a lot of speculators had bought up land and there was not as much tax delinquency and it was harder to get it, but he understood what he was saying and they needed a strategy stronger than tax delinquency; that they needed more teeth and it was taking time to

know what worked. Council Members Lawrence, Clutterbuck, Holm, Garcia, Brown, and Berry absent. (NO QUORUM PRESENT)

Mr. Steven Williams, no address (no phone) had reserved time to speak but was not present when his name was called. Council Members Lawrence, Clutterbuck, Holm, Garcia, Brown and Berry absent. (NO QUORUM PRESENT)

Ms. Sandra Massie-Hines, 4425 Alvin, Houston, Texas 77051 (713-731-9806) appeared and stated that she was speaking out for minority and Black males who felt retaliation if they filed against Houston police; that she was not complaining about them as a whole, but the few renegade who did exhibit a sport for killing; and read a poem; and stated that they should weed out the bad apples in the police department. Council Members Lawrence, Clutterbuck, Holm, Garcia, Brown and Berry absent. (NO QUORUM PRESENT)

Mr. Trent Winters, 7960 W. Bellfort, Houston, Texas 77071 (832-882-7761) appeared and stated that the Mayor was at a meeting involving a shooting and said he would do something about it and he wanted to know what; that it was his belief when Council Member Edwards talked about independent studies he believed it should be done; that tasers were introduced to stop murders and to him if a taser was used and a murder still happened an independent study should be done, but he also wanted to thank the Mayor as he just saw on the news they were doing something about pollution. Council Members Lawrence, Clutterbuck, Holm, Garcia, Brown and Berry absent. (NO QUORUM PRESENT)

Ms. Ho Pham, 12419 Newbrook, Houston, Texas 77072 (832-434-5431) had reserved time to speak but was not present when her name was called. Council Members Lawrence, Clutterbuck, Holm, Garcia, Brown and Berry absent. (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. Council Members Lawrence, Johnson, Clutterbuck, Holm, Garcia, Brown and Berry absent. (NO QUORUM PRESENT)

Ms. Mary Taylor, 1403 Fashion Hill Drive, Houston, Texas 77088 (281-445-0682) appeared and stated that she was present regarding a ticket given to her wrongfully by a Sheriff and she brought pictures for them to view; that she was on 249 waiting to turn and was hit. Council Members Lawrence, Johnson, Clutterbuck, Holm, Garcia, Brown and Berry absent. (NO QUORUM PRESENT)

Mayor White stated that if there was something she wanted them to look at they would; that whatever she would present in writing they would look at. Council Members Lawrence, Johnson, Clutterbuck, Holm, Garcia, Brown, Lovell and Berry absent. (NO QUORUM PRESENT)

President Joseph Charles, P. O. Box 524373, Houston, Texas 77052-4373 (832-453-6376) appeared and stated that he needed his emergency protection against the Mafia and the star war weapons; and continued expressing his personal opinions until his time expired. Council Members Lawrence, Johnson, Clutterbuck, Holm, Garcia, Brown, Lovell and Berry absent. (NO QUORUM PRESENT)

At 4:10 p.m. City Council recessed until 9:00 a.m., Wednesday, February 7, 2007. Council Members Edwards and Wiseman absent out of the city on city business. Council Members Lawrence, Johnson, Clutterbuck, Holm, Garcia, Brown, Lovell and Berry absent. (NO QUORUM PRESENT)

City Council Chamber, City Hall, Wednesday, February 7, 2007

The Houston City Council reconvened at 9:00 a.m. Wednesday, February 7, 2007, with Mayor Bill White presiding and with Council Members Toni Lawrence, Jarvis Johnson, Anne Clutterbuck, Addie Wiseman, M. J. Khan, P. E., Pam Holm, Adrian Garcia, Carol Alvarado, Peter Brown, Sue Lovell, Ronald C. Green and Michael Berry; Mr. Arturo Michel, City Attorney; Ms. Marty Stein, Agenda Director and Ms. Marta Crinejo, Assistant Agenda Director, present. Council Member Ada Edwards out of the city on city business.

Note: Council Member At Large Position 3 vacant.

At 8:19 a.m. the City Secretary read the descriptions or captions of items on the Agenda.

At 9:31.m. Mayor White called the meeting to order. Council Members Johnson, Garcia, Alvarado and Berry absent.

MAYOR'S REPORT

Council Member Green moved to suspend the rules to consider Item No. 20 out of order, seconded by Council Member Khan. All voting aye. Nays none. Council Member Edwards out of the city on city business. Council Members Johnson, Garcia, Alvarado and Berry absent. MOTION 2007-0121 ADOPTED.

20. ORDINANCE authorizing issuance of City of Houston, Texas Taxable Pension Obligation Bonds, Series 2007A; prescribing the terms and form thereof; providing for the payment thereof; authorizing the execution of a Purchase Contract relating to the bonds; authorizing the purchase of a Financial Guaranty Insurance Policy; awarding the sale of the bonds; ratifying the use of a Preliminary Official Statement and authorizing the preparation and distribution of an Official Statement to be used in connection with the sale of the bonds; authorizing the execution and delivery of a Paying Agent/Registrar Agreement, Co-Bond Counsel Agreement and Co-Special Disclosure Counsel Agreement; making other findings and provisions relating to the subject and matters incident thereto; and declaring an emergency – was presented. All voting aye. Nays none. Council Member Edwards out of the city on city business. Council Members Johnson, Garcia, Alvarado and Berry absent. ORDINANCE 2007-0153 ADOPTED.

Council Member Lawrence moved to suspend the rules to consider Item Numbers 46 and 46a out of order, seconded by Council Member Khan. All voting aye. Nays none. Council Member Edwards out of the city on city business. Council Members Johnson, Garcia and Berry absent. MOTION 2007-0122 ADOPTED.

46. ORDINANCE appropriating \$600,000.00 out of Airports Improvement Fund for Purchase of Blast Protection Window Film for the Houston Airport System, (WBS A-000486-23-6, A-00486-37-6) – **(These was Item 86 on Agenda of January 31, 2007, POSTPONED BY MOTION #2007-115)** – was presented. Council Member Berry absent.

Council Member Lawrence moved to postpone Item Numbers 46 and 46a for one week, seconded by Council Member Khan. Council Member Berry absent.

Mayor White stated that they supported the postponement and it was requested by him because there was some information that he needed to review and he appreciated the professionalism on working on it in the last week and the input from Council Member Lawrence.

A vote was called on Council Member Lawrence's motion to postpone Item Numbers 46 and 46a for one week. All voting aye. Nays none. Council Member Edwards out of the city on city business. Council Member Berry absent. MOTION 2007-0123 ADOPTED.

- 46a. **WINTEC SECURITY, INC** for Purchase of Blast Protection Window Film through the Interlocal Agreement for Cooperative Purchasing with Houston Galveston Area Council – **(These was Item 86A on Agenda of January 31, 2007, POSTPONED BY MOTION #2007-116)** - was called and postponed by MOTION 2007-0123.

CONSENT AGENDA NUMBERS 1 through 42

ACCEPT WORK - NUMBERS 2 through 4

2. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$689,131.39 and acceptance of work on contract with **TIMES CONSTRUCTION, INC** for Bid Package 6 - Fonde Park and Nellie Keyes Park, GFS F-504C-18-3 and F-504C-22-3 04.12% over the original contract amount - **DISTRICTS G - HOLM and I – ALVARADO** – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Edwards out of the city on city business. Council Member Berry absent. MOTION 2007-0124 ADOPTED.
3. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$376,511.00 and acceptance of work on contract with **CARRERA CONSTRUCTION, INC** for Law Park, WBS F-504C27-0001-4 - 04.99% over the original contract amount - **DISTRICT E - WISEMAN** – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Edwards out of the city on city business. Council Member Berry absent. MOTION 2007-0125 ADOPTED.
4. RECOMMENDATION from Director Building Services Department for approval of final contract amount of \$911,015.14 and acceptance of work on contract with **SUMCO, INC** for Parks Master Plan - Hermann Park Greenway, GFS F-000525-0001-4 - 08.46% under the original contract amount - **DISTRICT D - EDWARDS** – was presented, moved by Council Member Khan, seconded by Council Member Green. All voting aye. Nays none. Council Member Edwards out of the city on city business. Council Member Berry absent. MOTION 2007-0126 ADOPTED.

PROPERTY - NUMBERS 6 and 6A

6. ORDINANCE appropriating \$66,627.00 out of Drainage Improvement Commercial Paper Series F, to pay the amount of the Award of Special Commissioners and all costs of court in connection with the eminent domain proceeding styled City of Houston v. Nathaniel F. Starr, et al., for Parcel Number LY5-011, for the Sunnyside Court Storm Sewer Laterals Project; CIP Number M-000217-0001-2 - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Edwards out of the city on city business. Council Member Berry absent. ORDINANCE 2007-0154 ADOPTED.

- 6a. 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. Nathaniel F. Starr, et al., Cause No. 866,189, for acquisition of Parcel LY5-011; for the **SUNNYSIDE COURT STORM SEWER LATERALS PROJECT**; CIP M-000217-0001-2 - **DISTRICT D - EDWARDS** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Edwards out of the city on city business. Council Member Berry absent. MOTION 2007-0127 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 8 through 12

8. **PETERSEN MANUFACTURING COMPANY, INC** for Concrete Vehicle Barriers through the Interlocal Agreement for Cooperative Purchasing with Houston-Galveston Area Council for Houston Airport System - \$45,360.63 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Edwards out of the city on city business. Council Member Berry absent. MOTION 2007-0128 ADOPTED.
9. **ARROW SERVICES, INC** for Asbestos and Lead-Paint Abatement Services for Building Services Department - \$30,420.00 and contingencies for a total amount not to exceed \$31,941.00 In-house Renovation Fund - **DISTRICT I - ALVARADO** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Edwards out of the city on city business. Council Member Berry absent. MOTION 2007-0129 ADOPTED.
10. **TROY CONSTRUCTION, L.L.P.** for Emergency Repair of the Sewer Force Main at Renwick and Gulfton Drive for Department of Public Works & Engineering - \$324,750.00 - Enterprise Fund **DISTRICT F - KHAN** – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Edwards out of the city on city business. Council Member Berry absent. MOTION 2007-0130 ADOPTED.
11. **HD SUPPLY WATERWORKS** for Payment for Emergency Purchase of Fire Hydrants for Department of Public Works & Engineering - \$97,540.00 - Enterprise Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Edwards out of the city on city business. Council Member Berry absent. MOTION 2007-0131 ADOPTED.

RESOLUTIONS AND ORDINANCES - NUMBERS 13 through 42

13. RESOLUTION designating certain properties within the City of Houston as landmarks and protected landmarks
Sam Houston Park - 1100 Bagby Street – **DISTRICT I - ALVARADO**
Lawrence and Maggie Scarborough House - 412 Avondale Street - **DISTRICT D - EDWARDS**
Robert L. and Dena Cole House - 945 Harvard Street - **DISTRICT H - GARCIA**

- was presented. All voting aye. Nays none. Council Member Edwards out of the city on city business. Council Member Berry absent. RESOLUTION 2007-0005 ADOPTED.
14. RESOLUTION designating a certain property within the City of Houston as a protected landmark **DISTRICT H - GARCIA**

Arthur and Katherine Spring House - 1808 Lubbock Street

- was presented. All voting aye. Nays none. Council Member Edwards out of the city on city business. Council Member Berry absent. RESOLUTION 2007-0006 ADOPTED.

15. RESOLUTION designating certain properties within the City of Houston as historic landmarks **DISTRICT G - HOLM**
Dr. Culver M. Griswold House - 2121 Brentwood Drive
Dr. Benjamin Weems Turner House - 2947 Inwood Drive

- was presented. All voting aye. Nays none. Council Member Edwards out of the city on city business. Council Member Berry absent. RESOLUTION 2007-0007 ADOPTED.

22. ORDINANCE finding and determining that public convenience and necessity no longer require the continued use of a portion of an alleyway and two street easements, containing an aggregate of 713 square feet of land, more or less, Parcels SY6-069A, SY6-069B and SY6-069C, vacating and abandoning said tracts of land to 4119 Montrose Limited, abutting owner, in consideration of said owner's dedication of Parcel VY6-016, a full-width utility easement containing 263 square feet of land, more or less, all located in Restricted Reserve "A" of 4119 Montrose Tract, Houston, Harris County, Texas, and payment of \$36,053.00 and other consideration to the City - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Edwards out of the city on city business. Council Member Berry absent. ORDINANCE 2007-0155 ADOPTED.
23. ORDINANCE consenting to the addition of 0.4584 acres of land to **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 130**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Edwards out of the city on city business. Council Member Berry absent. ORDINANCE 2007-0156 ADOPTED.
24. ORDINANCE consenting to the addition of 92.561 acres of land to **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 432**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Edwards out of the city on city business. Council Member Berry absent. ORDINANCE 2007-0157 ADOPTED.
25. ORDINANCE consenting to the creation of **MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 102** – was presented. All voting aye. Nays none. Council Member Edwards out of the city on city business. Council Member Berry absent. ORDINANCE 2007-0158 ADOPTED.
26. ORDINANCE consenting to the creation of **MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 104** – was presented. All voting aye. Nays none. Council Member Edwards out of the city on city business. Council Member Berry absent. ORDINANCE 2007-0159 ADOPTED.
27. ORDINANCE consenting to the creation of **MONTGOMERY COUNTY MUNICIPAL UTILITY DISTRICT NO. 117** – was presented. All voting aye. Nays none. Council Member Edwards out of the city on city business. Council Member Berry absent. ORDINANCE 2007-0160 ADOPTED.
28. ORDINANCE consenting to the addition of 21.4750 acres of land to **WEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 7**, for inclusion in its district – was presented. All voting aye. Nays none. Council Member Edwards out of the city on city business. Council Member Berry absent. ORDINANCE 2007-0161 ADOPTED.

29. ORDINANCE establishing the north and south sides of the 2400 and 2500 blocks of Arbor 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 D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Edwards out of the city on city business. Council Member Berry absent. ORDINANCE 2007-0162 ADOPTED.
32. ORDINANCE appropriating \$200,000.00 out of Airports Improvement Fund and approving and authorizing Professional Engineering Services Contract between the City of Houston and **MCDONOUGH ENGINEERING CORPORATION** for Engineering Service in connection with Miscellaneous Projects with the Houston Airport System; WBS A-000138-0012-3-01 (Proj. No. 615D) - **DISTRICTS B - JOHNSON; E - WISEMAN and I - ALVARADO** – was presented. All voting aye. Nays none. Council Member Edwards out of the city on city business. Council Member Berry absent. ORDINANCE 2007-0163 ADOPTED.
33. ORDINANCE approving and authorizing lease agreement between **BEECHNUT SHOPPING CENTER, LP, a Texas Limited Partnership, as landlord (“Landlord”)**, and the City of Houston, Texas, as tenant (the “City”), for a one-story office building, approximately 4,200 net rentable square feet of office space at 12660 Beechnut, Houston, Harris County, Texas 77072, for sixty (60) months at a monthly rental of \$8,652.00, for use by the Health and Human Services Department - **DISTRICT F - KHAN** – was presented. All voting aye. Nays none. Council Member Edwards out of the city on city business. Council Member Berry absent. ORDINANCE 2007-0164 ADOPTED.
34. Omitted
37. ORDINANCE appropriating \$125,644.54 out of Water & Sewer Consolidated Construction Fund and approving and authorizing amendment to the Developer Participation Contract between the City of Houston and **GARC ENTERPRISES, LTD** for Construction of a Wastewater Force Main and Lift Station to serve the Southridge Crossing Subdivision (WBS No. R-000802-0036-4) **DISTRICT E - WISEMAN** – was presented. All voting aye. Nays none. Council Member Edwards out of the city on city business. Council Member Berry absent. ORDINANCE 2007-0165 ADOPTED.
38. ORDINANCE appropriating \$346,316.00 from Parks Special Fund and approving and authorizing payment for land acquisition costs pursuant to purchase and sale agreement between the City of Houston, Purchaser, and **KELVIN J. ROBERTS**, Seller, for the purchase of a tract of land containing 17,128 square feet, more or less (Parcel BY6-001), out of Institute Place Addition, in Harris County, Texas, for purposes of expanding Beech-White Park, for a purchase price of \$343,500.00 and Title Insurance Expenses of \$2,816.00 - **DISTRICT D - EDWARDS** – was presented. All voting aye. Nays none. Council Member Edwards out of the city on city business. Council Member Berry absent. ORDINANCE 2007-0166 ADOPTED.
39. ORDINANCE appropriating \$200,000.00 out of General Improvement Consolidated Fund, \$150,000.00 out of Solid Waste Consolidated Fund and \$300,000.00 out of Public Health Consolidated Fund; awarding construction contracts to **WILLIAMS & THOMAS LP d/b/a JAMAIL CONSTRUCTION** and **RHJ-JOC, INC** for Job Order Contracts (WBS Nos. D000108-0002-4; H-000069-0002-4, L-000JOC-0001-4 respectively); providing a maximum contract amount of \$10,000,000.00 for each contract - 5 Years – was presented. All voting aye. Nays none. Council Member Edwards out of the city on city business. Council Member Berry absent. ORDINANCE 2007-0167 ADOPTED.

40. ORDINANCE appropriating \$3,746,856.00 out of Water & Sewer Consolidated Construction Fund, awarding contract to **PM CONSTRUCTION & REHAB, L.P.** for Sanitary Sewer Rehabilitation by Sliplining and Pipe Bursting Method, WBS# R-000266-00G1-4; 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 Consolidated Construction Fund – was presented. All voting aye. Nays none. Council Member Edwards out of the city on city business. Council Member Berry absent. ORDINANCE 2007-0168 ADOPTED.
41. ORDINANCE appropriating \$1,067,647.00 out of Water & Sewer Consolidated Construction Fund, awarding contract to **CHIEF SOLUTIONS, INC** for Sanitary Sewer Cleaning and Television Inspection in support of Rehabilitation, WBS# R-000266-00G7-4; 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 Consolidated Construction Fund – was presented. All voting aye. Nays none. Council Member Edwards out of the city on city business. Council Member Berry absent. ORDINANCE 2007-0169 ADOPTED.
42. ORDINANCE appropriating \$3,248,500.00 out of Water & Sewer Consolidated Construction Fund, awarding contract to **D. L. ELLIOTT ENTERPRISES, INC** for Water Line Grid Extensions in various locations, WBS No. S-000700-0062-4; 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 Consolidated Construction Fund - **DISTRICTS B - JOHNSON and E - WISEMAN** – was presented. All voting aye. Nays none. Council Member Edwards out of the city on city business. Council Member Berry absent. ORDINANCE 2007-0170 ADOPTED.

MATTERS REMOVED FROM THE CONSENT AGENDA WERE CONSIDERED AS FOLLOWS:

MISCELLANEOUS

1. RECOMMENDATION for approval of the **GREATER HARRIS COUNTY 9-1-1 EMERGENCY NETWORK** Budget for Fiscal Year 2007 - January 1, 2007 through December 31, 2007 – was presented, and tagged by Council Member Alvarado. Council Member Berry absent.

ACCEPT WORK

5. RECOMMENDATION from Director Department of Public Works & Engineering for approval of final contract amount of \$1,577,543.95 and acceptance of work performed on contract with **INFRASTRUCTURE SERVICES, INC** for completion of concrete repairs at various locations, WBS No. N-000655-0003-4 - 84% under the original contract amount – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Edwards out of the city on city business. Council Member Berry absent. MOTION 2007-0132 ADOPTED.

PURCHASING AND TABULATION OF BIDS - NUMBERS 7 through 12

7. ORDINANCE appropriating \$2,147,283.37 out of Limited Use Roadway & Mobility Fund and approving and authorizing Purchase of Data Services and Modems from the General Services Administration Federal Supply Schedule Contract – was presented, and tagged by Council Member Wiseman. Council Member Berry absent.
- 7a. **VERIZON WIRELESS** for Purchase of Data Services and Modems – was presented, and tagged by Council Member Wiseman. Council Member Berry absent.
12. **CHARLOTTE SADDLERY, INC** - \$100,823.25, **MACI FEED** - \$206,264.95 and **WEBSTER VETERINARY** - \$505,093.95 for Veterinary Supplies for Various Departments - General Fund – was presented, moved by Council Member Khan, seconded by Council Member Alvarado. All voting aye. Nays none. Council Member Edwards out of the city on city business. MOTION 2007-0133 ADOPTED.

RESOLUTIONS AND ORDINANCES

16. ORDINANCE **AMENDING CHAPTER 21 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Registration of Air Pollution Sources and Incorporation of State Rules regarding Air Pollution; containing findings and other provisions relating to the foregoing subject; providing for severability – was presented, and tagged by Council Members Wiseman and Lawrence.
17. ORDINANCE **AMENDING SECTION 10-451 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Emission of Toxic or Hazardous Air Pollutants creating a nuisance; containing findings and other provisions relating to the foregoing subject; declaring certain conduct to be unlawful and providing penalties therefor; providing for severability – was presented, and tagged by Council Members Wiseman, Johnson and Lawrence.
18. ORDINANCE **AMENDING THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Vehicles for Hire – was presented, and tagged by Council Members Wiseman, Johnson, Lovell, Lawrence, Khan and Brown.

Council Member Garcia stated that he would like to have some discussion on what Michelle Colvard addressed yesterday, that if he understood her comments there was a particular problem with cabs turning down business of folks that may be physically disadvantaged, that she kept saying that in the ordinance there was no teeth, no substance in the ordinance and he was not sure if this was an opportunity to strengthen the issue of cab drivers that may be discriminating against physically disadvantaged individuals, that he was not sure if it was worthy of a tag or a three week delay, but if there was an opportunity to correct that problem that was what he would recommend.

Mayor White stated that he got the concern expressed by Council Member Garcia and there were people working on these types of issues including those within the regulatory folks in F&A and the City Attorney, Ms. Stein, Michael Moore on this and they can help him get some visibility that they need to talk through, that Mr. Hall had a lot of experience and if people could confer he knew they had a new round coming up in March and this would not be the only time that they would address these things and if he got some thinking based on the comments that occurred yesterday, if there were concerns raised by a citizen that they as a body needed to make a decision one way or another, how they do that and where they do that.

Council Member Garcia asked if with the tag there was enough time to bring back some strategy or some process to address it, otherwise next week he would be asking for a delay on the issue, and Mayor White asked Ms. Stein to make sure that some of the people that he mention would confer and decide what that appropriate process should be.

19. ORDINANCE **AMENDING SECTION 10-551 OF THE CODE OF ORDINANCES, HOUSTON, TEXAS**, relating to Compliance with Deed Restrictions involving the orientation or fronting of structures – was presented, and tagged by Council Member Wiseman.
21. ORDINANCE approving and authorizing purchase of a Boiler and Machinery Insurance Policy from the **HARTFORD STEAM BOILER INSPECTION & INSURANCE COMPANY - 1 Year \$82,724.00 - Property and Casualty Fund** – was presented. All voting aye. Nays none. Council Member Edwards out of the city on city business. ORDINANCE 2007-0171 ADOPTED.
30. ORDINANCE approving and authorizing lease agreement between the City of Houston and **CONCESSIONS OF HOUSTON** for certain premises at George Bush Intercontinental Airport/Houston - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Member Edwards out of the city on city business. ORDINANCE 2007-0172 ADOPTED.
31. ORDINANCE approving and authorizing lease agreement between the City of Houston and **INDIAN CREEK ENTERPRISES, INC** for certain premises at George Bush Intercontinental Airport/Houston - **DISTRICT B - JOHNSON** – was presented. All voting aye. Nays none. Council Member Edwards out of the city on city business. ORDINANCE 2007-0173 ADOPTED.
35. ORDINANCE relating to the Fiscal Affairs of the Old Sixth Ward Redevelopment Authority on behalf of **REINVESTMENT ZONE NUMBER THIRTEEN, CITY OF HOUSTON, TEXAS (OLD SIXTH WARD ZONE)**; approving the Fiscal Year 2007 Operating Budget for the Authority **DISTRICT H - GARCIA** – was presented. All voting aye. Nays none. Council Member Edwards out of the city on city business. ORDINANCE 2007-0174 ADOPTED.
36. ORDINANCE approving and authorizing amendment to contract between the City of Houston and **SEVERN TRENT ENVIRONMENTAL SERVICES, INC** for Operation and Maintenance Services for the Kingwood Area Water and Wastewater Utilities and Facilities; providing a maximum contract amount - 3 Years - \$12,198,282.00 - Enterprise Fund - **DISTRICT E - WISEMAN** – was presented. All voting aye. Nays none. Council Member Edwards out of the city on city business. ORDINANCE 2007-0175 ADOPTED.

MATTERS HELD - NUMBERS 43 through 77

43. RESOLUTION authorizing the City Attorney to take appropriate legal action against **TEXAS PETROCHEMICALS LP** to enforce the provisions of environmental laws and regulations **DISTRICT E – WISEMAN** – **(This was Item 18 on Agenda of January 31, 2007, TAGGED BY COUNCIL MEMBERS WISEMAN, KHAN and CLUTTERBUCK)** – was presented.

Council Member Lawrence stated that she had passed out a written motion to amend Item No. 43 as follows:

I move to amend Item No. 43 on the February 7, 2007 Agenda of the City of Houston City Council by adding the following language to the Resolution:

“Section 4. That, notwithstanding the above, the City Attorney shall take legal action no earlier than thirty (30) days from the effective date of this Resolution.”

Mayor White stated that they supported the amendment.

Upon discussion by Council Members, Council Member Clutterbuck requested that the City ask for a commitment from the Legal Department that the City would submit to the two parties a list of what their cause of action would be and what kind of corrective action they would like for them to take so they could try to forestall litigation in this, that several of her questions were whether or not the City had a cause of action, if for example in the case of TPC if they had already signed an agreed order with the TCEQ, she thought it was a legal issue and she would like to hear from the City Attorney on it, that it would be helpful for all of them if in the next week or so, if they were going to forestall litigation for 30 days, that there be a clear understanding of what the requirements were if they were trying to seek cooperative resolution of these matters.

Mr. Michel stated that Council approval was required for certain statutory causes of action, but there were other claims such as common law nuisance that still existed independent of any statutory scheme and that they would look at and he thought 30 days was ample time to determine whether it was a corrective action that the City finds acceptable but there were other remedies that the City could still pursue, it was not limited to just simply the statutory claim that was settled.

Upon further discussion by Council Members, Council Member Johnson asked if this meant it was a blanket for litigation period against Valero or was it that each infraction they had they had to come back before City Council to have corrective action.

Mr. Michel stated that he thought the practice had been, and would remain, that they would come back to Council whenever there was a period of time they were not investigating or pursuing violations, for example if they could not reach an agreement and the City does sue and other violations occur during that time those could be made part of the lawsuit, but for example with these companies there was a period of time last year and the year before when they came to Council for authorization, those problems were addressed and other problems arose and they came back to Council.

Upon further discussion by Council Members, Council Member Berry asked if this was the first such lawsuit by the City of Houston; have other municipalities sued, that he would be interested to know what their damages were, were they seeking a certain specific performance, were they trying to compel them to comply and if not what were they going to do to them, what sort of penalties were there, that his specific question was how uncommon was it to have such an emission, had it never been done in the State of Texas, had it been done in every other community except for theirs and what was the standard amount of time that they were required to notify the City and what were the means by which they notify the City.

After further discussion by Council Members, Council Member Wiseman stated that she would tag Council Member Lawrence's motion to amend Item No. 43 and would move to postpone Item No. 43 for one week, seconded by Council Member Holm.

After further discussion by Council Members, Council Member Clutterbuck stated that she would like to have a list of what they had asked of the companies and what they had not complied with because they got mixed information. Council Member Garcia absent.

After further discussion by Council Members, a vote was called on Council Member Wiseman motion to postpone Item No. 43. All voting aye. Nays none. Council Member Edwards out of the city on city business. Council Member Garcia absent. MOTION 2007-0134 ADOPTED.

44. RESOLUTION authorizing the City Attorney to take appropriate legal action against **VALERO REFINING TEXAS - L.P.** to enforce the provisions of environmental laws and regulations **DISTRICT I – ALVARADO – (This was Item 19 on Agenda of January 31, 2007, TAGGED BY COUNCIL MEMBERS CLUTTERBUCK, KHAN, WISEMAN and LAWRENCE)** – was presented.

Council Member Lawrence stated that she had passed out a written motion to amend Item No. 44 as follows:

I move to amend Item No. 44 on the February 7, 2007 Agenda of the City of Houston City Council by adding the following language to the Resolution:

“Section 4. That, notwithstanding the above, the City Attorney shall take legal action no earlier than thirty (30) days from the effective date of this Resolution.” Council Member Garcia absent.

After discussion by Council Members, Council Member Wiseman stated that she would tag Council Member Lawrence’s motion to amend Item No. 44 and would move to postpone Item No. 44 for one week, seconded by Council Member Holm. All voting aye. Nays none. Council Member Edwards out of the city on city business. Council Member Garcia absent. MOTION 2007-0135 ADOPTED.

45. ORDINANCE amending Ordinance No. 96-908 to approve and authorize the reallocation of Economic Development Initiative (EDI) Grant Funds supporting the City’s Section 108 Notes issued in connection with the Rice Hotel and other Section 108 Program activities and to authorize future reallocations of EDI Grant Funds among all existing Section 108 Notes as needed and with HUD’s consent; and amending Ordinance Nos. 95-349 and 97-1167 to remove Housing projects from the scope of the City’s Section 108 Program – **(This was Item 31 on Agenda of January 31, 2007, TAGGED BY COUNCIL MEMBER WISEMAN)** – was presented. All voting aye. Nays none. Council Member Edwards out of the city on city business. Council Member Garcia absent. ORDINANCE 2007-0176 ADOPTED.
47. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **BRIDGESTONE MUNICIPAL UTILITY DISTRICT** to enter into a strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Bridgestone Municipal Utility District and certain territory located in the vicinity of Bridgestone Municipal Utility District, in Harris County, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – **(This was Item 53 on Agenda of January 31, 2007, TAGGED BY COUNCIL MEMBERS WISEMAN and JOHNSON)** – was presented. Council Member Wiseman voting no, balance voting aye. Council Member Edwards out of the city on city business. Council Member Garcia absent. ORDINANCE 2007-0177 ADOPTED.

48. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **CHELFORD CITY MUNICIPAL UTILITY DISTRICT** in Harris County to enter into an amendment to the strategic partnership agreement between the City of Houston and Chelford City Municipal Utility District; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – (This was Item 54 on Agenda of January 31, 2007, TAGGED BY COUNCIL MEMBERS WISEMAN and JOHNSON) – was presented. Council Member Wiseman voting no, balance voting aye. Council Member Edwards out of the city on city business. Council Member Garcia absent. ORDINANCE 2007-0178 ADOPTED.
49. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **FORT BEND COUNTY MUNICIPAL UTILITY DISTRICT NO. 119** to enter into a strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Fort Bend County Municipal Utility District No. 119 and certain territory located in the vicinity of Fort Bend County Municipal Utility District No. 119, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – (This was Item 55 on Agenda of January 31, 2007, TAGGED BY COUNCIL MEMBERS WISEMAN, JOHNSON and BROWN) – was presented. Council Member Wiseman voting no, balance voting aye. Council Member Edwards out of the city on city business. Council Member Garcia absent. ORDINANCE 2007-0179 ADOPTED.
50. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 33** to enter into a strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Harris County Municipal Utility District No. 33 and certain territory located in the vicinity of Harris County Municipal Utility District No. 33, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – (This was Item 56 on Agenda of January 31, 2007, POSTPONED BY MOTION #2007-113) – was presented. Council Member Wiseman voting no, balance voting aye. Council Member Edwards out of the city on city business. Council Member Garcia absent. ORDINANCE 2007-0180 ADOPTED.
51. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 53** to enter into a strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Harris County Municipal Utility District No. 53 and certain territory located in the vicinity of Harris County Municipal Utility District No. 53, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – (This was Item 57 on Agenda of January 31, 2007, POSTPONED BY MOTION #2007-113) – was presented. Council Member Wiseman voting no, balance voting aye. Council Member Edwards out of the city on city business. Council Member Garcia absent. ORDINANCE 2007-0181 ADOPTED.
52. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 55** to enter into a strategic partnership agreement

and on a proposal by the City of Houston to annex for limited purposes certain territory within Harris County Municipal Utility District No. 55 and certain territory located in the vicinity of Harris County Municipal Utility District No. 55, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – **(This was Item 58 on Agenda of January 31, 2007, POSTPONED BY MOTION #2007-113)** – was presented. Council Member Wiseman voting no, balance voting aye. Council Member Edwards out of the city on city business. Council Member Garcia absent. ORDINANCE 2007-0182 ADOPTED.

53. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 154** to enter into a strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Harris County Municipal Utility District No. 154 and certain territory located in the vicinity of Harris County Municipal Utility District No. 154, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – **(This was Item 59 on Agenda of January 31, 2007, POSTPONED BY MOTION #2007-113)** – was presented. Council Member Wiseman voting no, balance voting aye. Council Member Edwards out of the city on city business. Council Member Garcia absent. ORDINANCE 2007-0183 ADOPTED.
54. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 165** to enter into a strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Harris County Municipal Utility District No. 165 and certain territory located in the vicinity of Harris County Municipal Utility District No. 165, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – **(This was Item 60 on Agenda of January 31, 2007, POSTPONED BY MOTION #2007-113)** – was presented. Council Member Wiseman voting no, balance voting aye. Council Member Edwards out of the city on city business. Council Member Garcia absent. ORDINANCE 2007-0184 ADOPTED.
55. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 179** to enter into a strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Harris County Municipal Utility District No. 179 and certain territory located in the vicinity of Harris County Municipal Utility District No. 179, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – **(This was Item 61 on Agenda of January 31, 2007, POSTPONED BY MOTION #2007-113)** – was presented. Council Member Wiseman voting no, balance voting aye. Council Member Edwards out of the city on city business. Council Member Garcia absent. ORDINANCE 2007-0185 ADOPTED.
56. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 185** to enter into a strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory

within Harris County Municipal Utility District No. 185 and certain territory located in the vicinity of Harris County Municipal Utility District No. 185, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – **(This was Item 62 on Agenda of January 31, 2007, POSTPONED BY MOTION #2007-113)** – was presented. Council Member Wiseman voting no, balance voting aye. Council Member Edwards out of the city on city business. Council Member Garcia absent. ORDINANCE 2007-0186 ADOPTED.

Council Member Holm moved to suspend the rules to consider Item Numbers 57 through 76 together. All voting aye. Nays none. Council Member Edwards out of the city on city business. Council Member Garcia absent. MOTION 2007-0136 ADOPTED.

Council Member Wiseman stated that the reason she was voting no on all these items was that she checked with Planning to see if the City was doing anything different in the way of offering an additional layer of notice to the communities on it, that she asked if the City could send out ads to the local community papers that serviced these areas so that without question people would have ways to be made known about the pending action and she was told no that the City would not do that, that she would take it upon herself to send out press releases but she thought given what they stood to bring in in the way of revenues that the SPA's would generate it was not unreasonable to ask that they make that extra effort to make it known and then no one could say they had no way of knowing, that she could not expect that people would go to the offices of the MUDs to find a posting or even for that matter to go to the Harris County Courthouse, so one extra step, a notice in a publication, she thought, certainly would have supported the position that they took every effort possible to make it known to them and since the City was not willing to do that she could not support the public hearings that were being called. Council Member Garcia absent.

Item Numbers 57 through 76 were before Council. Council Member Garcia absent.

57. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 188** to enter into a strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Harris County Municipal Utility District No. 188 and certain territory located in the vicinity of Harris County Municipal Utility District No. 188, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – **(This was Item 63 on Agenda of January 31, 2007, POSTPONED BY MOTION #2007-113)** – was presented. Council Member Wiseman voting no, balance voting aye. Council Member Edwards out of the city on city business. Council Member Garcia absent. ORDINANCE 2007-0187 ADOPTED.
58. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 189** to enter into a strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Harris County Municipal Utility District No. 189 and certain territory located in the vicinity of Harris County Municipal Utility District No. 189, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – **(This was Item 64 on Agenda of January 31, 2007, POSTPONED BY MOTION #2007-113)** – was presented. Council Member Wiseman voting no, balance voting aye. Council Member Edwards out of

the city on city business. Council Member Garcia absent. ORDINANCE 2007-0188 ADOPTED.

59. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 222** to enter into a strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Harris County Municipal Utility District No. 222 and certain territory located in the vicinity of Harris County Municipal Utility District No. 222, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – **(This was Item 65 on Agenda of January 31, 2007, POSTPONED BY MOTION #2007-113)** – was presented. Council Member Wiseman voting no, balance voting aye. Council Member Edwards out of the city on city business. Council Member Garcia absent. ORDINANCE 2007-0189 ADOPTED.
60. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 264** to enter into a strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Harris County Municipal Utility District No. 264 and certain territory located in the vicinity of Harris County Municipal Utility District No. 264, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – **(This was Item 66 on Agenda of January 31, 2007, POSTPONED BY MOTION #2007-113)** – was presented. Council Member Wiseman voting no, balance voting aye. Council Member Edwards out of the city on city business. Council Member Garcia absent. ORDINANCE 2007-0190 ADOPTED.
61. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 286** to enter into a strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Harris County Municipal Utility District No. 286 and certain territory located in the vicinity of Harris County Municipal Utility District No. 286, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – **(This was Item 67 on Agenda of January 31, 2007, POSTPONED BY MOTION #2007-113)** – was presented. Council Member Wiseman voting no, balance voting aye. Council Member Edwards out of the city on city business. Council Member Garcia absent. ORDINANCE 2007-0191 ADOPTED.
62. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 322** to enter into a strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Harris County Municipal Utility District No. 322 and certain territory located in the vicinity of Harris County Municipal Utility District No. 322, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – **(This was Item 68 on Agenda of January 31, 2007, POSTPONED BY MOTION #2007-113)** – was presented. Council Member Wiseman voting no, balance voting aye. Council Member Edwards out of

the city on city business. Council Member Garcia absent. ORDINANCE 2007-0192 ADOPTED.

63. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 358** to enter into a strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Harris County Municipal Utility District No. 358 and certain territory located in the vicinity of Harris County Municipal Utility District No. 358, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – (This was Item 69 on Agenda of January 31, 2007, POSTPONED BY MOTION #2007-113) – was presented. Council Member Wiseman voting no, balance voting aye. Council Member Edwards out of the city on city business. Council Member Garcia absent. ORDINANCE 2007-0193 ADOPTED.
64. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 365** to enter into a strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Harris County Municipal Utility District No. 365 and certain territory located in the vicinity of Harris County Municipal Utility District No. 365, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – (This was Item 70 on Agenda of January 31, 2007, POSTPONED BY MOTION #2007-113) – was presented. Council Member Wiseman voting no, balance voting aye. Council Member Edwards out of the city on city business. Council Member Garcia absent. ORDINANCE 2007-0194 ADOPTED.
65. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 368** to enter into a strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Harris County Municipal Utility District No. 368 and certain territory located in the vicinity of Harris County Municipal Utility District No. 368, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – (This was Item 71 on Agenda of January 31, 2007, POSTPONED BY MOTION #2007-113) – was presented. Council Member Wiseman voting no, balance voting aye. Council Member Edwards out of the city on city business. Council Member Garcia absent. ORDINANCE 2007-0195 ADOPTED.
66. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 397** to enter into a strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Harris County Municipal Utility District No. 397 and certain territory located in the vicinity of Harris County Municipal Utility District No. 397, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – (This was Item 72 on Agenda of January 31, 2007, POSTPONED BY MOTION #2007-113) – was presented. Council Member Wiseman voting no, balance voting aye. Council Member Edwards out of

the city on city business. Council Member Garcia absent. ORDINANCE 2007-0196 ADOPTED.

67. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 468** to enter into a strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Harris County Municipal Utility District No. 468 and certain territory located in the vicinity of Harris County Municipal Utility District No. 468, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – (This was Item 73 on Agenda of January 31, 2007, POSTPONED BY MOTION #2007-113) – was presented. Council Member Wiseman voting no, balance voting aye. Council Member Edwards out of the city on city business. Council Member Garcia absent. ORDINANCE 2007-0197 ADOPTED.
68. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HARRIS COUNTY WATER CONTROL AND IMPROVEMENT DISTRICT NO. 119** to enter into a strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Harris County Water Control and Improvement District No. 119 and certain territory located in the vicinity of Harris County Water Control and Improvement District No. 119, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – (This was Item 74 on Agenda of January 31, 2007, POSTPONED BY MOTION #2007-113) – was presented. Council Member Wiseman voting no, balance voting aye. Council Member Edwards out of the city on city business. Council Member Garcia absent. ORDINANCE 2007-0198 ADOPTED.
69. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **HORSEPEN BAYOU MUNICIPAL UTILITY DISTRICT** to enter into an amendment to the strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Horsepen Bayou Municipal Utility District and certain territory located in the vicinity of Horsepen Bayou Municipal Utility District, in Harris County, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – (This was Item 75 on Agenda of January 31, 2007, POSTPONED BY MOTION #2007-113) – was presented. Council Member Wiseman voting no, balance voting aye. Council Member Edwards out of the city on city business. Council Member Garcia absent. ORDINANCE 2007-0199 ADOPTED.
70. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **MORTON ROAD MUNICIPAL UTILITY DISTRICT** to enter into a strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Morton Road Municipal Utility District and certain territory located in the vicinity of Morton Road Municipal Utility District, in Harris County, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – (This was Item 76 on Agenda of January 31, 2007, POSTPONED BY MOTION #2007-113) – was presented. Council Member Wiseman voting no, balance voting aye. Council Member Edwards out of the city on city business. Council Member Garcia absent. ORDINANCE 2007-0200 ADOPTED.

71. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **NORTH FOREST MUNICIPAL UTILITY DISTRICT** to enter into an amendment to the strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within North Forest Municipal Utility District and certain territory located in the vicinity of North Forest Municipal Utility District, in Harris County, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – **(This was Item 77 on Agenda of January 31, 2007, POSTPONED BY MOTION #2007-113)** – was presented. Council Member Wiseman voting no, balance voting aye. Council Member Edwards out of the city on city business. Council Member Garcia absent. ORDINANCE 2007-0201 ADOPTED.
72. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **NORTHWEST PARK MUNICIPAL UTILITY DISTRICT** to enter into an amendment to the strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Northwest Park Municipal Utility District and certain territory located in the vicinity of Northwest Park Municipal Utility District, in Harris County, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – **(This was Item 78 on Agenda of January 31, 2007, POSTPONED BY MOTION #2007-113)** – was presented. Council Member Wiseman voting no, balance voting aye. Council Member Edwards out of the city on city business. Council Member Garcia absent. ORDINANCE 2007-0202 ADOPTED.
73. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **NORTHWEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 9** to enter into a strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Northwest Harris County Municipal Utility District No. 9 and certain territory located in the vicinity of Northwest Harris County Municipal Utility District No. 9, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – **(This was Item 79 on Agenda of January 31, 2007, POSTPONED BY MOTION #2007-113)** – was presented. Council Member Wiseman voting no, balance voting aye. Council Member Edwards out of the city on city business. Council Member Garcia absent. ORDINANCE 2007-0203 ADOPTED.
74. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **SAGEMEADOW UTILITY DISTRICT** to enter into a strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Sagemeadow Utility District and certain territory located in the vicinity of Sagemeadow Utility District, in Harris County, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – **(This was Item 80 on Agenda of January 31, 2007, POSTPONED BY MOTION #2007-113)** – was presented. Council Member Wiseman voting no, balance voting aye. Council Member Edwards out of the city on city business. Council Member Garcia absent. ORDINANCE 2007-0204 ADOPTED.

75. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **TIMBER LANE UTILITY DISTRICT** to enter into a strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within Timber Lane Utility District and certain territory located in the vicinity of Timber Lane Utility District, in Harris County, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – **(This was Item 81 on Agenda of January 31, 2007, POSTPONED BY MOTION #2007-113)** – was presented. Council Member Wiseman voting no, balance voting aye. Council Member Edwards out of the city on city business. Council Member Garcia absent. ORDINANCE 2007-0205 ADOPTED.
76. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **WEST HARRIS COUNTY MUNICIPAL UTILITY DISTRICT NO. 6** to enter into a strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within West Harris County Municipal Utility District No. 6 and certain territory located in the vicinity of West Harris County Municipal Utility District No. 6, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – **(This was Item 82 on Agenda of January 31, 2007, POSTPONED BY MOTION #2007-113)** – was presented. Council Member Wiseman voting no, balance voting aye. Council Member Edwards out of the city on city business. Council Member Garcia absent. ORDINANCE 2007-0206 ADOPTED.
77. ORDINANCE calling public hearings at which interested persons will be given the opportunity to be heard on a proposal for the City of Houston and **WHITE OAK BEND MUNICIPAL UTILITY DISTRICT** to enter into a strategic partnership agreement and on a proposal by the City of Houston to annex for limited purposes certain territory within White Oak Bend Municipal Utility District and certain territory located in the vicinity of White Oak Bend Municipal Utility District, in Harris County, Texas; providing for the publication of notice of such hearings; containing other provisions relating to the foregoing subject; providing for severability; and declaring an emergency – **(This was Item 83 on Agenda of January 31, 2007, POSTPONED BY MOTION #2007-113)** – was presented. Council Member Garcia absent.

Council Member Brown stated that he was going to vote no on Item No. 77, that he did receive a memorandum upon his request from Ms. Marlene Gafrick about limited purpose annexation and he understood the benefits to the City in terms of additional tax revenues from the sales tax or half of the sales tax but his concern was that there were so many SPAs and he and Mayor White had shared a map that showed at least the ones they had six months ago and it really represented a rather curious vulcanization of taxing authority in their region and he really wondered what the long range consequences were and he thought it would be helpful and productive to look further into the future, he thought the real problem was placed on the County government that somehow was going to have to fix all of these MUDs, that were scattered around and not necessarily coordinated in terms of their infrastructure and their street system, etc., that it might be important to have a conversation with Harris County about where it was all leading, that he thought it was smart government, there was something that just did not feel right about it, it was a good deal for the City but a lot of times what they thought was a short term good deal ended up being a long term problem, that was why he was voting no on Item No. 77.

A vote was called on Item No. 77. Council Members Wiseman and Brown voting no, balance voting aye. Council Member Edwards out of the city on city business. Council Member Garcia absent. ORDINANCE 2007-0207 ADOPTED.

MATTERS TO BE PRESENTED BY COUNCIL MEMBERS

Council Member Lawrence stated that she wanted to say thanks to Maria Valanos, they had a meeting for the first time and got a number of people to that meeting at Langwood, very concerned with the park and with the school, things were going on and without her translation telling those folks exactly what Crime Stoppers was and some of the things they City was doing, her translation was very beneficial and she thought they had a whole group of people, at least in the Langwood area, that were going to participate in City government because of that, so she really wanted to say thank you very much; that their CIP meeting happened last week and Claudia Vasquez, Anita Ivory, Xavier Herrera and Ann Marie came to that meeting, that all those folks showed such professionalism making the meeting very successful, that many times being away from their families they did not get enough thank you's and at this time that was what she would like to do, they were a very big part of the meeting and very much appreciated. Council Members Garcia and Lovell absent.

Council Member Holm stated that the District G CIP meeting would be on Tuesday, February 13, 2007, from 6:00 p.m. to 8:00 p.m. at Tracey Gee Community Center, which was on West Center Street, that she would encourage District G residents to participate and bring their thoughts. Council Members Clutterbuck, Garcia and Lovell absent.

Council Member Holm stated that she had some questions that she continued to have and could not get answers, that it had to do with off duty officers directing traffic on the streets, that she was still trying to figure out who was the enforcing department and particularly who was the person who could tell her what the rules of play were and if they were not abiding by it who would be the person to contact on that, that they continued to get calls specifically related to the blocking of lanes by police officers who stand in the middle of the street blocking at all times lanes from the ingress and egress of private garages, that in addition to be a nuisance she questioned the legality of it, she thought it was a real mobility issue that needed to be addressed. Council Members Clutterbuck, Garcia, Lovell and Green absent.

Mayor White stated that he would ask Ms. Stein, that he had a brief discussion about that issue but it was not specific enough, that it would be great information for him and Council Member Holm and he agreed with her comment on that. Council Members Clutterbuck, Garcia, Lovell and Green absent.

Council Member Alvarado stated that there would be a Downtown townhall meeting tonight, from 6:00 p.m. to 7:30 p.m. at the Rice in the Crystal Ballroom at 909 Texas; that also on Saturday morning they would have the Houston Hispanic Forum's Career and Education Day at the George R. Brown Convention Center at 8:00 a.m., that she was pleased that the City of Houston had been a sponsor of that for quite some time. Council Members Clutterbuck, Garcia, Lovell and Green absent.

Council Member Alvarado stated that Men's Fitness Magazine released their fattest cities and she was pleased to say that Houston had moved down a notch, last year they were number five and now they were number six, so they had come a long way from being number one. Council Members Garcia, Lovell and Green absent.

Council Member Alvarado stated that there was an article in today's paper about Gus Worthum Golf Course, which was in her district, and she had to say she was disappointed with

a couple of things that had come to head, that she understood there had been some discussions about Gus Worthum becoming soccer fields, a youth sports complex, which would consist mainly of soccer fields and some baseball fields, that Gus Worthum was a historic golf course and a treasure of the East End Community, that Howard Hughes used to play there, it was the old Houston Country Club, that she did not know where the discussions started but she was disappointed that she as the District Council Member was not included in those discussions and had to hear about it from out in the public, that she was briefed late last week by Bob Eury but prior to that, for a couple of weeks, she kept hearing it out in the community and she was at a meeting last night with residents in the Idlewood Community and Country Club Community who had also heard about it and very much opposed to it and she would ask that in the future when things like this were being developed that not just her but District Council Members be included from the beginning in those discussions, that there were a lot of concerns about not just losing a piece of history of the East End but also the congestion, that Wayside was already heavily congested and that would just add to it so she did not know if who ever was dreaming up these plans had taken that into consideration and they probably did not know the history of Gus Worthum because they were not from the community and they were not talking to her so they did not know, that they spent a lot of money to hire a consultant to tell them what they should do with Gus Worthum and if they were going to be spending money on consultants to take their recommendation and then just ignore them then that was not money well spent and she thought they needed to follow what the consultants said in that recommendation and that was to make some renovations and that golf course could be salvaged and marketed and could attract a new generation of golfers, that she hoped it was not a done deal and there was a lot of misinformation out in the community, but then that happens when people that represent the neighborhood were not included in those discussions at the beginning, that she hoped they could open the lines of communication and that would also include the civic organizations in that neighborhood. Council Members Garcia and Green absent.

Council Member Khan stated that he wanted to express the thanks of the community when Mayor White, last Saturday, visited Harwin Park and he and Mrs. White planted some trees there, that the community was so excited to see the leadership commitment to greenspace and parks, that they really appreciated everybody's effort, that for the last several years that group of people planted trees all along Bellaire, Beechnut, Bissonnet and Alief Park, that they planted hundreds of trees in Harwin Park last year also, that they would continue to look for more park space in District F. Council Members Garcia, Alvarado and Green absent.

Council Member Khan stated that on Saturday the Pakistani Chamber of Commerce would hold their 11th Annual Gala, that they were a group of people who had really put a lot of effort in helping the business community, especially the small business community, who many times had difficulty finding the resources to get organized and get some help in terms of having numbers on their side, that he hoped they would get together with other Chambers of Commerce, like the Hispanic Chamber of Commerce, who had a long history of success in helping the needs of the business community. Council Members Wiseman, Garcia, Alvarado and Green absent.

Council Member Khan stated that on February 19, 2007, Mayor White would be opening the Southwest Multi Service Center and they had a dedication ceremony planned for that day and they would be receiving invitations from the Health Department. Council Members Wiseman, Garcia, Alvarado and Green absent.

Council Member Berry stated that he wanted to comment on what Council Member Holm stated, which he continued to hear about, that the Mayor would recall that there were seven major initiatives of his transportation plan, obviously SafeClear was the most well known of them and most discussed and certainly had the biggest impact, but one of those was an ordinance whereby they no longer allowed any law enforcement official into the street without a plan or

training, without follow up, to conduct traffic, that they did not synchronize the traffic lights so that some building could hire their own traffic light and put him out in the middle of the street at \$25 per hour, so he thought what they needed to do was crack down on some of those because it continued to be the case, that he did not see it happen as often with HPD officers as he did officers from even outside Harris County, they were coming in from outside the community without any regard, and perhaps any knowledge, of the traffic laws and it was definitely disrupting the traffic so he thought maybe a couple of crackdowns would be a good idea. Council Members Wiseman, Alvarado and Green absent.

Council Member Berry stated that he wanted to vote for authorizing the resolution, that he had a couple of questions, that he really wanted the information, number one, what were the events leading up to this state of relations, specifically what had the City demanded of TPC and Valero and what was the result of it, if Mr. Michele could let him know that in writing he would like to see that, what specifically would they seek as damages or what remedy were they seeking, were these emissions violations continuing or were they incident specific, there was reference in the RCA to a couple of incidents, were these continuing violations, was it daily or weekly and to what extent were they monitoring, that he heard some discussion of monitoring and he did not honestly have a good grasp of to what extent were they monitoring and how much more monitoring did they intend to do and how were they getting that data because he thought that was helpful, and if Mr. Michele could provide any data related to TPC and Valero's prohibited emissions, how much were they actually emitting, and if Mr. Michel could put those prohibited into context by citing legal emission levels and procedures, if he could provide any available information related to industry practices and other municipalities regulations under these provisions, if in fact they were the first City to pursue the course that was fine, he did not have a problem with that, but he would like to know that fact, if someone else had already done that he would like to know, that industry practice was not a defense if in fact what they were doing was killing people, but it would be interesting to know to what extent it was industry practice in other states, that he wanted Houston to be the cleanest air city in the State but he would also like to know how much more they were asking of them than the others, and if they were holding them to a higher standard he wanted to be able to brag on the fact that they were, and finally what specific corrective action did the City of Houston seek, he wanted to make sure they were being specific, that he would put those in writing and the sooner he could get them the sooner he could make some decisions. Council Members Khan, Alvarado and Green absent.

Council Member Berry stated that he wanted to give an update on Robyn Troup, she was doing well and was in LA for the Grammy taping, that he wanted to remind all Houstonians to watch the Grammy's this week and hopefully they would see Robyn Troup on stage. Council Members Khan, Alvarado and Green absent.

Council Member Garcia stated that on Monday would be the Public Safety and Homeland Security Committee meeting and would encourage his colleagues to be there. Council Members Alvarado and Green absent.

Council Member Garcia stated that this Saturday was a dear friend's birthday and also a pillar in the community, Father Salvatore F. DeGeorge, OMI, Pastor of Saint Patrick's Catholic Church and he wanted to wish him a wonderful and healthy birthday. Council Members Wiseman, Alvarado and Green absent.

Council Member Garcia stated that on Monday, Lulac Council 402, of whom he was a member, would be recognizing two very important individuals who had done a great deal for the community as they talked about health, Mr. Marvin Zindler, who would be a guest of honor, and the other was someone who had been in their living rooms many times over the years, Ms.

Elma Barrera, that he wanted to thank the Council for recognizing two very significant individuals who had made tremendous contributions. Council Members Wiseman, Alvarado and Green absent.

Council Member Garcia stated that coming up was the Connoco Phillips Fun Run on February 24, 2007 to be followed by the Washington on Westscott Parade which would be held on Saturday, March 3, 2007. Council Members Wiseman, Alvarado and Green absent.

Council Member Garcia stated that he wanted to congratulate Ms. Sylvia Gonzales who retired from Harris County Precinct 6 after many years of service. Council Members Wiseman, Alvarado and Green absent.

Council Member Garcia stated that he wanted to thank Ms. Claudia Vasquez, Citizens Assistance and Mr. Issa Dadoush, Building Services, they had a tremendous CIP meeting last night, it was extremely well attended and they had great feedback, that folks were real excited about the progress being made, obviously there were still more needs that the community wanted to see happen, but nonetheless it was very positive. Council Members Wiseman, Alvarado and Green absent.

Council Member Brown stated that on Sunday he and Mayor White had the opportunity to participate in the dedication ceremony of the new Community Complex of Christ Church Cathedral, that in his view it was an example of excellence in architecture, planning and urban design, it had a community plaza associated with it, that he took his hat off to the lay people and the leaders of Christ Church Cathedral for doing the project essentially for the greater public good, that it was something they needed more of in the City. Council Members Garcia, Alvarado and Green absent.

Council Member Brown stated that he wanted to remind his colleagues of the concept that the future was now and that the decisions they made today were going to determine what kind of future they would have; that the commuter rail proposal for Houston to Galveston he thought was a great idea and would hope that they could make it happen and that the City could offer some kind of moral support to get it done; that they had talked about community gardens and they could get started now using the floodplain, LARA and Project Houston Hope lots, that his notion was that the City could convey those to the Houston Parks Board and in turn the Houston Parks Board could make an arrangement with Urban Harvest that was in the process of raising private funds to make the gardens happen; that the relocation of the Greyhound Bus Station in Midtown, there seemed to be some question about whether that was going to be included in the new Northside Intermodal Transit Center, that they must do something about the very awkward location for the Greyhound Bus Station in Midtown, that it also brought up the issue of what was the City and the County doing to receive the 20,000 ex felons who were dropped off on City streets each year, that some cities were beginning to develop reception centers like a U.S.O. facility with counseling and other services and he would point out that of those 20,000 ex felons 60% were arrested within a year, that could be a tremendous help in reducing their crime problem in Houston, he pointed that out as a real opportunity waiting to happen; that the Buffalo Master Plan, that he and the Mayor had talked about a consortium of developers and property owners that he believed the Mayor would be willing to facilitate, that it was a real good idea, the Buffalo Bayou Partnership was ready to get going on it and he thought if they got the right people talking to one another, communicating, they could get that plan going at a much bigger way than what was happening now; that Green Houston, Green Houston building standards, there were plenty of best practices, actually ordinances, that they could get started on it now, they were kind of knocking on that door, he did not know how they would get that going but he thought it would send a great message, plenty of information from the National American Institute of Architects, National Association of Home Builders, to incorporate Green Building

standards in their ordinances; that Historic Preservation, he attended the Greater Houston Preservation Alliance Gala and wanted to point out to the public and to his colleagues that they had an interesting photo essay of nine major endangered buildings that they had in the City and he would say at present they had about as much protection as an ice cube on the equator and that they really needed to think how they were going to protect these immensely beautiful historic structures, that he did not know how but they needed to do that, that energy conservation carbon footprint, he thought it was a very important term, the carbon footprint idea that a lot of people were not familiar with and he went on line and printed out his carbon footprint and found out that 90% of his carbon footprint was attributed to transportation, not home energy costs, 90% to transportation which raised the point if they really wanted to make Houston a healthy city in terms of air quality they had to work on the transportation issue, reducing vehicle miles traveled, getting people to own one less car, getting people on their light rail transit, etc., because that was where his carbon footprint was, that they could go to www.conservationfund.org or just google carbon footprint, he was offering a free dinner to his colleagues on City Council for the person who had the lowest carbon footprint, that the idea of carbon footprint, he was shocked, his carbon footprint was 1,280 pounds of carbon in the atmosphere per month, that was seven tons a year, that he could offset that by planting every year 11 large trees because one mature tree consumed about three quarters of a ton of carbon dioxide every year, that he would also point out that every acre of woodlands that was cleared, and that was a problem in Houston, that might have four to five hundred trees per acre, in effect added 250 tons a year of carbon to their atmosphere, the issue was where could they make the most difference and he thought the idea of carbon footprinting where everybody takes responsibility for their contribution to air pollution and global warming, eventually would lead them to a carbon tax and offsetting carbon credits, and he thought that was the way the cities and world were going and so forth and it was a really good way of measuring it, that he thought the role of cities in a global marketplace was really changing, particularly since state or federal governments were hamstrung gridlock by political divisiveness and so forth and the leadership on reaffirming fundamental values in their society and taking a stand on important issues that went beyond the boundaries of their City was a role that cities all over the world were assuming, that it was brought home to him when he met with the representatives from Zhinjing, China, that it was a city of 10 million people and they had urban planners, engineers, petro chemical plant operators, etc., and they saw themselves in effect as almost like a country in and of itself so he found it absolutely fascinating that the expanded role of cities in facilitating positive change, not just in Houston but in the State, Nation and the world, that they had an opportunity to take a stand on issues like the plight of the poor, global warming, disease, even genocide, some cities were speaking up about that, that he was so excited about the expanded role of their City because they did not have the political divisions that they had in Austin or Washington, they did not have those, they were pretty much united on the values that they all agreed on and he thought it was just a really exciting prospect. Council Members Garcia, Alvarado and Green absent.

Mayor White stated that in that spirit he wanted to defend Planning because somebody in order to disparage comprehensive planning gave the example that it if was a City what happens in urban areas where there was total and complete central planning, as a matter of fact in Chinese cities every decision about land use was made by the municipal government within Chinese cities and there were no property rights on individual properties in the People's Republic of China and he thought there was an appropriate role for planning and they did not have to go down the road that folks did when they had unelected officials making land use decisions for the citizens and they could still retain planning, that he did not know who did it to criticize Planning but they were considering nothing of the sort in Houston, Texas. Council Members Garcia, Alvarado and Green absent.

Council Member Clutterbuck stated that she wanted to thank the good people in the City of Houston and the City employees, almost 40, who attended her CIP meeting on Monday, January 29, 2007, it was a tremendous event and she wanted to thank the good people at the Jewish Community Center for allowing them to host the event there. Mayor White and Council Members Garcia, Alvarado and Green absent. Acting Mayor Pro Tem Berry presiding.

Council Member Clutterbuck stated that she wanted to talk about the Kirby Drive Storm Sewer Project, that the amazing storm sewer project, which was probably one of the largest that they had seen in the City in their history was going to deliver tremendous flood relief to people within that watershed and one of the items that was not included in that CIP plan was to put a sidewalk down the western side of Kirby and she had been in conversations with the City of West University, with their City Manager and elected officials, in working to see that they do put a sidewalk down the western side of Kirby which was in the City of Houston public right-of-way, the City of Houston right-of-way extended an average of 8 feet from the curb of Kirby into what they view as another City's resident's yard, so the City of West University and their elected officials were going to be negotiating with each of those property owners and re-informing them of the importance to keep the City of Houston right-of-way cleared and they were going to see a sidewalk established on that portion of the property, which previously had never had a sidewalk, that it was a major thoroughfare and it was part of the City of Houston policy to see that major thoroughfares had sidewalks on both sides of the street and it would connect the sidewalk that extended all the way to Highway 59 and all the way to the bayou, that she was excited about the prospect and would like to thank Mr. Marcotte, Director of Public Works, for his commitment to seeing that the sidewalk did indeed get built through an interlocal government agreement. Mayor White and Council Members Garcia, Alvarado and Green absent. Acting Mayor Pro Tem Berry presiding.

Council Member Clutterbuck stated that she wanted to visit with them about the public hearing that they were going to be having on the nuisance ordinance and would like to invite everybody from the public who was interested in clean air to please come down to City Hall next Monday at 3:00 p.m., they could call the City Secretary's office to sign up to speak to give their public input, that she wanted to thank Mayor White for the memo he sent to all of them dated yesterday on the subject of Modern Nuisance Laws, she was going to put it on her website and urge people to look at it that she was in particular appreciative of the last five items that were listed, there were issues for stakeholder discussions regarding air toxins, that she though the Mayor did an outstanding job of framing what the discussion should be, how they continue to be a vibrant and dynamic city that benefits from the jobs and tax dollars that good business afford them as well as how they clean up their air and reestablish themselves as a City with a reputation of being a beautiful and wonderful place to live and breathe, that she would urge people to look at the five items and come with additional items that they might think were worthy of their discussion and consideration, they could not create the ordinance in a vacuum and they needed as much input as possible so that they do create a good ordinance and something that improves the quality of their air and still allows to have a sustainable business environment, that certainly they could not control emissions outside of their City of Houston city limits, it was County jurisdiction and TCEQ jurisdiction and they would want to be able to send a message that they were serious about cleaning up their air without running people off. Mayor White and Council Members Garcia, Alvarado and Green absent. Acting Mayor Pro Tem Berry presiding.

Council Member Wiseman stated that she wanted to make a quick reminder that tomorrow evening at 7:00 p.m., Thursday, February 9, 2007, they would be having their first of two CIP meetings for District E and that would be at Creekwood Middle School in Kignwood, from 7:00 p.m. to 9:00 p.m., and the second meeting would be on Monday, February 12, 2007 at the San Jacinto Community College in the Marie Flickenger Auditorium, so she invite everyone in the community to come out and make their voices heard and let them know what they would like to

see for their Capital Improvement Projects, that they looked forward to seeing everyone out there and they would have representatives from the various City departments and hoped to have a very good and productive meeting. Mayor White and Council Members Holm, Garcia, Alvarado and Green absent. Acting Mayor Pro Tem Berry presiding.

Council Member Lovell stated that she wanted to say how much she missed Council Member Edwards who had not been present because her mother had some surgery, so she was asking everyone out there to keep Council Member Edwards and her mother in their prayers and to let everyone know, that it was so rare that she missed a Council meeting, that they wanted to let her know they were thinking of her. Mayor White and Council Members Lawrence, Holm, Garcia, Alvarado and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Johnson stated that he wanted to thank Mr. Issa Dadoush and all the department heads who did a great job of helping with their CIP meeting, they had a successful CIP meeting and he really wanted to thank all of the Super Neighborhood Councils for coming out and doing a fantastic job of keeping the community informed, it was very important for how they were going to get the infrastructure that their communities needed. Mayor White and Council Members Lawrence, Holm, Garcia, Alvarado and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

Council Member Johnson stated that at 2:00 p.m. today he would be having a Small Business Community Conversation at the Legacy Clinic, at which they were going to be talking about doing business in the community, that tonight at 6:00 p.m. they would be having a Small Business Stabilization meeting at the 3300 Lyons to talk about business along the Lyons corridor, so he hoped to see people there. Mayor White and Council Members Lawrence, Wiseman, Holm, Garcia, Alvarado and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

There being no further business before Council, the City Council adjourned at 11:20 a.m. Council Member Edwards out of the city on city business. Mayor White and Council Members Lawrence, Wiseman, Holm, Garcia, Alvarado and Green absent. Acting Mayor Pro Tem Berry presiding. (NO QUORUM PRESENT)

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

MINUTES READ AND APPROVED

/S/Anna Russell

Anna Russell, City Secretary